

Psychiatric Advanced Directive (PAD) Toolkit

Developed by: Alliance for Rights and Recovery

Use this toolkit for guidance on
maintaining autonomy over psychiatric
care through PADs.

Read more >>



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Introduction

Psychiatric Advanced Directives (PADs) are legal documents that allow individuals with mental health conditions to outline their treatment preferences in advance of a potential crisis. PADs empower individuals by ensuring their treatment decisions are respected when they are unable to advocate for themselves. This toolkit provides comprehensive guidance on creating a PAD, its benefits, and its role in person-centered planning and self-direction.

This toolkit integrates insights from leading experts, including discussions from the Psychiatric Advanced Directives to Promote Community Living webinar, emphasizing the role of PADs in supporting autonomy, reducing coercion, and enhancing crisis response.



1. Definition and Legal Basis of PADs

PADs are recognized under U.S. laws as a way for individuals to maintain autonomy over their psychiatric care. They come into effect only when an individual is deemed unable to make informed medical decisions.

PADs can include:

- ***Preferred treatments and medications***
- ***Treatments and interventions to avoid***
- ***Hospital preferences***
- ***Identification of a healthcare proxy or agent***

Each state has specific laws governing PADs. In New York, for example, there are two types:

- ***Proxy-Type PAD:*** Designates a healthcare agent to make decisions on behalf of the individual. This provides the most protection as the agent's decisions override those of doctors or judges.
- ***Non-Proxy PAD:*** Provides direct instructions to medical providers about preferred and non-preferred treatments. This is beneficial for individuals who do not have someone to serve as an agent.

State-Specific Considerations and Legal References:

- **National Resource Center on Psychiatric Advance Directives:** www.nrc-pad.org
- **Legal Aid Services for PAD Assistance:** <https://www.lsc.gov/>

2. Why Use a PAD? How PADs Improve Outcomes:

Many individuals with behavioral health conditions experience times when they cannot effectively advocate for their own treatment. In these situations, PADs provide a structured way to ensure personal treatment preferences are followed. PADs have been shown to:



Enhance Self-Determination: PADs ensure that individuals have control over their treatment decisions, even in times of crisis.

Reduce Unwanted Hospitalizations and Coercive Interventions: By specifying preferred treatments and alternative crisis responses, PADs can help avoid unnecessary involuntary hospitalizations, restraints, and forced medication.



Improve Communication Between Patients and Providers: A PAD provides clear, documented preferences that help medical professionals respond more effectively and compassionately.

Support Crisis Prevention and Recovery-Oriented Care: By identifying triggers, early warning signs, and de-escalation strategies, PADs help ensure that treatment aligns with person-centered recovery goals.



Provide Clarity for Loved Ones and Caregivers: Families and healthcare proxies benefit from a clear directive, reducing confusion and ensuring that their loved one's wishes are respected.

Facilitate Home and Community-Based Care: PADs support non-institutional crisis response options, including peer support, community-based services, and in-home care.

3. Step-by-Step Guide to Drafting a PAD

STEP 01

Consider Your Preferences

Reflect on past experiences with treatments, medications, hospitalizations, and crisis interventions.

- Identify what treatments, therapies, and interventions have been effective for you and which ones have not.
- Consider preferences for inpatient versus outpatient care, including hospital preferences and alternative crisis care settings like peer-led respite centers.
- Determine if you would like to designate a healthcare agent to make decisions on your behalf in the event of a crisis.
- Identify potential crisis triggers (e.g., loud noises, crowded spaces, specific interactions) and strategies that help you de-escalate (e.g., quiet environments, listening to music, deep breathing exercises).
- Specify any cultural, religious, or personal values that should be taken into account when making treatment decisions.

STEP 02

Choose a Healthcare Agent (If Applicable)

Select a trusted individual who understands your mental health needs and is willing to advocate for you.

- Ensure that your chosen agent is comfortable with the responsibility and understands your treatment preferences.
- Discuss your wishes with them in detail, providing clear guidance on what decisions they may need to make on your behalf.
- Consider choosing an alternate agent in case your primary agent is unavailable.
- Provide your healthcare agent with a copy of your PAD and keep their contact information up to date.

Step-by-Step Guide to Drafting a PAD

STEP 03

Write Your PAD

Use state-specific PAD templates available at:

- **New York PAD Template:**

<https://www.health.ny.gov/forms/doh-1430.pdf>

- **National PAD Resources:** <https://www.nrc-pad.org/state-by-state/>

- Clearly outline treatment preferences including:
- Medications you prefer, those you want to avoid, and reasons why.
- Therapies and interventions you are comfortable with (e.g., talk therapy, peer support groups).
- Specific crisis intervention strategies you find helpful and those you do not consent to.
- Preferences regarding restraints, seclusion, or electroconvulsive therapy (ECT).
- Emergency contacts and healthcare providers who should be involved in your care.
- Religious or cultural considerations that should be honored in your treatment.
- Define under what conditions your PAD should be activated (e.g., hospitalization, a specific mental health crisis, or loss of decision-making capacity).
- Specify conditions under which specific treatments should or should not be administered.
- Indicate preferred settings for crisis care (e.g., peer-led crisis respite centers instead of hospitals).

