



Community Legal Information Association of PEI

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An Introduction to  
**Putting Your Affairs in Order  
at any Age**



**902-892-0853 or 1-800-240-9798**

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# Putting Your Affairs in Order at Any Age

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Introduction .....	3
Why do I need to put my affairs in order? .....	4
Making a plan .....	5
Wills .....	6
Funeral plans.....	7
Powers of attorney .....	8
Consent to treatment .....	9
Health care directives .....	10
Moving to a community care facility or nursing home.....	11
New relationships: legal and safety concerns.....	12
Preventing abuse and neglect of older adults.....	13
You and your grandchildren .....	14
Getting help.....	15
My plan .....	16
Glossary .....	18

## Introduction

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This booklet will provide information to help you plan ahead for your health, financial and legal affairs and other concerns. In each section there are references to booklets in this series that have more information about that topic.

This information is specific to Prince Edward Island. Other provinces may be different.

This booklet is part of a series called “**Putting Your Affairs in Order At Any Age**”. Publications in this series include:

- Putting Your Affairs in Order At Any Age
- Wills
- Powers of Attorney
- Consent to Treatment
- Health Care Directives
- Moving to a Community Care Facility or Nursing Home
- New Relationships: Legal and Safety Concerns
- Preventing Abuse and Neglect of Older Adults
- You and Your Grandchildren

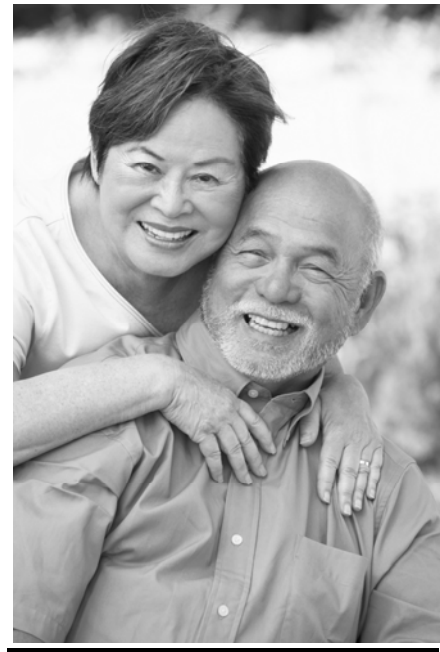
All of these publications can be found at [www.cliapei.ca](http://www.cliapei.ca) or can be ordered by calling Community Legal Information Association (CLIA) at 892-0853 or 1-800-240-9798. The words in **bold** are defined at the end of the booklet.

## **Why do I need to put my affairs in order?**

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Putting your affairs in order means planning ahead for a time when you may be unable to make important decisions about yourself, your family, your health, your finances and your legal affairs. If you do not plan ahead, your wishes may not be known or they may not be followed.

Any time there are changes in your family, it is a good idea to review your plans and arrangements to make sure they still reflect your wishes and can still be carried out. Changes in your family could include a marriage, the birth of a child, a divorce, a death, or any other major event. It is also important to be prepared for the possibility of an unexpected sudden event. Having your affairs in order can prevent you and your loved ones from having to make difficult decisions at stressful times.



While studies show that seniors are at lower risk of becoming victims of crime than younger people, they may become more fearful because of reports of crime in the media. Criminals come up with new scams all the time and they can be very convincing. It may not always be possible to recognize a scam or prevent abuse, but there are things you can do to help protect yourself and your finances.

Life changes, such as new relationships and blended families, can sometimes result in conflict and even abuse. Understanding the risks and causes of abuse can help reduce fear and vulnerability .

It is helpful to make arrangements to protect yourself. For more information about abuse prevention, please see the CLIA booklets:

- Preventing Abuse and Neglect of Older People
- New Relationships: Legal and Safety Concerns
- Family Violence and the Law on PEI
- Court Orders for your Protection
- Making a Safety Plan in Violent or Abusive Relationships
- Sexual Assault

## **Making a plan**

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The rest of this booklet will help you make a list of what you need to do to put your affairs in order. Then you can decide where you will keep your information.

Once you have a list and know who you are going to share your information with, you are ready to begin putting your plan into action.

Decide on an **executor** for your will, an **attorney** for your power of attorney and a health care **proxy** for your **health care directive**. You can ask one person to accept all three of these roles, or you can ask three different people to act for you. You can also choose to have more than one person share the responsibility for any of the roles. Choose people you trust, who know you well and who have the skills to perform the tasks. You must ask them to accept this responsibility.

