

## Personal Planning:

### **[Pur-suh-nl plan-ing]**

*verb* – the act of making one or more legal documents that authorize your personal supporters to help you manage your affairs or make decisions on your behalf if you need assistance due to illness, injury or disability:

*Carla is gathering information about personal planning because she is aging and concerned about maintaining her independence.*

Personal planning is different from estate planning in that personal planning is about making arrangements for while you are alive, whereas estate planning is about making arrangements for when you die.

## What is *Personal Planning*?

Personal planning is the act of making one or more legal documents that authorize your personal supporters to help you manage your affairs or make decisions on your behalf if you need assistance due to illness, injury or disability.

Personal planning does not replace informal help provided by your friends and family. Instead, personal planning formalizes this support and gives the people you choose the legal authority necessary to help you. The best time to do personal planning is before a crisis occurs.

For example, Carla recently suffered a stroke which has affected her memory and her ability to speak. Before her stroke, Carla had discussed personal planning with her close friend, Susan, but did not get around to making any legal arrangements. Susan can look after Carla's cat and bring her mail to the hospital because she has a key to Carla's home, but Susan does not have legal authority to check on Carla's bank account or her health insurance benefits. Susan wants to help research rehabilitation programs for her friend but cannot access information about Carla's medical care.

When a health care decision needs to be made, the doctor must go to Carla's nearest relative which is her brother, Daniel, who lives in another province. Before Carla had her stroke, she and Daniel had phone contact about two or three times a year. The social worker told Susan that he might have to refer Carla's financial and legal affairs to the Public Trustee, a government official, who can take over as her legal guardian unless Daniel applies to court for guardianship. Under adult guardianship, Carla would lose her civil rights and be considered a non-person under the law. Adult guardianship is difficult to reverse, even if Carla recovers her abilities.

Through personal planning you can avoid Carla's situation when you make your own legally enforceable arrangements with those you trust and who know you best. In British Columbia, adults who need help today managing their affairs may make a Representation Agreement with Section 7 standard powers which is a legal

## Steps for personal planning include

1. Gathering information on legal documents and how they apply to you.
2. Identifying your personal supporters; personal supporters can be friends or family members whom you trust.
3. Discussing roles, duties, and areas of authority to be covered (health care, personal care, financial affairs, legal matters).
4. Making the relevant legal documents.
5. Registering your completed documents with the Nidus Registry.
6. Distributing copies of your completed documents as needed.
7. Reviewing your documents once a year with your personal supporters.

alternative to adult guardianship. Section 7 standard powers include health and personal care matters and routine financial and legal affairs.

Adults who are planning for the future in case they become mentally incapable may make two legal documents, a Representation Agreement with Section 9 broader powers to cover standard and broader health and personal care and an Enduring Power of Attorney to cover routine and broader financial and legal affairs.

There are other tools that some adults may use in addition to their legal documents. These can give guidance or instruction to their authorized personal supporters. Such tools are non-binding on their own and some examples include a living will, an advance care plan, an advance directive, a record of investment and financial management preferences, and a values and beliefs discussion guide.

## Where to Start?

For information on personal planning visit the Nidus website at [www.nidus.ca](http://www.nidus.ca).