Step-by-Step Guide to Drafting a PAD

STEP 04

Sign and Witness Your PAD

Follow state-specific legal requirements for signing and witnessing your PAD:

- Most states require two adult witnesses who are not your designated agent.
- Some states require notarization.
- If you are currently in a psychiatric facility, check whether a hospital official or mental health professional needs to be involved in the signing process.
- Store an electronic and printed copy in an easily accessible place.



STEP 05

Distribute Your PAD

Provide Copies to:

- Your designated healthcare agent.
- Your primary healthcare providers and psychiatrist.
- Your local hospital and crisis response team.
- Trusted family members, friends, or support network.

Upload your PAD to electronic health records if possible to ensure access during emergencies.

Carry a summary card in your wallet stating that you have a PAD and where it can be found.

Consider using digital PAD platforms or mobile apps that allow first responders to access your directive quickly.

If your preferences change over time, update your PAD and redistribute it to the relevant parties.

4. Sample PAD Template



A downloadable PAD template is available at [Bazelon Centers Forms to Prepare a Psychiatric Advance Directives](#). This template includes sections for:

- Directions for using the forms
- Statement of intent
- Appointment of agent
- Treatment instructions (hospitalization, medications, ECT, emergency interventions, experimental studies)
- Notification and visitors (who to notify, visitation rules, temporary custody of children)
- Suspension or termination of the directive
- Signatures (individual and witnesses, optional notary)
- Form to record directive location

5. Integrating PADs into Person-Centered Planning and Self-Direction

PADs support person-centered care by:

- Allowing individuals to guide their treatment during times of crisis.
- Reducing the risk of coercion and involuntary interventions.
- Enhancing communication between individuals, providers, and support networks.
- Ensuring continuity of care and adherence to preferred treatments.
- Providing a structured method for individuals to document crisis triggers and preferred interventions.



6. Integrating PADs into Home and Community-Based Services (HCBS)



HCBS providers play a critical role in supporting individuals with behavioral health conditions. They can integrate PADs into their processes by:

- Encouraging service recipients to complete a PAD as part of their care planning.
- Training HCBS staff on how to recognize and honor PADs during crisis situations.
- Incorporating PAD discussions into regular wellness checks and case management meetings.
- Ensuring PADs are stored in accessible locations and shared with relevant healthcare providers.

7. Expanding Access to PADs: Digital Solutions & Training

- Some states, such as California, are developing electronic PAD repositories to improve accessibility for hospitals, crisis teams, and law enforcement.
- Peer support programs are critical for educating and assisting individuals in completing PADs.
- Training first responders, hospital staff, and crisis intervention teams to recognize and honor PADs ensures they are used effectively.
- Public awareness campaigns can help reduce stigma and encourage widespread adoption of PADs as a standard of care.



8. Policy and Advocacy Opportunities

To make PADs more accessible and a standard of care, advocacy efforts should focus on:

- ✓ **FUNDING:** SECURING FUNDING FOR PAD EDUCATION, OUTREACH, AND LEGAL SUPPORT FOR INDIVIDUALS CREATING PADs.
- ✓ **RECOGNITION:** ENCOURAGE STATE RECOGNITION OF PADs.
- ✓ **TRAINING:** REQUIRING MENTAL HEALTH PROFESSIONALS, EMERGENCY RESPONDERS, AND HCBS PROVIDERS TO BE TRAINED ON PAD IMPLEMENTATION.
- ✓ **TECHNOLOGY INTEGRATION:** ENCOURAGING THE INCLUSION OF PADs IN ELECTRONIC HEALTH RECORDS FOR IMMEDIATE ACCESS DURING CRISES.
- ✓ **PUBLIC AWARENESS:** CONDUCTING CAMPAIGNS TO EDUCATE INDIVIDUALS WITH BEHAVIORAL HEALTH CONDITIONS ON THEIR RIGHTS AND BENEFITS OF PADs.
- ✓ **LAW ENFORCEMENT AND CRISIS RESPONSE TRAINING:** ENSURING FIRST RESPONDERS ARE TRAINED TO ACCESS AND RESPECT PADs WHEN INTERACTING WITH INDIVIDUALS IN CRISIS.



By proactively preparing a PAD, individuals can take control of their mental health treatment and recovery journey, ensuring their voices are heard even in challenging circumstances.



Conclusion

A PAD is a powerful tool for self-advocacy and recovery. We encourage individuals, families, and providers to utilize this toolkit to create PADs that align with personal values and treatment preferences.

For Additional Resources & Support

The Alliance for Rights and Recovery
rightsandrecovery.org



Works Cited

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Resource List

Alliance for Rights and Recovery

Website: <https://rightsandrecovery.org>

National Resource Center on Psychiatric Advance Directives (NRC-PAD)

Website: <http://www.nrc-pad.org>

State-by-state PAD guides and resources.

New York State Office of Mental Health

Advance Directive Form:

https://omh.ny.gov/omhweb/consumer_affairs/resources/docs/advance_directive.pdf

New York State Department of Health

Health Care Proxy Form (DOH-1430): <https://www.health.ny.gov/forms/doh-1430.pdf>

Bazelon Center for Mental Health Law

Psychiatric Advance Directive template resources.

[PAD-Template.pdf](#)

Legal Services Corporation

Free or low-cost legal aid for creating PADs: <https://www.lsc.gov/>