



CC Art. 15

Advance Directives

TITLE 01 — PERSONS · CHAPTER 04 — INCAPACITY AND PROTECTIVE MEASURES

- 1** Any person of full age and full capacity may execute an advance directive in which they:
 - a. Designate one or more persons to serve as guardian or curator in the event of their future incapacity, and may designate alternates in order of preference.
 - b. Express their wishes and preferences concerning their personal care, medical treatment, residence, and the administration of their property in the event of incapacity.
 - c. Confer upon a designated person a continuing power of administration over specified assets or affairs, to take effect upon a declaration of incapacity.
 - 2** An advance directive must be:
 - a. In writing.
 - b. Dated and signed by the person making it, or signed on their behalf in their presence and at their direction if they are unable to sign.
 - c. Witnessed by two persons of full age and full capacity who have no personal interest in the directive.
 - 3** An advance directive may be registered with the civil status authorities. Registration creates a presumption that the competent authority has been notified of the directive when proceedings for a declaration of incapacity are commenced.
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- 4 The competent authority shall give effect to an advance directive so far as is consistent with the welfare of the incapable person and with the law. The authority may depart from the directive only where:
- The designated person is unable or unwilling to serve, or is disqualified under this Code.
 - Circumstances have changed materially since the directive was made, such that adherence would be contrary to the welfare of the person.
 - The directive contains provisions that are unlawful or contrary to public order.
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- 5 An advance directive may be revoked or amended at any time by the person who made it, provided they retain the capacity to do so. Revocation or amendment must be in writing and is effective upon execution, whether or not the original directive has been registered.
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- 6 Where a continuing power of administration has been conferred under paragraph 1(c), the person exercising that power is subject to the same duties and restrictions as a curator under this Code, unless the directive expressly provides otherwise in a manner consistent with the law.
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DOCUMENT INFORMATION	
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