

Declaration for Mental Health Treatment

HBV04282005

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 three types of mental health treatments: 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 incompetent or incapable of making 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 to be 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 that 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, or preferences regarding emergency mental health treatment.

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

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:

I do not consent to the administration of the following medications:

I do consent to the administration of a Federal Drug Administration (FDA) approved medication that was only approved and in existence after my declaration and that is considered in the same class of psychoactive medications as stated below:

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.

I do not consent to the administration of convulsive treatment:

Conditions or limitations:

Preferences for Emergency Treatment

Options for treatment prior to use of restraint, seclusion and / or medications:

Conditions or limitations:

Optional:

In an emergency, I prefer the following treatment FIRST: (circle one)

Restraint / Seclusion / Medication

Optional:

In an emergency, I prefer the following treatment SECOND (circle one)

Restraint / Seclusion / Medication

Optional:

In an emergency, I prefer the following treatment THIRD (circle one)

Restraint / Seclusion / Medication

I prefer a male / female (circle one) to administer restraint, seclusion and / or medications.

Additional references or instructions:

Conditions or limitations:

Declarant Signature

Signature of Declarant: _____

Date: _____

Statement of Witnesses and Signatures

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

I declare that I am not related to the declarant 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 declarant on the death of the declarant under a will or by operation of law.

First Witness Signature	Print Name	Address	Date
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Second Witness Signature	Print Name	Address	Date
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