

IMPORTANT INFORMATION TO READ
FOR ANY MEMBER OF THE PUBLIC
WISHING TO OBTAIN AN ORDER
UNDER THE MENTAL HEALTH ACT
WITH THE JUSTICE OF THE PEACE

A PERSON WISHING TO OBTAIN AN ORDER UNDER THE MENTAL HEALTH ACT MUST DO SO IN ACCORDANCE WITH THE FOLLOWING:

1. SEE COURT STAFF AT THE CRIMINAL COURT COUNTER
2. PICK UP THE APPROPRIATE PACKAGE REQUIRED TO OBTAIN AN ORDER UNDER THE MENTAL HEALTH ACT (SEE ATTACHED)
3. RETURN WITH THE COMPLETED MHA PACKAGE AND WITH I.D FOR YOURSELF

MONDAY- FRIDAY (EXCEPT STATUTORY HOLIDAYS)
BETWEEN THE HOURS OF **9-12:30 AND 2:30-3:30**

NO APPOINTMENTS ARE MADE

INFORMATION
TO PERSONS SEEKING AN ORDER OF
PSYCHIATRIC EXAMINATION
FROM A
JUSTICE OF THE PEACE
PURSUANT TO THE
MENTAL HEALTH ACT

PLEASE READ THE FOLLOWING PRIOR TO COMPLETING THE ATTACHED DOCUMENT

ORDERS OF EXAMINATION ONTARIO MENTAL HEALTH ACT

When a person appears to be suffering from a mental disorder that may endanger themselves or another person, a worried family member, friend, colleague, or any concerned citizen may apply to a Justice of the Peace to make an Order for Examination under the Ontario Mental Health Act.

The Ontario Mental Health Act authorizes a Justice of the Peace, upon being satisfied, to issue an order allowing police to escort a person who appears to be apparently suffering from a mental illness to a medical practitioner for an examination.

The applicant must lay an information under oath setting out their concerns before the Justice of the Peace. As well, the Justice may hold a recorded hearing to be satisfied that reasonable cause exists to issue the Order for Examination.

The person to be named in the order must be in Ontario at the time the order is issued by the Justice, however there is no requirement that the person resides where the application is brought, or that the person be a permanent resident of Ontario. However, it is preferable that the application be considered by a Justice of the Peace located in the same municipality as the person named in the application.

The applicant must set out their concerns in the Particulars portion of this document (attached) for seeking the Order of Examination on Part A (s.16(1) Mental Health Act) and/or Part B (S.16 (1.1) Mental Health Act).

Part A

The applicant must satisfy the Justice of the Peace that the person to be named in an Order for Examination that he/she:

- *Has threatened or attempted or is threatening or attempting to cause bodily harm to himself or herself;*
- *Has behaved or is behaving violently towards another person, or has caused or is causing another person to fear bodily harm from him/ her; or*
- *Has shown or is showing lack of competence to care for himself/ herself*

In addition, that the person to be named in the order is apparently suffering from a mental disorder of a nature or quality that likely will result in:

- *Serious bodily harm to himself or herself*
- *Serious bodily harm to another person; or*
- *Serious physical impairment to himself or herself*

Part B

And/or that the person to be assessed has previously received treatment for mental disorder of an ongoing or recurring nature that, when not treated, is of a nature or quality that likely will result in:

- *Serious bodily harm to the person; or*
- *Serious bodily harm to another person; or*
- *Substantial mental or physical deterioration of the person; or*
- *Serious physical impairment of the person; and has shown clinical improvement as a result of the treatment.*

In addition, the applicant must believe that the person apparently suffers from the same mental disorder as the one for which he or she previously received treatment or from a mental disorder that is similar to the previous one; and given the person's mental history of mental disorder and current mental or physical condition is likely to:

- *Cause serious bodily harm to himself or herself; or*
- *Cause serious bodily harm to another person; or*
- *Suffer substantial mental or physical deterioration; or*
- *Suffer serious physical impairment; and is apparently incapable, within the meaning of the Health Care Consent Act, 1996, of consenting to his or her treatment in a psychiatric facility and the consent of his or her substitute decision-maker has been obtained.*

After considering all the evidence and the Justice has been satisfied that the person is apparently suffering from some form of mental disorder and may be a danger to himself or herself or to some other person, the Justice of the Peace may issue an Order for Examination. If granted, the order shall direct any police officer or other peace officer to whom it is addressed to take the person into custody forthwith to an appropriate place for examination by a physician. The order is in effect for a period not to exceed seven days from and including the day that it is made.

Once the person named in the Order for Examination has been taken into custody or in the event the person named in the Order was not taken into custody within the seven days, the order expires. After that time limit, a new application is required to determine whether another Order should be issued.

