

What if the right substitute decision-maker for me isn't my default SDM?

If this is the case, you may choose someone else to act as your SDM.

IF who the law says will make your decisions



IS NOT who you want to make your decisions



THEN appoint an Attorney for Personal Care

What is an Attorney for Personal Care?

An Attorney for Personal Care is someone you legally appoint to be your SDM. You do this by filling out a Power of Attorney for Personal Care document.

You can choose to appoint a family member, close friend or anyone you trust to make your healthcare decisions.

You may also want to appoint one if you have multiple children or siblings but would prefer to have only one making your decisions. You can appoint more than one and say if either can (or both must) make decisions for you.

Do I need a lawyer to help me appoint an Attorney for Personal Care?

No. A lawyer is not required, but may help you understand the process.

How do I appoint an Attorney for Personal Care?

You can name an Attorney for Personal Care in a document called a Power of Attorney for Personal Care. The Office of the Attorney General in Ontario has Power of Attorney kits available.

Is this the same as appointing an Attorney for Property and Finance?

No. An Attorney for Property can only make decisions about your property (and other financial matters).

Only an SDM (including an Attorney for Personal care if one has been appointed) can make health and personal care decisions for you.

You do not need to choose the same person for both. Each is appointed in a separate document.

Office of the Attorney General (Ontario)

www.attorneygeneral.jus.gov.on.ca

Toronto: 416-314-2800

Toll-free: 1-800-366-0335

TTY: 416-314-2687

What is the role of the Office of the Public Guardian and Trustee?

The Public Guardian and Trustee will act as your SDM in cases of last resort.

Examples of these cases are:

- If you have no family and no one has been legally appointed to be your SDM.
- If you have equally ranked SDM family members who want the role and they do NOT agree on a decision.

If you choose to appoint an Attorney for Personal Care make sure you discuss it with the person(s) you appoint. Your family members and healthcare providers need to know who this is. Healthcare providers may ask for a copy of the Power of Attorney document.



My Health, My Wishes.

My Substitute Decision-Maker (SDM)

A Substitute Decision-Maker (SDM) is a person who will make health and personal care decisions for you. An SDM will only make decisions for you if you are not capable of making them for yourself.

This guide will help you understand the process of identifying or naming an SDM.

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Why is a substitute decision-maker (SDM) needed?

If there is ever a time when you are not capable of making healthcare decisions for yourself, your SDM will be asked to make them for you.

Some examples of these times are:

- severe illness when you can't communicate
- advanced dementia
- being unconscious during surgery

They will use your prior capable wishes, your values, and your beliefs to help them make a decision (provide consent) for you.

Some examples of these decisions are:

- surgery
- medications
- tube feeding
- cardiopulmonary resuscitation (CPR)
- life support
- place of care (home, long-term care home)

As long as you are capable of making a healthcare decision, you will make your own decisions.

What does being capable of making a healthcare decision mean?

It means you are able to **BOTH**:

1. **Understand the information you are given about the decision to be made.**
 - Why a treatment is being recommended, the risks and benefits of saying Yes or No, and if there are other options; **AND**
2. **Appreciate the reasonably foreseeable consequences of saying Yes or No to the treatment.**
 - How it might help or harm you, and what will likely happen if you have it (or decide not to have it).

You already have an SDM, who is it?

In Ontario, **every person automatically has an SDM as set out in the law.** By default this will be your closest living family member(s) unless someone has been legally appointed.

This is the order that must be followed:

(The highest ranked person is at the top)



Ontario's *Health Care Consent Act*, 1996

Your SDM(s) must be:

- **willing** to accept the role as your SDM
- **available** when decisions need to be made
- **capable** of providing consent
- 16 years or older
- not prevented by court order or separation agreement from acting as your SDM

Important things to note about the SDM list

- Most people will have a family member as their SDM unless they have appointed an Attorney for Personal Care.
- An Attorney for Personal Care is someone you choose to be your SDM. How and why you might do this will be explained in the section on [Attorney for Personal Care](#).
- If you have multiple family members at the same level (for example, several children or siblings) they all must be asked if they want to be an SDM.
- All that do want to be an SDM must agree on the decision. As a group they may choose one or more to speak for them.

How will I know which person is the right SDM for me?

Your SDM may be asked to make important decisions about your healthcare. Is this person:

- Willing to talk with you to understand your wishes, values, and beliefs?
- Willing to interpret, honour, and follow your wishes as much as possible when they apply?
- Willing to learn about and understand your care needs and what it's like to live with your condition?
- Able to ask questions and talk to your doctors and healthcare team?
- Able to make hard decisions?