

OLDER AND WISER: Plan ahead for peace of mind

[Margaret Coates](#) / North Shore News

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Margaret Coates



Most of us don't want to think about end-of-life personal and legal planning for ourselves, or for our loved ones who may not be able to plan for themselves.

But according to Nidus Personal Planning and Resource Centre, personal planning gives us peace of mind and ensures that we and/or our loved ones are cared for after we are dead, and looked after for personal end-of-life concerns while we are still alive.

Nidus is a non-profit charitable organization founded by citizens and community groups that were involved in the community-based reform of British Columbia's adult guardianship legislation. These groups wanted to ensure the public had a resource for information on representation agreements and other personal planning tools.

Like many, looking at the end of one's life was a huge issue for me. In my experience, taking the steps to get my legal and personal planning documents done was worthwhile but challenging.

Getting on with it early, while we are still able to act and plan for ourselves, is crucial. It is also important to plan for a loved one who may be mentally or physically incapable of making decisions if you die before them.

Getting a will was the most straightforward piece, but getting the personal planning documents done was more complicated. It forced me to think about issues of my own personal care, who I wanted to act on my behalf in the event of cognitive decline or a life-ending experience, who I wanted to be my power of attorney and so on.

For after we are dead we need a will, and for coverage while we are alive we will need an enduring power of attorney and a representation agreement to cover health, legal personal and financial concerns. A will is the estate-planning tool for after death. An enduring power of attorney is the most comprehensive document for financial and legal concerns, while a representative agreement is the most comprehensive and strongest document to cover health and personal concerns. The

Nidus web site ([nidus.ca \(http://nidus.ca\)](http://nidus.ca)) can walk people through the distinctions and also suggest the representative agreement best suited to your particular circumstances.

People can see a lawyer, notary or estate planner for the legal documents, including representation agreements, wills and powers of attorney. Whether choosing a professional or doing our end-of-life planning ourselves, we need to avoid some of the pitfalls which are out there.

According to Nidus, making sure we have legal and correct documentation is the key. It warns of documents being improperly signed – for most documents, you need to be at least 19 years old. Some document forms which are circulating in the community are not legally binding; some documents are incorrect, while some are not comprehensive enough. For instance, a bank power of attorney form does not cover all your personal planning arrangements.

Nidus also warns about joint ownership of bank accounts, real estate and vehicles. In an earlier [column about elder abuse \(http://nsnews.com/living/seniors/older-and-wiser-scammers-aren-t-always-from-faraway-lands-1.2327716\)](http://nsnews.com/living/seniors/older-and-wiser-scammers-aren-t-always-from-faraway-lands-1.2327716) I warned people about that as well. As I said, joint bank accounts can backfire for seniors if they don't take precautions when setting them up. Money in a joint account can be accessed by either party, which means a senior loses power over how the funds are spent.

Once you've done your personal planning, it's important that the people who are going to need access to the documents have access – no rummaging around your desk for these. At Nidus you can register your documents and, again, they can walk you through the process.

Legal and personal planning for end of life is the right thing to do. Take care with these documents to ensure that your best laid plans don't go awry.

*Margaret Coates is the co-ordinator of Lionsview Seniors' Planning Society. She has lived on the North Shore for 47 years and has worked with and for seniors for 20 of those. Ideas for future columns are welcome.
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