You may need a lawyer for some of the legal arrangements. You can ask for estimates from several lawyers. If you are not sure how to find a lawyer, call the Lawyer Referral Service at 1-800-240-9798 or 892-0853.



## Wills

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A will is a document in which you state how you want your property and possessions to be passed on when you die. It allows you to choose an **executor** to carry out your wishes. You must sign your will in the presence of two witnesses who are not beneficiaries or spouses of beneficiaries of the will.

If you die without a will, or **intestate**, your surviving spouse or heir must hire a lawyer to get an **administrator** appointed by the court. This process, and the steps that follow, take longer and cost more, and may not allow things to be passed on as you would have wished.

One change that can affect your arrangements is a marriage or a divorce. If you already have a will, getting married will make it void. If you divorce, the arrangements you made for your spouse will be void. If it is a second marriage and there are children and

step-children involved, it is important to consider how this will affect your plans.

For more information, please see the following CLIA booklets:

- Wills
- Making Your Will
- Making Your Will Workbook
- Information for Executors
- Information for Administrators



## **Funeral plans**

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Any wishes you have for your funeral should be written down and left in a place where your loved ones can find them. You can also discuss your wishes with your family. Do not put your funeral wishes in your will. The will is not usually read until after the funeral.

### **Prearranged funeral services**

A prearranged funeral service allows you to make many of your funeral arrangements ahead of time. You may also choose to pay now and avoid rising costs in the future. The *Prearranged Funeral Services Act* protects any money you pay in advance for a funeral. You make the arrangements now with a funeral director for the services you want. The funeral director deposits your payment into a trust account. It must remain in trust until the money has been refunded to you or the funeral services have been provided. Any unused balance after the funeral must be returned to your executor.

The plan does not include cemetery lots, burial vaults, grave markers, vases, grave-side services, pall bearers, readings, or music selections.

If you die without enough money for your funeral, your family will be responsible for the cost. For more information, call CLIA or a funeral home in your community.

## **Powers of attorney**

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A power of attorney is a legal document in which you give another person the power to handle your financial affairs. A power of attorney does not give a person authority to make decisions about your health care or anything other than your finances. The person you give the power to is called your attorney. In this case, “**attorney**” does not mean your lawyer, though you may choose to give a power of attorney to your lawyer.

You must be mentally **competent** to give someone power of attorney. You will need an **enduring** clause in the power of attorney document to ensure that it remains in effect if you become mentally incompetent.

You decide what powers your **attorney** will have and when those powers come into effect. It is recommended that you use a lawyer to draw up your power of attorney to make sure it does exactly what you want it to do and that it complies with PEI legislation.

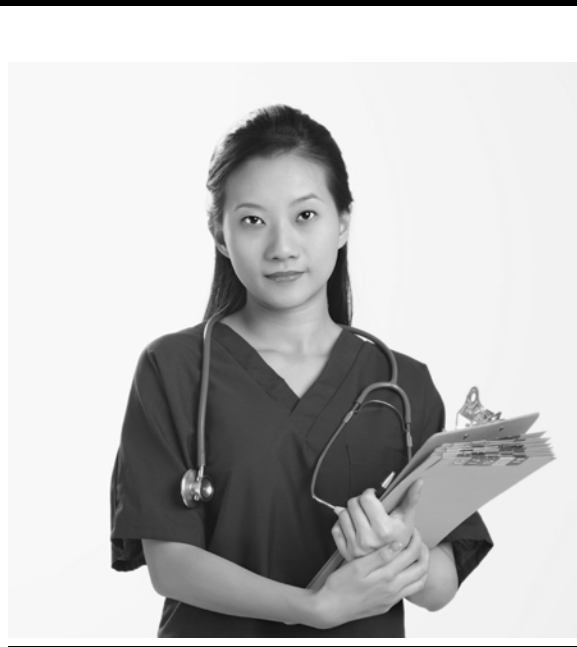
Banks have power of attorney forms, but they only apply to your dealings with that bank and may only be for one account. For more information about powers of attorney, see the CLIA booklet, “Powers of Attorney”.

## Consent to treatment

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On PEI everyone is presumed **capable** of making decisions about their health care unless it is proven otherwise. If you are **capable**, you have the right to choose **treatment** or to refuse **treatment** on any grounds, even if this choice may result in your death.

The health practitioner must ensure that you understand the medical information so that you can make an informed decision.



