#### **INDEX**

**ACCOUNTS, MAINTAINING**. See CONTINUING POWERS OF ATTORNEY FOR PROPERTY; POWER OF ATTORNEY

#### ACCOUNTS, PASSING

attorney's application, sample, 623-635 review of, 154-160

**ADVANCED DIRECTIVE**, 165

ADVOCACY ACT, 1992, 47

#### ACE

affidavit re legal age and capacity, 643 attorney, requirement, 172 grantor's, 63, 169

**AGENCY LAW. See POWER OF ATTORNEY** 

APPLICATIONS. See CONSENT AND CAPACITY BOARD

**ASSESSMENT**. See CAPACITY ASSESSMENT; PLANNING CONSIDERATIONS; STATUTORY GUARDIANSHIP OF PROPERTY

ATTORNEY. See CONTINUING POWERS OF ATTORNEY FOR PROPERTY; CORPORATE MATTERS, POWER OF ATTORNEY IN; POWER OF ATTORNEY; POWERS OF ATTORNEY FOR PERSONAL CARE

**AUTHORITY**. See CONTINUING POWERS OF ATTORNEY FOR PROPERTY; POWER OF ATTORNEY; POWERS OF ATTORNEY FOR PERSONAL CARE

#### CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Consent and Capacity Board issues, 356-358, 404 minors, personal care challenges, 525-527 powers of attorney for personal care issues, 183-195

**CAPACITY**, see also CONSENT AND CAPACITY BOARD; CORPORATE MATTERS, POWER OF ATTORNEY IN

```
CAPACITY — Continued
affidavit re legal age and capacity, 643
AGO Guidelines, 230
"appreciate", meaning of, 230, 234-237
capacity assessments. See CAPACITY ASSESSMENTS; PLANNING
 CONSIDERATIONS
common law, at, 231
generally, 229-231
grantor's, 64-65
legal tests for, variations, 229-231
personal care decisions, 301-351
  CCB decisions, 319-351
     jurisdictional cases, 350-351
     procedural cases, 330-350
     significant/unique cases, 319-330
  court decisions, 302-319
     jurisdictional cases, 318-319
     legal test, 304
     procedural cases, 309-318
     significant/unique cases, 302-309
personal care, re, 240-244
  elements of, chart re, 242-243
  personal care decisions, 240-244
   "personal care", meaning of, 241
  power of attorney for personal care, to make, 240
property decisions, 266-301
  CCB decisions, 280-301
     jurisdictional cases, 300-301
     procedural cases, 284-300
     significant/unique cases, 280-284
  court decisions, 266-280
     further assessment order, factors, 268
     jurisdictional cases, 276-280
     procedural cases, 271-276
     significant/unique cases, 266-271
property, re, 237-240
  management of property, 239-240
  power of attorney for property, to make, 237-239
SDA presumption of, 229, 232-234
"understand", meaning of, 230, 234-237
testamentary capacity, 231
```

## **CAPACITY ASSESSMENTS**, see also PLANNING CONSIDERATIONS capacity assessment process, 253-256 Guidelines and prescribed forms, 253

HCCA, under, 254 key tenants of, 254

methodology, 255

personal care, re, 255

property management, re, 255

SDA provision re, 253

vulnerable clients, considerations re, 255-256

capacity assessors, 250-252, 657-670

"assessor", defined, 251

choice of, 251

fees, 252

financial assistance, 252

insurance, 252

statements of assessment and report, 657-670

training of, 251-252

communication barrier, issues re, 264-265

consent and statement for, 654

court orders, 246-250

declining to order, 248-250

factors considered, 248-249

generally, 246-247

refusal to be assessed, 248

restraining order, 247

warrant for entry, 247

factors and guidelines, 589-591

legal profession, role of, 261-264

considerations, 263

duties, 261-262

presumption of capacity vs. assessment, 262

letter of direction re, 656

medical profession, role of, 258-261

clock-drawing test, 260

delayed-work recall test, 260

FAS test, 260

generally, 258

Go-No-Go test, 261

MMSE screening test, 259-260

review of, 265

statement of assessment and report, 657-670

#### **CAPACITY ASSESSMENTS** — Continued

tests. See medical profession, role of timing of request, 256-258 types of privately commissioned assessments, 245-246 statutory assessments, 244-245

#### **CHILDREN**

child protection proceedings, 363 guardianship. *See* STATUTORY GUARDIANSHIP OF PROPERTY; minors

