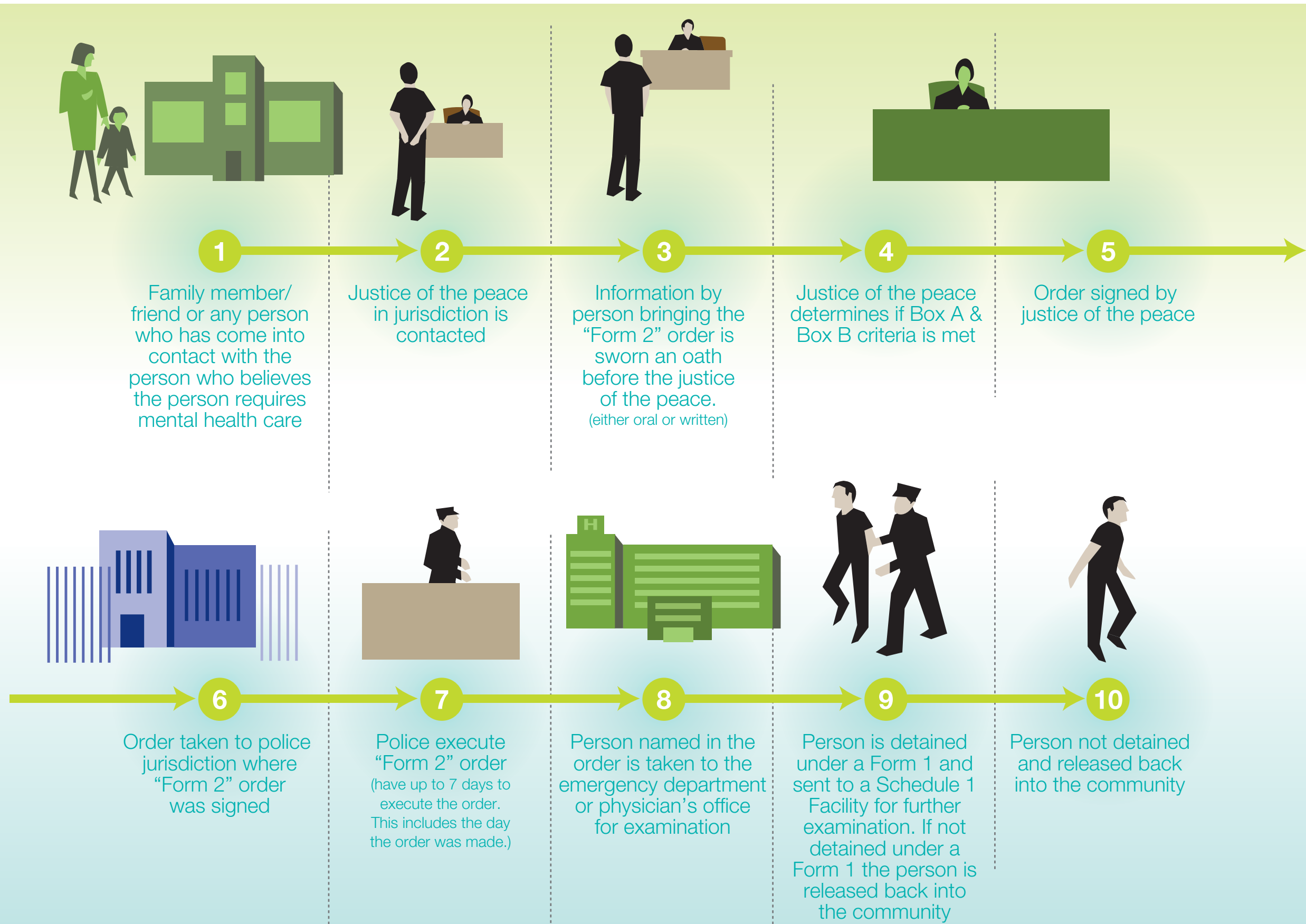


Form 2 (Order for Examination s. 16 of the Mental Health Act)



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is used under the same conditions as the Form 1 but is issued by a **justice of the peace**. Typically, the Form 2 is used by a person's family or friends when it is not possible for the person to be examined by a doctor. However other persons who have come into contact with the person, who they believe requires mental health care can bring forwarded a "Form 2" application. Therefore any person can appear before a justice of the peace and provide sworn information that there is a person within the jurisdiction of the justice, who meets either the **Box A** or **Box B**

The General Regulation enacted under the Mental Health Act states that for the purposes of this type of order, the **"information on oath"** that is brought before the justice of the peace may be oral or written information, and may include documents and other materials relevant to the justice's determination as to whether the criteria are met.

Box A Criteria:

The person:

- (a) Has threatened or attempted or is threatening or attempting to cause bodily harm to himself or herself;
- (b) Has behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him or her; or
- (c) Has shown or is showing a lack of competence to care for himself or herself, and, if in addition, I believe that the person is apparently suffering from mental disorder of a nature or quality that likely will result in
- (d) Serious bodily harm to the person;
- (e) Serious bodily harm to another person; or
- (f) Serious physical impairment of the person,

Box B Criteria:

- (a) Has previously received treatment for mental disorder of an ongoing or recurring nature that, when not treated, is of a nature or quality that likely will result in:
 - serious bodily harm to the person; or
 - serious bodily harm to another person; or
 - substantial mental or physical deterioration of the person or;
 - serious physical impairment of the person; and
- (b) Has shown clinical improvement as a result of the treatment.
- (c) Is apparently suffering from the same mental disorder as the one for which he or she previously received treatment or from a mental disorder that is similar to the previous one

(d) Given the person's history of mental disorder and current mental or physical condition, is likely to:

- Cause serious bodily harm to himself or herself; or
- Cause serious bodily harm to another person; or
- Suffer substantial mental or physical deterioration; or
- Suffer serious physical impairment; and

(e) Is incapable, within the meaning of the Health Care Consent Act, 1996, of consenting to his or her treatment in a psychiatric facility and the consent of his or her substitute decision-maker has been obtained.

This form allows the police to bring the person to a hospital for a psychiatric assessment. But the form **does not authorize** the person to be kept at the hospital. **If an assessment in hospital is necessary, the examining doctor must then complete a Form 1.**

The Form 2 order is directed to the police in the same locality where the justice has jurisdiction and provides authority to the police to take the person named in the order into custody **"forthwith"** to an **"appropriate place"** where the person may be detained for examination by a physician. The place to which people are most often taken is a hospital emergency department. However, the Mental Health Act terminology of "appropriate place" confers discretion to have the person examined in a physician's office, or other facility, if need be.

"Forthwith" Section 18 of the MHA requires that where a physician is conducting an examination under Form 2 (section 16) that the examination "shall be conducted forthwith after receipt of the person at the place of examination". In more general terms that **"forthwith" means as soon as is reasonably possible.**

A Form 2 is valid seven days from and including the day it is made or at conclusion of physician's examination.

Resources: Ontario Hospital Association, *A Practical Guide to Mental Health and the Law in Ontario*, October 2012
Center for Addiction & Mental Health, *Appendix C: Common legal forms*, 2012