

Changing your Enduring Power of Guardianship

You can change your EPG if you still have mental capacity*. If you have lost capacity and there are problems with your guardian(s), the Guardianship Board of South Australia can appoint a new guardian to take over.

Change your EPG if:

- One or more of your guardian's say they are unwilling to act or one dies.
- Your relationship changes and you no longer trust your guardian(s) and do not want him/her involved.
- You want to change the written instructions.

Notify anyone who is no longer your guardian.

Other things to consider:

- Where to keep your EPG.
- Who to give a copy.
- Who to tell about your EPG.
- How often to review it.

***Mental capacity refers to the ability to understand the nature and consequences of a decision and the alternative choices and consequences available or likely.**

APEA Members

Legal Services Commission

Information, legal advice, and preparation of Enduring Powers of Attorney and Guardianship.
Tel. 1300 366 424 for Legal Help Line
Mon to Fri 9am to 4:30pm
Tel. 8463 3555 for free half hour appointments.
www.lsc.sa.gov.au

Office of the Public Advocate

Promotes and protects the rights of people with mental incapacity.
Tel. 8269 7575 or 1800 066 969
General enquiries Mon to Fri 9am to 5pm
www.opa.sa.gov.au

South Australia Police (SAPOL)

Prevents, detects and investigates reports of crime.
Tel. 131 444 to report a crime or for police assistance.
www.police.sa.gov.au

SAPOL's Home Assist Scheme

Provides crime prevention advice and services to assist older people and those with a disability, to safely remain in their own home.
Tel. 8204 2817
www.police.sa.gov.au

Public Trustee

Advice preparation and management of Enduring Powers of Attorney and Wills.
Tel. 8226 9200 or Toll free 1800 673 119
www.publictrustee.sa.gov.au

Aged Rights Advocacy Service

Provides support to uphold the rights of older people who are at risk of, or experiencing abuse by family or friends.
Tel. 8232 5377 or Toll free 1800 700 600
www.sa.agedrights.asn.au

Disclaimer: Information in this pamphlet is of a general nature to be used as a guide only. It is not a substitute for legal advice.

5

Appointing an Enduring Guardian



APEA

Alliance for the Prevention of Elder Abuse

Legal Services Commission
Office of the Public Advocate
SA Police
Public Trustee
Aged Rights Advocacy Service

Why appoint a Guardian?

You can appoint someone you know and trust, who understands your personal views on health and life and who is capable of making your decisions, if you are unable to do so yourself. This is the best way of ensuring that your own values, views and past lifestyle continue if you are unable to make your own decisions.

An Enduring Power of Guardianship (EPG) is a legal document signed by you appointing another person(s) called a guardian to make medical, health care, accommodation or lifestyle decisions if necessary.

This document can be drawn up by a solicitor or a 'do it yourself kit' with instructions that can be purchased from Service SA*.

Your guardian(s) cannot make financial decisions. You can sign an Enduring Power of Attorney to appoint an attorney(s) to make these decisions.

***Purchase an EPG kit from Service SA**
Telephone 132 324
www.service.sa.gov.au

Who decides when your Guardian(s) takes responsibility?

A doctor or neuropsychologist must assess that you have lost your ability to make certain personal decisions before the EPG is activated.

What type of decisions can your guardian(s) make?

- Your guardian(s) can decide where you live, what type of treatment you receive including end of life care, your daily activities including spiritual and cultural needs, support requirements and contact with others.
- Your guardian(s) must consult with you if possible and make decisions which best fit how you would have decided, if you still had mental capacity.
- Your guardian(s) must take into account your written instructions.

You can write special instructions in your EPG and your guardian(s) should follow them.

What to consider in an EPG?

Q1: Who to appoint?

- Who do you trust?
- Does that person understand your values and wishes and will he/she try to follow these?
- Do you want more than one guardian?

Q2: Instructing your guardian(s)

- Do you want to limit the type of personal decisions your guardian(s) can make?
- Do you want another person to monitor your guardian's work by getting regular reports?
- Do you want your guardian(s) to consult with other family or friends?
- Do you want your health and life managed in a special way?
- Do you want to continue to act on certain beliefs? (eg your faith)
- Do you want to limit contact with anyone?