

## Medical Decision-Making.

### What is Medical Decision-Making?

- When a child turns 18 years old, they are an adult.
- As an adult, they:
  - have the right to make medical decisions (choices) that their parents or guardians used to make.
  - will have to talk directly to the doctors and clinic staff about their needs, care, and choices.
  - must now sign their own consent forms for treatment.
  - choose what health information they will share and what will stay private with the doctor.
  - will choose who can have their health information and who can be involved in their care. They must sign release forms to share information.
- It is important to learn about medical decision making and the changes that come as a child moves to adulthood.
- A parent or guardian may also need a legal tool to give more direct assistance to their child.

### How can I plan for when my child turns 18?

- Learn about choices and legal tools for medical decision-making.
- Think about who will make medical decisions for your child in the future.
- Talk with your health care team or social worker about choices.
- Talk with a lawyer if you need help with a legal tool for medical decision-making.
- If a parent or caregiver will need to get guardianship, talk with a lawyer at least 18 months before your child turns 18 years old because it can be a long process.
- If a legal tool is used, always give a copy to all your health care providers/teams.
- The Office of Court Administration offers a free online training in English or Spanish to learn about medical decision-making.
  - It is titled as a guardianship training, but it also covers all topics involved with medical decision-making.
  - This training must be completed for anyone seeking guardianship of someone who is an adult.
  - To learn more, visit: <https://guardianship-txcourts.talentlms.com/catalog/index>

### What are the tools for medical decision-making?

#### 1. Advance Directives

- Advance Directives are types of legal documents that help explain your choices for health care.
- They tell your family, friends, and doctors what care you do or do not want, if you get too sick or injured and can't tell them yourself.
- You must be a competent (able to read and understand) adult to sign these.

- You do not need a lawyer to complete these forms.
- You don't have to sign an advance directive, but they can be helpful. If you do not sign one, the state will follow rules that are designed to decide who can make these decisions on your behalf.
- For free, reliable versions of these forms and more information, visit: <https://hhs.texas.gov/laws-regulations/forms/advance-directives>
- **There are a few different types of advance directives. Below are the most common:**
  - **Directive to Physicians and Family or Surrogates**
    - This document helps you explain and list what health care treatment you want.
    - You can be specific about what end of life care you do or do not want.
    - It is used if you become too sick or injured to tell others what you want.
    - Some people call this a “living will,” but it is not about your property or what you own.
  - **Medical Power of Attorney**
    - This document lets you name another person as your “agent.” If you become too sick or injured to make health care decisions, the agent has the power to make them for you.
    - A doctor first must declare that you can't make decisions. Your agent must follow any limits you choose in the document.
    - Your agent should follow your Directive to Physicians and Family or Surrogates, if you have one.
  - **Declaration for Mental Health Treatment**
    - This document lets you to make decisions about mental health treatment before you get them.
    - Decisions you make in this document will be followed only if a court believes that you are unfit to make treatment decisions. If not, you will be able to give or deny consent for the treatments.
  - **Out-of-Hospital Do Not Resuscitate**
    - This tells emergency medical personnel and other health care professionals to not perform any type of resuscitation (CPR and other live saving care).
    - It allows the patient to have a natural death with peace and dignity.
    - This order does **not** change the plan of other emergency care such as comfort care.
  - **Statutory Durable Power of Attorney**
    - This is for naming an agent who is empowered to take certain actions about your property (what you own).
    - It does not let a person to make medical and other healthcare decisions for you.

## 2. Supported Decision-Making Agreement

- If you are a young adult with a disability, a Supported Decision-Making Agreement can give you support to make decisions.
- You name a person to be your “supporter” in this document. Your supporter can:
  - Get information that you need
  - Help you understand your choices
  - Help you share your decisions with others
- This may include choices about health care, money, a place to live or education and training.
- The supporter does not make the decision for you.
- You do not need a lawyer for this agreement.
- Forms and more information can be found at Texas Council for Developmental Disabilities: <https://tcdd.texas.gov/resources/guardianship-alternatives/supported-decision-making/>

## 3. Guardianship

- If a young adult is not competent (fit to make decisions), their family likely needs to consider guardianship.
- Guardianship is a court-supervised plan where 1 person is given the legal power to make personal or financial (money) decisions for a person who can no longer make decisions for themselves.
- Guardianship needs the help of a lawyer licensed by the State Bar of Texas.
- If someone is having trouble finding a lawyer or cannot pay for one, there are lawyers/legal groups who may be able to help. Each will have specific eligibility, cost, and availability.
- A person seeking guardianship of an adult must complete Texas Guardianship Training.

**The groups below are a good place to start looking for help. It is important to know that information may change. You should call them to learn more.**

### Legal Aid of NorthWest Texas

- <http://www.lanwt.org>
- Serves DFW (Dallas/Fort Worth) and Northwest Texas
- Offices: Abilene, Amarillo, Brownwood, Dallas (6 locations), Fort Worth, Lubbock, McKinney, Midland, Odessa, Plainview, San Angelo, Waxahachie, Weatherford, Wichita Falls
- For phone number and address to each office visit <https://internet.lanwt.org/locations>

### Lone Star Legal Aid

<http://lonestarlegal.org>

800-733-8394

Serves East Texas and Houston

## **CitySquare Legal Action Works**

[www.citysquare.org](http://www.citysquare.org)

(214) 827-1000

## **Dallas Bar Association Lawyer Referral Service**

<http://www.dallasbar.org/lawyerreferralservice>

(214) 220-7444

## **Dallas Bar Association Legal Line**

[www.dallasbar.org/legalline](http://www.dallasbar.org/legalline)

(214) 220-7476

## **Dallas Volunteer Attorney Program (DVAP)**

<http://dallasvolunteerattorneyprogram.org/>

Must show-up in-person to fill out paperwork at a clinic in Dallas County

To find a clinics, visit: <http://dallasvolunteerattorneyprogram.org/>

Must bring proof of income (how much money you make) and residency (where you live)

Call 214-748-1234 to make sure that a clinic will happen as scheduled

## **Texas Law Help**

[www.TexasLawHelp.org](http://www.TexasLawHelp.org)

A website where low-income Texans can find out about their civil legal issues and about free legal help in their area

**Below is a short list of groups that are good place to start look for help regarding medical decision-making:**

### **Navigate Life Texas:**

<https://www.navigatelifetexas.org/en/transition-to-adulthood/legal-options-for-age-18-and-beyond>

### **Texas Parent 2 Parent:**

<https://www.txp2p.org>

### **Got Transition:**

<https://www.gottransition.org/index.cfm>

### **Texas Education Agency:**

<https://www.texastransition.org/upload/page/0245/docs/TEA-Texas-Transition-And-Employment-Guide.pdf>

### **The Arc of Texas:**

<https://www.thearcoftexas.org/alternatives-to-guardianship/>

### **Disability Rights Texas**

<https://www.disabilityrightstx.org/en/category/sdm/>