

Capacity Evaluation Cheat Sheet

Reviewed by the BastionGPT Clinical Advisory Board · July 2026

A capacity evaluation is a clinician's structured assessment of whether a person can make a specific decision at a specific time, judged decision by decision rather than globally. The four-abilities model (understanding, appreciation, reasoning, expressing a choice) is the clinical convention, partly written into state law; where a court form applies (California GC-335, Alberta Form 4), content is mandated. Capacity is clinical; competency is the court's.

Referral question and decision at issue one decision, one opinion

Do: name the specific decision or transaction and the statutory test or court form that governs it; list multiple decisions separately.

Pitfall: accepting a global "is this person competent?" referral; a global answer is the first thing a reviewing court discounts.

Notification and background evidence dated events, not just diagnosis

Do: record what the person was told about purpose and recipients, then the dated functional events behind the referral, each with its source.

Pitfall: letting the diagnosis do the work; no diagnosis equals incapacity by itself.

Method, sources, and setting instruments aid, they do not decide

Do: give interview dates, place, and duration; the reason each instrument fits this decision; records reviewed; collateral contacts.

Pitfall: presenting the MacCAT-T or a cognitive screen as legally required; no statute in the US, Canada, or Australia mandates any instrument.

The four abilities, with evidence the core of the report

Do: support understanding, appreciation, reasoning, and choice with what the person said or did about this decision, in their own words.

Pitfall: conclusory labels ("understanding intact"); unstructured judgment agreed only 56% of the time across physicians in mild dementia.

Supports, influence, and less restrictive alternatives modern statutes require it

Do: state whether aids or supporters would restore capacity, screen for undue influence, and analyze what short of guardianship meets the need.

Pitfall: silence on alternatives; 56.4% of audited guardianship applications failed to link the powers sought to the person's vulnerabilities.

Opinion, limits, and declaration the court decides status

Do: give a decision-specific, dated opinion with a reevaluation trigger and your qualifications in the required form, inside any statutory window.

Pitfall: opining the person "is incompetent"; legal status is the court's call, and a strong report says so.

Before you sign

- ☐ One named decision per opinion; no global verdicts
- ☐ Notification recorded: purpose, recipients, response
- ☐ Every ability evidenced in the person's own words or acts
- ☐ Scores framed as support, never as the verdict
- ☐ Supports and less restrictive alternatives analyzed
- ☐ Statutory standard named; authorized signer; dates in window
- ☐ Opinion dated, limits stated, reevaluation trigger set

Drafting with AI

Give it the referral question, interview notes, and instrument summaries; it drafts the four abilities decision by decision with the evidence attached, then flags a missing standard or alternatives analysis.

"Draft a capacity evaluation: treatment consent plus finances, four-abilities interview done, MoCA 21, opinions differ by decision."

Never paste client-identifying information into consumer AI tools. BastionGPT is HIPAA-compliant with a signed BAA on every plan.

2 to 8 pages
1,000 to 4,000 words

2 to 6 hours
clinical team estimate

Decision-specific
one opinion per decision

Court-ordered work
generally not plan-billable

Capacity Evaluation Report Template

Copy or print for your practice · Adapt fields to your organization's, payer's and jurisdiction's documentation requirements.

Person evaluated (initials, age):

Exam date(s) and setting:

Report date:

Referral source(s):

Examiner (name and credentials):

Referral question and decision at issue

The specific decision or transaction · governing statutory test or court form · one opinion per decision

Notification and response

Purpose explained · report recipients · response, including refusal where the statute provides one

Background, diagnosis, and functional evidence

Relevant history and diagnosis · dated functional events, sourced · method, instruments and why, records, collateral

Decision-specific abilities

Understanding · appreciation · reasoning · expressing a choice, each with evidence in the person's own words

Supporting data, supports, and less restrictive alternatives

Testing with limits of scores stated · supports that would restore capacity · undue-influence screen · alternatives short of guardianship

Opinion, limits, and declaration

Decision-specific and dated · what could change it · reevaluation trigger · qualifications; the court decides legal status

Signature and credentials:

Date: