Wolastoqey
Tribal Council Inc.

New Brunswick Law Foundation
Fondation pour le droit au Nouveau-Brunswick

COMPARISON CHART FOR SUPPORTED DECISION-MAKER AND ENDURING POWER OF ATTORNEY

Decision-Making Assistant

What Can They Do?

- Gather important information to help your decision (e.g. medical information that would otherwise be private).
- Communicate your decision to other people.

An assistant must refuse to exercise these powers if they believe you do not have capacity to make the decision.

They can also refuse to communicate your decision, if the decision would cause serious harm to you.

How Do I Get One?

You must fill out an “assistance authorization” form with a lawyer, naming the person that you want as an assistant.

Can I Pay Them?

No. An assistant is not allowed to accept any compensation for being an assistant. They may be reimbursed for reasonable expenses they had while exercising their powers.

Decision-Making Supporter

What Can They Do?

- Gather important information to help your decision (e.g. medical information that would otherwise be private).
- Communicate your decision to other people.
- Help you make a decision by:
  - discussing the relevant information and the effects of each choice.
  - assessing each option based on you wishes.
- Do anything necessary to implement your decision.

A supporter can refuse to communicate your decision or do anything to implement your decision, if the decision would cause serious harm to you.

How Do I Get One?

The person who wishes to be your decision-making supporter must apply to the court.

Can I Pay Them?

No. A supporter is not allowed to accept any compensation for being an assistant. They may be reimbursed for reasonable expenses they had while exercising their powers.



Enduring Power of Attorney

What Can They Do?

- Make decisions on your behalf, in your best interests, based on **an agreement** you entered into with them.

Cannot make, change or cancel wills on your behalf.

Can only give gifts on your behalf and delegate authority as attorney if the agreement specifically allows this.

How Do I Get One?

You must appoint them through a legal agreement. You need a lawyer to appoint an EPA to take care of your financial decisions, but you do not need a lawyer to appoint an EPA for your medical decisions.

Can I Pay Them?

Only if the legal agreement with the EPA specifically says they can be compensated.



Representative

What Can They Do?

- Make decisions on your behalf, in your best interests, based on a **court order.**

Can only make decisions around wills, giving gifts, donations of loans, providing financial support if the court specifically allows this.

How Do I Get One?

The person who wishes to be your representative must apply to the court.

Can I Pay Them?

Only if the court order specifically says they can be compensated. A representative may be reimbursed for reasonable expenses they had while exercising their powers.

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