**CLAUSES**. See CONTINUING POWERS OF ATTORNEY FOR PROPERTY; CORPORATE MATTERS, POWER OF ATTORNEY IN; POWERS OF ATTORNEY FOR PERSONAL CARE

**COMMUNITY TREATMENT ORDERS**. See CONSENT AND CAPACITY BOARD

**COMPENSATION**. See CONTINUING POWERS OF ATTORNEY FOR PROPERTY; DRAFTING SAFEGUARDS; POWERS OF ATTORNEY FOR PERSONAL CARE

**CONSENT AND CAPACITY BOARD**, *see also* CAPACITY, personal care decisions, property decisions; POWERS OF ATTORNEY FOR PERSONAL CARE

as tribunal, context re, 358-364 child protection proceedings, 363 Criminal Code mental disorder provisions, 363 generally, 363-364 guardianship proceedings under SDA, 359-362 habeas corpus proceedings, 362 capable wishes, departing from, 400 capacity to manage property applications, 387-394 application, entitlement to make, 389 Mental Health Act provisions, 388 parties, 389 psychiatric patient, status as, 392 rights advice, 391 statutory guardianship finding, 394 Substitute Decisions Act, 1992 capacity, test under, 390-391 procedural safeguards under, 392 provisions, 388 unrepresented party, 393

```
CONSENT AND CAPACITY BOARD — Continued
community treatment orders under MHA, 394-398
  application, entitlement to make, 395
  parties, 395-396
  rights, 397
decisions
  burden and standard of proof, 379
  review of. See review of CCB decisions
  timing of decisions and reasons, 380
decisions by. See CAPACITY, personal care decisions; CAPACITY,
 property decisions
establishment of, 355
hearings, conduct of, 371-379
  amicus/friend of CCB, 374
  burden and standard of proof, 379
  CCB panel, composition of, 371
  counsel
     appointment of by CCB order, 372
     role of, 373
  evidence, 378
  formality, 377
  parties, 372
  pilot project, 378-379
  preliminary issue, 377
  public, exclusion of, 375-376
  submissions, 379
  witnesses
     compellability of, 375
     exclusion of, 375-376
hearings, types of, 355
historical context of, 353-355
involuntary status applications, 380-384
  "Box A" criteria, 381
  "Box B" criteria, 381
  CCB's discretion, 382
  CCB's policy guideline, 685-687
  initiation of process, 380
  practice tips, 383
  statutory non-compliance, 383
jurisdiction of, 355-358
  Charter and, 356-358
```

overlapping. See as tribunal, context re

#### **CONSENT AND CAPACITY BOARD** — Continued long-term care admission, 398 Policy Guidelines, 685-694 certificate of involuntary status renewal, 685-687 counsel for non-represented application, order re, 688 documents sent to CCB in advance of hearing, 694 Mandatory Blood Testing Act, disclosure, 691-693 procedure before, 364-371 access to records by patient/lawyer, 366-368 adjournments, 371 confidentiality, 366-368 hearings declining to schedule, 369 notice of, 370 scheduling of, 368 leave requirements, 369 mandatory and deemed applications, 366 mediation, 369 motions, 370 notice of hearing/specific allegations, 370 pre-hearing conferences, 369 rights advice, 365 triggering events, 364 representative, appointment of, 399 review of CCB decisions, 401-406 amicus curiae and court-ordered counsel, 404 Charter, availability of, 404 costs, 406 fresh evidence on appeal, 404 generally, 401 ineffective assistance of counsel, 405 mootness, 405 place of hearing, 403 procedure, 401-402 relief pending appeal, 402-403 continuing involuntary status, 402 treatment pending appeal, 403 standard of review, 406 timing, 401 rules and procedure, 356

substitute decision-makers, determining compliance of, 399-400

Rules of Practice, 671-684

#### **CONSENT AND CAPACITY BOARD** — Continued

```
treatment capacity applications, 384-387 application, entitlement to make, 384 common issues, 387 deemed application, 384 parties, 384 test re treatment capacity, 385-387
```

