An EPA is a **legal document that allows someone to step in and handle your finances, personal care, or both,** if you can no longer do it yourself.

It lets you decide in advance who you want to take care of these things for you.

Wolastoqey Tribal Council Inc.

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

For more details on what you need to know about enduring powers of attorney and the resources available, visit our website.

WOLASTOQEY TRIBAL COUNCIL INC.

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

What You Need to Know About

Enduring Powers of Attorney



In an EPA, the person granting authority is referred to as the **grantor,** while the individual given the legal authority to act on their behalf is called the **agent, attorney-in-fact,** or simply an **attorney.**

This person does not need to be a lawyer.

When Should I Consider an EPA?

An EPA is a legal document that prepares for the possibility of losing your capacity to make decisions due to illness, accident, or other causes. Under the law, you are assumed to have capacity unless someone with authority determines you lack capacity (e.g. a doctor).

An EPA is meant to be a longer-term solution, in the event you lose your capacity for a large period of time.

What Are Some Benefits of an EPA?

If you lose capacity and do not have an EPA, the court may need to appoint a legal guardian for you. A family member or friend will have to ask the court for permission to be your legal guardian, which can be a long and expensive process.

An EPA allows you to choose who will make decisions on your behalf and gives you the flexibility to provide specific instructions for managing different areas of your affairs.

How Do I Choose an Attorney?

- Someone you trust to make decisions for you
- Willing and able to handle your affairs
- Understands and respects your wishes
- Likely to remain in New Brunswick
- Mentally capable
- At least 19 years old
- Not paid to provide you with healthcare services
- Not bankrupt (for property attorneys)
- Not convicted of a dishonesty-related crime (unless the EPA states you are aware of this)



Does Anyone Monitor My Attorney?

It is important to appoint a monitor for your attorney to ensure they are doing their job properly and not misusing their power. A monitor can visit and communicate with you, request records from the attorney, and ask the court to end the EPA agreement if they think the attorney is abusing their power.

How Do I Cancel or Change My EPA?

If you want to **cancel** or **change** your EPA, you must have the capacity to do so.

It is recommended that you cancel the EPA in writing and replace it with a new EPA.

For more details on what you need to know about enduring powers of attorney and the resources available, visit our website.