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ENDURING GUARDIANSHIP

WHAT IS AN ENDURING GUARDIANSHIP?

An Appointment of Enduring Guardianship is a legal document in which you appoint someone you trust to make lifestyle and medical decisions on your behalf when you are not capable of doing so for yourself. We can be injured or become ill with a condition which makes it impossible for us to make informed decisions on our own behalf.

You can appoint multiple guardians and/or alternate guardians in case a nominated guardian is incapable of acting at any point in time.

Enduring Guardianships can only be made while you still have mental capacity to do so.

WHAT POWERS WOULD MY GUARDIAN(S) HAVE?

You can provide your guardian(s) with as broad or as narrow powers as you wish, including:

- 🔗 where you will live
- 🔗 what medical care you will receive
- 🔗 what personal services you may receive

WHY DO I NEED AN ENDURING GUARDIANSHIP NOW?

In the event of you losing the mental capacity to make decisions about your own welfare, you will also no longer have the legal capacity to create a legal document such as an Enduring Guardianship. An Enduring Guardianship must be made while you are capable of making these decisions and are a good way of planning ahead for the future.

Appointing a guardian will ensure that someone you trust will make decisions in relation to your person at such time as you are not capable of making those decisions for yourself.

In the event you do not have an Enduring Guardianship and cannot make those decisions for yourself, the NSW Guardianship Tribunal may need to be approached to appoint someone at their discretion or appoint a government official to act as your guardian.

WHEN DOES THE APPOINTMENT OF A GUARDIAN TAKE EFFECT?

Enduring Guardianships only take effect when you no longer have the soundness of mind to make your own decisions.

Your Enduring Guardianship can be revoked at any time while you have mental capacity.

WHAT IS THE DIFFERENCE BETWEEN AN ENDURING GUARDIAN AND A POWER OF ATTORNEY?

A Power of Attorney appoints a trusted person to manage your financial affairs. Enduring Guardianships appoints a trusted person to look after your medical and personal issues.

Most of us should consider making both legal documents.

HOW WILL MBT LAWYERS HELP ME?

MBT Lawyers have lawyers with the experience and training to ensure:

- ⌘ Your Appointment of Enduring Guardianship clearly reflects your wishes
- ⌘ You are advised on the best way to arrange your affairs
- ⌘ Your Enduring Guardianship is kept in MBT Lawyer's safe custody free of charge.