

## **NOTICE TO PERSON MAKING A DECLARATION FOR MENTAL HEALTH TREATMENT**

This is an important legal document. It creates a declaration for mental health treatment.

Before signing this document, you should know these important facts:

This document allows you to make decisions in advance about mental health treatment and specifically about three types of mental health treatment: psychoactive medication, convulsive therapy, and emergency mental health treatment. The instructions that you include in this declaration will be followed *only* if a court believes that you are incapacitated to make treatment decisions. Otherwise, you will be considered able to give or withhold consent for the treatments.

This document will continue in effect for a period of three years unless you become incapacitated to participate in mental health treatment decisions. If this occurs, the directive will continue in effect until you are no longer incapacitated.

You have the right to revoke this document in whole or in part at any time you have not been determined to be incapacitated. **YOU MAY NOT REVOKE THIS DECLARATION WHEN YOU ARE CONSIDERED BY A COURT TO BE INCAPACITATED.** A revocation is effective when it is communicated to your attending physician or other health care provider.

If there is anything in this document which you do not understand, you should ask a lawyer to explain it to you. This declaration is not valid unless it is signed by two qualified witnesses who are personally known to you and who are present when you sign or acknowledge your signature.

## DECLARATION FOR MENTAL HEALTH TREATMENT

I, \_\_\_\_\_, being an adult of sound mind, willfully and voluntarily make this declaration for mental health treatment to be followed if it is determined by a court that my ability to understand the nature and consequences of a proposed treatment, including the benefits, risks, and alternatives to the proposed treatment, is impaired to such an extent that I lack the capacity to make mental health treatment decisions. "Mental health treatment" means electro-convulsive or other convulsive treatment, treatment of mental illness with psychoactive medication, and preferences regarding emergency mental health treatment.

I understand that I may become incapable of giving or withholding informed consent for mental health treatment due to the symptoms of a diagnosed mental disorder. These symptoms may include:

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### *Psychoactive Medications*

If I become incapable of giving or withholding informed consent for mental health treatment, my wishes regarding psychoactive medications are as follows:

\_\_\_\_\_ I consent to the administration of the following medications:

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\_\_\_\_\_ I do *not* consent to the administration of the following medications:

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\_\_\_\_\_ I consent to the administration of a federal Food and Drug Administration approved medication which was only in existence and approved after my declaration and is in the same class of psychoactive medications as one which I have consented to above.

Any conditions or limitations: \_\_\_\_\_  
\_\_\_\_\_

Initials \_\_\_\_\_

\_\_\_\_\_ I consent to the administration of a federal Food and Drug Administration approved medication which was only in existence and approved after my declaration and is in the same class of psychoactive medications as one stated below: \_\_\_\_\_

\_\_\_\_\_

Any conditions or limitations: \_\_\_\_\_

\_\_\_\_\_

*Convulsive Treatment*

If I become incapable of giving or withholding informed consent for mental health treatment, my wishes regarding convulsive treatment are as follows:

\_\_\_\_\_ I consent to the administration of convulsive treatment.

Any conditions or limitations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ I do *not* consent to the administration of convulsive treatment.

*Preferences for emergency treatment*

In an emergency, I prefer the following treatment FIRST:

\_\_\_\_\_ Restraint      \_\_\_\_\_ Seclusion      \_\_\_\_\_ Medication

In an emergency, I prefer the following treatment SECOND:

\_\_\_\_\_ Restraint      \_\_\_\_\_ Seclusion      \_\_\_\_\_ Medication

In an emergency, I prefer the following treatment THIRD:

\_\_\_\_\_ Restraint      \_\_\_\_\_ Seclusion      \_\_\_\_\_ Medication

I prefer a \_\_\_\_\_ male / \_\_\_\_\_ female to administer restraint, seclusion and/or medications.

Options for treatment before use of restraint, seclusion and/or medications: \_\_\_\_\_

\_\_\_\_\_

Any conditions or limitations: \_\_\_\_\_

\_\_\_\_\_

Initials \_\_\_\_\_

*Additional Preferences or Instructions*

\_\_\_\_\_  
\_\_\_\_\_  
Any conditions or limitations: \_\_\_\_\_  
\_\_\_\_\_

Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

*Statement of Witnesses*

I declare under penalty of perjury that the principal's name has been represented to me by the principal, that the principal signed or acknowledged this declaration in my presence, that I believe the principal to be of sound mind, that the principal has affirmed that the principal is aware of the nature of the document and is signing it voluntarily and free from duress, that the principal requested that I serve as witness to the principal's execution of this document, and that I am not a provider of health or residential care to the principal, an employee of a provider of health or residential care to the principal, an operator of a community health care facility providing care to the principal, or an employee of an operator of a community health care facility providing care to the principal.

I declare that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge I am not entitled to and do not have a claim against any part of the estate of the principal on the death of the principal under a will or by operation of law.

Signed by: \_\_\_\_\_ Signed by: \_\_\_\_\_

Print Name: \_\_\_\_\_ Print Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Date: \_\_\_\_\_ Date: \_\_\_\_\_