



Locating Inpatient Mental Health Treatment for People with Disabilities

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Seeking inpatient mental health treatment can be daunting, especially when considering the unique needs of individuals with disabilities. Whether the individual is a minor or an adult, understanding the complex legal issues involved in assisting a loved one get the help they need is crucial in making informed decisions.

Decision-Making Power

When it comes to decision-making, there are different scenarios to consider. If the individual is an adult and has a legal [guardian or power of attorney \(POA\)](#), the process will normally vary from when the individual themselves, or a parent or sibling of an adult without guardianship or the parent of a minor child, is making the decisions. If you're the parent of a minor or legal guardian of someone with a disability, you have the authority to make many decisions for your child or ward in various situations. When seeking inpatient mental health treatment against the wishes of an adult individual even as the Court appointed legal guardian, however, you must still petition the Court for approval.



When you are acting as Agent under a Durable Power of Attorney (DPOA), the ability to make decisions regarding inpatient treatment for the individual with a disability will vary depending upon the type of power of attorney you have and the state in which you reside. There is *immediate* power of attorney and *springing* power of attorney, and it's important to understand the distinction between the two. Immediate power of attorney is where the agent can act on behalf of the individual from the day the Power of Attorney is signed and properly executed in accordance with the rules of the state in which the person needing mental health assistance resides. Some states require the power to be witnessed and notarized. Other states only require either a witness or a notary. It is important to know what your particular state requirements are. Springing power of attorney, on the other hand, only activates when the individual is deemed unable to make decisions for himself or herself by a doctor familiar with the individual.

Understanding the difference between immediate power of attorney and springing power of attorney is important when seeking admission for a loved one with disabilities into an inpatient mental health treatment facility because it determines when and how someone can make decisions on their behalf. With immediate power of attorney, the agent can act right away, while springing power of attorney only comes into effect when the individual is deemed unable to make decisions by a doctor. By understanding this in advance, you can ensure that the right legal arrangements are in place to make decisions promptly and effectively during a mental health crisis. It is important, however, to note that in many cases under some state laws, a power of attorney can be voided by the person simply by ripping it up or signing a new POA.

Steps for Getting Help

Finding inpatient mental health care in the United States is difficult regardless of disability. According to the [National Alliance on Mental Illness](#), “Nearly half of the 60 million adults and children living with mental health conditions in the United States go without any treatment.” Depending upon where you live, the person seeking mental health services may need to travel a great distance. Navigating the process of finding appropriate care for a loved one can feel overwhelming, but the following are some actionable steps to help start your journey.

- **Research Options:** Start by looking into mental health facilities or hospitals specializing in treating individuals with disabilities. You can search online or ask for



recommendations from healthcare professionals, support groups, or disability advocacy organizations.

- **Consult Healthcare Providers:** Talk to the person's primary care physician or specialist who understands their disability and mental health needs. They can provide recommendations or refer you to suitable facilities.
- **Check Insurance Coverage:** Understand what mental health services are covered by the person's insurance plan or Medicare. This can help narrow down options and reduce financial burden.
- **Visit Facilities:** Schedule visits to potential facilities to assess their suitability. Look for aspects like accessibility, staff expertise in working with disabilities, therapeutic programs offered, and overall environment.
- **Involve the Individual:** If possible, involve the person with disabilities in the decision-making process. Their preferences and comfort should be considered when choosing a facility.
- **Seek Support:** Reach out to support groups or online forums for advice and recommendations from people who have gone through similar experiences. They may offer valuable insights and resources.
- **Communicate Needs Clearly:** When contacting facilities or healthcare providers, clearly communicate the specific needs of the individual with disabilities. This ensures that the chosen facility can adequately address those needs.
- **Consider Individualized Care Plans:** Look for facilities that offer personalized treatment plans tailored to the person's unique needs and challenges.
- **Ensure Continuity of Care:** If the person is already receiving mental health treatment, ensure a smooth transition to the inpatient facility. Coordinate with their current healthcare providers to share relevant medical history and treatment plans.
- **Stay Involved:** Throughout the person's stay in the facility, stay involved in their care. Attend meetings with the treatment team, ask questions, and provide feedback to ensure their needs are met effectively.

In addition to familiarizing yourself with the admission process, it's essential to also inquire about the facility's discharge protocol. Understanding this protocol in advance is crucial for



planning the individual's smooth transition back to everyday life. This is an important, but often overlooked step, in determining if the facility is an appropriate placement for the individual.

Final Thoughts

Navigating inpatient mental health treatment for individuals with disabilities requires careful consideration of legal aspects, location, and facility-specific procedures. By being informed and proactive, individuals and their caregivers can ensure access to appropriate care tailored to their needs.

To help you navigate these legal complexities, check out the [Special Needs Alliance](#) network to speak to a legal expert who understands your state's laws.

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