
[REDACTED]

[REDACTED] **Ed.D.**

LICENSED CLINICAL PSYCHOLOGIST AND FORENSIC EVALUATOR

PSYCHOLOGICAL EVALUATION

NAME: [REDACTED]
AGE: 32 years

BIRTHDATE: [REDACTED]
TEST DATE: 02/25/2015

SUMMARY OF FINDINGS AND OPINION

Based upon my evaluation, observation, interviews, and review of records, it is my opinion that, with appropriate support, [REDACTED] (“Mr. [REDACTED]”) has the capacity to make and communicate the decisions necessary to meet the essential requirements of his life without the need for a third-party to make decisions for him.

A checklist attached to this evaluation provides a summary of Mr. [REDACTED]’s ability to make and communicate decisions in several significant life spheres.

PURPOSE OF EVALUATION

Mr. [REDACTED] was referred for a psychological evaluation and observation to determine his functional levels and capacity to make and communicate decisions on his own, with appropriate support as needed.

Mr. [REDACTED]’s parents and older sister have been appointed by a Court to be his legal guardians and decision-makers. Mr. [REDACTED] wants to be free from the guardianship and make his own decisions, with the support of his family, friends, and others. Mr. [REDACTED]’s parents and older sister support his desire to be regain his legal right to make decisions for himself and believe he has the capacity to do so, with appropriate and needed support from them and others.

I have experience in conducting this type of evaluation and observation. I have previously evaluated people with disabilities’ capacity to make decisions with appropriate support. I have also testified as an expert regarding a person with disabilities’ capacity to make decisions, with appropriate support, as opposed to being placed under guardianship.

EVALUATION METHODOLOGY

I conducted interviews with Mr. [REDACTED] and his family to receive background information; interviewed coworkers and family members who know and interact regularly with Mr. [REDACTED]; reviewed records including a 2007 Psychological Assessment; and observed Mr. [REDACTED] carrying

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

PHONE [REDACTED]
FAX [REDACTED]

out his activities of daily living, interacting with people, and making decisions in the social, occupational, personal, financial, and familial life spheres.

BACKGROUND INFORMATION

I received background medical/social information from Mr. [REDACTED] and his parents.

Mr. [REDACTED] resides with his mother and father in [REDACTED]. He was born at 26 weeks gestation with a birth weight of 2 pounds, 4 ounces. Following birth, he remained hospitalized for approximately 3 months and suffered [REDACTED]. He was subsequently diagnosed with Cerebral Palsy, developmental delays, and visual spatial deficits. He also experienced seizures during his 1st year of life.

Mr. [REDACTED] has also been diagnosed with sickle cell anemia, for which he has been hospitalized multiple times throughout his life. He has visual perceptual deficiencies. His hearing is reported to be within normal limits; however he is very sensitive to loud noises. Mr. [REDACTED] is currently not taking any psychopharmacological medication. He is taking folic acid and is being evaluated to determine if Hydroxyurea would be beneficial to reduce the number of crises related to his sickle cell anemia.

Mr. [REDACTED] received special education supports and services throughout his educational history. He graduated from [REDACTED] School in [REDACTED] in 2003 with a special education diploma.

Mr. [REDACTED] currently receives support from the [REDACTED] Disability Services that includes in-home support, transportation services, and an assistant for some daily life activities.

Mr. [REDACTED] is currently employed by [REDACTED] as a courtesy clerk and has maintained this employment for the past 15 years (since 2000). He participates in several community organizations including two disability advocacy groups (he serves as a board member on both), and in church activities. He has also been a volunteer at the [REDACTED] since 2004. [REDACTED]'s interests include going to concerts, traveling around the country, attending/participating in activities at church, watching movies, attending WWE events, and cooking.