#### CONSENT AND CAPACITY STATUTE LAW AMENDMENT ACT, 1992, 48

CONSENT TO TREATMENT ACT, 1992, 46

#### CONTINUING POWERS OF ATTORNEY FOR PROPERTY

```
accounts. See duties and obligations
affidavit of subscribing witness, 645
  appointment as, criteria, 66-67
  compensation. See compensation
  duties of. See duties and obligations
  litigation guardian, as, 142-144
  rights of, 142
authority, 69-111
  beneficiary designation, 93
  death/benefit designations, 96
  dispositions of property, 87-93
  Family Law Act election, 102-104
  generally, 69-75
  gifts, 104-111
     case law, 107
     gift, elements of, 106
     intention to give, standard of proof, 106-111
     presumption of advancement and, 106
     SDA "optional expenditures" provision, 104-105
  insurance policies, 94-96
  joint assets, 76-87
  limitations, 70-75
  quasi-testamentary acts, 75-102
  retirement savings plans, 97-101
  tax free savings accounts, 101-102
clauses, sample, 626-636
compensation, 151-160
  examples, 151-152
  factors to determine, 153
  fee schedule, 151
```

#### CORPORATE MATTERS, POWER OF ATTORNEY IN

capacity, issues re, 437-442

### **CORPORATE MATTERS, POWER OF ATTORNEY IN** — Continued capacity, issues re — Continued Australian jurisprudence, 439-442 English jurisprudence, 439 knowledge of incapacity, 441 mental capacity, 438-442 financing context, 460-462 fraud, issues re, 442-445 limited partnership, managing, 459-460 powers coupled with interest, 445-448 Powers of Attorney Act, 436 powers of attorney clauses, 449-457 managing corporation, 449-454 director, acting as, 454 foreign business affairs, 452-453 limitation on powers, 450-452 shareholders' obligations, fulfilling, 454-455 voting, 455-457 proxies, 456 voting trusts, 456-457 powers of attorney, generally, 435-437 SDA continuing power of attorney for property, 435 takeover bids, "drag-along" provisions and, 457-458 **COUNSEL** amicus curiae and court-ordered counsel, 404 appointment of by CCB order, 372 ineffective assistance of counsel, 405 non-represented application, order re, 688 role of, 373 SDA s. 3 counsel, 56-58, 580 **COURT ORDERS** applications, procedure, 511-513 capacity assessments. See CAPACITY ASSESSMENTS duties re, 122-124 planning considerations, 576 **COURT DIRECTIONS** attorney's duty re, 213

notice of motion for, 649

order for directions, 653

affidavit in support of, 651

#### **COURT-APPOINTED GUARDIAN.** See GUARDIANSHIP

#### DIRECTIONS

court, by. See COURT DIRECTIONS drafting. See DRAFTING SAFEGUARDS

#### DRAFTING SAFEGUARDS, see also PLANNING CONSIDERATIONS

compensation, 565-566 declaration of intent, 551 delegation, 565 directions, 556-565

estate planning, 561-562 general authorization/direction clause, 558-559

gifts/loans, powers re, 558 personal care issues, 562-565

powers/prohibitions, 558

"shopping list" clauses, 559-560

triggering events issues, 557

will, review of, 560-561

effectiveness, triggering event, 551

execution, 567-568

gifts/loans, powers re, 558

indemnification, 566-567

minimum requirements, 550-551

revocation, 552

safekeeping, 569, 647

direction re power of attorney escrow instructions, 647 substitute decision-maker, appointment of, 552-556

characteristics, 553

multiple appointments, 554-555

"naming" in living will, 554

stand-alone powers, 555

"unable or unwilling" to act issue, 556

# **DUTIES**. See CONTINUING POWERS OF ATTORNEY FOR PROPERTY; GUARDIANSHIP; POWER OF ATTORNEY; POWERS OF ATTORNEY FOR PERSONAL CARE; STATUTORY GUARDIANSHIP OF PROPERTY

