



# **Consent and Capacity Board**

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## **Applying for a Review of a Community Treatment Order (Form 48)**

## **Review of a Community Treatment Order (Form 48)**

If you are the subject of a Community Treatment Order (Form 45), you are obliged to attend appointments with the physician who issued or renewed it and comply with the treatment plan the Order sets out while you live in the community.

You or someone acting for you may apply to the Consent and Capacity Board for a hearing to decide whether or not the criteria have been met to issue the Community Treatment Order.

### **When can I apply to the Board?**

You may apply to the Board once each time your physician completes a Community Treatment Order. A hearing will automatically be held if a second Community Treatment Order is signed and every second time thereafter.

### **How do I apply to the Board?**

When you receive a Notice of Intention to Issue or Renew a Community Treatment Order (Form 49) from your doctor a rights adviser should be sent to see you.

The rights adviser can help you to fill out an application (Form 48) and send it to the Board. If you wish, the rights adviser can help you to find a lawyer.

If you cannot find an application form or if you do not know how to send the form to the Board, you may call the Board for assistance or check our web site at [ccboard.on.ca](http://ccboard.on.ca).

### **When and where will the hearing be?**

You will receive a notice from the Board with the time and place of the hearing. The hearing will take place at a location convenient to all parties. The hearing will be held within 7 days after the Board receives your application unless all the parties consent to an extension.

### **Do I need a lawyer at the hearing?**

It may be a good idea to have a lawyer to represent you but you do not have to have one. The rights adviser can explain your rights, help you to apply to the Board and help you find a lawyer. You may also contact a lawyer on your own or through the Law Society Referral Service, at [The Law Society of Upper Canada](http://The Law Society of Upper Canada). Their number is listed in the White Pages under The Law Society of Upper Canada and in the Yellow Pages under Law Society Referral Services. You may be entitled to a Legal Aid lawyer free of charge.

In some cases, the Board can order that legal representation be arranged for you before the hearing is scheduled. If you come to the hearing without a lawyer, the Board may order that legal representation be arranged for you.

### **Who are the parties to the hearing?**

The parties to the hearing are you and your doctor. If appropriate, the Board may name other parties.

### **What will happen at the hearing?**

The Presiding Member will introduce everyone and explain how the hearing will work, who the official parties are and the order in which people will speak. Each party may attend the hearing

and invite anyone they want to come. Each party may have a lawyer, call witnesses and bring documents.

Your doctor is required to present information at the hearing to help the Board decide whether the criteria has been met in issuing the Community Treatment Order. You and your lawyer may also present evidence.

Each party as well as the Board members may ask questions of each witness. At the end of the hearing each party will be invited to summarize and the Presiding Member will then end the hearing.

### **What happens after the hearing is over?**

The Board will meet in private to make its decision. It will issue the decision within one day. Written reasons will be issued if any of the parties request them within thirty days of the hearing.

The Board will decide whether to confirm or revoke the Community Treatment Order. In making its decision, the Board will consider the criteria in Section 33.1 (4) of the Mental Health Act.

If the Board confirms the Community Treatment Order you are subject to the requirements in the Community Treatment Plan. If the Board revokes the Community Treatment Order you are no longer subject to the requirements in the Community Treatment Plan.

### **Can the Board's decision be appealed?**

A decision by the Board can be appealed by any party to the Superior Court of Justice.

## **Contact Us**

### **CCB Numbers**

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**TTY/TDD:** 1-877-301-0TTY or 1-877-301-0889 (Toll Free)

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