



Capacity to make decisions

CAPACITY TO MAKE DECISIONS

- Every adult is presumed to have capacity, unless there's really strong evidence to the contrary.
- Diagnosis of dementia \neq you've lost capacity.
- Capacity depends on decisions to be made.

EXAMPLE

Someone may have capacity to make decisions about where they live but lack capacity to make complex financial decisions.

POWER OF ATTORNEY

- The document in which you (the Principal) **appoint someone to be your decision maker.**



To **make or alter** of Power of Attorney you must have **decision-making capacity.**

ENDURING POWER OF ATTORNEY OF
JESSICA [REDACTED]

Seniors Rights Victoria
Level 4, 51 Koola Rd
Melbourne VIC 3000
Ph: 1300 388 521
info@seniorsrights.org.au
www.seniorsrights.org.au

▶ Alfredo is in a bad car crash

- At first in a coma
- Then on strong medication
- His partner had to take over and make decisions on his behalf
- He slowly recovered and took back decision-making and choices

It's important that we **don't assess someone's capacity to make decisions when they're unwell or in an acute setting** like a hospital, because things might change.

DECISION-MAKING CAPACITY

- The people who witness your signature on the Power of Attorney will determine if you have **decision-making capacity**.
- If there's any **doubt** as to whether or not you have **decision-making capacity** they may ask for a certificate from your doctor to confirm your capacity.

DISCLAIMER

This information is intended as a guide to the law and should not be relied on as legal advice. While every effort has been made to ensure this information is as up-to-date and accurate as possible, the law is complex and constantly changing. Seniors Rights Victoria/ Council on the Ageing (Victoria) Inc. disclaim all liability for errors or omissions of any kind, or for any loss or damage, in whole or in part, arising from any person relying on any information in this publication. This video includes references to external websites. Seniors Rights Victoria does not control and accepts no liability for the content of those websites or for any loss or damage arising from the use or reliance on those websites.