#### FIDUCIARY RELATIONSHIPS, 3-9

#### **FOREIGN**

business affairs, 452-453

jurisdictions, use of Ontario power of attorney in, 427

power of attorney, use in Ontario, 426-427

FRAUD, 427, 442-445, 544-550

GIFTS. See CONTINUING POWERS OF ATTORNEY FOR PROPERTY; authority; DRAFTING SAFEGUARDS

**GRANTOR**. See CONTINUING POWERS OF ATTORNEY FOR PROPERTY; PARTIES; POWERS OF ATTORNEY FOR PERSONAL **CARE** 

#### **GUARDIANSHIP**

```
court-appointed guardians, 464-487
  court applications, 464-466, 592-609
  person, for, 470-487, 596-599
     appointment, 472-473
     case law, 478-487
     duties, 474-477
     generally, 470-472
     removal application, 479-481
     termination, 477
  property and personal care, sample forms
     affidavit in support, 606-609
     application, 600-605
     judgment, 618-620
     reporting letter to client, 621-622
  property, for, 466-470, 592-595
     application, 592-595
     appointment provisions, 466-467
     duties, 468
     prohibited persons, 466
     PGT, appointment of, 466-467
     termination, 469
duties, 468, 474-477
"incapacity", SDA definition, 464
Mental Incompetency Act provisions, 463
plan. See GUARDIANSHIP PLAN
statutory guardianship of property. See STATUTORY GUARDIANSHIP
 OF PROPERTY
GUARDIANSHIP PLAN
```

sample, 615-617

HEALTH CARE CONSENT ACT, 1996, 48-49, 164-167, 173-174, 254

**HEARINGS**. See CONSENT AND CAPACITY BOARD

**HISTORICAL PERSPECTIVE**. See POWER OF ATTORNEY, GENERALLY

**INVOLUNTARY STATUS APPLICATIONS**. See CONSENT AND CAPACITY BOARD

**JURISDICTION**. See CAPACITY; CONSENT AND CAPACITY BOARD; STATUTORY FRAMEWORK

LAWYERS. See CAPACITY ASSESSMENT; COUNSEL

LITIGATION. See PLANNING CONSIDERATIONS

**LITIGATION GUARDIAN**, 54-56, 142-144, 579

LIVING WILL, 165, 554, 563

LONG-TERM CARE, 398

**MANAGEMENT** 

of property, 239-240, 255

#### MANAGEMENT PLAN

preparation of, 575 requirements, 509-511 sample, 610-614

MEDICAL PROFESSION, ROLE OF. See CAPACITY ASSESSMENTS

MENTAL HEALTH ACT, 36-38, 192-195, 388, 492-493

MENTAL INCOMPETENCY ACT, 38-39

**MINORS**. See CHILDREN

**MORTGAGES.** See REAL PROPERTY TRANSACTIONS

#### **PARTIES**

attorney for property/personal care, 578 grantor, 577 litigation guardians, 579 non-resident attorney, 578 Public Guardian and Trustee, 579 SDA s. 3 counsel, 580

**PERSONAL CARE**. *See* POWERS OF ATTORNEY FOR PERSONAL CARE

#### PLANNING CONSIDERATIONS

access and release issues, 570-573 memorandum re release, 646

#### PLANNING CONSIDERATIONS — Continued accounting system, 572 alternatives to power of attorney, 576-577 assets outside Ontario, 573 capacity assessment, 534-539, 571 areas of inquiry, 537 deficiencies, 538 instructions, obtaining, 535 medical/expert advice, 536 record, 537 tests, 534-536 court orders, 576 discussion of issues, 539-544 continuing power of attorney for property, 539-540 power of attorney for personal care, 541-544 documents to retain, 572 drafting. See DRAFTING SAFEGUARDS evidence, preparation and presentation of, 574-575 fraud, avoidance, 544-550 limited power of attorney, use of, 570 management/guardianship plan, preparation of, 575 parties. See PARTIES resignation, revocation and removal, 573-574 safeguards, practical, 530-550 capacity assessment. See capacity assessment drafting safeguards. See DRAFTING SAFEGUARDS elder abuse, red flags, 533-534 generally, 530-531 issues. See discussion of issues knowledge of client, 531-534 safeguards, statutory, 529-530 donor criteria, 529 "trigger" event, 530 writing requirement, 529 substitute decision-makers, advice to, 572 triggering events, 571 uses and abuses, 529-530 POWER OF ATTORNEY, GENERALLY agency law principles and, 1-3, 8-9 accounting, 3 agent as principle's debtor, 2

