

# Dear Barbro!

with Barbro E. Stalbecker-Pountney  
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## I do not live in the same province

*as my dad and visit him two or three times a year. During my last visit, I was shocked by the filthiness of his home and the state of his attire. Dad was always fastidious about himself, his home and his finances and had accumulated a sizable financial portfolio. When I confronted my brother who is his Power of Attorney for Personal Care and Power of Attorney for Property, he was very defensive, saying there wasn't much money. He went on to say that what money was left, should be paid to the person that was doing all the work. I'm worried about Dad. My brother doesn't seem to be taking his role as attorney very seriously. What can I tell him?* —Worried daughter

**Dear Worried daughter:** Taking on the role of the Power of Attorney is a serious commitment. An attorney must exercise the duties, diligently, for the incapable person's benefit. He is legally required to keep accounts of all transactions, made under the power of attorney. He must list all of your father's assets and continue to maintain that list, recording all the relevant complete information of what assets are acquired or disposed of. These responsibilities began immediately when your brother took on his role as attorney and con-

tinue until that authority ceases.

As Attorney for Personal Care, your brother must keep records of all personal care decisions made, including consents as to health and medical care. He has a duty to encourage your father to participate in decision-making and must act in accordance with your father's known wishes or instructions and in his best interests. While facilitating his independence, he must also facilitate contact with relatives and friends, and consult with them on your father's behalf. In making his decisions, your brother must take into general consideration all of your father's values, beliefs and wishes and consider the effects of his actions on your father's quality of life.

An attorney who cannot produce proper records of his financial management under a power of attorney is potentially, personally liable. Failure to carry out his duties can lead to outside involvement through the court system replacing him as attorney, intervention by the police or public guardian, and possible criminal charges. ■

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