



Planning Ahead

“A Guide for Caregivers” Courtesy of the Living Lessons, a program of The GlaxoSmith Kline Foundation and the Canadian Hospice Palliative Care Association

Often end of life involves the desire and need to plan ahead and get one’s affairs in order. Practical issues may include writing a personal directive for healthcare, naming a power of attorney for both financial matters and to serve as a healthcare proxy, making a will and organizing funeral and memorial services.

Inventory of Assets and Important Documents

Make a list of assets and where they are:

- ◆ Insurance policies
- ◆ Stocks and bonds
- ◆ Assets in bank accounts
- ◆ RRSP’s, GIC’s and other investments

List where to locate important documents such as:

- ◆ Powers of Attorney
- ◆ Will
- ◆ Pre-arranged funeral document
- ◆ Cemetery lot
- ◆ Safety deposit box (key, number and bank)
- ◆ Bankbooks and banking information
- ◆ Birth certificates
- ◆ Marriage certificates
- ◆ Insurance policies and companies
- ◆ Car/vehicular loans, papers, bill of sale
- ◆ Income tax returns
- ◆ Mortgage documents/information
- ◆ Property deeds
- ◆ Military service/discharge papers
- ◆ Social insurance numbers
- ◆ Pension information
- ◆ Business agreements
- ◆ Certificates of deposit
- ◆ Credit card information
- ◆ Other valuable papers

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Tel: (506) 632-5593 E-mail: info@hospicesj.ca Website: www.hospicesj.ca



Wills and Executors

A properly drawn up Will is an important family safeguard. When a person dies without a Will it is referred to as “dying intestate.” The administration of such an estate is increased and the intestate laws may not result in the distribution of your estate, as you would have wished.

That is why a Will is so vital. It is the only way that you can control the distribution of your property at death. The decision of who will act as your executor should also be made. Discuss it with the person you planned to name as executor – find out if he or she is willing to serve. Then discuss it with your lawyer. After you have made your Will, take your executor into confidence regarding your wishes.

Financial Provisions and Bank Accounts

Because the bank accounts of a person are frozen after his or her death, before the death, set up (or add to) a savings account in the surviving spouse’s name. The funds in that account can be used to provide for the family immediately after the death of the loved one. Joint accounts are not usually frozen.

Insurance and Benefits

Make sure that life insurance beneficiary clauses are up to date. If necessary, contact the employee benefits department of the dying person’s work place to ensure that desired beneficiaries are named.

Power of Attorney - Public Legal Education and Information Service of New Brunswick, Tel: (506) 453-5369; E-mail: pleisnb@web.ca; Website: www.legal-info-legale.nb.ca

A power of attorney is a written document giving someone the authority to act for you in relation to your property, financial affairs and/or personal care. New Brunswick’s legislation requires a power of attorney for personal care. A power of attorney takes effect when you are unable to participate in the decision-making process.

Living wills set out detailed written instructions about your health care treatment, generally in anticipation of a terminal illness. Living wills are also referred to as advance medical directives. New Brunswick does not have any legislation dealing with living wills. This means that New Brunswick does not recognize a living will as a legal document. However, a living will does give your doctor and family a strong statement of your wishes and if the healthcare professionals know of your specific written instructions, they are more likely to follow your wishes.

To ensure that your wishes are followed when you are unable to speak for yourself, you will need a power of attorney for healthcare. Any mentally competent person at least 19 years old can give a personal care power of attorney to any person who is mentally competent. When you are no longer able to make your own decisions regarding your personal healthcare, a power of attorney can make decisions about things like:

- ◆ Healthcare
- ◆ Consent to medical treatment
- ◆ Nutrition
- ◆ Shelter
- ◆ Clothing
- ◆ Personal Safety

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Advance Care Planning

Discussions and plans about what kinds of treatments you would want should you become seriously ill are most useful if done long before they are needed. Planning, although uncomfortable at first, will help you feel more in control of your healthcare and will assist your family and physician to follow your wishes.

Step 1: Understanding Advance Care Planning

Before talking to your physician, healthcare providers and attorney about advance care plans, it helps to understand some of the basic terms.

Advance Care Planning—Preparing for a medical crisis and deciding in advance what treatments you would or would not want based on your medical condition and personal preferences. This allows you to be in control of the decisions that determine your medical care. By anticipating emergencies, crisis decision-making is decreased.

Advance Directive—A general term that is used to describe either a living will or healthcare proxy (or durable power of attorney). These documents allow you to give instructions about future medical care should you be unable to participate in medical decisions due to a serious illness or incapacity.

Do Not Resuscitate (DNR) or No Code Order—A DNR is a physician's written order instructing healthcare providers not to attempt cardiopulmonary resuscitation (CPR) in case of cardiac or respiratory arrest (your heart stops or you stop breathing).

Healthcare Proxy (Medical Power of Attorney)— A legal document that gives someone else the power to make medical decisions when you are unable to or no longer can. It can also be called a “durable power of attorney” for healthcare decision making or “healthcare proxy.” In New Brunswick, you must legally appoint a healthcare proxy (guardian) in writing.

Living Will—A type of advance directive where you document your wishes about medical treatment to guide your family members and doctors in deciding how aggressively to use treatments to delay your death. Even though Living Wills are not legally acceptable in New Brunswick, it is a good idea to write down your healthcare wishes for your healthcare proxy and physician.

Palliative Care (Hospice Palliative Care) - A comprehensive approach to treating serious illness that focuses on comfort, not cure, easing suffering and improving the quality of living and dying.

- *Withholding or Withdrawing Treatment* - Forgoing life-sustaining measures or discontinuing them after they have been used for a certain period of time

Step 2: Understanding Your Personal Values & Beliefs

Many of the decisions you will make will involve medical treatments. Your values and beliefs should guide medical choices whenever possible. You should consider what quality of life means to you.

- What is your overall attitude toward life—What do you enjoy? What do you fear? What do you value most?

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- What is your attitude toward independence and control? How do you feel about losing them?
- What are your religious beliefs? Moral convictions? How do they affect your attitude toward serious illness?
- How do you feel about health, illness, dying and death? What experiences have you had and how does that influence your thinking about your own care and treatment?
- What are your feelings about doctors, hospitals and other caregivers?
- How do you want to be treated at the end of your life? Are there particular treatments that you want to receive or refuse? What fears do you have about medical treatments?
- What financial considerations would influence your decisions about medical care?

Step 3 Planning Ahead

- Gather the information you need to make the right choices for you.
- Talk about end-of-life decisions with your family, friends, doctor, lawyer, clergy and any others close to you to help determine what quality of life and which decisions are important to you.
- Let your doctor know that you are advance care planning. Ask your doctor to explain treatments and procedures that may seem confusing before you make your decisions. Make sure your doctor knows the quality of life that is important to you and is informed about your wishes at the end of life.
- Think about the people that you trust to make personal care decisions on your behalf, in accordance with your wishes. Decide who your substitute decision-maker (medical power of attorney or healthcare proxy) should be and ask them if they are willing to act on your behalf. This person must be of the age of majority and capable of giving consent to medical treatment. Make your care wishes clear to them.
- Write down what is important to you, your choices and wishes for the end of your life. Writing it down will help everyone remember what is important to you when they need it. Be as precise as you can about what treatments you want or do not want.
- Have your lawyer confirm your medical power of attorney (or healthcare proxy) in writing.
- Advise your doctor who you have designated as your medical power of attorney (or healthcare proxy).
- Continue to re-evaluate your end-of-life decisions and choices. They may change with your experiences and the progression of age and disease. Continue to communicate with your medical power of attorney (or healthcare proxy) and your doctor.

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