NOTE: *This information sheet has been prepared to provide a simple introduction to the application requirements and process that may be issue for an Order for Examination under the Mental Health Act. If you wish advice on how the law applies in your circumstances, you should seek legal counsel.*

IMPORTANT: THIS DOCUMENT MUST BE COMPLETED IN FULL AND BE LEGIBLE IN ORDER FOR AN INFORMATION TO BE PREPARED FOR SIGNATURE YOU MUST COMPLETE PART A AND/OR PART B.

PARTICULARS

In support of a request to lay an information to obtain an
Order for examination pursuant to the Mental Health Act

YOUR NAME: _____
(INFORMANT/APPLICANT)

YOUR ADDRESS: _____

CITY/TOWN: _____

TELEPHONE NUMBER: _____

RELATIONSHIP TO PERSON TO BE EXAMINED: _____

NAME OF PERSON TO BE EXAMINED: _____

DATE OF BIRTH (IF KNOWN) _____
DAY MONTH YEAR

ADDRESS (IF KNOWN): _____

CITY/TOWN: _____

OCCUPATION: _____

TELEPHONE NUMBER: _____

I was referred to the Justice of the Peace by: Doctor Police Other _____

Have the police investigated this matter: No Yes Occurrence #: _____

Name of Officer: _____

Police Service: _____

Have you obtained an order for examination for this person from a Justice of the Peace
previously:

No Yes When: _____

If your answer is yes to the previous question, are you now providing additional material for
consideration: No Yes

Do you believe that the person to be examined is apparently suffering from a mental disorder of a nature or quality that will likely result in serious harm to another person?

Yes No

If yes, provide particulars including the names of those you believe may be harmed:

Do you believe that the person to be examined is apparently suffering from a mental disorder of a nature or quality that will cause serious physical impairment to himself/herself?

Yes No

If yes, provide particulars:

PART B

Has the person to be examined previously received treatment for mental disorder of an ongoing or recurring nature?

Yes No

If yes provide particulars including the name of the medical practitioner, the facility treated at and dates:

Do you know when the person to be examined was last seen by a medical practitioner?

To your knowledge, does the person to be examined suffer from an addiction to alcohol and or a non-prescription or prescription medication?

Yes No

If yes, please indicate the addiction:

To your knowledge, is the person to be examined presently taking any medication?

Yes No

If yes, list medication if known:

Do you know if the person to be examined has received treatment for mental disorder of an ongoing recurring nature that, when not treated, is of a nature or quality that likely will result in serious bodily harm to him or her or to another person?

Yes No

If yes, provide particulars:

Do you know if the person to be examined has received treatment for mental disorder of an ongoing or recurring nature that, when not treated, is of a nature or quality that likely will result in substantial mental or physical deterioration to himself or herself?

Yes No

If yes, provide particulars:

If the person has previously received treatment for mental disorder of an ongoing or recurring nature, has he or she shown clinical improvement as a result of the treatment?

Yes No

If yes, provide particulars:

Is the person to be examined apparently suffering from the same mental disorder as the one for which he or she was previously treated or from a mental disorder that is similar to the previous one?

Yes No

If yes, provide particulars:

Given the persons history of mental disorder and current mental or physical condition, is he or she likely to cause serious bodily harm to himself/herself or to another person?

Yes No

If yes, provide particulars:

Given the person's history of mental disorder and current mental or physical condition, is he or she likely to suffer substantial mental or physical deterioration or serious physical impairment?

Yes No

If yes, provide particulars:

Is the person to be examined apparently incapable, within the meaning of the Health Care Consent Act 1996 of consenting to his or her treatment in a psychiatric facility?

Yes No

I _____ have been appointed as Power of Attorney for personal care of _____ and have the authority to make any personal care decisions for the said _____, including the giving or refusing of consent to any matter to which the Health Care Consent Act, 1996 applies, subject to the Substitute Decisions Act, 1992, and I hereby consent for the person named in the information to be examined.

Is there any other information that you wish to add in support of your request for an order for Psychiatric Examination:

Date: _____ Signature of informant: _____

Identification of informant Confirmed by Justice

Upon completion, return these documents to a clerk at the Criminal Court Counter of the Ontario Court of Justice who will arrange for you to see a Justice of the Peace as soon as possible. If these particulars are not complete is may result in no Order being issued.

