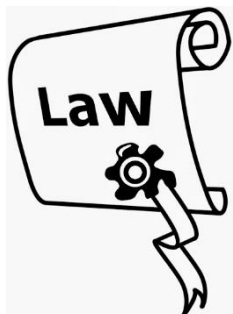


Protect your future with an Enduring Power of Attorney



This information is in Easy Read, however it is still a good idea to have someone with you when you read it.

What is an Enduring Power of Attorney?



An **Enduring Power of Attorney** is a legal document.



Having an Enduring Power of Attorney means someone else will be able to make decisions for you if you cannot do it.



By making an **Enduring Power of Attorney** you are making a plan to protect yourself for the future.



What is an attorney?

When you make an Enduring Power of Attorney you will have to choose someone to be your **attorney**.



An **attorney** is someone who makes decisions for you if you are not able to do this for yourself.



Life can change very quickly and you might not always be able to speak up for yourself.



Your attorney should always talk to you about any decisions they are making for you.



It is important for **every adult** to think about making an Enduring Power of Attorney.



Having an Enduring Power of Attorney will make it easier for decisions to be made about you if you are not able to.



You can choose who you want to be your attorney.



It is important for your attorney to be someone that you trust.



What are Enduring Powers of Attorney for?



There are 2 kinds of Enduring Power of Attorney.

It is a good idea to have both.



The first kind of Enduring Power of Attorney is about your property.



Property is your **money** and the **things you own**.



If you get an Enduring Power of Attorney for your property you will need to decide when you want it to start.



This can be a date that you choose.

You can choose from these 2 options:



1. you can choose that your attorney will be able to make decisions about your property **while you are mentally capable** – while you can make decisions for yourself.



2. you can choose that your attorney will only be able to make decisions about your property if you are **mentally incapable** – when you cannot make decisions for yourself.



A doctor or medical person will need to say that you are not able to make decisions for yourself before your attorney can make any decisions for you, like selling your house.



You can have **more than 1 attorney** for this kind of Enduring Power of Attorney.



The second kind of Enduring Power of Attorney is about your life and the care you get.



With this kind of Enduring Power of Attorney your attorney can only make decisions for you if a doctor or medical person says you are **mentally incapable** – when you **cannot** make decisions for yourself.

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You **can only have 1 attorney** for this kind of Enduring Power of Attorney.

Who can be my attorney?



You can choose who you want to be your attorney.



It is important to choose your attorney carefully.



Your attorney could be a:

- friend
- someone you work with
- someone in your family.





If you have an Enduring Power of Attorney for your property your attorney for this can also be a person from a **trustee corporation** like Public Trust.



It should be someone who knows you and will respect you.



Your attorney must be:

- over 20 years old



- not bankrupt – have enough money to pay people they owe money to



- mentally capable – able to make their own decisions.

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What will my attorney do?

It is the job of your attorney to:

- make decisions that are good for you
- make sure they involve you in their decisions as much as they can
- talk to any other attorneys you may have.



When you choose someone to be your attorney you will need to talk to them about:

- what you want to be done with your money and the things you own



- what decisions you want them to make about your life and the care you get



- who else they should talk to about your property or your care so they understand about your life.



This will make sure your attorney knows what you want.



This will help them when they are making decisions for you.

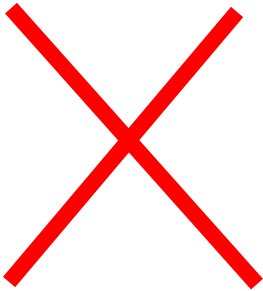


An Enduring Power of Attorney helps to keep your future safe.

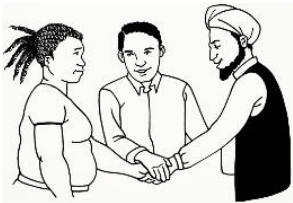


It is a good plan for your future.

What can my attorney not do?



There are some parts of your life that your attorney **cannot** make decisions about.



Things they cannot have a say about:

- whether you get married or who you choose to marry



- divorce or ending your marriage



- adopting a child



- saying “no” to life-saving medical treatment.



If you or your family are worried about the decisions your attorney is making for you, go to the Family Court for help.



How do I get an Enduring Power of Attorney?