You can have an associate (a trusted friend or family member) help you to understand and make a decision. If you have not named a **proxy** in a **health care directive** and the health care practitioner decides that you are not capable of giving consent, he or she will choose a **substitute decision-maker** for you.

For more information, please see the CLIA booklet, “Consent to Treatment”.

## Health care directives

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A **health care directive** is sometimes called a **living will** or an advanced directive. A **health care directive** is a document in which you explain, in writing, your wishes about health care and **treatment** in case you are unable to make decisions or communicate them at a future time. It allows you to name a **proxy** who can make health care decisions on your behalf. You can also include your wishes about end-of-life medical **treatment**. You must sign and date your **health care directive**.

If you need to sign with an X or have someone sign on your behalf, there must be a **witness** who is not your **proxy** or the spouse of your **proxy**.

PEI has a blank **health care directive** form you can fill out. A lawyer is not required. You can find the form on our website - [www.cliapei.ca](http://www.cliapei.ca) - or by calling CLIA at 892-0853 or 1-800-240-9798.

If you have not named a **proxy** in a **health care directive**, a **substitute decision-maker** will be chosen by the health practitioner to make decisions for you.

For more information, please see the CLIA booklet, “Health Care Directives”.



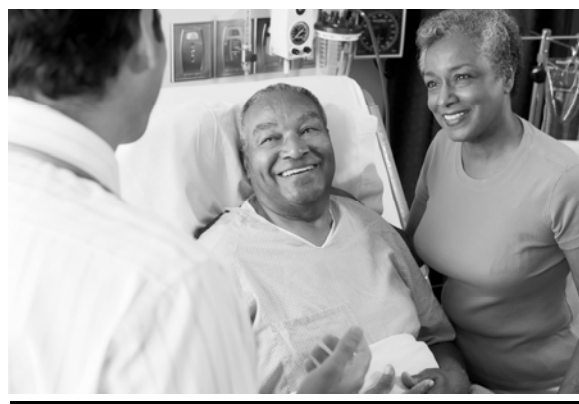
## **Moving to a community care facility or nursing home**

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A community care facility is a private facility that provides accommodation, meals, housekeeping, help and supervision with daily activities and personal care. Twenty-four hour nursing care is not provided. You are expected to pay for your care to whatever extent you can. If your assets (income and savings or investments) are not enough to cover your bill each month, the province may subsidize your care under the *Social Assistance Act*.

A nursing home is a facility that provides 24-hour nursing care and supervision to people who have been assessed as needing that level of care. The only expense that you must pay is the cost of accommodation. The cost of nursing and medical care will be paid by the government. Only your income is used to pay your expenses. Your assets are not considered part of your income. If your income is not enough to cover your bill each month, the province may subsidize your care under the *Long Term Care Subsidization Act*.

Dual facilities are licensed facilities that provide both community care and nursing care in the same location. This can be a good option for couples who have different care needs.



To find out more about nursing homes and community care facilities, please see the CLIA booklet, “Moving to a Community Care Facility or Nursing Home”.

## **New relationships: legal and safety concerns**

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Most information on relationships is written for teens and young adults. Older adults who are separated, divorced or widowed also need to inform themselves about healthy relationships, internet dating, and how to protect themselves from abuse. It is also helpful to consider how a new relationship may affect your financial and legal situation.

There are things you can do to feel safe when you begin dating again. You can arrange to meet in a public place where other people are close by. You can take time to get to know each other. You can make sure someone knows where you are going, who you are with and when you will be back. You can be cautious about sharing personal information until you get to know the person better.

If you decide to meet people through the internet, use caution. Find out if the website has a strict privacy policy and do not use your real name and address or other identifying information.



Always listen to your instincts. If something does not feel right it probably isn't right. Have a plan in your mind for how to leave a situation that doesn't feel right.

For information about this and other relationship issues, see the CLIA booklet, "New Relationships: Legal and Safety Concerns".

## **Preventing abuse and neglect of older adults**

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Abuse or neglect is any action or inaction that harms the health and well-being of a person. Abuse of seniors is often called elder abuse. It can include physical, sexual, emotional, psychological, financial and verbal abuse, as well as neglect and self-neglect.

You can be abused by:

- a family member
- a friend
- a paid caregiver
- a dating partner
- someone you depend on for basic needs
- staff in hospitals or group residential settings

You may be tricked or ‘scammed’ by a person who plays on your trust through telephone solicitation, internet scams or other sales tactics. This is also abuse.

Self-neglect occurs when you refuse, delay or are unable to arrange for your own care.

