

POLICY No. 36

LAST WILL AND TESTAMENT OF PRIESTS AND DURABLE POWER OF ATTORNEY FOR PROPERTY AND PERSONAL CARE

1. Term definitions

The Last Will and Testament of a priest: the legal document whereby he disposes of his earthly possessions on the occasion of his death.

Power of Attorney for Property: a legal document in which a person gives another person the authority to make decisions concerning his finances. The person given power of attorney does not have to be a lawyer. Power of attorney is considered as “continuing” since it continues to have effect after the person who gave it is no longer mentally capable of making financial decisions. Some use the word “durable” which is intended to have the same interpretation as "continuing".

Power of Attorney for Personal Care: a legal document in which a person gives another person the authority to make personal care decisions on their behalf if they become mentally incapable.

2. Intent of the directive

To ensure that the best care of a priest, with regard to his property and health-care, is realized if he becomes incapacitated. Also to fulfill his last will upon his death.

3. Policy

- a. Every priest incardinated in the Diocese of Sault Ste. Marie is urged to sign the "Power of Attorney" forms for Property and Personal Care. These documents are to be completed in accordance with the civil law requirements. He will authorize one or more persons to make decisions for him with regard to his property and personal care if he were to become unable to make these decisions.
- b. Every priest incardinated in the Diocese of Sault Ste. Marie is to make a Last Will and Testament, valid in civil law.
- c. Copies of the Power of Attorney documents and of the Last Will and Testament are to be submitted to the chancery in separate sealed envelopes. The outside of each envelope indicates the contents, the name, address and telephone number of the person(s) given power of attorney or designated as executor(s).
- d. The executor is to be notified in advance so that suitable arrangements can be made upon the death of the testator.
- e. Each priest is invited to remember the Diocese of Sault Ste. Marie in his will. The official legal title is: "The Roman Catholic Episcopal Corporation For The Diocese of Sault Ste. Marie, in Ontario, Canada.". Donations to the diocese may be dedicated specifically to The Clergy Benefits Fund of the Diocese of Sault Ste. Marie, The Ministry Formation Fund, etc., or "at the discretion of the Bishop."

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- f. The inventory of personal goods belonging to the priest (see Policy NO 17 "Inventory of goods belonging to the diocese or to a parish") should be kept in a place easily accessible, preferably with the copy of the Last Will and Testament at the chancery office.
- g. If the diocesan priest so desires, a list of names and addresses of persons to be notified upon his death could be given to the chancellor. This list should be updated periodically.
- h. Any changes in these documents should be provided to the chancellor to replace or complement copies already on file in the chancery.
- i. Personal documents that a priest wishes to keep confidential should be kept separate from his other papers so that they may be dealt with by the executor of his estate after his death. The executor may consult the chancellor concerning the importance of such documents in relation to the parish, or the priest's ministry.

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