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## Challenging a decision

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A person dissatisfied with a decision taken in his or her regard or with a decision made to extend his or her confinement in an institution may apply to the Administrative Tribunal of Québec. In all circumstances, the person may ask a lawyer for assistance.

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## Contact information

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Commission des services juridiques  
(legal aid offices)  
Phone: 514 873-3562  
[www.csj.qc.ca](http://www.csj.qc.ca)

Public Curator  
Toll-free: 1 800 363-9020  
[www.curateur.gouv.qc.ca](http://www.curateur.gouv.qc.ca)

Administrative Tribunal of Québec  
Phone: 514 873-7154 or 418 643-3418  
Toll-free: 1 800 567-0278  
[www.ta.q.gouv.qc.ca](http://www.ta.q.gouv.qc.ca)

# JUSTICE, MENTAL DISORDER AND ASSESSMENT OF DANGER

## For more information

The information summarized in this document was valid at the time of printing. For more information, go to the website of the Ministère de la Justice at [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca), or contact

### Ministère de la Justice

Phone: 418 643-5140

Toll-free: 1 866 536-5140

E-mail: [informations@justice.gouv.qc.ca](mailto:informations@justice.gouv.qc.ca)



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[justice.gouv.qc.ca](http://justice.gouv.qc.ca)

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JUSTICE  
IN QUÉBEC:  
AT YOUR  
SERVICE

Justice  
Québec 

ENSEMBLE   
on agit pour une société  
juste et équitable

Québec 

When a person shows obvious signs of a serious mental disorder you must intervene to ensure that the he or she sees a doctor quickly. However, in the case of people who present a grave and immediate danger to themselves or others, you should call 911.

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### In a case of immediate danger

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If the person presents an immediate danger, you should call the Sûreté du Québec or the police force in your municipality. On some conditions, police officers can take people to hospital against their will if they have good reason to believe that their mental state presents a grave and immediate danger to themselves or to others.

If the person has committed a crime, the police officer can arrest the person without a warrant.

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### In a case where there is no immediate danger

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If the person presents no immediate danger, you should ask if he or she agrees to go to hospital to see a doctor.

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### If the person agrees to go to hospital

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If the person agrees to go to hospital, a doctor will conduct a psychiatric evaluation of the person's mental state and decide whether or not the person needs to be hospitalized.

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### If the person refuses to go to hospital

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If the person refuses to go to hospital, you must submit a written application at the courthouse closest to the person's place of residence to have the person undergo a psychiatric evaluation.

You can hire a lawyer to present the application to the court. If you are eligible for legal aid, you may apply for it for this purpose. In addition, if the person requiring hospitalization is eligible for legal aid, the person submitting the application to the court is also deemed to be eligible.

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### Types of custody

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A doctor who assesses a person with a grave mental disorder may place the person in custody for a defined period, whether the person came to the hospital voluntarily or involuntarily. Hospital confinement can take one of three forms: preventive confinement, temporary confinement, or authorized confinement.

#### Preventive confinement

A doctor who considers that the person's mental state presents a grave and immediate danger to the person or to others may place the person under observation without consent and without a court order, for a period of not more than 72 hours. This is known as preventive confinement.

A person under preventive confinement may not be examined by a doctor unless the person has given free and enlightened consent.

#### Temporary confinement

Before the period of preventive confinement ends, the hospital may file an application with the Court of Québec if the doctor wishes to obtain a court order to conduct a psychiatric examination. If an order is issued by the court, the initial examination must be conducted by a doctor within 24 hours. If the doctor concludes that confinement is not necessary, the person must be released. In other cases, a second psychiatric examination must be conducted by another doctor within 48 hours from the issue of the court order. Confinement following a court order is known as temporary confinement.

If the person was not originally placed under preventive confinement, the time limits for conducting psychiatric examinations under a court order are calculated from the time when the person concerned is taken in charge by the hospital.

#### Authorized confinement

If two doctors conclude that the person should be confined in an institution, and if the person continues to refuse confinement, the hospital may present a new application to the Court of Québec, which may then make a judgment ordering authorized confinement. The judgment orders the person to submit

- to examinations to determine whether the person's mental state continues to present a danger to the person or to others;
- to confinement for the time determined by the judge, which is generally a period of 21 to 30 days.

If necessary, authorized confinement may be renewed for a variable length of time.