



Advance Mental Health-Care Directive

An **Advance Mental Health-Care Directive** is a plan that tells others about your medical and mental health choices. It is used during an emergency so doctors know what mental health treatments you want or do not want. It is used when your illness is so serious that you cannot make and communicate your medical choices. You can list a **surrogate decision-maker** on your Advance Mental Health-Care Directive. A surrogate decision-maker is a person you trust to make mental health decisions *for* you. If you do not list a surrogate decision-maker, the law names the person who would be best to make decisions for you.

Where can I use this support in my life?

The table below shows examples of how you can use an Advance Mental Health-Care Directive.

Money

An Advance Mental Health-Care Directive cannot be used when making decisions about your money.

Healthcare

With an Advance Mental Health-Care Directive you can:

- Name a person to make mental health treatment decisions for you
- List preferred medications and treatments
- Choose healthcare providers you want to see

School

An Advance Mental Health-Care Directive cannot be used when making decisions about your schooling.

Personal Life

An Advance Mental Health-Care Directive cannot be used when making decisions about your personal life.

Housing

An Advance Mental Health-Care Directive cannot be used when making decisions about your housing.

Post-secondary life

An Advance Mental Health-Care Directive cannot be used when making decisions about your post-secondary life.

Additional information and a full list of references are available at <https://www.delawareautismnetwork.org/resources/supported-decision-making/>

Steinbrecher, A., Ferrara, N., Mallory, S., & Legal Support Choices Project Advisory Group (2025). *Advance Mental Health-Care Directive*. University of Delaware Center for Disabilities Studies.

More information about Advance Mental Health-Care Directive

Who is the decision-maker?

If you have an Advance Mental Health-Care Directive, someone else makes decisions *for* you in an emergency. You can say who you want to be your decision-maker.

Does an Advance Mental Health-Care Directive require a court hearing?

No, a court hearing is generally not required when creating an Advance Mental Health-Care Directive. You can complete this on your own or with the support of a healthcare professional.

Can an Advance Mental Health-Care Directive be changed? If yes, by who?

Yes, you can change your Advance Mental Health-Care Directive at any time, either verbally or in writing. To change your Advance Mental Health-Care Directive, you can create a new document with your updated medical and mental health choices. Next, sign and date the updated form and share it with your healthcare providers and supporters.

Where can I go to learn more about Advance Mental Health-Care Directive?

You have choices when it comes to legal support when you turn 18. An Advance Mental Health-Care Directive is a choice that is available in Delaware. Other states may have different rules or may not offer the same legal support choices as Delaware.

Visit <https://nrc-pad.org/states/delaware/> to learn more about Advance Mental Health-Care Directives in Delaware.

This project is funded by the Delaware Developmental Disabilities Council using federal funds. The opinions do not necessarily represent the views of the Council or the Administration.

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Last updated: 01/2026