Here is **what you do** to make an Enduring Power of Attorney:



1. You **choose the person** you want to make decisions for you – this person is called an attorney.



2. Ask that person if they will be your attorney.



3. You **talk to that person about what decisions** you want them to make for you.



4. You fill out an **Enduring Power of Attorney form with help from your lawyer.**



Your lawyer will help you fill out the form and they will explain what it means for you.



You can get the form:

- online here:

www.msd.govt.nz/epa

or



- from a legal person.



A legal person can be:

- a lawyer
- a qualified legal executive
- someone from a trustee corporation like the Public Trust.



5. You **sign** the Enduring Power of Attorney form in front of a legal person.



Will it cost money to set up an Enduring Power of Attorney?



Yes, it costs money to make an Enduring Power of Attorney.



There are ways to keep the costs lower.



If you have already thought about who will be your attorneys and what they need to know it will take less time to set it up.



If it takes less time, it will cost less money.

If it takes more time, it will cost more money.



Some legal people will give you a **discount** when you make an Enduring Power of Attorney.



You could get a discount if:

- you have a SuperGold Card
- you make your Enduring Power of Attorney when you are seeing your lawyer about something else (like a Will).



Have a look at the list on the next page before you go to a lawyer.



This will help you to get ready and maybe save some money.



Before you visit your legal person – a checklist



1. Choose somebody you can trust to be your attorney.

2. Ask that person if they will be your attorney.



3. Talk to them about the decisions you want them to make.



4. Think about who you want to be your attorney if the first person you choose cannot do the job.

Make sure to ask this person if they are happy to be your attorney.

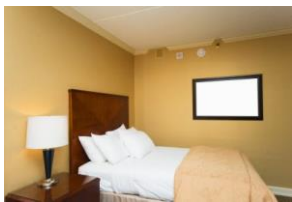


5. Think about people who can help your attorney.

These people could be your family members, your lawyer or somebody else.



6. Make a list of:



- everything that belongs to you



- all your money



- your debts - money that you have to pay to someone else

- money owed to you - money that someone has to pay you back.



7. Think about whether you want to choose someone to be able to ask your attorney about the decisions they are making for you.



8. Think about who you should give a copy of your Enduring Power of Attorney to.

It could be your doctor, your bank or someone in your family.



9. If you get an Enduring Power of Attorney for your property you will need to decide when you want it to start.



This can be a date that you choose.



You can choose from these 2 options:



- you can choose that your attorney will be able to make decisions about your property **while you are mentally capable** – while you can make decisions for yourself.



- you can choose that your attorney will only be able to make decisions about your property **when a doctor or medical person says you are mentally incapable** – when you cannot make decisions for yourself.



10. Once the Enduring Power of Attorney has started your attorney will be able to make decisions about your money and the things you own.



11. Think about how to make sure your attorney is making good decisions for you.



You can choose someone to watch what your attorney is doing.



You can decide who you want to do this.

You can choose people that your attorney needs to talk to before they make decisions.



You should talk to these people about what you want.



Can I change my Enduring Power of Attorney?



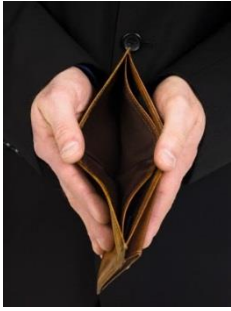
You can change your Enduring Power of Attorney at any time when you are **mentally capable** – when you are able to make decisions for yourself.



If you decide to change your attorney you must let them know **in writing** that they are no longer your attorney.



Sometimes an attorney has to stop being an attorney.

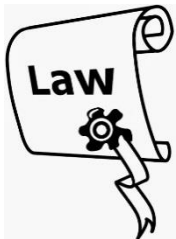


A person cannot be an attorney if:

- they are **bankrupt** – this means they cannot pay people they owe money to



- they are **mentally incapable** – when they cannot make decisions for themselves



- a legal document from the court says they cannot be an attorney



- the Family Court says they cannot be an attorney



- they die.



If this happens you must choose another attorney.

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Where can I find out more information about making an Enduring Power of Attorney?

You can find out more:



- on the Ministry of Social Development's website:

www.msd.govt.nz/epa



- at your nearest Citizens Advice Bureau



- at your public library



- from Age Concern



- from a Community Law Centre

- by asking your lawyer



- by leaving a message on the Office for Senior Citizens' phone line: **0800 273 674.**



Making an Enduring Power of Attorney will help you protect your future.



It is a plan you put in place to make sure your future is safe.



This information has been translated into Easy Read
by People First New Zealand Inc.

