

1718 Napoleon Avenue  
New Orleans, La. 70115



John R. Cook IV, Esq.  
Cell (504) 202-1808  
Phone (504) 342-4510  
Fax (866) 823-0951

Direct Email: john@cook-llc.com

## **Interdiction Worksheet**

**Patient's Name:** \_\_\_\_\_

**Patient's Home Address:** \_\_\_\_\_

\_\_\_\_\_

**Patient's Telephone No.:** \_\_\_\_\_

**Patient's Next of Kin:** \_\_\_\_\_

**Friends of Patient:** \_\_\_\_\_

**Contact Number for Social Worker:** \_\_\_\_\_

**Contact Number for Physician:** \_\_\_\_\_

**Contact Number for Guardian:** \_\_\_\_\_

Questions of Other Facilities:

1. Does Patient have an advanced directive, living will, power of attorney?
2. Does the Patient have regular visitors or known family and friends?
  - a. What is their contact information?
3. Where does/did the patient attend religious services?
4. Does the Patient have a lawyer who has assisted with a will?
  - a. What is their contact information?
5. Does the Patient own any property such as houses or land?
6. Who assisted the Patient in gaining entry to the facility (Social Worker, Family Member, etc.)?
7. Does the Patient have pre-existing, or existing, attending physicians?

Questions for Social Worker/Case Manager:

1. What efforts have been made to locate next of kin?
2. What contact information have you obtained and from where?
3. Are you willing to execute an affidavit indicating location of next of kin is not possible?

### Questions for Attending Physician:

1. Is the patient able to make medical decisions on his/her own behalf?
  - a. If yes, then interdiction is not appropriate.
  - b. If no, then will the patient recover to be able to make own decisions in the future?
    - i. If yes, then interdiction is not appropriate.
2. Can you provide, and document in the medical records, the following:
  - a. A brief overview of the patient's medical condition;
  - b. A brief overview of why patient is not capable of making medical decisions;
  - c. Why patient will not recover sufficiently to make medical decisions in the future; and
  - d. Reasons why a temporary interdiction is necessary to prevent harm to the patient.
3. Are you willing to:
  - a. Sign an affidavit attesting to the items in Number 2;
  - b. Appear in Court to Testify as to the items in Number 2; and
  - c. Meet with a lawyer to execute affidavit and briefly prepare for Court hearing.
4. Is there need for a consult to another physician, such as Psychiatry/Neurology, to make the determinations in Number 2?
  - a. If so, can you order the consult and discuss interdiction with consulting physician, particularly items in Number 2

### Steps in Interdiction:

1. Determination of need for interdiction (through steps above).
2. Find a proposed Curator.
3. Meet with Social Worker/Case Manager and Physician.
4. File initial pleadings and obtain hearing date.
5. Serve paperwork on patient.
6. Attend hearing and obtain final paperwork.
7. Serve final paperwork on patient.

### Persons who may consent to surgical or medical treatment:

- (1) Any adult, for himself.
- (2) The judicially appointed tutor or curator of the patient, if one has been appointed.
- (3) An agent acting pursuant to a valid mandate, specifically authorizing the agent to make health care decisions.
- (4) The patient's spouse not judicially separated.
- (5) An adult child of the patient.
- (6) Any parent, whether adult or minor, for his child.
- (7) The patient's sibling.
- (8) The patient's other ascendants or descendants.
- (9) Any person temporarily standing in loco parentis, whether formally serving or not, for the minor under his care and any guardian for his ward.