

PERSONAL DIRECTIVES

What is a Personal Directive?

This is a written instruction given to another person (your agent), usually a spouse or close family member, advising them of the extent of medical care you wish if you become mentally incapable of making the decisions for yourself. Also, this document can give your agent power to make decisions regarding your care, where you live, and what activities you should be involved in should you lose the capacity to make these decisions for yourself.

Why should you prepare a Personal Directive?

If you did not prepare a Personal Directive and you were hospitalized for a serious illness or condition which resulted in you losing your mental capacity for a period of time, the medical staff would have concerns about receiving instructions about your medical care from your close family members. Health care professionals firstly, would not have the assurance that your loved ones have the legal authority to provide instructions and secondly, they have no assurance what your instructions would have been. Your family and health care professionals could be in a difficult position not knowing what your wishes and desires would have been.

Also, if you do not sign a Personal Directive and you require long term care when you lose your mental capacity, your family will have no legal authority to decide where you live and will not have the authority to deal with the health care professionals unless a Court Order is obtained appointing someone as your Guardian. This Order can be obtained, but it involves an expense for legal fees and it will have to be renewed every 6 years.

Who should prepare the Personal Directive?

Standard forms are available from stationary stores which are legally binding if they are properly witnessed and signed by yourself when you have the mental capacity. The clauses placed in these documents are important since you want your wishes carried out and you should carefully consider and specify the medical care you want. For example, do you want to be resuscitated if the chances of your full recovery are minimal? Also, a Personal Directive can specify who is responsible for making decisions about the type of care you want if you lose your mental capacity such as where you live and what recreational activities you engage in. These clauses should be carefully drafted and a lawyer can assist you with this.