

## CHECKLIST – GUIDE TO THE APP\* DIFFERENT TYPES OF CONFINEMENT IN AN INSTITUTION

		PREVENTIVE CONFINEMENT	TEMPORARY CONFINEMENT	REGULAR or AUTHORIZED CONFINEMENT
1.	Type of situation	Confinement of a person whose mental state presents a grave and immediate danger to himself or to others.	Confinement of a person for psychiatric assessment.	Confinement following a psychiatric assessment concluding that the person's confinement is necessary owing to his dangerousness.
2.	Who decides or orders the confinement?	A <b>physician</b> at a hospital centre <u>decides</u> to place a person under preventive confinement if he is of the opinion that this person's mental state presents a grave and immediate danger to himself or to others without the necessity to obtain the person's consent, without authorization from the Court of Québec and without a psychiatric examination.	A judge of the <b>Court of Québec</b> <u>orders</u> a temporary confinement if he has serious reasons to believe that this person presents a danger to himself or to others owing to his mental state.	A judge of the <b>Court of Québec</b> <u>orders</u> a regular confinement when the psychiatric assessment, consisting of 2 psychiatric reports, concludes that confinement is necessary and the Court has serious reasons to believe that the person is dangerous to himself or to others owing to his mental state, and that the person's confinement is necessary.
3.	Who may request confinement?	On order of a physician (no motion required).	A hospital centre or any interested person.	A hospital centre or any interested person.
4.	Duration of confinement	Maximum of 72 hours.	Maximum of 96 hours after the person is taken in charge by the hospital centre or, if the person is already in preventive confinement, within 48 hours of the Court order's temporary confinement.  These are strict time limits during which the psychiatric assessment must take place.	The Court of Québec sets the duration and place of confinement. If confinement is ordered for more than 21 days, the person must be examined periodically to ascertain whether confinement is still necessary. Reports of such examinations must be produced in the following timelines: <ul style="list-style-type: none"> <li>the first 21 days from the judgment of the Court of Québec;</li> <li>every 3 months thereafter.</li> </ul>
5.	Extension of confinement	Exceptionally, an extension is possible until the next working day if the following criteria are met: <ol style="list-style-type: none"> <li>the 72-hour period ends on a Saturday or on a holiday;</li> <li>no judge of the Court of Québec is able to act;</li> <li>the termination of the person's confinement presents a serious and immediate danger to himself or to others.</li> </ol>	If the 2 psychiatric reports made by different psychiatrists conclude that confinement is necessary, the person may be kept under confinement for a maximum of 48 hours without his consent or judicial authorization. During this period, the hospital centre may be able to obtain an order of regular confinement from the Court of Québec.	None. Before the time fixed in an order of regular confinement expires, a new legal proceeding before the Court of Québec is necessary to obtain a new order of regular confinement.
6.	Release from /Termination of confinement	At any time prior to the expiration of the 72-hour period, confinement ends if a physician releases the person from confinement or upon expiration of the 72-hour period, except if the hospital centre has obtained an order of temporary confinement or regular confinement, as the case may be, from the Court of Québec before this deadline.	Confinement ends once one of the 2 psychiatric examinations reports conclude that confinement is not necessary.	Confinement ends when one of these events occurs: <ul style="list-style-type: none"> <li>as soon as a certificate attesting that confinement is no longer justified has been issued by the attending physician;</li> <li>on failure to produce the psychiatric examination report on the 21<sup>st</sup> day or any subsequent report that is required to be produced every 3 months;</li> <li>on the expiry of the time fixed by a judgment of the Court of Québec;</li> <li>by a decision of the <b>Tribunal administratif du Québec</b> (TAQ);</li> <li>by a judgment of a court of justice.</li> </ul>
7.	Jurisdiction of TAQ	The TAQ has no jurisdiction over this type of confinement.	The TAQ has no jurisdiction over this type of confinement.	The TAQ has jurisdiction over this type of confinement. It may hear contestation relating to the continuation of regular confinement or relating to a decision rendered under the APP (e.g. hospital transfer, access to his medical record). The TAQ may also act on its own initiative.

