

INFORMATION GUIDE

Involuntary Patients

What does it mean to be an involuntary patient”?

An involuntary patient is a person who is detained in a hospital without their consent and cannot leave without permission.

How do I become an involuntary patient?

You become an involuntary patient when a psychiatrist assesses you and determines you have a mental health illness that could likely result in harm to yourself or others.

You will receive the Notice to Patient form (Form 30) from your doctor that will specify the reason(s) the doctor is detaining you as an involuntary patient.

Form 30 also sets out that you are entitled to a hearing before the Consent and Capacity Board (CCB) to challenge your detention and that you have the right to get a lawyer.

How long can I legally be detained in the hospital?

As an involuntary patient, you may be detained, for not more than:

- two weeks, under a Certificate of Involuntary (Form 3);
- one additional month, under a first Certificate of Renewal (Form 4);
- two additional months, under a second Certificate of Renewal (Form 4);
- three additional months, under a third Certificate of Renewal (Form 4)
- three additional months, under a first or subsequent Certificate of Continuation (Form 4A).

Your doctor may decide at any time that you no longer meet the criteria for involuntary admission to a psychiatric facility, and may revoke Forms 3, 4 or 4A.

After the first and every fourth Form 4A, a deemed hearing must be held before the CCB to review your involuntary status. See the PPAO Information Guide "[Deemed Hearing under the Mental Health Act](#)" for more information.

What is Rights Advice?

Rights advice is mandated under the Mental Health Act (MHA); it provides you with information on the change in your legal status. As soon as the doctor signs Forms 3, 4 or 4A, the doctor must promptly notify the Rights Adviser of the change in your legal status.

The Rights Adviser will promptly meet with you to explain:

- how the change affects your rights.
- the doctor's decision, to see if you agree with the decision.
- how you can apply to the [Consent and Capacity Board](#) for a hearing if you don't agree with the doctor's decision.
- how you can find a lawyer or apply for legal aid if you need.

Rights advisers do not work for the hospital, and the service they provide is free and confidential. **You can refuse a rights adviser** at any time.

What are my options if I disagree with the doctor's findings?

As an involuntary patient you have the following options:

- You can talk to the doctor to see if they are willing to change your status from involuntary to voluntary after assessing you.
- You can apply for a hearing before the CCB to review the doctor's findings.
- You can choose to do nothing at all.

How long will it take to get a CCB hearing?

The CCB must hold the hearing within seven days of receiving your application. The hearing can be held beyond the seven days if you consent to this. For more information about the CCB visit their [website](#).

How long will it take for the CCB to make a decision?

- The CCB must make a decision on your case within one day after the day your hearing ends.
- The CCB will either agree with the doctor's decision to make you an involuntary patient or cancel the involuntary status.
- If the involuntary status is cancelled, you will then be a voluntary patient. See the PPAO Information Guide "[Voluntary Patients](#)" for more information.
- The decision will be given to you in writing. If you would like to receive the reasons for the decision, you must request these from the CCB within 30 days of your hearing.

Can I appeal a CCB decision?

If you believe that the CCB has made an error in fact or law, you may appeal the decision to the Superior Court of Justice. You must serve and file your appeal with the Court within seven days of receiving the CCB decision.

Questions?

For questions and information about the Consent and Capacity Board hearings, visit their [website](#)

If you have a question about your specific legal situation, contact a lawyer.

For questions about this Information guide, visit [Ontario.ca/PPAO](https://ontario.ca/PPAO) or contact Psychiatric Patient Advocate Office at 1-800-578-2343.

This Info guide provides information only and does not contain legal advice. If at any time requirements in legislation conflict with information in this sheet, the legislative requirements prevail.