2007 PSYCHOLOGICAL ASSESSMENT

In September of 2007, Dr. [REDACTED], a licensed psychologist, performed a Psychological Assessment of Mr. [REDACTED] "to assess his competency, needs for supports, and any psychological factors as they related to his cognitive and adaptive functioning." Among other things, Dr. [REDACTED] concluded:

Mr. [REDACTED] has the capacity to provide informed consent to decisions on his behalf in treatment/habilitation, residential placement, and financial decisions, and could

sign a power of attorney. Care should be taken that matters are explained at a level appropriate to his understanding and that he fully understands the consequences of those decisions.

As outlined below, I concur with Dr. [REDACTED]'s conclusion.

EVALUATION AND OBSERVATIONS

I evaluated and observed Mr. [REDACTED] functioning and making decisions in a number of significant life spheres. In order to make an informed, accurate assessment of whether Mr. [REDACTED] is capable of making decisions for himself, with appropriate support, it is critical to do more than simply speak with him or his family. Decision-making is dictated by circumstances and context – how one reacts to situations he or she is faced with throughout the day. Therefore, I spent a day with Mr. [REDACTED], watching him function and actually make and communicate decisions in a number of contexts so I could get a full and complete picture of Mr. [REDACTED]'s experience in making decisions and his true ability to make and communicate decisions.

My observations and conclusions are summarized below, and organized by key life spheres.

Employment

My observation and evaluation in this area was designed to determine whether Mr. [REDACTED] has the capacity to make and communicate choices with regard to work.

From my interviews with Mr. [REDACTED] and his mother, I learned that he applied for, interviewed for, and acquired his job with support from the [REDACTED] Program. Mr. [REDACTED] also utilized support to help him identify the job and learn the skills necessary to do well in it.

I observed Mr. [REDACTED] at work. He performed his work duties as needed, assisted customers, appropriately interacted with customers and coworkers, and made appropriate work and social decisions. For example, Mr. [REDACTED] made appropriate decisions on when (and how) to work and when and how to speak with others. He appropriately followed directions from his supervisor.

I also interviewed Mr. [REDACTED]'s supervisor, who reports that Mr. [REDACTED] is social, talkative, and that others enjoy being around him. The supervisor reports that Mr. [REDACTED] works diligently (always moving and helping others), can clock in and out independently, and independently and appropriately requests days off and modifications to his schedule. These comments were consistent with my observations of Mr. [REDACTED] at work.

Therefore, I conclude that Mr. [REDACTED] has the capacity to make and communicate decisions regarding work, with appropriate support.

Money Management

My observation and evaluation in this area was designed to determine whether Mr. [REDACTED] has the capacity to manage his money, meet financial commitments such as bills, and identify and resist exploitation.

Mr. [REDACTED] is able to use the banking system independently. I observed him go to the bank, cash his paycheck, count his money and properly store his money in his wallet.

From my interviews with Mr. [REDACTED] and his family, it is clear that he understands that he has a responsibility to pay his bills and is able to pay bills himself. His mother provides support, when needed, to remind him when bills are due. She also helps him budget his money so he can pay bills and still take part in activities he enjoys. These comments are consistent with the skills I observed.

I believe that [REDACTED] is also able to identify and resist financial exploitation with support. From my interviews, I learned that once, when he was younger, [REDACTED] was induced to buy a five-dollar bottle of cologne from a street vendor. The purchase was out of character for him, but he was attracted by the name on the bottle [REDACTED]. Since then, [REDACTED]'s family works with him to help him understand and make decisions with regard to purchasing appropriate items and recognizing and avoiding exploitation. Since the cologne incident, he has not been induced to make similar purchases.

Therefore, I conclude that Mr. [REDACTED] has the capacity to make and communicate decisions regarding money management, with appropriate support.

Health and Nutrition

My observation and evaluation in this area was designed to determine whether Mr. [REDACTED] has the capacity to make decisions about where, when, and what to eat; follow a prescribed diet and/or take medicine as directed; maintain personal hygiene and dental care; make and communicate decisions regarding medical treatment; and understand consequences associated with high risk behaviors.

I observed Mr. [REDACTED] plan his lunch menu, prepare his own food, and then wash and place plates, utensils, and other items in the dishwasher. From this observation and my interviews with [REDACTED] and his family, I conclude that he has the capacity to make his own decisions about proper nutrition and can meet his nutrition needs.

