

Preventive Confinement

You are in preventive confinement if:

1 If a physician is of the opinion that your mental state presents a grave and immediate danger to yourself or to others.

You do not consent to being hospitalized and you are not consenting in any other way to end the danger (e.g., having an outpatient follow-up, staying in a safe place, etc.).

It is possible that the police forcefully took you to the hospital, that you went there on your own, or that you were at the hospital for other reasons.

The hospital can keep you for **not more than 72 hours**. You must be discharged by the expiry of the next working day unless the Court has ordered an extension of the confinement to undertake a psychiatric assessment. If this period ends on a Saturday or a public holiday, the confinement may be extended until the expiry of the next working day.

There must be an assessment that involves two examinations from the different psychiatrists to determine if the continuation of the confinement is necessary.

You have two options:

You consent to being hospitalized and to undergo the assessment.

You refuse the assessment. **You have the right to refuse.**

The judicial process ends and the care required by your state of health will be offered to you. The confinement becomes care to which you consent.

Go to Step 2b.

During your stay, you no longer consent to being hospitalized in order to be assessed.

During your stay, you consent to being hospitalized in order to receive the care required by your state of health.

The hospital believes that your mental health presents a grave and immediate danger to yourself or others. You will be placed in preventive confinement (**Back to Step 1**). If you were assessed by two psychiatrists during your hospitalization, **go to Step 3**.

The hospital has serious reason to believe that your mental state presents an important danger to yourself or to others. You can leave, but a request for a temporary confinement will be made to the Court. **Go to Step 2a.**

Temporary Confinement

You are in temporary confinement if:

2a A person concerned about your mental state has serious reason to believe that it presents a danger to yourself or to others. This person petitioned the Court to have you taken to the hospital and taken into confinement to be assessed by a psychiatrist. The hospital can keep you for a **maximum period of 144 hours** (6 days) from the date you are taken in charge by the institution. The first examination must take place within the first 24 hours and the second within 96 hours of being taken in charge.

2b You were in preventive confinement (Step 1) and refused to be assessed by a psychiatrist. The hospital will ask the Court to impose the psychiatric assessment on you. You should receive the court documents 48 hours prior to the proceedings.

The court finds that the psychiatric examinations are necessary.

The hospital does not demonstrate to the Court that your mental state presents a danger to yourself or to others.

You can be discharged from the hospital immediately.

You will have to undergo the first examination 24 hours after the court order and the second within 48 hours to serve you the court documents.

Once the examinations are done, there are two possibilities:

One of the two psychiatrists is of the opinion that your mental state does not present a danger to yourself or to others.

You can be discharged from the hospital immediately.

The two psychiatrists are of the opinion that your mental state presents a danger to yourself or others. The hospital has an additional 48 hours to serve you the court documents.

The hospital will return to court to request a court-authorized confinement for a maximum period specified in the proceedings. **Go to Step 3.**

Court-authorized Confinement

Confinement in an institution can be requested if:

3 Two psychiatrists have assessed that your mental state presents a danger to yourself or to others and it is necessary to keep you in the hospital.

At least two days in advance, you will receive the time and date when you must appear in court from a bailiff. The institution often shortens this period. If you haven't had time to consult a lawyer, you can request a postponement.

If you are served documents, you have two options:

You agree to remain hospitalized. You can negotiate the length of the confinement. Consult a lawyer.

You disagree with the confinement and you wish to contest it.

You have the choice to go to court or not when the case goes before the judge. The judge will decide whether confinement is necessary and will determine its duration. In this case, you can speak to the judge about the duration and you have the right to speak to a lawyer.

You are placed in confinement in an institution. The maximum duration of this confinement is set by the Court (not more than 30 days). If before the expiration of confinement, a psychiatrist is of the opinion that your mental state no longer presents a danger to yourself or to others, you must be discharged immediately.

Do you feel that your mental state does not present a danger to yourself or to others? You can request a review of a confinement decision from the TAQ or contest the decision. **See contestation section on back.**

You can be represented by a lawyer (**see contestation section**) and go to court (in person or by videoconference, depending on the context).

The hospital convinces the judge that your mental state presents a danger to yourself or to others.

The hospital does not convince the judge that your mental state presents a danger to yourself or to others.

You can be discharged from the hospital immediately.

Resources

Centre communautaire juridique de l'Outaouais (legal aid)
819-772-3011

Droits-Accès de l'Outaouais (advocacy organization)
819-777-4746 / 1-800-667-4746

User Committee
Ask the unit's staff for the number of your area's User Committee.

The Service Quality and Complaints Commissioner
1-844-771-4179

Tribunal administratif du Québec (TAQ)
Secrétariat
500, boul. René-Lévesque Ouest, 21e étage
Montréal, QC, H2Z 1W7
For all information:
1-800-567-0278
To fax the contestation form:
1-418-643-5335



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— DE L'OUTAOUAIS —

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Your Rights

- The right to communicate freely and confidentially with the persons of your choice, unless the attending physician decides, in your interest, to prohibit or restrict certain communications. A prohibition or restriction as to communication can only be temporary. It must be set out in writing and contain reasons and must be noted in your record.
- The right to communicate confidentially with your lawyer, your legal representative, the person authorized to consent to your rights, the Public Curator or the TAQ. There are no exceptions to this right. If the premises are not conducive to confidentiality, you can request access to a telephone in a closed room.
- The right to be supported in your efforts by the person of your choice.
- The right to be transferred to another institution of your choice (under certain conditions).
- The right to be represented by a lawyer in court.
- The right to request a review of a decision.
- The right to demand that your confinement be terminated in the event of non-compliance with the law.
- The right to refuse any treatment and any examination other than the psychiatric assessment authorized by the Court.
- The right to be treated with respect and dignity.
- The right to professional secrecy and confidentiality.

The Obligations of the Institution

- Obligation to inform you of the place where you are confined, the reasons for your confinement, your legal status and any change to this status, including the lifting of confinement. If your status is not clear, you have the right to ask for clarification.
- Obligation to obtain your consent to be transferred to another institution.
- Obligation to allow you to communicate in confidentiality with your relatives or your lawyer.
- Obligation to inform you of the reasons for the prohibition or restriction of communication.
- Obligation to give you the information document on the *Rights and Recourses of Persons Placed Under Confinement*.
- If the Court has set the length of confinement at more than 21 days, the institution must provide periodic examinations to verify whether confinement is still necessary. These psychiatric examination reports must be drawn up on the 21st day from the decision taken by the Court and every three months thereafter. The reports must be kept in your record.

Contesting Court-authorized Confinement

1. Do you think that your mental state does not present a danger? Contact the Tribunal administratif du Québec (TAQ) to contest the decision. You can indicate your wish to contest in three ways:
 - Using the TAQ contestation form.
 - In writing, in the form of a letter.
 - By telephone.
 - You can send your document by mail or fax.
 2. When you are heard by the TAQ, which is made up of three people, they will reassess the danger posed by your mental state at the time of the hearing. You can be represented by a lawyer.
2. Do you think there was an error in the judgment? Consult your lawyer for advice on whether to appeal the judgment. The time limit for appealing the judgment is 5 days.

Have You Been Placed Under Confinement?

Act P-38.001 applies when:

- A person's mental state presents a danger to themselves or to others.
- Consent to be hospitalized voluntarily is not given or the person is unable to give it.
- The person does not consent to ending the danger in any other way.

You have rights, remedies and resources to help and support you. We invite anyone concerned to contact the resources listed on the back.