



*California's Protection & Advocacy System  
Toll-Free (800) 776-5746*

## Advance Directives

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### **What is an Advance Directive?**

An Advance Directive, also known as a Durable Power of Attorney for Healthcare, is a legal document. It allows you to state in advance what you want to do about your health care if you become unable to make your own healthcare decisions.

### **What does an Advance Directive do?**

An Advance Directive is an important tool for choice and empowerment. It normally goes into effect when:

1. You are in a coma, or you are mentally incapacitated, or you cannot communicate; or
2. A court finds you incompetent to make medical decisions due to dementia or mental illness.

### **What is in an Advance Directive?**

An Advance Directive has two parts. They are (1) your choice of a healthcare agent; and (2) your healthcare instructions. Either part is legally binding by itself.

### **What is a healthcare agent?**

A healthcare agent is a person who makes decisions on your behalf when you cannot do so, based on what that person knows about your wishes and desires. You can limit the power of your healthcare agent.

## **What are healthcare instructions?**

Your healthcare instructions set out your choices about doctors, facilities, medications, and emergency interventions. In most cases, a facility must follow the instructions of your healthcare agent and your advance directive. Both California law and federal law recognize Advance Directives.

## **Where can I get an Advance Directive?**

Disability Rights California, with the California Network of Mental Health Clients (CNMHC), has developed an Advance Directive form. It is called Advance Healthcare Directive, Disability Rights California publication #5088.01. You can find it on the web at <http://www.disabilityrightsca.org/Pubs/508801.pdf>.

## **Can I get help with an Advance Directive?**

Disability Rights California and CNMHC have begun training mental health clients and professionals about Advance Directives. Disability Rights California staff can also help with implementing and enforcing Advance Directives. If you need help with an Advance Directive, call 1- 800-776-5746.

*Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.*