

About the Older Parent Carer Program

Clarence Valley Council's Older Parent Carer Program assists older parents who are caring for their child or children with a disability by future planning documents are put into place.

We understand that caring for your family can be a difficult time financially. Our program aims to ease that burden by providing a package which includes financial assistance to obtain access to a legal advisor to prepare future planning documents.



Clarence Valley
Council COPs
Program covers
Grafton, Baryugil,
Jackadgery,
Tyringham, Yamba,
Iluka, Brooms Head,
Lawrence, Ulmarra
and surrounding
areas.

To apply contact

Community Support Services Administration Office
50 River Street
(PO Box 363)
Maclean NSW 2463

P: (02) 6645 3669
F: (02) 6645 4551

Ensuring the future for you and your family



Preparing your Will, Power of Attorney and Medical Guardianship should be an important part of planning for your future to ensure your rights are protected and your loved ones are spared difficulty, anxiety and expense.



For more information on future planning visit
www.futurecare.org.au

Our work is funded through the NSW's Family & Community Services;
Ageing, Disability and Home Care



Family & Community Services
Ageing, Disability & Home Care

Need help planning for the future ?



clarence
VALLEY COUNCIL

Helping you Plan for the Future



What do I need to plan for the future?

Will

A Will is a legal document setting out how you want your assets to be distributed after you die.

Power of Attorney

A Power of Attorney appoints an attorney to act on your behalf in property and financial matters.

Medical Guardianship

A Medical Guardianship appoints a guardian to make personal and/or lifestyle decisions should, in the future, you lose the capacity to make your own decisions.

Advanced Health Care Directive

A form or letter advising your wishes for your future care.

Will

A Will is a legal document setting out how you want your assets such as property, money and jewellery to be distributed after you die. Not having a Will means you don't have a say about how your estate is distributed. This can lead to legal problems and cause family disruption.

Having in place a legally valid, concise and up-to-date Will is the best way to ensure your assets are protected and distributed according to your wishes.

Power of Attorney

A power of attorney is a legal document appointing someone to be your attorney to act on your behalf to make decisions for you in property and financial matters. You do not lose the right to make your own decisions. You can also decide how much power you give your attorney.

- **A General Power of Attorney** remains legal only whilst you still have capacity. If you want your attorney to continue to operate if you lose capacity, you will need to make an Enduring Power of Attorney.
- **An Enduring Power of Attorney** continues to have effect even after you have lost your mental capacity. This is particularly important for elderly people.

Medical Guardianship

A medical guardianship is a legal document appointing someone to be your guardian to make personal and/or lifestyle decisions should, in the future, you lose the capacity to make your own decisions.

Only when you no longer have capacity, will your guardian then take on the responsibility for making the decisions such as accommodation, services and health treatment you receive. It is important for you to express to your family, Doctor and/or other health professionals your wishes regarding any medical conditions and your future care. A guardian cannot make decisions about your money or assets.

Who can make a Will, Power of Attorney or Medical Guardianship

Anyone over 18 years can make a Will, Power of Attorney or Medical Guardianship as long as, at the time of executing the documents, they have mental capacity.

Capacity is a legal word. A person is deemed to have the mental capacity to make a decision when they:

- have the ability to process verbal or written information
- can reflect on the information that has been provided to them and assess choices and consequences
- can understand how their decision will affect them; and
- are then able to effectively communicate their decision.

A person with a mild cognitive disability, such as early stages of dementia or learning difficulties, may still have the mental capacity to make a Will. People have capacity when they are able to make decisions on their own preferences. They also have the right to then either take or leave the advice, even if others disagree with their decision. However, if a person's capacity to make a decision is in doubt then an assessment of the person's ability to understand and make a decision accordingly, will need to be made by a Medical Professional.