

Choosing now for the future

Personal Directives

What is a personal directive?

- It is a legal document you write in case you cannot make your own personal, non-financial decisions in the future.
- It makes sure your written instructions are known in case something happens and you cannot make your own personal, non-financial decisions.
- It lets you choose another person, known as your agent, to act on your behalf and make personal, non-financial decisions for you when you cannot make them yourself.
- It comes into effect if you are found to lack capacity to make personal, non-financial decisions.
- Making a personal directive is optional and voluntary.

Why is a personal directive necessary?

If you do not have a personal directive and you are assessed as being incapable of providing informed consent for your health care or temporary placement, you do not get to choose who makes those decisions. Under the *Adult Guardianship and Trusteeship Act*, a health care provider may select the nearest relative to make personal, non-financial decisions for a person who is assessed as being incapable of providing informed consent for health care or temporary residential placement.

If you want to choose your decision maker, write a personal directive to name an agent.

Who benefits if I make a personal directive?

You. If you are 18 years of age or over and are able to make your own personal, non-financial decisions, you can gain greater control over your future personal matters by making a personal directive.

Your Agent. It is a good idea to have the person agree to be your agent and to discuss your instructions with them.

Your Family and Friends. Personal directives can ease stress at difficult times. If you have a personal directive, people who care about you can feel confident non-financial decisions made on your behalf are what you want.

Service Providers. People like doctors, nurses, lawyers and residential care providers who give you care and services will be able to rely on your written instructions or instructions provided by your agent.

Who should I give a copy of my personal directive to?

Give a copy to your agent, doctor or your health care service provider.

What are my planning options?

If you wish to plan in advance, you may:

- Write a personal directive for personal, non-financial matters
- Write an enduring power of attorney for decisions about financial matters.
- Write a will to plan for financial and personal assets after death.

Make your personal directive.

www.alberta.ca/personal-directive.aspx

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Decision made by you ...		Decisions made by the Court ...
... while you are alive		
Personal decisions	Personal Directive: Agent Supported Decision Authorization: Supporter	Co-decision-making: Co-decision Maker Guardianship: Guardian
Financial decisions	Enduring Power of Attorney: Attorney	Trusteeship: Trustee
...after death		
Financial assets	Will: Executor	Intestate Succession Act: Administrator

A directive made outside of Alberta is valid when it complies with the requirements of the Personal Directives Act in Alberta.

Personal Directive Registry

The registry permits Albertans to voluntarily register the existence of their personal directive and contact information for their agent(s). It does not register a copy of your actual personal directive.

If you have questions about the Personal Directives Registry, visit our web page www.alberta.ca/personal-directive.aspx, or contact the Office of the Public Guardian and Trustee nearest you.

What kind of instructions can I leave in a personal directive?

Your instructions can be about any or all personal, non-financial matters, like:

- medical treatments you would or would not want.
- where you would like to live.
- who you would like to live with.
- choices about participation in social, education and employment activities.
- legal or other matters.
- who you want to care for and educate your minor children if you are not capable.

How do I write a personal directive?

A Personal Directive form is available at formsmgmt.gov.ab.ca/Public/OPG5521.xdp. Also, you can write your own personal directive. You may have a lawyer write your personal directive to ensure your wishes are clear.

If you already have a living will or an advanced directive, make sure it meets the requirements of the Personal Directives Act so it is legally binding.

Your personal directive must be signed, dated and witnessed to be legal.

Where can I get more information?

Personal Directive information
www.alberta.ca/personal-directive.aspx

Download the Understanding Personal Directives booklet at
open.alberta.ca/publications/understanding-personal-directives.

Advance Care Planning information
www.alberta.ca/decision-making-advance-planning.aspx

Information about the OPGT
www.alberta.ca/opgt-supports.aspx

Offices:

Monday to Friday, 8:15 a.m. to 4:30 p.m.

Grande Prairie 780-833-4319

St. Paul 780-645-6278

Edmonton 780-427-0017

Red Deer 403-340-5165

Calgary 403-297-3364

Lethbridge 403-381-5648

Medicine Hat 403-529-3744

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