

Decision-Making Capacity



- If you are over 18 years old, in order to make legal documents and consent to medical treatment, you need to have decision-making capacity.
- Impaired decision-making capacity means that you are unable to manage parts of the decision-making process.

If you have impaired decision-making capacity, you may not be able to:

- Understand some or all of the information that is relevant to a decision,
- Understand the consequences of a decision,
- Remember the relevant information, even for a short time,
- Use this information to make your decision, and,
- Communicate your decision to others in some way.

You may be able to make one decision, and not another – your capacity should be assessed in relation to each particular decision.

You may still have the capacity to make a particular decision, even if:

- You are not able to understand trivial or technical information.
- You can only remember information for a short period of time.
- You make a decision that results in a negative outcome.
- Your capacity fluctuates between full decision-making capacity and impaired decision-making capacity.

If you have impaired decision-making capacity, you may need help from:

- A family member or friend, who makes decisions informally
 - Please see our “Informal Arrangements” Fact Sheet.
- A Person Responsible, who makes health care decisions
 - Please see our “Consent to Medical Treatment” Fact Sheet.
- A substitute decision-maker, who is appointed under an Advance Care Directive
 - Please see our “Advance Care Directives” Fact Sheet, or,
- A guardian, who is appointed by the South Australian Civil and Administrative Tribunal (SACAT)
 - Please see our “Guardianship & the Public Advocate” Fact Sheet.