

Insight

Awareness of having a mental illness

Awareness of benefits of treatment

Awareness of social consequences of the illness (difficulty maintaining employment or impairment in relationships)

Valid Consent

“ To be legally valid consent must be informed. The doctor should explain proposed treatment in a way, which is comprehended by the patient and must be willing to answer questions. Where appropriate the patient should be warned that treatment may worsen the condition. A balance must be struck between telling patients enough to enable them to form a valid consent and yet not so much as to frighten or alarm needlessly.”

Pitfalls of Practice, Medical Protection Society.

Testamentary Capacity

Definition: Testamentary capacity exists when person making the will understands the nature of creating a will, has general understanding of what he/she possesses, and knows who the members of the immediate family or other “natural objects of his or her bounty” are. Ability to resist pressure or domination is of fundamental importance in testamentary capacity.

1. The person making the will should be able to understand that it will come into effect on their death and that it can be revoked or changed any time before his/her death.
2. The person is aware of the extent of the property s/he owns, has knowledge of it's approximate value and is aware of other savings and pensions etc.
3. The testator understands who gets what and who the potential heirs are.
4. Decision has not been influenced by mental illness.