

CHIEF CIVIL PSYCHIATRIST APPROVED FORM 4



PROTECTIVE CUSTODY

Mental Health Act 2013
Sections 17 – 21 and Schedule 2

TCHI (Patient ID): _____
 Family Name: _____
 Given Names: _____
 Date of Birth: ___ / ___ / ___ Gender: M F TG / IT
 Address: _____
 Telephone: _____ Mobile: _____

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PART A: ENTRY TO PROTECTIVE CUSTODY

MHO / POLICE OFFICER WHO HAS TAKEN PERSON INTO PROTECTIVE CUSTODY TO COMPLETE

A Mental Health Officer (MHO) or police officer may take a person into protective custody if the MHO or police officer reasonably believes that:

the person has a mental illness, and
 the person should be examined to see if he or she needs to be assessed against the assessment criteria or the treatment criteria, and
 the person's safety or the safety of other persons is likely to be at risk if the person is not taken into protective custody.

For the purposes of taking a person into protective custody, no form of warrant is required, and the MHO or police officer is not required to confirm whether, under this or any other Act, another process is in train in respect of the person, and the custody and escort provisions apply, and continue to apply while the person remains in protective custody.

Meaning of Mental Illness

A person is taken to have a mental illness if he or she experiences, temporarily, repeatedly or continually, a serious impairment of thought (which may include delusions), or a serious impairment of mood, volition, perception or cognition.

Assessment Criteria

The person has, or appears to have, a mental illness that requires or is likely to require treatment for:
 the person's health or safety, or
 the safety of other persons, and
 the person cannot be properly assessed with regard to the mental illness or the making of a treatment order except under the authority of the assessment order, and
 the person does not have decision making capacity.

Treatment Criteria

The person has a mental illness, and without treatment, the mental illness will, or is likely to, seriously harm:
 the person's health or safety, or
 the safety of other persons, and
 the treatment will be appropriate and effective in terms of the outcomes referred to in section 6(1) of the Act; and
 the treatment cannot be adequately given except under a treatment order; and
 the person does not have decision making capacity.

A person should only be escorted to the Roy Fagan Centre or Millbrook Rise Centre in protective custody if this has been arranged in advance.

In taking a person into protective custody, an MHO or Police Officer may take possession of and safeguard any medication, physical aid or other thing that the custodian or escort reasonably believes is or may be necessary to the patient's health, safety or welfare, or which may be relevant to the patient's examination, assessment, treatment or care.

An MHO or police officer who takes a person into protective custody must escort the person to an approved assessment centre, or ensure that another MHO or police officer does so.

Name of person being taken into protective custody (if known):

Custodian's status and identity (tick the appropriate box):

MHO. ID Card/Payroll Number: _____

Police Officer. Name and Badge Number: _____

I reasonably believe that:

- The person named above has a mental illness **AND**
- The person named above should be examined to see if he or she needs to be assessed against the assessment criteria or the treatment criteria **AND**
- The safety of the person named above, or the safety of other persons, is likely to be at risk, or was likely to be at risk, if the person is or was not taken into protective custody.

Reasons for this belief (include details of the person's behaviour – whether reported or directly observed, whether the person appears or appeared to be under the influence of drugs or alcohol, and any other relevant information. Attach additional information if needed):

Details of medication, physical aids, prescriptions or other things taken possession of and safeguarded. Attach additional information if needed:

Date/time person taken into custody: Date: _____ **Time:** _____ (24 Hrs)

Date/time of arrival at assessment centre: Date: _____ **Time:** _____ (24 Hrs)

Name of assessment centre to which the person was taken:

NWRH (Burnie) LGH RHH Roy Fagan Centre Millbrook Rise Centre

Custodian's signature:

COPY TO: Person taken into protective custody (on release from protective custody) MHO/Police Officer to whom custody is handed over / medical practitioner at the approved assessment centre CCP LOC If person being released is a child/if there is consent – parent/support person/representative **OTHER:** Person taken into protective custody to be given a Statement of Rights on arrival at approved assessment centre by staff at the centre Person taken into protective custody to have rights explained to him/her in a language and form that he/she can understand

CONTACT DETAILS: CCP: Phone: (03) 6166 0781 Email: chief.psychiatrist@dhhs.tas.gov.au



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Rights, Respect, Recovery

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PART B: MEDICAL PRACTITIONER EXAMINATION

MEDICAL PRACTITIONER TO COMPLETE

On arrival at an approved assessment centre, the controlling authority of the centre must have the person examined by a medical practitioner, within four (4) hours of the person's arrival at the centre, to see if the person needs to be assessed against the assessment criteria or the treatment criteria.

