

Mental Health Act

Forms 1 & 2: Frequently Asked Questions

Ontario's Mental Health Act provides ways, or Forms, for people to receive an emergency psychiatric assessment without their consent. It is important to understand that Forms do not suspend human rights or force treatment without consent. Instead, they allow for a short period of time for a physician to assess a person's risk to themselves and others.

FORM 1

A Form 1 is completed by a doctor who believes a person is at risk of harm to self or others and needs immediate psychiatric assessment. The doctor must have examined the person within the past 7 days.

The Form gives police the right to take the person to a psychiatric facility, even if the individual is unwilling to go. The person can be detained for up to 72 hours for assessment. If the person leaves without authorization before the assessment is complete, then the police can return the person to the hospital.

To understand why someone has been Formed (or not), speak - with the person's consent - to their care team. We cannot release any Personal Health Information without patient consent.

Can a Form 1 be challenged?

A person cannot appeal or challenge a Form 1 during the assessment period but does have the right to speak to a lawyer.

What happens after the assessment is completed?

The patient can be discharged if the doctor determines the patient is not at risk to self or others, admitted voluntarily or admitted involuntarily. If the patient needs to stay in hospital but is not agreeable, then a Form 3, Form 30 and Form 50 must be completed (see sidebar).

RELATED FORMS

Form 42: Provided to the patient to explain that they have been brought to the hospital on a Form 1 and the reason why.

Form 3: Completed when someone is admitted involuntarily. The person can be detained for up to 14 days. At any time the Form can be discontinued by a doctor.

Form 30: Notifies the patient that they are on a Form 3 and the reasons for their involuntary admission.

Form 50: Confirms that a patient was advised about their rights.

FORM 2

A family can request a Form 2 from a Justice of the Peace if they believe that a person is a danger to themselves or others. The Form is valid for 7 days and allows the police to take the person to a hospital for assessment.

What is the difference between a Form 1 and Form 2?

Unlike a Form 1, a Form 2 does not allow someone to be detained for 72 hours. It only allows for the person to be brought to the hospital for assessment. After that, the person must be willing to stay voluntarily, placed on a Form 1 by a doctor or allowed to leave.

To learn more about the rights of mental health patients, please contact the province's Psychiatric Patient Advocate Office at <https://www.ontario.ca/page/psychiatric-patient-advocate-office>

For more information about CMHA-WECB's CTO Program, visit <https://windsorsex.cmha.ca/programs-services/community-treatment-orders-cto/>