

CHIEF PSYCHIATRIST APPROVED FORM – CIVIL 04

DETAINING FOR ASSESSMENT

Mental Health Act 2013

Sections 17 – 21 and Schedule 2

TCHI (Patient ID): _____

Family Name: _____

Given Names: _____

Date of Birth: ___ / ___ / _____ Gender: M F TG / IT

Address: _____

Telephone: _____ Mobile: _____

AFFIX STICKER HERE

(Tick as appropriate, format time as 00:00 (24 hour) and date as DD/MM/YYYY)

PART A: DETAINING FOR THE PURPOSES OF ASSESSMENT

MENTAL HEALTH OFFICER (MHO) / POLICE OFFICER TO COMPLETE

Person being detained (full name in BLOCK letters):

CRITERIA

MHO/Police Officer detaining the person (full name in BLOCK letters):

ID Card/Payroll/Registration or badge number:

Status of authorised officer detaining the person Mental Health Officer (MHO) **OR** Police Officer

I reasonably believe that the person named above:

Has a mental illness; **AND**

Should be assessed against the assessment criteria; **AND**

Their safety, or the safety of other persons is likely to be at risk if the person is not detained.

Reason for this belief (include details of the persons behaviour – whether reported or directly observed, whether the person appears to be under the influence of drugs or alcohol, and any other relevant information). Attach additional information if needed.

Details of any items taken possession of for safeguarding: (medication, physical aids, prescriptions or other). Attach additional information if needed.

TRANSPORTED/DETAINED

The person is being: (tick one of the following) Transported (patient requires transport to assessment centre) Detained (patient is already at the assessment centre)

Date/time person transported or detained: Date: DD / MM / YYYY Time: 00 : 00

Date/time of arrival at assessment facility or time of detainment: Date: DD / MM / YYYY Time: 00 : 00

A person being temporarily detained for assessment must be examined by a medical practitioner as soon as practicable and within four (4) hours after a member of staff responsible for the triaging of patients at the centre has been made aware of the person's arrival at the centre.

Name of the approved assessment facility: Millbrook Rise (South) Roy Fagan (South) Royal Hobart Hospital (South) Launceston General Hospital (North) North West Regional Hospital (Burnie)

Signature of MHO/Police Officer:

COPY TO: Patient Chief Psychiatrist MHO/Police Officer Legal Orders Coordinator
 Medical Practitioner at assessment centre
 If there is consent – copy to patient support person/representative
 If patient is a child copy to parent/support person/representative

OTHER: Statement of Rights provided to patient
 Explanation to patient in a language and form that the patient can understand

(Tick as appropriate, format time as 00:00 (24 hour) and date as DD/MM/YYYY)

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PART B: HANDOVER OF DETAINED PERSON MHO/POLICE OFFICER TO COMPLETE

Person being detained: (full name in BLOCK letters):

HANDOVER:

MHO/Police Officer handing over detained person (full name in BLOCK letters):

ID Card/Payroll/ or badge number:

Status of person handing over detained person: Mental Health Officer (MHO) **OR** Police Officer

Signature: _____ **Date:** DD / MM / YYYY **Time:** 00 : 00

ACCEPTANCE:

MHO/Police Officer accepting handover of detained person (full name in BLOCK letters):

ID Card/Payroll or badge number:

Tick Status of person handing over detained person: Mental Health Officer (MHO) **OR** Police Officer

I confirm the following items have been handed over with the patient:

If not handed over, provide reasons for this:

Signature: _____ **Date:** DD / MM / YYYY **Time:** 00 : 00

PART C: RELEASE FROM PERIOD OF DETAINMENT - Complete this section if the Authorised Officer is of the belief that the person no longer requires assessment

The person named on this form DOES NOT need to be assessed against the assessment criteria or treatment criteria and may be RELEASED.

I have RELEASED the person from the Approved Assessment Facility for the following reason(s) (tick any below as relevant):

- Informed consent was given to assess or treat the person
- An assessment order or treatment order was made for the person
- An existing treatment order is in place
- I reasonably formed the belief that the person no longer meets the criteria for being temporarily detained
- A medical practitioner at the approved assessment centre assessed the person and decided that the patient did not meet the criteria to be temporarily detained for assessment, and/or
- The authorised maximum detaining period four (4) hours has expired.

MHO/Police Officer (full name in BLOCK letters):

ID Card/Payroll/Registration or badge number: _____ **Date:** DD / MM / YYYY

Signature: _____ **Time:** 00 : 00

COPY TO: Patient Chief Psychiatrist MHO/Police Officer Medical Practitioner at assessment centre

- Legal Orders Coordinator
- If there is consent – copy to patient support person/representative
- If patient is a child – copy to parent/support person/representative

OTHER: Statement of Rights provided to patient
 Explanation to patient in a language and form that the patient can understand

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MENTAL HEALTH ACT 2013 – INSTRUCTIONAL NOTES

DETAINING FOR THE PURPOSES OF ASSESSMENT

A Mental Health Officer (MHO) or police officer may temporarily detain a person for the purpose of assessment if the MHO or police officer reasonably believes that:

- The person has a mental illness; and
- And the person should be assessed against the assessment criteria; and
- The person's safety or the safety of other persons is likely to be at risk if the person is not so detained.

