

This checklist covers important questions to be considered when you draw up a protection mandate with a notary. It has been developed from information provided by PME INTER Notaires.

Our team would be pleased to help you with this matter.

T 514 788-6485 | **Toll-free** 1 800 291-0337

Monday to Thursday from 8 a.m. to 8 p.m. | Friday from 8 a.m. to 5 p.m.

- Do you want to make an organ or tissue donation?
YES or NO
- Do you want to donate your body to science?
YES or NO

Designation of a mandatary (to look after your person and property)

- Designate one (1) mandatary (name, address and occupation).
- Designate two (2) substitute mandataries (name, address and occupation of each).
- Do you want to compensate your mandatary for discharging their duties (in addition to reimbursement of the expenses that such duties may entail) or do you think your mandatary will do so free of charge? If you want to provide compensation, specify whether it will be a set amount or a percentage of the assets administered.
- If you want to provide compensation, and two mandataries succeed each other, do you want them to share the compensation, or do you want each to receive the specified amount?

Note that the mandatary will be reimbursed for all expenses incurred in the course of their duties, such as communication costs, travelling expenses and loss of income.

- Do you want your mandatary to provide a rendering of accounts to a third party, or auditor? If so, you must provide the occupation and address of such person and name a substitute in the event of death or inability to act. Determine the frequency of the rendering of accounts and whether the auditor is entitled to compensation.

Mandatary's powers

- Do you want to limit the mandatary's powers by restricting them to investments presumed sound or do you have full confidence in their investment decisions?
- If you make donations to charitable organizations, do you want your mandatary to continue to do so on your behalf? If so, specify the organizations and the amounts.
- Do you want your mandatary to offer gifts from you on occasions such as weddings, births, birthdays, Christmas, etc. If so, specify the persons, amounts and occasions.

Family needs

- Do you want a portion of your property to provide for the needs of your children, spouse, parents or any other person receiving financial support from you at the time of your incapacity? If so, whom?

Person's intentions

- Do you want to include a clause to avoid aggressive therapy? YES or NO
- Do you want to include a clause concerning pain relief? YES or NO
- Do you want to remain in your home as long as possible? YES (even if the home has to be fitted out accordingly) or NO
- Do you want to include selection criteria for a nursing home? YES or NO

Tutor to minor children (if applicable)

- Designate three (3) persons by order of appointment. For example, I designate X or, failing him/her, Y, or, failing him/her, Z.
- Tutor's compensation: YES or NO. If so, how much.
- If you provide compensation, and two tutors succeed each other, do you want them to share the compensation, or do you want each to receive the specified amount?

Specific instructions for the tutor

- Do you have specific instructions for the tutor (optional), such as the values you want to be conveyed to your children?

General power of attorney

- Finally, in the same document, do you want to give someone a general power of attorney? Such a document would give the designated person all the powers you have over your property.

Comments

- Bring two pieces of identification (health insurance card, driver's licence, social insurance card).
- If you are divorced, bring your divorce certificate.
- If you are married, bring your marriage contract or your marriage certificate if you have no marriage contract.
- If you are widowed, bring your spouse's death certificate.
- Bring the previous mandate in case of incapacity, if applicable.

Difference between a power of attorney and a mandate in case of incapacity

- A mandate in case of incapacity takes effect only when a person is declared incapable by a court clerk and the mandate is homologated by a legal proceeding.

To that end, a physician and a social worker would have to assess your situation and conclude that you are incapable.

- A power of attorney takes effect as soon as you sign it. It remains valid as long as you are capable.



If you have any questions, don't hesitate to contact us

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