



Consent and Capacity Board

Applying for a Review of Informal Status Person Aged 12 to 15 (Form 25)

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If you are admitted to a psychiatric facility on the consent of a family member, your guardian or the Public Guardian and Trustee, you are called an informal patient.

If you are an informal patient and you are at least 12 years of age but not yet 16 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.

When can I apply to the Board?

As long as you are an informal patient, you may apply to the Board once every three months. Whether or not you apply to the Board, a hearing will be held once every six months to decide whether or not you need to stay in hospital.

How do I apply to the Board?

When you are admitted as an informal patient, 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 25) 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 informal 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 may direct that you be discharged from the psychiatric facility; or confirm that you continue as an informal patient in the psychiatric facility. In making its decision the Board will consider the criteria in Section 13 of the Mental Health Act.

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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