

# Northwest Territories

Personal Directives Act, 2006



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

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

- Share information on your values, beliefs and wishes.
- Provide instructions for giving or refusing consent to specific kinds of health care.
- Specify where you would like to live and / or who you would like to live with.
- Appoint one or more Agents to make decisions about your care if you cannot.



## What if I have completed documents outside of Northwest Territories before moving here?

Your document is valid if it meets the requirements of either:

- A Personal Directive in Northwest Territories;
- The province or territory where you made it, certified as valid by a lawyer who practices in that location.



## When can I prepare a Personal Directive?

- If you are 19 years of age or older.
- If you understand the nature and effect of a Personal Directive.



## How do I prepare a Personal Directive?

- You must date and sign it.
- With your permission, another person may sign it on your behalf. This person cannot be your Agents or their spouses. They must sign it in front of you and a witness.
- Your Agents must date and sign it.
- Your Directive needs one witness, who must sign the Directive as well. The witness cannot be your spouse, the person who signed on your behalf, or one of your Agents or their spouses.



## When will my Personal Directive be used?

It will take effect if you lose the capacity to make decisions about a matter specified in your Directive.



## Who will make decisions about my care if I cannot?

If you have made a Personal Directive, your health care providers may follow the instructions in the Directive, including consent (or refusal of consent) to certain services. It may be used as consent for care while you lack capacity.

If you have named an Agent in your Personal Directive, they may make decisions about your care where you have not specified your wishes.

If you have not named an Agent or completed a Personal Directive, someone may be chosen from the **default list of nearest relatives** to make decisions about your care.

## Northwest Territories



### Who can I choose as an Agent?

Your agent must be:

- at least 19 years old.
- available, willing and capable of making health care decisions.



### What decisions can my Agent make?

Your Agent can make decisions respecting your health care and other personal matters. This includes providing or refusing consent for health or personal services. Their decisions must follow:

- the instructions in your Directive
- any other known wishes, belief, and values if not specified in your Directive
- your best interests if your wishes are not known

If you have more than one Agent, they may act:

- successively – they may be chosen in the order you have named them. This is the default if you do not choose; or
- jointly – over half of them must agree on a decision. When there are two, they must both agree. You can choose whether they make decisions

If they are to act jointly:

- A decision of the majority of Agents may stand as the decision, and if this is unsuccessful the first Agent named in the Directive may make the decision.
- You may state another way to resolve disagreements in your Directive.



### What decisions is my Agent not able to make?

- Anything prohibited by law
- Medical assistance in dying
- Delegate their role to another person (unless stated otherwise in your Directive)
- Treatments that are not medically necessary, including research, psychosurgery, sterilization, or removal of tissues for transplantation, medical education, etc. (unless stated otherwise in your personal Directive)



### Who is on the default list of nearest relatives?

Health Care Providers use the default list of nearest relatives to identify someone to make decisions about your care if you have not named an Agent, or to inform them of certain matters related to your care. The first person who qualifies on the list may be chosen. If there are two or more relatives of the same category, the eldest will be chosen:

1. Spouse
2. Children
3. Parents
4. Siblings
5. Grandparents
6. Grandchildren
7. Uncles or aunts
8. Nephews or nieces

To qualify they must meet the criteria above for choosing an Agent.

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

Northwest Territories Health and Social Services – Personal Directives:

[www.hss.gov.nt.ca/en/services/personal-directives](http://www.hss.gov.nt.ca/en/services/personal-directives)

Alzheimer's Society Alberta and Northwest Territories – Planning for the Future:

[alzheimer.ca/en/ab/Living-with-dementia/Planning-for-the-future](http://alzheimer.ca/en/ab/Living-with-dementia/Planning-for-the-future)

Office of the Public Guardian: [www.hss.gov.nt.ca/en/services/office-public-guardian](http://www.hss.gov.nt.ca/en/services/office-public-guardian)

