



GUARDIANSHIP & TRUSTEESHIP

When a person lacks the mental capacity to make personal care and financial decisions, a **Guardian** and/or **Trustee** can be appointed by the Court pursuant to the Adult Guardianship and Trusteeship Act. Guardianship covers decisions including health care, residency, and social activities. Trusteeship is the authority to handle financial decisions. Once appointed, a Guardian and Trustee must apply to the court for re-appointment at least every 6 years, and Trustees must have their accounts passed or approved by the Court, usually every 2 years. The initial appointment and the reviews and accounting are complicated and a lawyer is usually needed.



ENDURING POWERS OF ATTORNEY & PERSONAL DIRECTIVES

To avoid the process and expense of Guardianship and Trusteeship, you can sign an Enduring Power of Attorney appointing a person (attorney) to handle financial decisions, and a Personal Directive appointing a person (agent) to make personal care decisions, both to take effect if and when you lack the mental capacity to make your own decisions. There are basic provisions that these documents must contain to be valid, but otherwise they may be as specific or general as desired. However, they must of course be made before you lose capacity --- otherwise Guardianship and Trusteeship will be required. Enduring Powers of Attorney and Personal Directives are often discussed and made at the same time as your Will, as part of your global disability and estate planning.

For more information, please contact:
Shel Laven at (403) 263-2444 ext. #2
e-mail shel@lavenco.com