From reports and my observation, Mr. [REDACTED] takes his medication and dietary supplements independently, without the need for support or prompting. Therefore, I conclude that he is able to independently make decisions about and follow a prescribed diet and take medication as directed.

From my interviews with Mr. [REDACTED] and his parents, he is able to and has conveyed concerns about his health to his parents and his medical providers. He does require some support to help him monitor his condition, but has independently informed providers of his symptoms and condition

and consented appropriately to treatment. Therefore, I conclude that he is able to make his own decisions, with support, in this area.

Finally, from my interviews with Mr. [REDACTED] and his family, he is aware of the consequences of high-risk behavior like substance abuse, overeating, and high-risk sexual activities, and abstains from them. Therefore, I conclude that he is able to make his own, well-informed, and appropriate decisions regarding high risk behavior.

Therefore, I conclude that Mr. [REDACTED] has the capacity to make and communicate decisions regarding his health, nutrition, and safety, with appropriate support.

Relationships

My observation and evaluation in this area was designed to determine whether Mr. [REDACTED] has the capacity to make decisions regarding appropriate relationships and act appropriately with friends, family, co-workers, and intimate partners; make decisions concerning adult, intimate relationships and/or marriage.

I observed Mr. [REDACTED] interact appropriately with family, co-workers, friends, and the general public while at work and throughout his day. Mr. [REDACTED] carried on appropriate conversations and observed appropriate social boundaries in his interaction with co-workers, family members, the bank teller, and others.

From my interviews with Mr. [REDACTED]'s family, I learned that he is somewhat shy, but does initiate conversations and makes new friends (while observing appropriate social boundaries) effectively and appropriately. For example, has a female friend he likes to dance with at social events and acts appropriately with her in all ways. This was consistent with my observations of Mr. [REDACTED]'s social skills and abilities.

From my observation and interviews with Mr. [REDACTED]'s family and co-workers, I conclude that he interacts very well with others in his usual environments. He does receive some support from his family and from support workers through the [REDACTED] Disability Services on social interaction in unfamiliar situations. However, he has shown that, with this support, he is able to make decisions regarding appropriate relationships and have appropriate social relationships, including intimate relationships.

Therefore, I conclude that Mr. [REDACTED] has the capacity to make and communicate decisions regarding relationships, with appropriate support.

Personal Safety

My observation and evaluation in this area was designed to determine whether Mr. [REDACTED] has the capacity to recognize safety hazards and common environmental dangers (such as traffic, sharp objects, poisonous products, etc.); to recognize when someone is or may be taking advantage of

him, hurting him, or abusing him; and to contact an appropriate person or agency if he feels he is in danger of being exploited or abused.

I observed Mr. [REDACTED] prepare a meal for himself, using sharp utensils and potentially dangerous appliances. He did so safely and observed appropriate safety precautions. From my interviews and observations, Mr. [REDACTED] safely monitors his health and takes medication and dietary supplements as directed.

From my interviews, I learned that Mr. [REDACTED] practices safe and appropriate habits in the community, as well. He arranges his own transportation to and from work, lets himself into his house appropriately, and contacts his parents to let them know he has arrived safely. He is aware that he can contact his case manager, day support workers, and advocates with questions about his supports and services. This is consistent with the abilities I observed.

From my interviews, I also learned that [REDACTED] also practices good safety habits and has not put himself in a position to be abused, neglected, or exploited in any way (with the exception of the one cologne purchase mentioned above). This is consistent, also, with the abilities I observed.

Therefore, I conclude that he has the capacity to make personal safety decisions and see to his own personal safety, with limited support.

Community Living

My observation and evaluation in this area was designed to determine whether Mr. [REDACTED] has the capacity to function on his own without the risk of serious harm or injury to himself; understand what is involved with managing a home safely; and access community resources and function successfully in community settings such as banks, grocery stores, the post office, etc).

