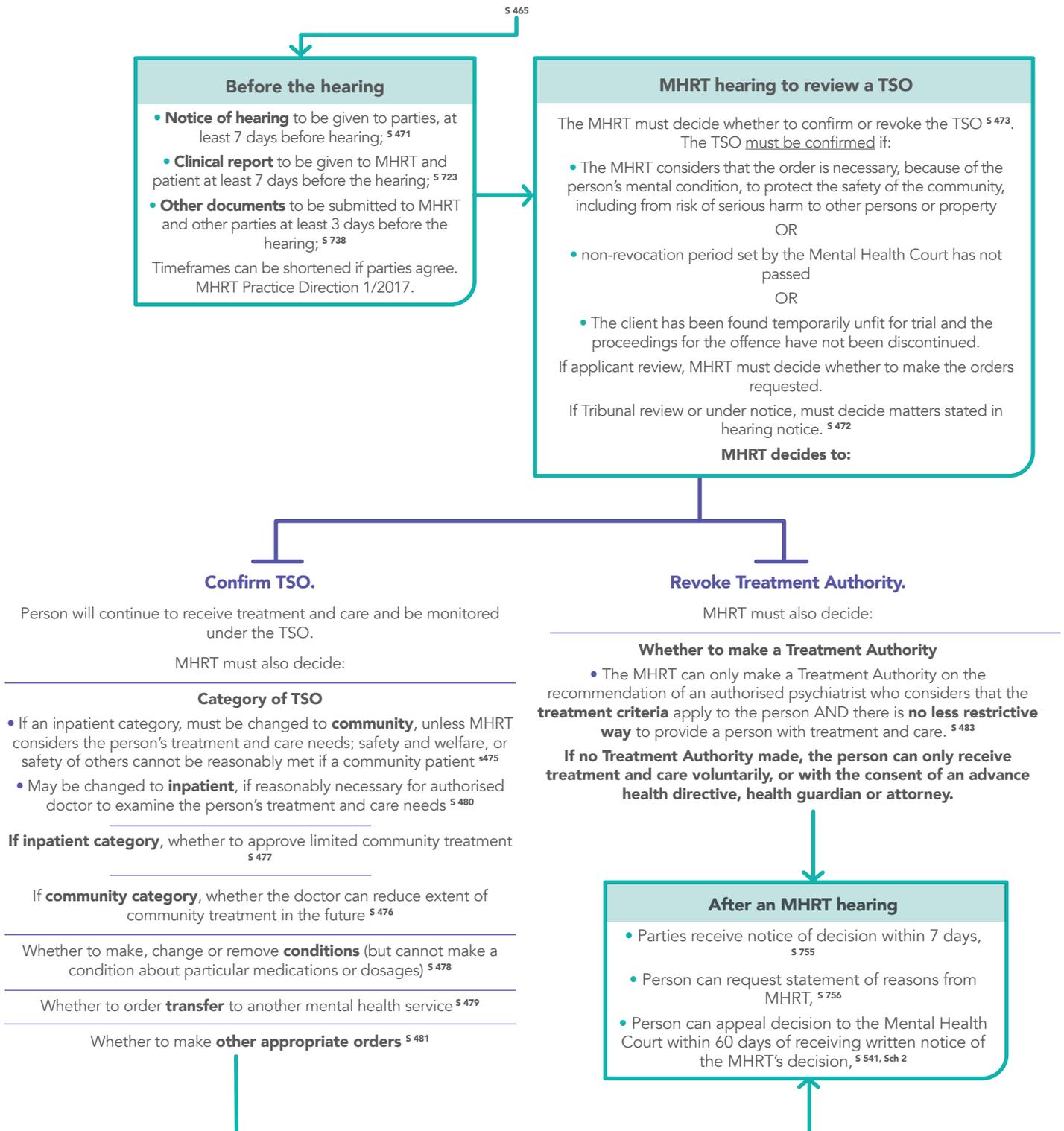


A TSO will be Reviewed by the MHRT:

- Within 6 months of being made and then every 6 months (**periodic review**);
- By application to the MHRT at any time (**applicant review**)
 - On the MHRT's initiative (**Tribunal review**)
- Because there has been a material change in the patient's mental state requiring a change of category from community to inpatient (**under notice**)



If the Mental Health Court thinks it is necessary, because of the person's mental condition, to protect the safety of the community, then a Forensic Order (Mental Illness) or a Treatment Support Order will be made which permits involuntary treatment and care for the person's mental illness, and involuntary care if the person also has an intellectual disability (S 134, 151).

A treatment support order is **less restrictive** than a forensic order. The order is reviewed by the Mental Health Review Tribunal every 6 months.

Treatment Criteria

The person has a mental illness;

- The person does not have capacity to consent to be treated for the illness (capacity must be stable, s 421(2))
- Because of the illness, absence of involuntary treatment is likely to result in:
 - Imminent serious harm to the person or others; or
 - The person suffering serious mental or physical deterioration

s12

There is a less restrictive way for a person to receive treatment and care if consent for treatment can be given by:

The patient is encouraged to, but does not have to attend the hearing.

- a child's guardian
- Under an Advance Health Directive
- A personal guardian
- An Enduring Power of attorney
- Statutory health attorney

s13

Matters the MHRT must Regard

- The "relevant circumstances" of the person subject to the order (that is, mental state and psychiatric history, any intellectual disability, social circumstances, response to and willingness to receive treatment and care, and the person's response to previous treatment in the community)
- The nature of the relevant unlawful act and the period of time that has passed since the act happened;
- Any victim impact statement; and
- If there was a forensic order previously and the Mental Health Court made a recommendation about intervention programs, the person's willingness to participate in the program if offered

s 464, Sch 3 ("relevant circumstances")

Attendance at Hearing

- The patient is encouraged to, but does not have to attend the hearing.
- If 17 years old or under, the patient will be appointed a free legal representative, unless already represented or patient waives right to representation, s 740
- Patient can bring a support person, s 739
- One or more members of the patient's treating team must attend the hearing.
- Hearings can be attended in person, by phone or, if available, by videoconferencing.

Evidence Considered by MHRT

- Documents
 - Clinical report
 - Most recent decision from the MHRT
 - Hearing notice
 - Dossier prepared by MHRT (Mental Health Court order, and other relevant documents including the decision or transcript from the Mental Health Court and any reports)
 - If applicant review— application form
 - Any other documents submitted by doctor applicant or patient (including patient self-report)
- Oral information given by people attending the hearing.

Parties to Review

- The patient
- The person who applied for the review (if there is one)
- The administrator of the authorised mental health service
- The Chief Psychiatrist. s 736, 471

The MHRT must not conduct a review of the TSO if there is a current appeal to the Mental Health Court about the TSO and the MHRT's decision has been stayed s 468

Unless otherwise specified, references to sections (s) are in relation to the *Mental Health Act 2016* (Qld).