

**EXCERPTS FROM
PLANNING FOR INCAPACITY**

Paragraph 1...

Someone must stand in our shoes and conduct our affairs when we no longer have the capacity or the ability to do so. Although we may anticipate it, we cannot predict whether or not, or when, we may become mentally incompetent. How then can we plan to have our affairs conducted properly in the event of mental incapacity? The best starting point is...

Paragraph 3...

Without a Power of Attorney for Property an interested person would be forced to make an application to the court to become the incapable person's guardian. Until appointment as guardian, that person would have no authority to deal with the incapable person's assets. This process can be time consuming and expensive. A Power of Attorney for Property with a clause indicating that it may be exercised during any subsequent legal incapacity on the part of the donor avoids the expense and frustration of a guardianship application. It will also preclude, as much as possible, involving ...

Paragraph 5...

In some jurisdictions, one can also draft a Power of Attorney for Personal Care in which an individual gives someone else the authority to make personal care decisions for them if they become incapable of making decisions on their own. Personal care includes decisions about ...

Paragraph 9...

No adult should be without a Power of Attorney. If you do not have one, you should contact your professional advisor and make this part of your estate planning documents.

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