

## WHO SHOULD HAVE COPIES OF MY COMPLETED MENTAL HEALTH ADVANCE DIRECTIVE?

Make sure your completed Mental Health Advance Directive can be located in case of an emergency. Consider putting it on file with your:

- Health Care Surrogate/Alternate Family
- Physician
- Case manager
- Mental health facility
- Any other trusted person or
- Organization

## WHAT IF I DISAGREE WITH DECISIONS MADE BY MY HEALTH CARE SURROGATE?

You, your family, the health care facility, the physician, or any other interested person affected by the Surrogate's decisions can ask the court to intervene if:

- Decisions are not in accord with your known desires;
- The Advance Directive is vague;
- The Surrogate was not properly named or the designation of the Surrogate has been revoked;
- The Surrogate has failed to perform his or her duties or the Surrogate has become incapable of serving due to illness or incapacity;
- Surrogate has abused powers;
- You have sufficient capacity to make your own health care decisions.

## HOW CAN I OBTAIN MORE INFORMATION ABOUT MY RESPONSIBILITIES TO HONOR A PERSON'S MENTAL HEALTH ADVANCE DIRECTIVES?

# Who Should Make Decisions About Your Mental Health Care?

## YOU SHOULD!!!

## Mental Health Advance Directives



1199 S. Beltline Rd. suite 100  
Coppell, TX 75019  
Phone: 972-906-2813  
Fax: 972-906-2834  
[www.TexasSDC.org](http://www.TexasSDC.org)

## INTRODUCTION

Texas law supports the right of any person to decide what medical and mental health treatment he or she will receive, unless the person is determined by a judge or doctor to lack the competence to make those decisions.

If you think it is possible that you might at sometime be hospitalized and found not to have the ability to make your own treatment decisions, you can make these decisions NOW while you are able to do so.

This is done through a document called an **ADVANCE DIRECTIVE**, which allows you to write down now what you want to have happen to you later. It also allows you to name a trusted friend or family member (called a Health Care Surrogate) to carry out your wishes later should the circumstances require it.

## WHAT IS A MENTAL HEALTH ADVANCE DIRECTIVE?

A Mental Health Advance Directive is a legal document that allows you to state your preferences regarding mental health care before a crisis occurs when you may be unable to understand treatment choices and make decisions.

Family, friends, and mental health staff may provide important information to help you make decisions, but you have the final say as to what goes into the advance directive form. The influence of others, as beneficial as it may seem, may not be what you truly want for your treatment options.

An Advance Directive should name a Health Care Surrogate to make mental health care decisions for you in the future time if you aren't able to make your own decisions. You may also name an Alternate Surrogate to assume these duties if the original surrogate is unwilling or unable to perform his or her duties.

An Advance Directive does not:

- Require a specific form;
- Need to be prepared by an attorney;
- Require a notary for signature of the person, witnesses, or health care surrogate.

## WHY SHOULD I HAVE A MENTAL HEALTH ADVANCE DIRECTIVE?

It is a great way for you to manage your care and advocate for yourself. It allows you to plan now for a future time when your ability to make decisions may be temporarily lost. Treatment choices are made now but acted on in the future.

An Advance Directive allows you to choose a trusted individual to speak on your behalf. The Health Care Surrogate you choose will most likely be appointed by the court as your guardian advocate under the Baker Act, if you need one.

If you ever have a guardian appointed by the court, the Health Care Surrogate you name will continue to make all health care decisions for you, unless the court changes the Surrogate's authority.

## HOW CAN I CHANGE MY MENTAL HEALTH ADVANCE DIRECTIVE?

A competent person can change or revoke an Advance Directive at any time by:

- Signed & dated written statement revoking the directive;
- Destroying the Advance Directive;
- Telling others you want to change or revoke;
- Doing a new Advance Directive;
- Stating a time of termination of the Advance Directive.

## WHAT IS A HEALTH CARE SURROGATE?

A Health Care Surrogate is the person you choose to consent to treatment included in your Advance Directive or the decisions which he or she believes you would have made under the circumstances if you were capable of doing so.

The Health Care Surrogate can also access your clinical records and consent to the release of information and medical records to appropriate persons, and apply for public benefits for you.

Unless you give the Surrogate permission in writing or the Surrogate gets the court's permission, the Surrogate can't consent to electro-convulsive therapy (ECT), experimental treatments, or certain other procedures.

The Surrogate also cannot have you admitted to a facility on a voluntary basis. However, if you are admitted on an involuntary basis, the Surrogate may make treatment decisions for you, if you are determined to be incapacitated.

## WHO WOULD BE A GOOD HEALTH CARE SURROGATE FOR ME?

If you don't name your own Health Care Surrogate, the person who may ultimately decide what treatment you receive may not be a person you trust to carry out your wishes. The Health Care Surrogate and Alternate you choose for carrying out your wishes should be people you know well and trust with this responsibility.

You should not be pressured in any way to name a specific person as your Health Care Surrogate or Alternate. The decision is yours alone. The person should be:

- A competent adult, able to understand and willing to accept the responsibility;
- Easy to contact and reasonably available to be involved in your treatment;
- Capable of advocating for you;
- Able & willing to speak with health care providers; and
- Able to understand the health care information provided in order to make decisions.