

Making a Personal Directive



CHECKLIST

Things to think about before making a **Personal Directive (PD)**

Revocation (Cancellation)

- Do you already have a valid PD?
- If yes, do you want to cancel your existing PD and make a new one? If so, you will need to include a statement in your PD that you are revoking all of your previous PDs.
- Or, do you want your existing PD to continue in effect along with a new one? For example, you may have different PDs for different purposes.

Choosing an Agent

- Who will be your Agent? This person will make personal decisions for you when you no longer have capacity.
- Will you have more than one Agent? If you have Co-Agents, the decision made by the majority is accepted. Or else you can give your Co-Agents different authority.
- Who will be your Alternate Agent in case your first choice cannot or refuses to act?
- For each Agent, you'll need their name, age, address and relationship to you.

- Does your Agent have the right skills, knowledge and experience to make your personal decisions? What sorts of decisions will your Agents will be making?
- Does your Agent know what your wishes and beliefs are so they can make personal decisions on your behalf?
- Have you talked to your Agents? Have they agreed to act?
- Do you have a **Green Sleeve** or **Goals of Care Designation**? If so, have you told your Agents about these documents and where they are located?

Agent Powers

- Will your Agent have the power to manage all of your personal matters?
- Or, are you going to limit your Agent's powers to certain personal matters?
(Remember: if you limit your Agent's powers and no one else has the authority to make some decisions, someone will have to apply to the court for a guardianship order appointing a guardian to make those decisions not mentioned in the PD.)

Guardians for Minor Children

- Do you have minor children? If so, who do you want to have temporary guardianship of your children if you become mentally incapacitated?
- For each guardian, you'll need their name, age, address and relationship to you.

Coming Into Effect

- Your PD comes into effect when you lose mental capacity. Who will determine you have lost mental capacity? (It is common for PDs to state that mental incapacity is determined by two medical practitioners who make written declarations.)

Agent Compensation

- Will you pay your Agent for acting as your Agent? If so, how much? If you do not include payment terms in your PD, your Agent will not be paid for acting.
- You must pay your Agent for any reasonable expenses they incur, such as paying professionals or parking fees while they are at an appointment on your behalf.

Memo to PD

- Should you leave a memo with your PD setting out additional wishes or beliefs? This memo is not legally binding on your Agent. The benefit of a memo is that you can easily change it without changing your PD.

Where can I get more information?

For more information on Personal Directives, see the following CPLEA resources:

- Making a Personal Directive booklet
- Being an Agent booklet

You can download copies of CPLEA's resources for free from www.cplea.ca/publications.

You can also order print copies from our store at www.cplea.ca/store.

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