



Consent and Capacity Board

Applying for a Review of Involuntary Status (Form 16)

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If you are being held in a psychiatric facility under a Certificate of Involuntary Admission (Form 3) or a Certificate of Renewal (Form 4), you are considered an involuntary patient.

You or someone acting for you may apply to the Consent and Capacity Board for a hearing to decide whether or not you must stay in hospital as an involuntary patient.

When can I apply to the Board?

You may apply to the Board once each time your doctor completes a Form 3 or a Form 4. (You may not apply to the Board if you are being held on a Form 1 for a 72 hour assessment or if you are a voluntary patient.)

A hearing will automatically be held if a fourth Certificate of Renewal is signed, and, should you be held as an involuntary patient on a long-term basis, once every year after that for as long as you are an involuntary patient.

How do I apply to the Board?

If you are made an involuntary patient or if your involuntary status is renewed, a rights adviser should be sent to see you. You may also ask that a rights adviser come to visit you. The rights adviser can explain your rights and help you to apply to the Board. A health practitioner or someone else working in your facility can help you to contact a rights adviser.

The rights adviser can help you to fill out an application (Form 16) 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.

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 in the hospital. 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. 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 you should remain an involuntary patient. 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 your involuntary status. In making its decision, the Board will consider the criteria in Section 20 of the Mental Health Act.

If the Board confirms the Certificate of Involuntary Admission (Form 3) or the Certificate of Renewal (Form 4), you will remain an involuntary patient. If the Board revokes the certificate, you will become a voluntary patient and you can then choose whether or not to remain in hospital.

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

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