

NAMI

“PROTECTION PRE-PLANNING”

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Documents

- Capacity
- Durable Power of Attorney
 - Financial
 - Medical

Psychiatric Advance Directive (Power of Attorney)

- KRS 202A.422
 - Adult Grantor
 - 2 witnesses who know the Grantor
 - Not given under duress
 - Can limit treatment
 - Can authorize treatment
 - Electro shock therapy
 - Cannot preclude right to refuse treatment
 - Can override to protect the Grantor

Civil Commitment

- KRS 202A.
 - Does not apply to minors [KRS 645]
 - District Court proceedings [commissioner]
 - County Attorney assists
 - “threat of danger to self, family or others”
 - Hospitalization is “least restrictive alternative”
 - 72 hour limit (by court or by physician)

Involuntary Hospitalization

60 and 360 day commitments

KRS 202A.051

- Petition filed setting out details
- If for 360 days, only after having been treated in a psychiatric facility for 30 days within the last 6 months
- Hold a hearing within 6 days
- If not previously done, order examination by physician and 1 other qualified person

202A Hearing

- District Court must hold hearing within 21 days of examination
- Takes proof that there is danger to self, family or others
- Determination that lengthy involuntary hospitalization is required but “least restrictive alternative”
- Can order 60 or 360 day treatment period
- 202A.081 Community based outpatient treatment order

Patient Rights

- KRS 202A.191
 - Right to be informed regarding treatment
 - Right to participate in planning treatment
 - Right to refuse treatment
 - Right to personal property
 - Right to receive visitors
 - Right to be paid for services performed
 - Right to refuse infusive treatment
 - Right of freedom from unreasonable restraint and isolation
 - Right to not participate in treatment plan

Guardianship

- KRS 387
- An individual has “legal capacity” until a jury says otherwise
- The disability determination is by jury trial
- The evaluation
 - Physician
 - Psychologist
 - Social worker

Fiduciaries

- Guardian
- Limited Guardian
- Conservator
- Limited Conservator
- Curator

Reporting

- Annual personal report
- Biannual Financial Reports
 - Keeping records

Special Needs Planning

- Third Party planning
- First Party planning
- ABLE Act Accounts
- Special Needs (supplemental needs) Trust
- Public benefits
 - SSI
 - Medicaid