



## Am I dangerous due to my mental state?

**Ambulance attendants came to my house and took me to the hospital although I refused to go. Upon my arrival, the doctors refused to let me leave and they decided to keep me there even though I was firmly opposed to being hospitalized. Can I be kept in the hospital against my will?**

### THE FACTS

L.L. is 50 years old and has been suffering from paranoid schizophrenia for many years. Her family is worried about her mental state, because she was evicted from her dwelling and, according to them, she does not take her medication regularly. Under these circumstances, she is transported to the hospital. Upon her arrival, L.L. is placed under preventive confinement for a period of 72 hours, given that the psychiatrists consider that she presents a grave and immediate danger to herself or to others due to her mental state. Since the doctors want to keep her there for a longer period of time, the hospital applies to the court for an authorization to keep her against her will for a maximum period of 90 days. L.L. is represented by a lawyer and contests the application made by the hospital centre.

### THE ISSUE

Does L.L. present a danger to herself or to others due to her mental state? If so, is it necessary to confine her in an institution?

### THE DECISION

The institution's application for confinement is dismissed.

### THE GROUNDS

As evidence, the hospital filed two psychiatric reports concluding that confinement was necessary. When seeking to confine a person in an institution, the hospital has the burden to prove that the person is a danger to herself or to others owing to

her mental state and to prove the need to confine the person.

L.L. testified at length in court and was able to adequately answer the questions that were posed to her. She also placed into context several elements set out in the psychiatric assessments.

Although L.L. did not present an independent contrary psychiatric opinion, the court concluded that the institution had not proven that L.L. presented a level of danger to herself or to others that justified confining her in an institution. L.L. had not made suicidal comments and did not have hetero-aggressive ideas. The court drew attention to the fact that psychiatric assessments filed in support of an application for confinement in an institution must be detailed and contain reasons, which was not the case here. Confinement in an institution is a significant infringement on a person's liberty and cannot be authorized without grave and serious reasons. After analyzing the evidence submitted to it, the court dismissed the hospital's application.

### References

*Centre de santé et de services sociaux de Rimouski-Neigette v. L.L.*, Court of Québec (C.Q.) Rimouski 100-40-000410-088 2008/09/29, judge: Guy Ringuet. (www.jugements.qc.ca)

*An Act respecting the protection of persons whose mental state presents a danger to themselves or to others*, (R.S.Q., c. P-38.001), section 9.

*Civil Code of Québec*, (S.Q. 1991, c. 64), article 30.

The judgement discussed in this article was rendered based on the evidence submitted to the court.

Each situation is unique. If in doubt, we suggest you consult a legal aid lawyer.

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