## CHECKLIST – GUIDE TO THE APP\* PROCEEDINGS BEFORE THE TAQ CONCERNING REGULAR OR AUTHORIZED CONFINEMENT

<b>Information to be given to the person under regular or authorized confinement</b>	The hospital centre must give to the person under confinement a document in conformity with the schedule entitled: "Information document on the rights of, and remedies available to, a person under confinement" in accordance with the APP.
<b>Ways of filing the proceeding before the TAQ</b>	Any letter from the person under confinement setting out the purpose and grounds of contestation constitutes an application to institute a proceeding before the TAQ. A motion instituting a proceeding may also be filed by the representative of the person under regular confinement or by any person showing a special interest.
<b>Timelines for hearing the proceeding</b>	The Act specifies that the proceeding before the TAQ must be <u>heard by preference</u> . The hearing must therefore be scheduled quickly. Filing a proceeding does not suspend the confinement.
<b>Location of hearing</b>	The hearing is held at the hospital centre where the person is under confinement. The TAQ must have access to an adequate and secure room to ensure the proper conduct of the hearing. It is also possible to hold a video hearing if necessary and if the condition of the person under confinement will allow it.
<b>Documents to be transmitted to the TAQ without delay</b>	Confirmation by the hospital centre of any release from confinement by the attending physician or an expiration of confinement. Any intention on the part of the hospital centre to obtain a new confinement.
<b>Documents to be transmitted to the TAQ 24 hours before the hearing</b>	The hospital centre must provide the TAQ with the following documents: <ul style="list-style-type: none"> <li>• the judgment ordering regular confinement from the Court of Québec and any new order of confinement, if applicable;</li> <li>• the application for regular confinement;</li> <li>• a copy of the 2 psychiatric examination reports;</li> <li>• the name of the attending physician;</li> <li>• in case of confinement for more than 21 days, the hospital centre shall inform the TAQ <u>without delay</u> of the psychiatric report conclusions of the 21<sup>st</sup> day and, if applicable, of each subsequent periodic psychiatric report (every 3 months).</li> </ul>
<b>How to submit these documents</b>	By fax: <b>Montréal:</b> (514) 873-8288 <b>Québec:</b> (418) 643-5335
<b>Documents required on the day of the hearing</b>	<ul style="list-style-type: none"> <li>✓ <u>An updated</u> report signed by the psychiatrist containing the following information: <ul style="list-style-type: none"> <li>• clarification that the psychiatrist himself has examined the person under confinement;</li> <li>• date of the most recent examination;</li> <li>• a psychiatric diagnosis, even if provisional, concerning the mental state of the person under confinement;</li> <li>• the psychiatrist's opinion explaining and justifying how the mental state of the person under confinement still, <u>on the day</u> of the hearing, represents a danger to himself or to others;</li> <li>• the reasons and facts upon which his diagnosis and opinion are based. Among the facts stated, identify those which he observed and those which have been communicated to him by others.</li> </ul> </li> <li>✓ Any relevant reports such as a written psychosocial assessment, if applicable.</li> <li>✓ Complete medical records must also be available for consultation on the site by the TAQ as needed.</li> </ul>
<b>Persons required to attend the hearing</b>	The hospital centre must, in a timely manner, inform the person under confinement and all concerned persons of the date, time and location of the hearing and ensure that the attending psychiatrist who wrote the report that was filed attends.
<b>What issues are discussed at a hearing before the TAQ?</b>	In general, the TAQ has the responsibility of deciding, the day of the hearing, whether the regular confinement must be ended or, on the contrary, whether it is still justified and the person must be kept under confinement. The TAQ assesses the dangerousness of the person to himself or to others owing to his mental state.
<b>Who hears the proceeding before the TAQ?</b>	A panel of three administrative judges, comprised of a lawyer or a notary, a psychiatrist and a social worker or a psychologist.
<b>Decision</b>	The TAQ usually renders its decision and communicates it at the hearing.
<b>Note</b>	For any information or further clarification, please contact the TAQ: By telephone: <b>Montréal:</b> (514) 873-7154 <b>Québec:</b> (418) 643-3418 or toll free at 1-800-567-0278 By mail: <b>Montréal:</b> 500 René-Lévesque Blvd. West, 21 <sup>st</sup> floor, Montréal, Québec H2Z 1W7 <b>Québec:</b> 575 Jacques-Parizeau St., Québec, Québec G1R 5R4 In person: Opening hours: 8:30 a.m. to 4:30 p.m., Monday to Friday, except on holidays By email: tribunal.administratif@taq.gouv.qc.ca or visit our website: www.taq.gouv.qc.ca