

**SAMPLE AR REPORT: NO NEED FOR AN AUTHORIZED REP.**

**EVALUATION OF DECISION-MAKING CAPACITY**

**Name:** Jane Smith  
**Referred By:** Steve Jones, Case Manager  
**Evaluated By:** Joe Evaluator  
**Sources of Data:** Case File, Conversations with case manager and program staff,  
Interview with Jane Smith on 1/1/04  
**Date of Report:**

**Personal background:**

Jane Smith is a 30 year old female diagnosed with Schizoaffective Disorder. Jane describes multiple psychiatric hospital admissions, but had been stable for some time. Jane lives independently with other family members, and works on a part-time basis as a kitchen aide. She receives case management and psychiatric services through Kentucky Community Services.

**Reason for Referral:**

Jane was referred for an evaluation of her decision-making capacity. She reports that her father is dying, and has left a considerable estate. Jane is concerned that others may question her ability to make decisions regarding any monies or property she may receive from this estate. The purpose of this evaluation is to assist in determining whether or not she can be considered able to competently make decisions that are likely to emerge in connection with her father's death.

**Mental Status at Time of Evaluation:**

Jane presented as appropriately dressed and groomed. She greeted the evaluator appropriately and appeared to be comfortable discussing her current circumstances. During the evaluation interview, Jane was cooperative and forthcoming. She talked freely about her mental health symptoms and history. She asked appropriate questions, and asked for clarification when she did not understand something. Jane's thoughts were coherent and logical.

**Understanding of Psychiatric Diagnosis:**

Jane had a clear understanding of her psychiatric diagnosis and history. She also understands the importance of psychoactive medications in maintaining her stability. Jane discussed various medications and their relative effectiveness in managing her symptoms. Jane was able to identify those symptoms whose presence would indicate decreasing psychiatric stability.

Jane is aware of her own strengths and limitations, including her tendency towards being compulsive. She understands how important daily routines are in helping manage her symptoms. She is also aware that disruptions to these routines can cause an increase in the stress she experiences. Jane was able to identify appropriate steps to take should she begin deteriorating.

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### **Understanding of Current Life Situation:**

Jane has a clear understanding of how her father's death may impact her immediate future. She currently lives in her father's house with her brother and his wife. This is reported as a tenuous living arrangement at best. She believes that her father's death will cause further disruptions in the living environment. By history, this concern does not appear misplaced.

Jane appears to be a good historian regarding both her father's wishes and the development of any wills and/or trusts that may be in place. Additionally, she has a basic understanding of wills and trusts, having researched the topic independently. Jane knows, however, that she needs more education regarding her father's actual financial and property arrangements. Again, Jane is able to list steps that she should take to understand these matters further.

### **Decision-Making Skills:**

Jane demonstrated all of the basic elements of rational decision-making capacity as defined in various scales and measures. She can entertain various risks and benefits of choices that she is presented with. This would include incorporating any new information and adjusting her thinking accordingly. She is also able to entertain alternate points of view. Jane responds appropriately to hypothetical situations, scrutinizing and/or questioning the meanings of anything she does not understand. While she recognizes that others may have greater expertise in a given issue, she is comfortable with disagreeing when appropriate. Finally, Jane demonstrates the ability to list steps necessary to achieve some goal or end.

### **Comments Regarding Decisional Capacity**

Virginia Code statute 37.1-84.1 assures that each person receiving community mental health services retains his or her legal rights as provided by state and federal law. Additionally, Virginia Code statute 34.1-134.7 *et seq* clearly outlines procedures that must be taken in order to declare someone as incompetent to exercise their rights regarding personal affairs and real/personal property. Simply disagreeing with, or not understanding, the choices an individual makes is not grounds to infringe upon protected rights. All individuals are assumed competent unless demonstrated otherwise in a court of law.

Practically speaking, the degree to which an individual is able to make a particular decision is context-driven. An individual may have the ability or skill to complete a task, but not the necessary related Decisional Capacity. For example, an individual may be able to write a check, but lack the ability to decide when (and when not) to write one. Similarly, an adolescent may have the physical ability/skill to engage in sexual activity but lack the capacity to make appropriate decisions regarding sexual activity. Finally, one of the most important capacities anyone may have is to appreciate one's strengths and weaknesses, and to compensate when faced with an area of limitation.

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**Conclusions Regarding (Client's) Decisional Capacity:**

The purpose of this evaluation is to determine whether or not Jane demonstrates the ability to make decisions that may emerge in connection with her father's death. Such decisional capacity is demonstrated by the ability to (1) understand and appreciate the consequences of potential choices, (2) evaluate and make a choice, and (3) to execute that choice freely, without any constraining influences. At the time of this evaluation, Jane does demonstrate these abilities. As such, she possesses full decisional capacity.

It is impossible to specify within this report all the types of decisions that Jane may be required to make. Some may, due to their very nature, require Jane to delay decision-making until more information can be obtained or clarified. These actions would be reasonable for anyone, and should not be seen as evidence that Jane is incapable of making a decision.