

Advance Directive: A Powerful Tool for Mental Health Recovery



For individuals in mental health recovery, the thought of not being able to make or communicate decisions about health care, including mental health care, is a scary one. Without a voice to express our wishes, we fear things such as involuntary commitment, court-ordered medications, treatment over our objection, and unwanted intrusion. There is a way to make sure your wishes are known and followed even during those times when your doctor says you are not capable of making your own decisions because of a mental health crisis or a physical injury or illness: you can write an Advance Directive.

What can I include?

An Advance Directive is a legal document you can use to prepare for a time in the future when you are not able to make or communicate your own decisions. There are several pieces you may choose to include in your Advance Directive:



- You can name someone to make those decisions for you. This person is called your “Agent” and is only authorized to make those decisions you cannot make for yourself. Once the crisis is over and you have regained the ability to make decisions for yourself, your agent’s authority ends.
- You can give written instructions about treatment you would want or not want. For example, you can give instructions about medications, hospitals, doctors, and specific treatments such as electroconvulsive therapy (ECT).
- You can give instructions about what type of care you would want or not want at the end of your life or if you are in a persistent vegetative state.
- You can specify your wishes about organ donation.

It is your document and you can choose which of the above choices are important to include. You may choose only one or two or you may choose to include all of the options.

Other options to consider

Some individuals in mental health recovery do not make their best choices during a time of crisis and would like to protect themselves during those times.

- In your Advance Directive, you can state that when you cannot make informed decisions, you would like your Advance Directive followed regardless of any protest you make during that time of crisis. If you choose to do this, your agent will be able to make decisions based the choices you made before the crisis and your doctors will be able to follow your written instructions even if you say you no longer agree with them.
- Once the crisis is over and you regain the ability to make your own decisions, you can make any changes you want to the document for the future.
- If you choose to include this option in your Advance Directive, a doctor or licensed psychologist must sign a statement in the document that says you are capable of making this

decision. This extra step is to protect you since you are choosing to give up your legal right to protest treatment in time when you are incapable of making an informed decision.

Another option you may want to consider is giving your agent the authority to make a decision about admission to a mental health facility when you are not able to make that decision for yourself.

- You can give your agent the authority to commit you as a voluntary patient for up to ten days if a doctor determines you need inpatient care and there is a hospital willing and able to take you.
- You may choose to give your agent this authority only if you do not object to the admission at the time or you can even give your agent the authority to act over your objection.
- If you do not give your agent the authority over admission to a mental health facility and you need inpatient care when you are unable to consent to it, you will go through the involuntary commitment process.

Can I get some help?

There are several ways to make an Advance Directive.

- You can use a sample form. A few sample forms can be found here: <http://www.virginiaadvancedirectives.org/picking-an-ad-form.html>
- You can talk to your doctor or therapist about making an Advance Directive.
- You can hire an attorney to complete an Advance Directive.



You can call us if you have any questions about Advance Directives. dLCV advocates are available to answer your questions every Monday, Wednesday and Friday from 8:30 until 4:00. Our toll-free number is:

1-800-552-3962

Now that it's written, what do I do with it?

- Once your Advance Directive is written, it needs to be signed in the presence of two witnesses. Virginia does not require it to be notarized, but it is a good idea to do so if possible.
- Once you have the necessary signatures, you should give copies to your Agent, doctors, and other trusted family members, friends and supporters.
- Make sure to keep a list of who has copies of your Advance Directive. If changes are made to it later, you will want everyone to have the newest version.
- You can also register your Advance Directive online at www.virginiaregistry.org. If you have any questions about registering your Advance Directive, you can call the registry's Help Line at 800-224-0791.