

Age Concern New Zealand

Preparing prior to setting up an EPA

This information provides helpful steps and thinking points before meeting your legal adviser to discuss and set up your Enduring Power of Attorney (EPA). It does not replace advice from your legal adviser.

1. Get the forms to read and discuss them with your family / whanau and other people. Jot down notes about your ideas and questions.
2. Decide what things you want your attorney(s) to do on your behalf and what you will not want them to do, so this can be included in your EPA
3. Ask people you would like to be attorney(s)
4. Decide when you want your EPA for property to come into effect – now or when you can no longer manage your affairs.
5. List all your main assets and debts owed by you. Also make a note of any money owed to you.
6. Consider who should have a copy of your EPA documents.
7. There are costs involved, so plan to discuss these with your legal advisor, Family Court or the professional you are dealing with. Your attorney must always promote and protect your welfare and best interests.
8. Decide what steps you want taken to monitor and support your attorney in their role.

For example,

- Require any decision-making about where you will live or about your health/medical treatment to be discussed with named people
- Appoint a second person to oversee your financial records or to receive copies of all your bank statements and transactions
- Require your accounts to be audited or reviewed once a year and for you (or a nominated person) to receive copies. This can be costly and would be paid by you.
- Appoint another trusted person to meet regularly with your attorney to advise and support them in their role.
- Ensure copies of your EPA are given to those people monitoring and supporting your attorney(s).

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EPA checklist

This information provides a questions to consider before setting up your Enduring Power of Attorney (EPA). It does not replace advice from your legal adviser.

- Am I certain that the person I am appointing as attorney will always act in my best interests?
- Will I appoint one attorney for property, or two, or more? Or will I appoint a trustee company?
- Do I want to give my attorney authority to take care of everything to do with my personal care and welfare, or only some things?
- Do I want to give my attorney authority to take care of everything to do with my property, or only some things?
- Do I want my property attorney to take over things now, or later when I am no longer able to manage my affairs?
- Who do I want to decide if I am no longer mentally capable? I can specify a particular type of health practitioner, provided they are qualified to make this assessment.
- Do I want my attorney to be monitored and supported in their role by consulting with others?
- If I have an EPA already, have I checked to see that it still meets my needs, especially if my circumstances have changed (such as the loss of my spouse or having a new partner)?
- Have I read the guidance notes in the EPA forms?