

PERSONAL DIRECTIVE ACT

The Revised Personal Directive Act has been in force since June 30/08. This Act is intended to allow you to provide written instructions to be followed when you have suffered an injury or illness and are unable to make personal decisions such as where you shall live or the medical treatment you will receive, based on your belief system and values. It does not allow instructions relating to aided suicide, euthanasia or other instructions prohibited by law.

No person can automatically make a decision for you if you become incapacitated. Not your spouse, not even your next of kin. Only the person(s) known as your agent, designated by you can make those decisions and if no agent has been designated an application would be made by the courts and a legal guardian would be appointed..

Anyone over the age of 18 and who understands the nature and effect of the Personal Directive may make a Personal Directive. However, a dependant adult cannot make a Personal Directive with respect to a matter over which an adult guardian has authority.

You do not need a lawyer to make a Personal Directive however any Personal Directive must be in writing, be dated and signed by the maker, or if physically unable to do so, by another person on behalf of the maker, at the maker's direction and in the presence of both the maker and a witness and must be signed by the witness. You have the option to register your Personal Directive to make it easier for healthcare providers to confirm you have a directive and to contact the people you have named. A form is available on line but is not mandatory

A person may make more than one Personal Directive but should revoke previous Directives that have been written. A Personal Directive made outside Alberta must comply with the requirements of the Alberta Directives Act..

The Act specifies who can not sign and/or witness the Personal Directive on behalf of the maker

The Personal Directive takes effect only when the maker lacks capacity with respect to a stated matter after consultation with a physician or physiologist .

The Personal Directive ceases to have effect when a determination has been made the maker has regained capacity to make decisions relating to that matter ; or on revocation of the Personal Directive; or on the death of the maker; or on determination by the court pursuant to section 27

For further information contact:

www.seniors.gov.ab.ca

information available includes Personal Directive forms and Personal Directive Registry

Office of the Public Guardian at 1 877 427 4525