



Understanding an enduring power of attorney

This resource is intended to support you to:

- understand what an enduring power of attorney is; and
- instruct a lawyer to prepare an enduring power of attorney for you.

An enduring power of attorney

A Guide for Decision Makers

What is an enduring power of attorney?

An **enduring power of attorney** is a document.

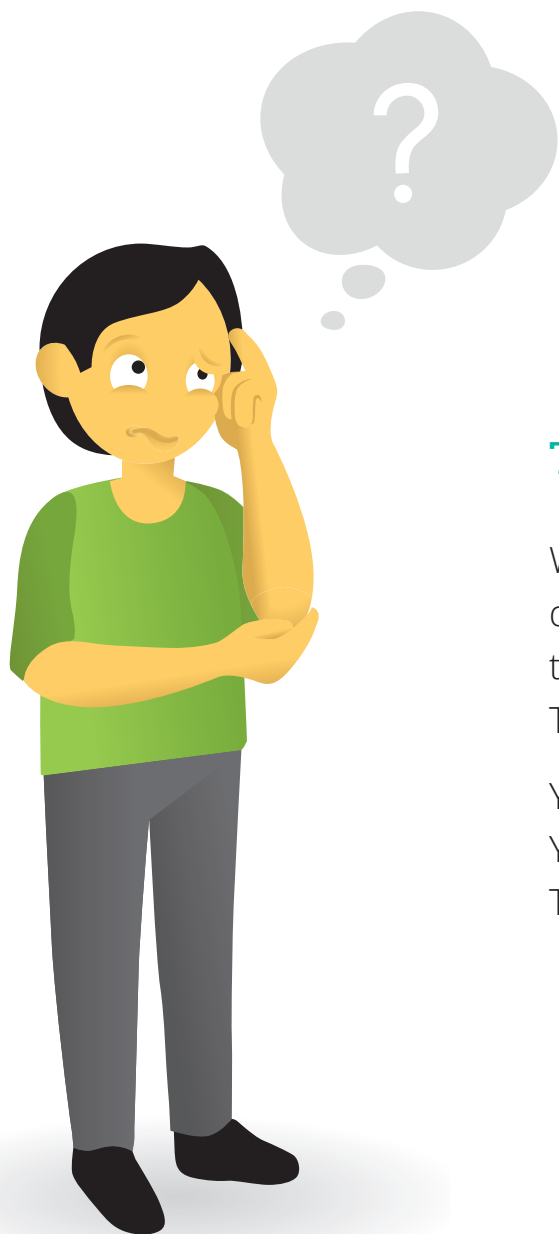
In an enduring power of attorney document, you can choose someone else to make decisions for you. This person is called your attorney.

Your family member or friend might be able to show you their power of attorney document.



Giving someone an enduring power of attorney is like giving them your very special seal of approval.





The people you choose

When you choose other people to make decisions for you their names are written in the enduring power of attorney document. They will be called your attorney.

You can choose up to four people.
You should choose people you trust.
They should be people you regularly see or talk to.



Can you think of some people who you trust to make decisions for you?

Write the people you trust here:



Name

Address

Phone



Name

Address

Phone



Name

Address

Phone



Name

Address

Phone

Types of decisions

You can choose people to make financial, personal and health decisions for you.

Financial decisions are about how you use your money.

Personal decisions are decisions that do not relate to money – things like where you live, what you eat and what support you need.

Health decisions are about your health – things like what medicine you take and whether you need to see a doctor.





Your attorney should respect your right to be involved in decisions that are made about you. You can include a condition in your enduring power of attorney that says that your attorney must talk to you about the decisions that they are making for you.

If you like you can appoint an attorney for only some types of decisions.

Are there any decisions that someone helps you with at the moment?



Do you want to tell your attorney that they need to talk to you about the decisions that they are making for you?



When does it start?

You can choose to start the enduring power of attorney for financial decisions straight away. This means that the person you choose can make decisions relating to your money straight away. They can then do things like talk to your bank for you.

You can also decide to start your enduring power of attorney at another time in the future or at a time when you can't make decisions for yourself anymore.

When do you want your Attorney to start making decisions for you?



Can I still make my own decisions?

After you appoint your attorney you are still able to make your own decisions. If you are no longer able to understand your decisions your attorney will make decisions for you and you will not be able to make your own decisions.

When will my attorney stop making decisions for me?

You can stop your attorney from being your attorney. You do this by completing another document. You should get in touch with your lawyer again if you want to stop your attorney from being your attorney.

Your attorney can no longer act as your attorney if they can't make decisions anymore, they die or they are told by the court to stop being your attorney because they have done something wrong.



Instructions for lawyers

Lawyers should refer to the Office of the Public Guardian “Guidelines for Witnessing Enduring Documents” and Queensland Advocacy Incorporated’s “Queensland Handbook for Practitioners on Legal Capacity” so that they can ethically and competently assist people with intellectual and/or cognitive impairments to have the opportunity to have an enduring power of attorney and/or will prepared.



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