Assessment Criteria

The person has, or appears to have, a mental illness that requires or is likely to require treatment for:
the person's health or safety, or
the safety of other persons, and
the person cannot be properly assessed with regard to the mental illness or the making of a treatment order except under the authority of the assessment order, and
the person does not have decision making capacity.

Treatment Criteria

The person has a mental illness, and
without treatment, the mental illness will, or is likely to, seriously harm:
the person's health or safety, and
the safety of other persons, and
the treatment will be appropriate and effective in terms of the outcomes referred to in section 6(1) of the Act, and
the treatment cannot be adequately given except under a treatment order; and
the person does not have decision making capacity.

Name of person examined (if known): _____

Medical practitioner's name: _____

Name of assessment centre to which the person has been escorted:
 NWRH (Burnie) LGH RHH Roy Fagan Centre Millbrook Rise Centre

I **examined** the person named above on his or her arrival at the approved assessment centre named above to see whether he or she needed to be assessed against the assessment criteria or treatment criteria. As a result of that examination I have determined that the person (*tick relevant box*):

Does not need to be assessed against the assessment criteria or treatment criteria

Needs to be assessed against the assessment criteria or treatment criteria

Date and time of examination:

Date: _____ Time: _____ (24 Hours)

Medical practitioner's signature: _____



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PART C: RELEASE FROM PROTECTIVE CUSTODY

MENTAL HEALTH OFFICER / POLICE OFFICER TO COMPLETE

An Mental Health Officer (MHO) or police officer who has a person in protective custody *must* release the person from the protective custody if, while the person is in that custody:

Informed consent is given to assess or treat the person, or

An assessment order or treatment order is made in respect of the person, or

The MHO or police officer reasonably forms the belief that the person no longer meets the criteria for being taken into protective custody, or

Four (4) hours after the person's arrival at the approved assessment centre, if the person is still in the protective custody at the expiry of that period and has not been examined, and none of the things referred to above have occurred.

The protective custody criteria are as follows:

An MHO or police officer may take a person into protective custody if the MHO or police officer reasonably believes that:
the person has a mental illness, and
the person should be examined to see if he or she needs to be assessed against the assessment criteria or the treatment criteria, and
the person's safety or the safety of other persons is likely to be at risk if the person is not taken into protective custody.

Name of person being released from protective custody (if known):

Custodian's status and identity (tick the appropriate box):

MHO. Name/ID Card/Payroll Number: _____

Police Officer. Name and Badge Number: _____

I have **released** the person named above from protective custody for the following reason(s):

A - Informed consent was given to assess or treat the person

B – An assessment order was made for the person

C – A treatment order was made for the person

D - I reasonably formed the belief that the person no longer met the criteria for being taken into protective custody

E – A medical practitioner at the approved assessment centre examined the person and decided that the person did not meet the assessment criteria or treatment criteria

F – The person had been at the approved assessment centre for four hours and none of the things noted above had occurred.

Date and time of release: Date: _____ **Time:** _____ (24 Hours)

MHO/Police Officer's signature:

COPY TO: Person being released CCP LOC If person being released is a child/if there is consent – parent/support person/representative

CONTACT DETAILS: CCP: Phone: (03) 6166 0781 Email: chief.psychiatrist@dhhs.tas.gov.au

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PART D: HANDOVER OF PROTECTIVE CUSTODY

MHO / POLICE OFFICER TO COMPLETE IF CUSTODY IS HANDED OVER

An MHO or police officer may, as circumstances require, transfer physical control of a person in custody to another MHO or police officer.

An MHO or police officer who takes a person into protective custody may ask any MHO at the approved assessment centre to which the person is escorted, to take over the protective custody of the person.

An MHO at the approved assessment centre who is asked to take over the protective custody of the person must comply with the request unless it would be unsafe in the circumstances to do so.

A person's protective custody is not taken to have been interrupted or terminated merely because physical control of the person has been handed over from one MHO or police officer to another such officer.

Name of person in protective custody (if known):

Status and identity of MHO/Police Officer HANDING OVER custody (tick the appropriate box):

MHO. Name/ID Card/Payroll Number: _____

Police Officer. Name and Badge Number: _____

Status and identity of MHO/Police Officer ACCEPTING custody (tick the appropriate box):

MHO. Name/ID Card/Payroll Number: _____

Police Officer. Name and Badge Number: _____

Date and time custody is handed over:

Date: _____ **Time:** _____ (24 Hours)

Signature of custodian HANDING OVER custody: _____

Signature of custodian ACCEPTING custody: _____

Have any items taken possession of and safeguarded been handed over?

Yes. Details of items handed over:

No. Reasons for items not being handed over:

COPY TO: Person to whom custody is handed over / medical practitioner at the approved assessment centre