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SOLICITORS & BARRISTERS

MORTGAGES & FINANCE

Should I have an Enduring Guardianship?

What is an enduring guardianship?

Many people are aware of Powers of Attorney that permit another person to conduct legal matters for you, but an attorney has no power to make “lifestyle” decisions.

Formerly these type of decisions could only be legally made for you where an order of the Guardianship Tribunal was obtained, however the Guardianship Act now gives you a way to appoint an enduring guardian while you are capable of making that decision.

Why appoint an enduring guardian?

Appointing an enduring guardian is very important in situations where you think that if you lost the ability to make your own decisions, you would like a particular person to make those decisions for you, or in cases where you think there may be disagreement between family or friends as to what decisions should be made.

What are lifestyle decisions?

Everyone prefers to make their own decision about where they live, which restaurant we want to go to, or what doctor we want to see but unfortunately it isn't always possible to make these types of decisions. Accidents or sickness sometimes make it impossible for a person to make lifestyle decisions.

What decisions can an enduring guardian make?

An enduring guardian can make decisions like where you will live, what health care you receive, deciding what personal services you receive and to give consent to any medical treatment.

A guardian cannot override any objections to medical treatment unless authorised by the Guardianship Tribunal. A guardian does not have the power to manage your finances or make changes to your Will or Power of Attorney.

Who do I make my enduring guardian?

The people that you appoint as your enduring guardian should be people that you trust to make the decisions for you. You can appoint anyone you like as long as they are over the age of 18 and are not a professional providing you treatment or care, and are willing to take on the responsibility of making decisions for you.

How do I appoint an enduring guardian?

Because these decisions are so important, if you want to appoint an enduring guardian it must be done correctly. Andrew Warren Associates can help you appoint an enduring guardian by preparing the proper documentation and issuing the necessary certificates of explanation to both the person appointing the guardian and the guardian themselves.

Contact us to make an appointment and we can discuss any other questions you might have. We look forward to hearing from you.