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**There is no excuse for abuse. The personal circumstances or problems of the caregiver or family member do not excuse the abuse of an older person.**

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For more information about abuse and neglect and where to get help, see the CLIA booklet, “Preventing Abuse and Neglect of Older Adults”.

## **You and your grandchildren**

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Becoming a grandparent can be a joyful and enriching experience. Many people look forward to sharing the care and raising of their grandchildren. When there is a breakdown in the relationship between the parents of your grandchildren and separation or divorce results, the role of the grandparent may no longer be clear.

Under the law, all decisions about the children are based on what is in the best interests of the child. On Prince Edward Island, grandparents' rights are not specifically written in the law. In any arrangement that involves grandparents having temporary custody of their grandchildren, it is best to have a lawyer write up a guardianship agreement. This will allow the grandparent to make medical and educational decisions. The agreement should state when the guardianship agreement ends.

If you want to take your grandchildren out of the province or out of the country, it is important to have the appropriate documentation with you. See [www.voyage.gc.ca](http://www.voyage.gc.ca)

For more information about your role and responsibility as a grandparent, please see the CLIA pamphlet, "You and Your Grandchildren".



## Getting help

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Community Legal Information Association of Prince Edward Island provides free legal information on a variety of topics. You can get copies of all the booklets listed here at the CLIA PEI office or on our website, [www.cliapei.ca](http://www.cliapei.ca). If you would like to speak to a lawyer you can call the Lawyer Referral Service. You can see a lawyer for a brief consultation for a small fee.



# My Plan

	<b>Name(s) &amp; Date</b>	<b>Contact Information</b>
Power of Attorney	_____	_____
Alternate	_____	_____
Health Care Proxy	_____	_____
Alternate	_____	_____
Executor(s)	_____	_____
Alternate	_____	_____
Location of will	_____	_____
	_____	_____
Lawyer	_____	_____
	_____	_____
Insurance policies	_____	_____
	_____	_____
Bank accounts	_____	_____
	_____	_____

Investments

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Loans you have

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Money owed to you

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### **Where did I put those papers?**

Keep your important documents where you or your loved ones can find them. Include the names and contact information for those named as your **attorney**, your **executor**, and your health care **proxy**. Give the location of your power of attorney document, your will and your **health care directive**.

Sometimes a desk or a bedside drawer is a good place to keep important things. Tell someone you trust where you keep important information.

I keep important papers in \_\_\_\_\_.

I will tell \_\_\_\_\_ where I keep things.

Additional items to keep in this location include your doctor's contact information, specialists' information, accountant's information, credit card information, passports, real estate and deeds information, insurance policies and funeral arrangements.

## Glossary of terms

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**administrator:** The person appointed to administer the estate of a person who has died without a will or without an executor

**attorney:** A legal term for a person named in a power of attorney document to look after your financial and legal business. It does not mean a lawyer in this context, but you could name your lawyer as your attorney in your power of attorney document

**capable / competent:** the ability to understand information and make decisions about the issue being considered

**enduring:** remains in existence after a declaration of mental incompetency

**health care directive:** a document in which you name a proxy and write down your wishes about treatment in case you are unable to make decisions or communicate them at a future time

**intestate:** dying without having made a will

**living will:** a term sometimes used for a Health Care Directive

**proxy/proxies:** the person or persons you appoint in a Health Care Directive to make decisions on your behalf.

**substitute decision-maker:** a person who is authorized to make a decision on behalf of a person who is incapable of making their own decisions

**treatment:** a medical procedure done by a health practitioner for a health related purpose

**witness:** someone present at a signing of a document so as to prove it took place

All of these publications can be found at [www.cliapei.ca](http://www.cliapei.ca) or can be ordered by calling Community Legal Information Association (CLIA) at 892-0853 or 1-800-240-9798. To view the acts mentioned in these booklets, go to [www.gov.pe.ca](http://www.gov.pe.ca), click on “Government”, “Supreme Court” and then click on “Statutes”. A list of the acts will come up in alphabetical order. You can also order paper copies from Island Information Service at 368-4000 or 1-800-236-5196. There is a small fee for paper copies.

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**Caution:**

**The contents of these booklets are general information only and should not form the basis of legal advice. The contents are not a complete statement of the law or policy in these areas. Changes in law and policy occur frequently, so readers should check with CLIA or a lawyer for up-to-date information. For legal advice, contact a lawyer or call the Lawyer Referral Service at 892-0853 or 1-800-240-9798.**

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