Currently, Mr. [REDACTED] lives with his parents. I observed him act appropriately and safely in his home, performing his activities of daily living, and interacting with others in a variety of community settings. From my interviews, I learned that Mr. [REDACTED] arranges for his own transportation to and from work.

I observed Mr. [REDACTED] being very organized and managing his day and activities consistent with a schedule. He completes his responsibilities on the job, in the community, and at home, with some support. For example, [REDACTED]'s mother helps him with budgeting and he uses post-it notes to remind him of his responsibilities and chores at home.

From my interviews, I learned that Mr. [REDACTED] also receives some support from his parents and others when he travels to new places, largely due to his visual deficits. Because Mr. [REDACTED] has limited visual perception, he sometimes needs support in navigating new places. He is aware of this and appropriately seeks out and uses support when it is needed. This is consistent with the abilities I observed.

Therefore, I conclude that Mr. [REDACTED] has the capacity to make decisions, live, and function in the community effectively and safely, with support.

Personal Decision-Making

My observation and evaluation in this area was designed to determine whether Mr. [REDACTED] has the capacity to understand and communicate consent to legal decisions; identify people who can support him when he needs decision-making support; vote; and understand the consequences of making unsafe or unlawful decisions.

I observed Mr. [REDACTED] acting appropriately and safely in a variety of home and community-based locations and situations. He saw to his personal safety needs and avoided any dangerous situations.

From my interviews, I learned that Mr. [REDACTED] is his own primary decision-maker with regard to the services and supports he receives, including legal supports. He does receive support from his family to help him fully understand the decisions he must make, but with that support he makes his own decisions. This is consistent with the abilities I observed.

It is worth noting that Dr. [REDACTED]'s 2007 evaluation specifically found that Mr. [REDACTED] has the capacity to understand, consent to, and complete legal decisions and documents such as a power of attorney if he receives the support he needs. Based upon my observation and interviews, I concur with Dr. [REDACTED]'s opinion.

From my interviews, I learned that Mr. [REDACTED] is a registered voter and has made his own decisions about who and what to vote for.

Mr. [REDACTED] identified his family as his primary supporters when it comes to decision-making. His family members stated that they are ready, willing, and able to provide this support and that they believe that, with this support, he can make his own decisions without the need for a guardian. His family has demonstrated both the willingness and capacity to provide support. With their support he has learned to make his own, informed and appropriate decisions. These include an awareness of the consequences of inappropriate or dangerous decisions. His family has worked with him to know to avoid inappropriate or dangerous situations and people.

Therefore, I conclude that Mr. [REDACTED] has the capacity to make informed, safe, and appropriate personal decisions, with support.

Determining and Directing Services and Supports

My observation and evaluation in this area was designed to determine whether Mr. [REDACTED] has the capacity to decide and direct the services and supports he needs or wants and the ability to appropriately communicate his decisions to family members, friends and others.

I observed Mr. [REDACTED] make and communicate decisions in a variety of home and community-based settings. He interacted and communicated effectively and appropriately with family members, co-workers, friends, professionals, and customers.

From interviews, I learned that Mr. [REDACTED] was the primary decision-maker on his Individual Service Plan with the [REDACTED] Disability Services. Throughout that process, Mr. [REDACTED] identified the services, supports, and issues that were most important to him. He made the final decision to approve and sign the plan and his consent was accepted by the [REDACTED]. Throughout that process, he received support from his family, case manager, and support to fully understand the process, but was responsible for making final decisions on the information to include and services to request and accept. This is consistent with the abilities I observed.

Therefore, I conclude that Mr. [REDACTED] has the capacity to make and communicate informed and effective decisions regarding his services and supports.

CONCLUSIONS

Based upon my observations, assessment, interviews, and review of records, I conclude that, with appropriate support, Mr. [REDACTED] has the capacity to make and communicate decisions necessary to meet the essential requirements of his life. To that end, I do not believe he requires a third-party to make decisions for him. Rather, supporters like his family, friends, and others can work with him to make and communicate decisions—as they have for some time.

