

1975 ADVANCED DIRECTIVES POWER OF ATTORNEY AND LIVING WILL

Chapter: **Adolescent Services**

Section: **Supporting Transitions**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **10-24**

Effective Date: **September 2010**

Scheduled Review Date:

Approved:


Maggie Bishop, DCYF Director

Related Statute(s): [RSA 169-B](#), and [RSA 169-C](#)

Related Admin Rule(s):

Related Federal Regulation(s): [SSA 475](#)

Related Form(s): [FORM 1972](#), [FORM 1975](#), and [FORM 1978](#)

Bridges' Screen(s) and Attachment(s):

Purpose

This is a policy for DCYF and DJJS staff to inform youth about the importance of advance directives at the 90 Day Youth Transition Meeting that supports the Division's belief that all youth deserve permanency.

Definitions

"Advance Directives"- Important information about designating another individual to make health care treatment decisions on the youth's behalf in the event they are unable to make these decisions on their own. This information is provided to youth who attend the 90 day youth transition meeting.

"90 Day Youth Transition Meeting"-A meeting that identifies and addresses the transition needs of youth in out of home care and occurs 90 days prior to the youth's 18th birthday [[see section 202 of Fostering Connections Law or section 475\(5\) of Social Security Act](#)] and in cases of extended jurisdiction, again 90 days prior to the youth's final exit from state care.

Policy

- I. At the "90 Day Youth Transition Meeting," youth must be given information about advance directives and whom they might contact for expert information. For example they might contact their health care provider, spiritual adviser, an attorney, or social worker who have knowledge and experience with advising individuals about power of attorney and living wills.
- II. The youth is to be informed that he or she must be 18 years old or older in order to execute the advance directives for durable power of attorney for health care and a living will and the individual selected to make medical decisions for the youth and to implement these advance directives must be 18 years old or older.
- III. The Advance Care Planning Guide, provided by the Foundation For Healthy Communities, is given to the youth at the 90 Day Youth Transition Meeting so youth may be informed about key issues they need to consider when selecting an individual to make life decisions for them if they become incapacitated due to disease or injury.
- IV. The Guide helps each youth by providing criteria for selecting an individual who can act on the youth's behalf to make important medical decisions if the youth is incapacitated. Two key criteria for selecting the individual are:
 - A. "Will likely be available long into the future." and

- B. "Would be able to handle conflicting opinions among family members, friends, and medical personnel."

Other criteria can be found in the Guide to help the youth make their decision.

- V. The "NH Advance Directives" Form 1975 is provided to the youth to inform them about advance directives in NH. It explains in simple terms what advance directives are and that the Guide is an important source of information they may use with their health care provider or others who have expertise in executing advance directives. Youth are asked to sign the "NH Advance Directives" Form to emphasize the importance of this subject and to acknowledge they have been informed about advance directives and how to get expert information through the Guide or by talking to their health care provider or others who have expertise in executing advance directives.

Procedures

- I. The CPSW/JPPPO gives the Advance Care Planning Guide and the "NH Advance Directives" Form 1975 to the youth at the 90 Day Youth Transition Meeting.
- II. The CPSW/JPPPO provides assistance to the youth to find more expert information if requested by the youth.
- III. The CPSW/JPPPO asks the youth to sign two copies of the "NH Advance Directives" Form 1975 and gives a copy to the youth and places the second copy in the youth's file.
- IV. The CPSW/JPPPO checks off the statement in the 90 Day Youth Transition Meeting Checklist Form 1972 indicating the subject of advance directives has been reviewed with the youth.
- V. The CPSW/JPPPO reviews the Life Decisions section of "90 Day Youth Transition Plan" Form 1978 and identifies youth's plan for decisions about advance directives. For example youth may indicate the plan is to speak to my health care provider at next appointment about advance directives or to gather more information from the web or other sources.