

# Alberta

Personal Directives Act, 2000 Adult

Adult Guardianship and Trustee Act, 2008



## What legal documents can I use for Advance Care Planning and what can I include in them?

You can use a **Personal Directive** to:

- Provide information and instructions about any personal matters of a non-financial nature.
- Appoint one or more Agents to make decisions about your care, and other personal (non-financial) matters.



## What if I have completed a Personal Directive outside of Alberta before moving here?

Your Personal Directive is valid if it meets the requirements described below for a Personal Directive in Alberta.



## When can I prepare a Personal Directive?

- If you are 18 years of age or older.
- If you have the capacity to make decisions.



## How do I prepare a Personal Directive?

- You must write, date, and sign it.
- With your permission, another person may sign on your behalf. They cannot be your Agents or their spouses.
- Your signature needs one witness. The witness cannot be your spouse, your Agents, or your Agents' spouses.



## When will my Personal Directive be used?

It will take effect when you are assessed as having lost the capacity to make personal decisions in areas identified in your personal directive.



## How are decisions made about my personal matters if I am assessed as having lost capacity?

If your Personal Directive names an Agent, your health care providers must follow clear, relevant instructions of the Agent.

If your Personal Directive does not name an Agent, or the Agent is unable or unwilling to act, or can not be located, your health care providers must follow any clear instructions in the Personal Directive that are relevant to the decision to be made.

If you do not have a Personal Directive relevant to a decision or a guardian with the authority to make a decision, a health care provider can choose someone (called a “Specific Decision Maker”) to make a decision for you in limited circumstances namely, the decision relates to your health care, or your temporary admission to or discharge from a residential facility.

A Specific Decision Maker usually makes a one-time decision on a specific health care, admission or discharge proposed by the health care provider. There are some types of health care decisions that a Specific Decision Maker cannot make, including decisions where the provision of or withdrawal or withholding of the health care would be likely to result in the imminent death of the adult.



## Who can I choose as my Agent?

Your Agent must:

- be 18 years of age or older
- have capacity to make decisions about your care.

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### What decisions can my Agent make?

Your Agent can make any decision about your personal care but cannot make financial decisions. Financial matters are governed by the Powers of Attorney Act.

If you have more than one Agent:

- You can appoint different Agents for different types of decisions.
- You can include instructions for resolving disagreements.
- A decision of the majority of Agents may stand as the decision.
- The first person named may communicate decisions, unless the Agents agree otherwise.
- Their decisions must be guided by:
  - » the instructions in your Personal Directive
  - » any other known wishes, belief, and values if not specified in your Directive
  - » your best interests if your wishes are not known

### What decisions can my Agent not make?

- Anything prohibited by law
- Medical assistance in dying
- Delegate their role to another person
- Treatments that are not medically necessary, including research, sterilization, or organ/tissue donation (unless stated otherwise in your Directive)

### Where do I go for more information about Advance Care Planning?

Advance Care Planning and Goals of Care Designation – Alberta Health Services:  
[www.conversationsmatter.ca](http://www.conversationsmatter.ca)

Personal Directives – Government of Alberta:  
[www.alberta.ca/personal-directive.aspx](http://www.alberta.ca/personal-directive.aspx)

Office of the Public Guardian and Trustee:  
[www.alberta.ca/office-public-guardian-trustee.aspx](http://www.alberta.ca/office-public-guardian-trustee.aspx)

Centre for Public Legal Education Alberta:  
[www.cplea.ca/wp-content/uploads/MakingAPersonalDirective.pdf](http://www.cplea.ca/wp-content/uploads/MakingAPersonalDirective.pdf)  
[www.cplea.ca/wp-content/uploads/AdultGuardianshipAndTrusteeAct.pdf](http://www.cplea.ca/wp-content/uploads/AdultGuardianshipAndTrusteeAct.pdf)



### Who might be my Specific Decision Maker?

Health Care Providers may use a default list of nearest relatives (blood relatives and eldest preferred) to identify someone to make decisions about your care if you do not have a Personal Directive relevant to a decision or a guardian with the authority to make a decision. The first person who qualifies on the list may be chosen:

- |   |                    |
|---|--------------------|
| 1. Spouse or adult interdependent partner | 5. Grandparent     |
| 2. Son or daughter                        | 6. Grandchild      |
| 3. Parent                                 | 7. Uncle or aunt   |
| 4. Brother or sister                      | 8. Nephew or niece |
|   | 9. Public Guardian |

To qualify they must:

- be 18 years of age or older.
- be available, willing and able.
- have been in contact with you in the previous 12 months.
- have knowledge of your wishes, beliefs and values.
- not have a dispute with you that could impact their duties.

### What other documents related to Advance Care Planning are in use in Alberta?

- Goals of Care Designation – is a medical order, completed by a member of your health care team, that is used to describe and communicate the general aim or focus of care including the preferred location of that care.
- Tracking record – is used to document the content of Advance Care Planning and Goals of Care Designation conversations and/or decisions by members of your healthcare team.
- You can use a **Supported Decision Making Authorization** to name a supporter (or supporters) to assist you with your own decision making, communicate on your behalf or have access to your personal information.
- You can make a court application to appoint a **Co-Decision Maker** to make decisions together with you.
- Guardianship order – is a court order appointing someone (called “a guardian”) to make personal decisions for an adult who lacks capacity to make them.
- Enduring Power of Attorney – is an important legal document you can use to appoint someone to make financial and legal decisions on your behalf.