My observations and interviews show that Mr. [REDACTED] has developed a skill for making his own decisions, with appropriate support when needed. Mr. [REDACTED]'s ability to make decisions in a number of situations, and his ability to recognize areas where he needs support, indicates that he has good, practical Fluid Reasoning and Nonverbal Visual Spatial skills. Fluid Reasoning is the ability to solve problems using inductive or deductive reasoning. Visual-Spatial Processing is the ability to see patterns, relationships, spatial orientations, or the “Gestalt”—the whole among diverse pieces. These relative strengths indicate that Mr. [REDACTED] is able to retain and re-use skills he has previously learned and use them to understand and address new situations. Mr. [REDACTED] will be able to use his abilities to address and recognize patterns between the situations he faces and others he has faced and apply previously learned skills to them.

These skills and abilities indicate that when Mr. [REDACTED] is consistently provided concrete skills and strategies for problem solving, he can understand, learn, and retain information and skills and repeat them when needed. For example, the way Mr. [REDACTED]'s family works with him to budget and complete activities of daily living will help him make appropriate decisions in these and other areas moving forward as his strengths and abilities will empower him to apply those skills in other situations.

I observed Mr. [REDACTED] demonstrate his strengths and abilities in a variety of settings, including his home, work, and community. Mr. [REDACTED] made good, consistent, and appropriate decisions and interacted appropriately with family, friends, co-workers, the general public, and professionals. His actions and decision-making in such a variety of settings and life spheres indicates that he is able to make decisions, accessing appropriate support when needed, that people are called upon to make during their days and lives. My observations of Mr. [REDACTED]'s skills and abilities were consistent with his abilities described by those who know him best and interact with him on a daily basis.

Thus, I conclude that Mr. [REDACTED] has the capacity to make and communicate decisions, to call upon his support network when needed and appropriate, and to apply his abilities in both familiar and new situations. In addition, his demonstrated skills and abilities support the conclusion that Mr. [REDACTED]'s decision-making skills will continue to improve over time if he is given the opportunity to make decisions for himself and the support he needs to do so.

I recommend that Mr. [REDACTED] continue to be given support that allows him to use both visual and verbal learning skills. This support should include receiving information through explanation, examples, and the opportunity to ask questions. For example, if Mr. [REDACTED] needs to decide whether or not to sign a contract, the purpose and terms of the contract should be fully explained to him. He should have the opportunity to ask questions and, if needed, information should be repeated. Explanations, in appropriate language, should include the reason for the contract and why he is being asked to sign. Examples of contracts and why such a contract has been signed by others may also be helpful. Difficult words or "legalistic" phrases should be explained to him in straightforward language, using real-world examples, preferably relating to prior events in his life. This type of support will allow Mr. [REDACTED] to call upon his experience and strengths and use them to understand the issue before him to make an informed decision of whether or not to sign the contract.

Finally, I believe Mr. [REDACTED]'s family deserves special credit and their work with him special mention. Even though they have the legal authority to make decisions for Mr. [REDACTED], they have taken the time and made the effort to ensure that he has developed the capacity to make his own decisions. They support his desire to be free from guardianship and to make his own life decisions, with support.

Because Mr. [REDACTED]'s family has been so supportive, he has developed the ability to make his own decisions and safely live, work, and function in the community. Mr. [REDACTED] is a conscientious young man, well-organized, and well-aware of his personal and safety needs. He is also aware that he does need assistance in some areas and knows to seek it out and rely upon it when necessary.

Therefore, like Dr. [REDACTED] before me, I conclude that, with appropriate support, Mr. [REDACTED] has "the capacity to provide informed consent to decisions on his behalf in treatment/habilitation, residential placement, and financial decisions, and could sign a power of attorney."

If I can provide any further assistance, please feel free to contact me.

[REDACTED]

[REDACTED] Ed.D.
Licensed Clinical Psychologist and Forensic Evaluator
Assistant Professor, [REDACTED]