



Personal Directives Amendment Act

Effective June 30, 2008

On June 30th 2008, the Government of Alberta will bring into force the *Personal Directives Amendment Act*. This proclamation will bring about several important changes in the creation and administration of Personal Directives.

As a result, some of the information in this booklet will soon be outdated. Please visit www.legalresourcecentre.ca or www.oak-net.org for an updated booklet.

The anticipated changes include the following additions.

1. A clarification in the preamble of the *Personal Directives Act* which emphasizes that Personal Directives “may only be made voluntarily”.
2. Provisions that clarify that a Personal Directive made outside Alberta that complies with the requirements of the *Personal Directives Act* has the same effect as if it were made under that Act.
3. The creation of a new voluntary form that Albertans can fill in or use as a guide when writing a Personal Directive.
4. The creation of a voluntary registry allowing health care professionals access to Personal Directive information in case of an emergency.
5. The creation of a new process for determining if a maker has regained the ability to make personal decisions on his/her own. This new process will include:
 - the requirement for a significant change in the condition of the maker. This is defined as: “an observable and sustained improvement that does not appear to be temporary”;
 - consultation between the Agent and service providers;
 - a process for resolution if the Agent and the service provider do not agree on whether there has been a significant change; and
 - a prescribed form for documenting the significant change.
6. Enhanced authority for the Office of the Public Guardian to investigate complaints against those who are named to make decisions on behalf of the maker of a Personal Directive.
7. The ability for makers of Personal Directives to designate an Agent to take over the care and education of a minor for whom the maker is a guardian.
8. Provisions clarifying Agents’ ability to obtain the personal information required to aid them in the making of decisions on behalf of the maker.
9. The ability for makers of Personal Directives to appoint the Public Guardian as Agent but only if:
 - the Public Guardian is the only Agent designated in the Personal Directive;
 - the maker satisfies the Public Guardian that no other person is able and willing to act as Agent;
 - the Public Guardian consents to being designated as Agent; and
 - the maker registers the Personal Directives with the Public Guardian.