



## PLAIN ENGLISH GUIDE

# ENDURING GUARDIANSHIP

### **What is an Enduring Guardian?**

An Enduring Guardian is someone that you appoint to make decisions regarding your personal health or lifestyle if or when, you lose that capacity to do so.

### **What kind of decisions can they make?**

The decisions they can make are called functions. You stipulate, in appointing your guardian, what kind of functions the guardian can carry out. The usual functions are:

- To decide who your treating doctor will be
- To decide which other Health Professionals to consult including Specialists
- To decide where you live including a nursing home
- To consent to medical and dental treatment.

### **What kind of decisions can't they make?**

Your Enduring Guardian cannot:

- Make a will for you
- Manage your finances
- Override your written instructions concerning your medical treatment contained in an advance care directive ("living will")
- Carry out any unlawful practices on your behalf (even if you ask them to!)

### **Why appoint an Enduring Guardian?**

By making a wise choice in appointing your Enduring Guardian it reassures you and gives you the peace of mind that someone you know and trust will be making decisions if you lose your capability to make decisions regarding your health and lifestyle.

### **Who can I choose?**

Your Enduring Guardian must be over the age of 18 and be capable of understanding his/her important role as your Enduring Guardian, should you require their help. You can choose more than one and they can either make decisions jointly (together) severally (separately) or jointly and severally.

### **How do I appoint one?**

You need to consult your Solicitor to prepare an Enduring Guardianship. An Enduring Guardianship must be witnessed by a Solicitor. At this stage, your Guardian must also sign to accept their appointment. This signature must also be witnessed by a Solicitor.

### **When does it take effect?**

The appointment will take effect only once you have become incapable of making the kind of choices you have asked your guardian to make for you. A medical practitioner may verify your ability to make these decisions before the guardian takes up their role.

### **What if I die, get married or simply change my mind?**

As with a Power of Attorney, the role of the Enduring Guardian ceases when you die and the executor named in your Will then takes over the responsibility of administering your estate. If you get married the guardianship is automatically revoked. You may choose to revoke the appointment if you or your guardian(s) feel it is best to alter the arrangements as they stand. You will not be able to revoke or change your appointment once you have lost the capacity to do so.