

2. A community treatment plan has been created by the person or his/her SDM, the physician, and any other person involved in the treatment;

3. The doctor has examined the person within 72 hours before the CTO is entered into and finds that:

a. The person is suffering from a mental disorder and needs continuing treatment or supervision while living in the community.

b. The person is eligible for an application for psychiatric assessment if the person is not currently a patient in a psychiatric facility.

c. Due to their mental disorder the person is likely to cause serious bodily harm to him/herself or others or to suffer substantial mental or physical deterioration or serious physical impairment if he/she does not receive continuing treatment while living in the community,

d. The person is able to follow the treatment plan in the CTO, and

e. The treatment, care and supervision required under the CTO are available in the community;

4. The physician has consulted with those named in the CTO;

5. The physician is satisfied that the person or his/her SDM has been advised of their legal rights by a rights advisor; and

6. The person or his/her SDM legally consents to the CTO.

If during the six month time period any of the above criteria no longer apply, the doctor can revoke the CTO. One example of this situation is if a person is determined to be able to live in the community without needing a CTO.

*All references to statutory requirements refer to the *Mental Health Act*, RSO 1990, c M.7, ss 33, 38-39

Brochure provided by:

• Organization:

Canadian Mental Health Association, Windsor-Essex County Branch

• Created by:

University of Windsor-
Faculty of Law
Pro Bono Students Canada

• Reviewed by:

Nancy Jammu-Taylor



CANADIAN MENTAL
HEALTH ASSOCIATION

ASSOCIATION CANADIENNE
POUR LA SANTÉ MENTALE

COMMUNITY TREATMENT ORDERS: AN ALTERNATIVE TO HOSPITALIZATION

This brochure aims to provide interested individuals and/or family members a general introduction to CTO's and the associated requirements, rights and obligations.

**Canadian Mental Health Association,
Windsor-Essex County Branch
1400 Windsor Ave
Windsor, ON N8X 3L9
Phone: 519-255-7440
Fax: 519-255-7817
www.cmha-wecb.on.ca**

WHAT IS A CTO:

A Community Treatment Order (“CTO”) is a process by which persons with serious mental illnesses are able to receive care, treatment and supervision that they need in a community-based setting.

A community-based treatment system promotes the inclusion and integration of individuals into society. CTOs have been shown to increase compliance with treatment and also decrease hospitalization,

A CTO plan is issued by a certified doctor, to provide an individual with community-based treatment or care. If a person has agreed to a CTO but does not follow its requirements, he/she can then be brought to the doctor, without their consent and can possibly be hospitalized.

Consent must be given for a person to first enter into a CTO by the individual or the substitute decision-maker (“SDM”). This means that a CTO cannot be used to treat a person without their permission.

An SDM makes decisions on behalf of a person found incapable of making treatment-related decisions.

According to Ontario’s *Substitute Decisions Act*, an SDM may be a person’s guardian, a family member, a power of

attorney for personal care or someone appointed by the Consent and Capacity Board.

Another option is the Office of the Public Guardian and Trustee (“OPGT”) in cases where other options such as a family member are not available.

The individual’s involvement in the creation of a CTO is important, even if there is an SDM. It is also important for the person and/or their SDM to be aware of the requirements, rights and obligations as they relate to a CTO.

If a person or family member feels that a CTO may be an option, they can discuss this with the doctor.

RIGHTS AND OBLIGATIONS UNDER A CTO:

As per the *Mental Health Act*, before agreeing to a CTO, the person or the SDM has the option to meet with a “rights advisor” to discuss rights in relation to a CTO.

In addition to this, the following rights are important:

- The right to not be issued a CTO unless the person or the SDM agree to the CTO.
- The individual or SDM’s right to change their mind at a later time, if they no longer agree to the CTO.

If this is the case, the doctor will review the person for a period of 72 hours to determine if the individual must return to the hospital.

- The right to apply to have the CTO reviewed by the Consent and Capacity Board after the CTO is issued. There will be a mandatory review every second time a CTO is issued.

Note that if the individual does not uphold their obligations under the CTO, the doctor may require an immediate examination. Following this examination, the doctor may ask that the person continue with the CTO, request that they stay in hospital or discharge them from the CTO.

THE CRITERIA FOR A CTO:

Once a CTO is in place, it is valid for six months and may be renewed by the doctor before the six month period ends and within one month after it has expired.

There are six requirements under the *Mental Health Act* that must be met before a CTO can be issued or renewed:

1. The person has been a patient in a psychiatric facility two or more times or for a total of 30 days or more in the past three years OR has been on a community treatment order in the past three years.