agent's function, 2

```
POWER OF ATTORNEY, GENERALLY — Continued
agency law principles and — Continued
  breach of duty, remedies, 3
  conflict, 2
  contract, 2
authority, 13-16
  investment authority, 15-16
  scope of, 13-16
common law, at, 1-9
delegation, 16-17
duty to account, 22-25
elements of, 9-13
  attorney formalities, 13
  document formalities/requirements, 12
  donor formalities/capacity, 9-12
fiduciary relationship and duties, 3-9
  case law, 5-9
generally, 1
nature of, 1-9
planning considerations. See PLANNING CONSIDERATIONS
role and duties, 17-26
  conflicts of interest, 21
  duty to account, 22-25
  list of, 17-18
  no personal benefit without authorization, 26
  no secret profits, 19-20
  reasonable care, 18-19
statutory framework. See STATUTORY FRAMEWORK
termination, 26-27
POWERS OF ATTORNEY ACT
corporate matters and, 436
historical perspective. See STATUTORY FRAMEWORK
real property transactions and, 408-409
text, 583-587
POWERS OF ATTORNEY FOR PERSONAL CARE
advanced directive, 165
attorney
  age requirement, 172
  conflict, 175-176
  duties. See duties of attorney
  HCCA hierarchy of, 173-174
```

#### POWERS OF ATTORNEY FOR PERSONAL CARE — Continued

```
attorney — Continued
  multiple, 172
  PGT as, 173, 174-175
  prohibitions, 172
authority, 180-195
  application to CCB for directions, 182-183
  Brian's Law, 182-183
  CCB decisions, challenges to, 186-192
  Charter s. 7 challenges, 183-195
  compliance order, 181, 184-185
  consent, scope of, 180-181
  "informal patient", 181
  Mental Health Act challenges, 192-195
  SDA provisions, 180
clauses, sample, 637-642
compensation, 216-227
  case law, 216-227
  "fair and reasonable" basis, 216-227
  family context, 221-222
Consent and Capacity Board
  decisions, challenges to, 186-192
  review by, 164
duties of attorney, 195-213
  court directions, 213, 649
  emergencies, 210
  force, use of, 210-212
  prior capable wishes and best interests, 195-209
  protection from liability, 213
  specific and general wishes, 198-209
effectiveness, 177-180
execution, 176
form of, 167
generally, 161-167
grantor
  age, 169
  capacity, 169-172
     presumption of, 169-170
     test for, 170-172
  entitlement, test, 168-172
Health Care Consent Act, 1996 provisions, 164-167
informed consent, concept of, 162-163
```

#### POWERS OF ATTORNEY FOR PERSONAL CARE — Continued

living will, 165 revocation, 213-216 SDA provisions and, generally, 161, 162, 165 termination, 213-216 triggering circumstances, 177-180

### **PROFESSIONAL CONSIDERATIONS**. See PLANNING CONSIDERATIONS

**PROPERTY**. See CONTINUING POWERS OF ATTORNEY FOR PROPERTY; STATUTORY GUARDIANSHIP OF PROPERTY

#### PUBLIC GUARDIAN AND TRUSTEE

appointment of, 466, 490 compensation, 154 conflicts with, 501-503 duties, 53-54 investigative unit, 52 mandate of, 50-52 party, as, 579 personal care, attorney for, 173, 174-175 role of, 487-490

#### **REAL PROPERTY TRANSACTIONS**

documents

acknowledgment and direction, 697 document general to register power of attorney, 695 generally, 415 transfer signed by vendor, 699 electronic registration of powers of attorney, 415-419 banks and power of attorney, 419 documents, registration by individual and corporation, 417-419 legal requirements, 415 requirements, other, 419 revocation, registration of, 416 foreign jurisdictions, use of Ontario power of attorney in, 427 foreign power of attorney, use in Ontario, 426-427 fraudulent power of attorney, 427 generally, 407-410, 434 mortgage context, 412-415 borrower/mortgagor, 412 discharge of mortgage, 414-415 mortgage lender, 414

### **REAL PROPERTY TRANSACTIONS** — Continued mortgage context — Continued discharge of mortgage — Continued mortgagor, 414 mortgage lender, 413-414 paper registration of power of attorney, 424 power of attorney for general purposes acknowledgment and direction, 697 Powers of Attorney Act, 408-409 powers of attorney for property, use of by estate trustee of deceased person, 425 living persons, 424-425 powers of attorney, validity of, 408-409 purchase context, 411 sale context, 410-411 SDA provisions, 408-410, 424 Teranet and Teraview, 406-407 Teranet system, electronic registration under, 419-424 corporation/bank, documents executed under authority of, 423 electronic registration of power of attorney, 421 individual donor, documents executed under authority of, 422 power of attorney not used, where, 420 power of attorney used, where, 421 revocation of power of attorney electronic registration of, 421 electronic statements for, 422 statements for registration of all executed documents, 422 statutory provisions, 419-420 title insurance, 428-434 transfer signed by vendor by general power of attorney, 699 REPRESENTATIVE, see also COUNSEL appointment of, 399 REVOCATION continuing power of attorney for property, 147-151 drafting safeguards re, 552