For the purposes of temporary detaining, no form of warrant is required, and the MHO or police officer is not required to confirm whether, under the Mental Health Act 2013 or any other Act, another process is in train in respect of the person, and a police officer is not required to exercise clinical judgement when forming a reasonable belief as to whether a person, has a mental illness; or should be assessed against the assessment criteria. The custody and escort provisions apply, and continue to apply while the person remains detained for the purposes of assessment.

To temporarily detain a person for the purpose of assessment, an MHO or police officer may take possession of and safeguard any medication, physical aid or other thing that the custodian or escort reasonably believes is or may be necessary to the patient's health, safety or welfare, or that is or may be relevant to the patient's, assessment, treatment or care.

An MHO or police officer who temporarily detains a person for the purpose of assessment must escort the person to an approved assessment centre, or ensure that another MHO or police officer does so. This must occur as soon as practicable.

MEANING OF MENTAL ILLNESS

A person is taken to have a mental illness if they experience, temporarily, repeatedly, or continually, a serious impairment of thought (which may include delusions), or a serious impairment of mood, volition, perception or cognition.

ASSESSMENT CRITERIA

The assessment criteria are:

- The person has, or appears to have, a mental illness that requires or is likely to require treatment for the person's health or safety or the safety of other persons, and
- The person cannot be properly assessed with regard to the mental illness or the making of a treatment order except under the authority of the assessment order, and
- The person does not have decision making capacity.

TREATMENT CRITERIA

The treatment criteria in relation to a person are:

- The person has a mental illness, and
- Without treatment, the mental illness will, or is likely to, seriously harm the person's health or safety or the safety of other persons, and
- The treatment will be appropriate and effective in terms of the outcomes referred to in section 6(1) of the Act, and
- The treatment cannot be adequately given except under a treatment order, and
- The person does not have decision making capacity.

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HANDOVER OF ASSESSMENT AUTHORITY

An MHO or police officer who temporarily detains a person for the purposes of assessment must escort the person to an approved assessment centre (or ensure that another MHO or police officer does so) if the person is not already at an approved assessment centre; and may ask any MHO at the approved assessment centre to continue to so detain the person.

An MHO at the approved assessment centre who is asked to continue to detain the person must comply with the request unless it would be unsafe in the circumstances to do so.

The temporary detaining of a person for assessment is not taken to have been interrupted or terminated merely because physical control of the person has been handed over from one MHO or police officer to another such officer.

An MHO or police officer may, as circumstances require, transfer physical control of a person who has been temporarily detained for the purpose of assessment to another MHO or police officer. The person accepting handover then has, and may exercise, any powers of the transferring MHO or police officer under Clause 1 Part 2 of Schedule 2 of the Act. That includes enlisting assistance and safeguarding medications etc in relevant circumstances.

DEALING WITH PERSON WHILE TEMPORARILY DETAINED

This section applies if a person who is temporarily detained for assessment has been escorted to, or detained at, an approved assessment centre.

The controlling authority of the approved assessment centre must:

- give the person a statement of rights in an approved form; **AND**
- have the person examined by a medical practitioner to see if the person needs to be assessed against the assessment criteria or the treatment criteria; **AND**
- ensure that the examination of the person occurs as soon as practicable and within four (4) hours after a member of staff, responsible for the triaging of patients, at the centre has been made aware of the person's arrival at the centre.

PATIENT RELEASE

A Mental Health Officer (MHO) or police officer who is responsible for a person who is temporarily detained for assessment **must** release the person from being so detained if before or during the authorised detaining period:

- Informed consent is given to assess or treat the person, or
- An assessment order or treatment order is made in respect of the person, or
- The MHO or police officer reasonably forms the belief that the person no longer meets the criteria for being temporarily detained or
- The authorised detaining period expires and none of the above have occurred.

The 'authorised detaining period' in relation to a person being temporarily detained for assessment, means the four (4) hour period that commences when a person is transported to or temporarily detained at an approved assessment centre and a member of staff who is responsible for the triaging of patients at the centre is made aware of the detained persons arrival at the centre.

CONTACT DETAILS:

Chief Psychiatrist:

Phone: (03) 6166 0778 Email: chief.psychiatrist@health.tas.gov.au

TASCAT – Protective Stream:

Phone: (03) 6165 7491 Email: applications.mentalhealth@tascat.tas.gov.au