Order Issued Order Declined

Date: _____ Justice of the Peace: _____

Southwest Region**Mental Health Act From 2**

I _____
 (Full name of applicant)

Of _____
 (Address of applicant)

Make an oath and say:

I am applying for an order that _____
 (Full name or other description of person to be examined, including DOB)

Of _____
 (Address of person to be examined)

To be taken to an appropriate facility to be examined by a physician, pursuant to S.16
 Mental Health Act. My reasons for applying for this order are:

(Fill in Part A, Part B or both)

Part A-Subsection 16(1)

Information has been brought before me that such person;

- has threatened or attempted or is threatening or attempting to cause bodily harm to himself/herself;
- has behaved or is behaving violently toward another person or has caused or is causing another person to fear bodily harm from him or her; or
- has shown or is showing a lack of competence to care for himself or herself.

In addition, based upon the information before me I have reasonable cause to believe that the person is apparently suffering from a mental disorder of a nature or quality that likely will result in;

- Serious bodily harm to the person;
- Serious bodily harm to another person; or
- Serious physical impairment of the person.

Part B- Subsection 16(1.1)

Information has been brought before me that such person,

- a) Has previously received treatment for mental disorder of an ongoing or recurring nature that, when not treated, is of a nature or quality that likely will result in serious bodily harm to the person or to another person or substantial mental or physical deterioration of the person or serious physical impairment of the person; and
- b) Has shown clinical improvement as a result of the treatment;

In addition, based upon the information before me I have reasonable cause to believe that the person,

- c) Is apparently suffering from the same mental disorder as the one for which he or she previously received treatment or from a mental disorder that is similar to the previous one;
- d) Given the person's history of mental disorder and current mental or physical condition, is likely to
 - cause serious bodily harm to himself or herself;
 - cause serious bodily harm to another person,
 - suffer substantial mental or physical deterioration of the person, or
 - suffer serious physical impairment of the person; and
- e) Is apparently incapable within the meaning of the Health Care Consent Act, 1996 of consenting to his or her treatment in a psychiatric facility and the consent of his or her substitute decision-maker has been obtained.

SWORN before me at the City

of Windsor, this _____

day of _____ 20____

A Justice of the Peace in and for the Province of Ontario

Informant



To the police officers of Ontario.

Whereas information upon oath has been brought before me, a justice of the peace in and for the province of Ontario

by _____
(print full name of person bringing information)

of _____
(address of person bringing information)

in respect of _____
(print full name or other description of person to be examined)

of _____
(home address, if known)

Part A or Part B must be completed

Part A – Subsection 16 (1)

Information has been brought before me that such person

- has threatened or attempted or is threatening or attempting to cause bodily harm to himself or herself;
- has behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him or her; or
- has shown or is showing a lack of competence to care for himself or herself.

In addition based upon the information before me I have reasonable cause to believe that the person is apparently suffering from mental disorder of a nature or quality that likely will result in,

- serious bodily harm to the person;
- serious bodily harm to another person, or
- serious physical impairment of the person.

Part B – Subsection 16 (1.1)

Information has been brought before me that such person

- a) has previously received treatment for mental disorder of an ongoing or recurring nature that, when not treated, is of a nature or quality that likely will result in serious bodily harm to the person or to another person or substantial mental or physical deterioration of the person or serious physical impairment of the person; and
- b) has shown clinical improvement as a result of the treatment;

In addition based upon the information before me I have reasonable cause to believe that the person,

- c) is apparently suffering from the same mental disorder as the one for which he or she previously received treatment or from a mental disorder that is similar to the previous one;

Part B (continued)

d) given the person's history of mental disorder and current mental or physical condition, is likely to

- cause serious bodily harm to himself or herself;
- cause serious bodily harm to another person,
- suffer substantial mental or physical deterioration of the person, or
- suffer serious physical impairment of the person; and

e) is apparently incapable within the meaning of the *Health Care Consent Act*, 1996 of consenting to his or her treatment in a psychiatric facility and the consent of his or her substitute decision-maker has been obtained.

Now therefore, I order you, the said police officers, or any of you, to take the said person in custody forthwith to an appropriate place for examination by a physician.

(date of signature)

(Municipality where order signed)

(signature of Justice of the Peace)

(print name of Justice of the Peace)

Notes for Applicant / Informant

1. You may wish to provide your telephone number on this form so that you can be contacted by the police or the examining physician after this order is issued. This is entirely voluntary. ***You are not required to give this information for the order to be issued or for the order to be legally valid.***

(print name)

(telephone number)

2. You may wish to seek legal advice concerning this order, including the effect of this order and your legal rights.
3. You may wish to inform the police, the examining physician and/or an appropriate health care professional of the evidence you gave to the justice of peace, if you consider it appropriate in all the circumstances to do so. If you decide to do so, please use the space provided below. Use the back of this form if necessary. ***You are not required to give this information for the order to be issued or for the order to be legally valid.***

