

Advance Health Directive (AHD) checklist

Doctor certification

- Doctor certified the person (the principal) had capacity when AHD was made.

Signing

- Signed and dated by the principal.

If not signed by the principal, the AHD must have been signed and dated by another person who is:

- over 18,
- not the witness, and
- not appointed as an attorney under the AHD.

If the AHD is signed by another person, it must include a certificate signed by the witness stating:

- the principal instructed the other person to sign the AHD in the witnesses presence,
- the person signed it in the presence of the principal and the witness, and
- the principal appeared to the witness to have capacity necessary for the AHD.

Witness

- The witness is a justice of the peace, a commissioner for declarations, a notary public or a lawyer.
(Note: The witness must not be – the person signing the document on person's behalf, the attorney for the person, a relation of the person, a beneficiary under the person's will, a relation of the attorney for the person and a paid carer or health care provider).

Attorney Acceptance

- The person appointed as attorney has signed the AHD to show that they accepted this appointment.

Proving the document (Uploading Certified Copies on CIMHA)

- The certification has been done by the principal, a justice of the peace, a commissioner for declarations, a notary public, a lawyer, a trustee company or a stockbroker.
- Each page of the AHD copy is certified as a 'true and complete copy of the corresponding page of the original' and signed.
- Last page of the AHD is certified that the copy is a 'true and complete copy of the original'.

Revoking the AHD

Revocation is received in writing and the principal's signature is witnessed:

- If the AHD has does not appoint an attorney - the witness is not required to be a justice of the peace, commissioner for declarations, a notary public or lawyer.
- If the AHD has appointed an attorney – the witness must be a justice of the peace, commissioner for declarations, notary public or lawyer.

If the revocation is not signed by the principal, the revocation must have been signed and dated by another person who is:

- over 18,
- not the witness, and
- not appointed as an attorney under the AHD.

If the revocation is signed by another person, it must include a certificate signed by the witness stating:

- the principal instructed the other person to sign the revocation in the witnesses presence,
- the other person signed it in the presence of the principal and the witness, and
- the principal appeared to the witness to have capacity necessary for the revocation