

Grisso & Appelbaum four abilities to the practical questions you'd use in an Enduring Power of Attorney (EPOA) assessment:

Four Abilities Model Applied to EPOA

Grisso & Appelbaum Ability	Definition	How It Applies to EPOA	Example Questions
Understanding	Ability to comprehend the relevant facts.	Person must understand what an EPOA is, what powers it gives, and when it takes effect.	<ul style="list-style-type: none"> • “Can you tell me in your own words what an Enduring Power of Attorney allows you to do?” • “What sort of decisions could your attorney make for you?”
Appreciation	Ability to recognise how information relates to their own situation.	Person must appreciate why <i>they</i> may need an attorney in the future, and what it would mean for their life.	<ul style="list-style-type: none"> • “Why do you think you might need someone to make decisions for you in the future?” • “In what situations might your attorney need to act for you?”
Reasoning	Ability to weigh options and compare consequences.	Person must be able to justify their choice of attorney, show they've considered risks, and compare alternatives.	<ul style="list-style-type: none"> • “How did you decide on this particular person as your attorney?” • “What qualities make them a good choice?” • “Are there any risks or downsides in choosing this person?”
Expressing a Choice	Ability to clearly and consistently communicate a decision.	Person must be able to state who they want as their attorney and remain consistent over time.	<ul style="list-style-type: none"> • “Who do you want to appoint as your attorney?” • “If I ask you again tomorrow, what would your answer be?”

Clinical Features to Evaluate for EPOA Capacity

Orientation & Attention

- Basic alertness, ability to engage in conversation.
- Screen for delirium or acute confusional states.
- *E.g., disoriented or fluctuating attention → capacity impaired.*

Comprehension of the Concept

- Do they understand:
 - What an EPOA is (a legal delegation of decision-making power)?
 - What decisions an attorney can make (property, financial, personal care)?
 - That it continues if they lose mental capacity?
- Look for **parroting vs genuine comprehension** in their own words.

Appreciation of Personal Situation

- Can they relate the concept to their own life?
 - Do they acknowledge the possibility of future incapacity?
 - Do they see why they personally might need an attorney?

Reasoning & Weighing Options

- Can they:
 - Explain why they chose a specific attorney?
 - Compare alternatives (e.g., one child vs another)?
 - Recognise potential risks (e.g., “My son manages money well, but he lives overseas”)?
- Watch for **perseveration** or inability to consider alternatives.

Memory

- Working memory to hold key concepts long enough to make a decision.
- Consistency of decision across the interview.
- Severe short-term memory impairment may invalidate capacity.

Communication of a Clear Choice

- Ability to express a decision **clearly, consistently, and voluntarily**.
- Fluctuating or contradictory answers raise red flags.

Executive Function / Judgment

- Ability to anticipate consequences of appointing an attorney.
- Insight into potential misuse or conflict of interest.

Psychiatric / Emotional State

- Screen for depression, psychosis, anxiety, or undue influence that might impair decision-making.
- Assess whether decision is **free from coercion** (interview privately if possible).

Summary:

For an EPOA, the **core clinical features to evaluate** are:

- orientation/attention,
- comprehension of EPOA,
- appreciation of personal situation,
- reasoning/judgment,
- memory/consistency,
- clear communication, and
- freedom from undue influence or psychiatric distortion.

Would you like me to create a **structured mental state exam add-on template** (like a capacity-focused MSE) you could use alongside your usual notes when documenting EPOA competency?