|  |  |  |
| --- | --- | --- |
| **Text  Description automatically generated** | SERVICE ID |  |
| CLIENT ID |  |
| TASK ID |  |
|  |  |
| **Enduring power of attorney instructions** | | | |

General information

# Client details

|  |  |
| --- | --- |
| Full name: |  |
| Date of birth: |  |
| Date of signing: |  |
| Time of signing: |  |
| Place of signing: |  |
| Who is present for signing: |  |
|  |  |
|  |  |

# Questions for Testamentary Capacity (EPOA)

|  |  |
| --- | --- |
| What is an enduring power of attorney? |  |
|  |  |
| Why do you want an enduring power of attorney? |  |
|  |  |
| What sort of decisions is your attorney making for you? |  |
|  |  |
| Do you know you can limit your attorney’s power, have you done this? |  |
|  |  |
|  |  |
| When does the power for personal decisions begin? |  |
|  |  |
| When does the power for financial decisions begin? |  |
|  |  |
| How many attorneys can you have? |  |
|  |  |
| What financial assets does your attorney have power over? |  |
|  |  |
| How long does the attorney’s power last? |  |
|  |  |
| Has anyone pressured you to make this document? |  |
|  |  |
| If you didn’t sign this document today would someone be upset by it? |  |

|  |  |
| --- | --- |
| Any comments regarding capacity |  |

**Advise the client the following**

* The Attorney will be able to exercise power to the extent as provided for in the enduring power of attorney (e.g. sell house).
* The power begins once the form is completed, unless otherwise stated.
* The attorney can do anything with your property that the principal could do.
* The authority will continue should you lose capacity.
* If you lose capacity the power will be irrevocable.
* You should tell your attorneys where your enduring power of attorney is.
* You should review your enduring power of attorney if your personal circumstances change.
* You can cancel your enduring power of attorney at any time whilst you have capacity.
* You must use the revocation of enduring power of attorney form (form 6) to cancel your power of attorney.
* You must take all reasonable steps to tell your attorneys that it has been cancelled.
* You do not have to register your enduring power of attorney anywhere.
* If your attorney needs to deal with land in Queensland the enduring power of attorney needs to be registered with the Queensland Titles Registry. If you cancel it you need to register your cancellation.
* Unless your enduring power of attorney states otherwise, the enduring power of attorney is automatically revoked to the extent it gives power to someone other than to who you married;
* When you divorce, your enduring power of attorney is automatically revoked to the extent it gives power to your ex-spouse.
* If your de facto relationship ends it’s important you change your enduring power of attorney if you do not want your ex-partner to be an attorney.

|  |  |  |  |
| --- | --- | --- | --- |
| **Time spent with client:** |  |  |  |
| **Legal Practitioner name:** |  |  |  |
| **Legal Practitioner signature:** |  | **Date:** |  |
| **Responsible / Nominated Person signature:** |  | **Date:** |  |