

Situations that may lead to termination of your confinement

As soon as one or more of the following situations occur, **the confinement ends without further formalities**:

- A certificate stating that confinement is no longer justified is issued by your physician.
- A psychiatric examination report is not produced within the prescribed time limit.
- The period of confinement fixed in the judgment expires.
- A decision by the Tribunal administratif du Québec releases you from confinement.
- An order from a court of law releases you from confinement.

The institution where you are being kept under confinement must inform you immediately of your release from confinement.

A community organization is mandated to inform you of your legal rights and recourses, and can guide you through any recourse you undertake

In each of Québec's regions, except for Nord-du-Québec, Nunavik and Terres-Cries-de-la-Baie-James, a community organization has as one of its mandates to help and guide persons who have or have had mental health problems. You can obtain information regarding your legal rights and recourses from these organizations. If necessary, they can help you with any steps you decide to take.

If the contact information for the community organization defending mental health rights in your region is not listed at the end of this pamphlet, you can request the institution where you are being kept under confinement to provide you with it. The institution is required to follow up on your request.

For further information*, please contact the following community organization defending mental health rights:

* You can also call Services Québec to obtain the contact information for the community organization defending mental health rights in your region.

Services Québec offices:

Québec city area:
418-644-4545

Montréal area:
514-644-4545

Elsewhere in Québec:
1-877-644-4545 (toll free)

Persons with a hearing or speech impairment (TTY):
1-800-361-9596 (toll free)

Québec.ca/mise-sous-garde

Santé
et Services sociaux
Québec 

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Rights and Recourses of Persons Placed Under Confinement

Act respecting the protection
of persons whose mental state
presents a danger to themselves
or to others

Votre
gouvernement 

Québec 

You are placed under confinement in your own interests, for your safety or the safety of others

In accordance with the law, you are placed under confinement either:

- By virtue of a court decision rendered following two independent psychiatric examination reports;
- Because a physician or a specialized nurse practitioner is of the opinion that your mental state presents a grave and immediate danger to yourself or to others. You may be placed under preventive confinement for not more than 72 hours in a facility maintained by an institution, even without your consent, or the court's authorization, and prior to any psychiatric examination; or
- Temporarily, to undergo a psychiatric assessment following a court order for not more than 96 hours beginning from the moment you are taken in charge by an institution or, if you are already under preventive confinement, within 48 hours of the judgment ordering that confinement.

Your legal rights while you are under confinement

While under confinement, you are legally entitled to:

- Obtain information about where you are being confined, the reasons and your right to immediately contact your family and a lawyer.
- Obtain at the time of your confinement and after each examination report prescribed in section 10 of the *Act respecting the protection of persons whose mental state presents a danger to themselves or to others* that the institution where you are under confinement give you the *Information document on the rights of, and remedies available to, a person under confinement in accordance with the schedule of the Act*, as provided for in section 16 thereof.
- Obtain all relevant and necessary information to enable you to make an informed decision about the care and services available to you.
- Refuse any other examination, care or treatment, except for psychiatric examinations ordered by the court, in which case the institution and your physician must respect your decision, unless the examination and treatments are ordered by a judge, or your case involves emergency care or personal hygiene.
- Communicate confidentially, orally or in writing, with any person of your choice. However, your attending physician may decide, in your own interests, to prohibit you from communicating with certain persons or to impose restrictions on your communications. Such prohibition or restriction can only be temporary, and the physician's decision must be substantiated in writing and given to you after being filed in your record.

Your physician is not allowed to prevent you from communicating with your representative, the person qualified to give consent to your care, a lawyer, the Québec Public Curator or the Tribunal administratif du Québec. Furthermore, it is forbidden for anyone to read the written communications you exchange with these persons.

- Be released immediately from confinement if, within 21 days of the date of the decision by the court and once every three months thereafter, you have not undergone a psychiatric examination ascertaining that continued confinement is necessary.
- Request to be transferred to another institution, if its organization and resources permit such a transfer, it being understood that the attending physician may also have you transferred to another institution he or she feels is better able to meet your needs.

Note that in such cases the physician must obtain your consent, unless the transfer is necessary to ensure your safety or that of other persons. The physician's decision in that respect must be substantiated in writing and given to you after being filed in your record.

Neither of these transfers may take place unless the attending physician attests, by way of a certificate containing reasons for the transfer, that, in his or her opinion, it does not present any serious and immediate risks to you or to others.

Should you disagree with being placed under confinement

If you are dissatisfied with the continuance of confinement or with a decision made under the Act, **you may refer your case to the Tribunal administratif du Québec.** You must write to the Tribunal yourself or ask a friend or family member, your tutor, or mandatary to present a motion on your behalf. To do so, you may write a letter to the Tribunal explaining the reasons for your disagreement or you may use the *Motion to Institute a Proceeding* form, which you can obtain from any office of the Secretariat of the Tribunal administratif du Québec, on its website at www.ta.q.gouv.qc.ca or from a small claims office in a Québec courthouse.

In your letter or on the form, you must explain, to the best of your ability, why you disagree with the decision concerning you. **You must ensure that the Tribunal receives your motion by the prescribed**

deadline by asking a relative to drop it off in person, or by mailing or faxing it to:

Tribunal administratif du Québec Secrétariat

Québec
575, rue Jacques-Parizeau, RC.10
Québec (Québec) G1R 5R4
Telephone: 418 643-3418
Fax: 418 643-5335

Montreal
500, boulevard René Lévesque Ouest, 21st floor
Montréal (Québec) H2Z 1W7
Telephone: 514-873-7154
Fax: 514-873-8288

Anywhere in Quebec:
Toll-free: 1 800-567-0278
E-mail: tribunal.administratif@taq.gouv.qc.ca

You can also file your request online at www.ta.q.gouv.qc.ca or at any of the Cour du Québec clerks' offices.

You may submit a motion contesting your confinement at any time throughout the duration of the court order. However, if your motion is contesting a decision made under the Act, it must reach the Tribunal administratif du Québec **within 60 days of the decision.** If it is received after this deadline, the Tribunal may still decide to hear you if it is satisfied with the reasons you give to explain the delay. Prior to rendering a decision concerning your motion, the Tribunal will call you to a meeting. At the meeting, you may examine witnesses and you have the right to be represented by a lawyer.

If you are not satisfied with the quality of the service or the time taken by the Tribunal administratif du Québec to process your motion, you may file a complaint with the Ombudsman by completing the complaint form on its website at the following address: protecteurducitoyen.qc.ca or by telephone: 418 643-2688 or toll free: 1 800 463-5070, by fax: 1 866 902-7130 or by mail: 800, place D'Youville, 19^e étage, Québec (Québec) G1R 3P4.