**SAFEGUARDS**. See DRAFTING SAFEGUARDS; PLANNING CONSIDERATIONS

planning considerations re, 573

registration of, 416, 421, 422

power of attorney for personal care, 213-216

#### STATUTORY FRAMEWORK

```
Advocacy Act, 1992, 47
Consent and Capacity Statute Law Amendment Act, 1992, 48
Consent to Treatment Act, 1992, 46
counsel under SDA, 56-58
generally, 29-30
Health Care Consent Act, 1996, 48-49
individual guardians, 49
jurisdiction issues, 58-59
legislative reform, 39-48
  case law during, 40-42
  Fram Report, 39-40, 42
  statutes comprising, 42-48
litigation guardians, 54-56
Mental Health Act, 36-38
Mental Incompetency Act, 38-39
1990 Powers of Attorney Act, 33-36
  1990 consolidated Act, 33-34
  1992 amendments, 35-36
pre-1990 Powers of Attorney Act, 30-33
  1986 amendments, 32
  1983 amendments, 32
  1979 enactment, 30-32
privacy statutes and case law, 59-61
Public Guardian and Trustee. See PUBLIC GUARDIAN AND TRUSTEE
Substitute Decisions Act, 1992, 43-45
  counsel under, 56-58
```

#### STATUTORY GUARDIANSHIP OF PROPERTY

```
appointment of guardian
appointment of PGT, 490-491
appointment of replacement, 494-497
application procedure, 496
application/applicant requirements, 495-496
proof of suitability, 497
ranking, 497
assessment request, 491
certificate of incapacity, 491, 492
Mental Health Act, under, 492-493
voluntary procedure, 493-494
assessment request, 491
court applications, procedure, 504-518
appointment, 504-508
```

#### STATUTORY GUARDIANSHIP OF PROPERTY — Continued court applications, procedure — Continued appointment — Continued documentation, 506-507 SDA provisions, 504-508 service of documents, 505-506 summary procedures, 508-509 costs, case law, 513-518 court order, 511-513 generally, 504 management plans, requirements re, 509-511 summary procedures, 508-509 termination, 509 duties of guardian, 497-498 generally, 487 minors personal care, 522-527 capacity issue, 524 Charter challenges, 525-527 Children's Aid Society care, 522 decisions, disputed, 522-523 life-saving treatment, 522-523 statutory provisions re, 522 property, 518-521 Children's Lawyer, role of, 519-521 duties of guardian, 521 procedure and parameters, 520 statutory provisions re, 518-520 Public Guardian and Trustee appointment of, 490 role of, 487-490 termination of guardianship, 498-504, 509 best interests factor, 501 circumstances, list of, 499-501 competing applicants, 503 criteria for removal, 501 PGT, conflicts with, 501-503 **SUBSTITUTE DECISION-MAKERS**, 399-400

appointment of. See DRAFTING SAFEGUARDS

advice to, 572

#### SUBSTITUTE DECISIONS ACT, 1992

authority, 180
capacity assessment, 253
capacity to manage property, applications, 388, 390-392
compensation, 151
counsel under, 56-58, 580
duties and obligations under, 121-141, 161, 162, 165
generally, 43-45
guardianship proceedings under, 359-362
"incapacity", definition, 464
"optional expenditures" provision, 104-105
origin of, 63
presumption of capacity under, 229, 232-234
real property transactions, 408-410, 424
statutory applications, guardianship, 504-508

#### TERANET. See REAL PROPERTY TRANSACTIONS

#### **TERMINATION**

continuing power of attorney for property, of, 147-151 guardianship, of, 469, 477 power of attorney for personal care, of, 213-216 power of attorney, generally, 26-27 statutory guardianship, of. *See* STATUTORY GUARDIANSHIP OF PROPERTY

#### **TESTAMENTARY CAPACITY**, 231

## **TREATMENT CAPACITY APPLICATIONS**. See CONSENT AND CAPACITY BOARD

TRIGGER EVENT, 68, 177-180, 364, 530, 557, 571

#### **VOLUNTARY**

guardian appointment, 493-494