

Planning for the Future



Have you planned for who will look after your personal and financial affairs when you no longer can?

Have you planned for who will deal with your estate when you pass away?

Are your plans set out in the appropriate legal documents?

Every adult should have 3 legal documents:

1. a Personal Directive,
2. an Enduring Power of Attorney, and
3. a Will.

You must prepare these documents while you still have **mental capacity**.

Mental capacity is the ability to understand information that is relevant to making a decision and the ability to appreciate the reasonably foreseeable consequences of the decision.

Documents Used While You Are Still Alive

Personal Directive

- Gives someone (your Agent) the right to make decisions for you (the Maker) about personal, non-financial matters (such as health care, housing and medical treatment) while you are still alive
- Comes into effect when you no longer have mental capacity to make personal decisions
- Made by completing the Personal Directive form provided by the Office of the Public Guardian and Trustee or retaining a lawyer to draft one

→ Additional CPLEA resources:

- *Making a Personal Directive in Alberta*
- *Personal Directive Checklist*
- *Being an Agent in Alberta*

Enduring Power of Attorney

- Gives authority to someone (your Attorney) to deal with your financial affairs (such as about your property, money and taxes) while you are still alive
- Must state that it continues in effect even after you (the Donor) lose mental capacity
- Can come into effect when you lose mental capacity or on some other event stated in the document
- Made by completing a do-it-yourself kit, making your own or retaining a lawyer to draft one

→ Additional CPLEA resources:

- *Making an Enduring Power of Attorney in Alberta*
- *Enduring Power of Attorney Checklist*
- *Being an Attorney in Alberta*

Document Used When You Die

Will

- Legal statement of how you (the Testator) want your Personal Representative to deal with your estate after your death
 - Made by retaining a lawyer to draft one, completing a do-it-yourself Will kit or writing a Will entirely in your own handwriting (a holograph Will)
- **Additional CPLEA resources:**
- *Making a Will in Alberta*
 - *Wills Checklist*
 - *Being a Personal Representative in Alberta*
 - *Getting a Grant of Probate or Administration in Alberta*

Why Do I Need These Documents?



It is a good idea for every adult to have these three documents. Illness or an accident at any time could claim you or render you incapable of managing your own affairs. If you do not have these documents in place, your family will have to apply to the court for permission to manage your affairs for you.

Where can I get more information?

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.

For more information on personal decision-making (including Personal Directives, Goals of Care Designations and Green Sleeves), visit Alberta Health Services' Conversations Matter website at <https://myhealth.alberta.ca/alberta/Pages/advance-care-planning-topic-overview.aspx>.

For a list of Alberta resources related to estate planning, visit <https://lawcentralalberta.ca/en/learn/planning-future>.



About CPLEA

The Centre for Public Legal Education Alberta is dedicated to making the law understandable for Albertans. We provide legal information on a wide variety of topics through our websites, print resources, workshops and more. For more information, visit our website: www.cplea.ca

Funded by:



Alberta **LAW**
FOUNDATION

© 2020

Legal Resource Centre of Alberta Ltd., Edmonton, Alberta
Operating as: Centre for Public Legal Education Alberta

**You should NOT rely on this booklet for legal advice.
It provides general information on Alberta law only.**