

Make a Personal Directive

A Personal Directive (PD) is a legal document used while you are still alive but cannot make decisions for yourself. In it, you name an **agent** to make **personal decisions** for you if you lose **capacity**. Some people refer to it as a "living will".

Your PD should include several items. It's a good idea to review the questions below and then take some time to think and plan before you make your PD.

***Personal decisions** are non-financial decisions, including about your healthcare, housing and activities.*

***Capacity** is the ability to understand and appreciate the nature of your decisions.*

Revoke (cancel) previous Personal Directives

- ☐ Do you already have a valid PD?
- ☐ If yes, do you want to revoke (cancel) your existing PD and make a new one? If you don't revoke your previous PDs, then they continue to be valid to the extent they don't contradict newer versions. This can be confusing!

Say who decides you've lost capacity

- ☐ Who will decide when you've lost capacity so that your PD comes into effect (starts)? Do you want to name someone (your agent or another person) who can decide after talking to a doctor or psychologist? Or do you want a doctor/psychologist and another service provider to decide?
- ☐ If you name specific people, you'll need their name, birth date, contact info and relationship to you.

Choose an agent

- ☐ Who will be your agent(s)?
- ☐ Have you talked to the people you want to be your agents? Have they agreed to act? It's not a good idea to name someone without asking them first.
- ☐ Do you want to name two or more co-agents to act at the same time? If yes, do you want them to act jointly (together) or severally and jointly (both alone or together)? If your PD doesn't say co-agents can act severally, they must do all things jointly.
- ☐ Who will be your alternate agent(s) to act in case your first choice cannot or refuses to act? Do you want to name more alternates in case your first and second choices cannot or refuse to act?
- ☐ Do your agents have the skills, experience and time to make your personal decisions?
- ☐ Do your agents know what your wishes and beliefs are so they can make personal decisions on your behalf?

- ☐ Do you want to pay your agent for acting for you? You must pay your agent for any expenses they incur on your behalf, such as photocopying and parking. If you want to pay your agent for their time, you must clearly say this in your PD. Otherwise they cannot receive compensation for their time.
- ☐ Do you have a **Green Sleeve** or **Goals of Care Designation**? If yes, have you told your agent about these documents and where they are located? Learn more about these documents from your doctor.
- ☐ For each agent, you'll need their name, birth date, contact info and relationship to you.

Give your agent powers

- ☐ Will your agent have the power to make all personal decisions for you?
- ☐ If not, what personal decisions can your agent make for you? Remember, if you limit their powers, they can't decide on things outside their powers. If you don't give anyone power to make certain decisions and those decisions come up, someone will have to get a court order to make those decisions for you.

Set out your wishes

- ☐ Do you want to include your wishes for or against certain medical treatments in your PD? Your PD can be general or specific. If you set out certain wishes, remember to change your PD if you change your mind.

Name guardians for minor children

- ☐ Do you have children who are under 18?
- ☐ If yes, who do you want to care for your children if you lose capacity?
- ☐ Have you talked to these people about being guardians for your children if you lose capacity?
- ☐ For each guardian, you'll need their name, birth date, contact info and relationship to you.

Ready to get started?

CPLEA's **Estate Planning 101** booklet has more information about what a Personal Directive is, choosing an agent and how to make a legally valid document.

Learn more at cplea.ca/estate-planning-101.pdf