

# INFORMATION GUIDE

## Community Treatment Orders

### What is a Community Treatment Order (CTO)?

Under the Mental Health Act (MHA), a Community Treatment Order (CTO) is an order issued by a doctor that requires a person to receive supervised treatment and care in the community.

The purpose of a CTO is to provide a person with a comprehensive plan of community-based treatment or care and supervision that is less restrictive than being detained in a hospital.

### What are the conditions or criteria for being placed on a CTO?

A doctor may only issue or renew a CTO if certain conditions are met, including **all** of the following six conditions:

1. The person must have a serious mental illness **AND during the previous three years:**
  - the person must have been a patient in a psychiatric facility two or more times, or for a total of 30 days or more;**OR**
  - the person must have previously been on a CTO.
2. A Community Treatment Plan (CTP) must have been developed with the input of the person or the person's Substitute Decision Maker (SDM), the doctor and any others involved in that person's treatment or care and supervision.

3. The doctor has examined the person in the 72 hours before entering into the CTP and is of the opinion that the person meets certain criteria, including that if the person does not receive continuing care or treatment and supervision, they are likely to cause serious harm to themselves or others.
4. The doctor has spoken with the health practitioners or other persons who would be named in the CTP.
5. The doctor is satisfied, that the person and their SDM, if any, have consulted with a rights adviser and been informed of the person's legal rights.
6. The person or their SDM have consented to the CTP.

For more information on SDMs, see the "**Substitute Decision Maker**" information guide.

## **The process for a Community Treatment Order**

The doctor will first determine if the person is capable of consenting to a proposed CTP. After determining the capacity or incapacity of the person, the doctor begins developing the CTP with the input of either the person (if capable) or the SDM (if the person is incapable). However, even if found incapable, the person may discuss issues of their treatment and supervision with their SDM and doctor. The doctor will also discuss the CTP with anyone else who may be named in the CTP — this may include social workers, other doctors, and support services in the community.

Once the CTP is developed, the person will be given a Form 49 (Notice of Intention to Issue or Renew a Community Treatment Order) and a copy of the CTP. The doctor will notify a rights adviser who will contact the person and SDM (if any) to give information regarding their obligations under the CTP and options.

Rights advice is mandated under the MHA and before a CTO can be issued the Rights Adviser must promptly meet with the person and SDM (if any).

The Rights Adviser will:

- Explain the criteria for the CTO with the person.
- Review the CTP with the person and if applicable, their SDM, and inform them of their rights and obligations.
- Help the person apply to the **Consent and Capacity Board** for a hearing if they do not agree with the CTP.
- Help the person find a lawyer.
- Help the person apply for legal aid, if needed.

Rights advisers do not work for the hospital, and the service they provide is free and confidential. The person subject to the CTO can refuse a rights adviser at any time. A SDM cannot refuse rights advice.

### **How long does a CTO last?**

A CTO lasts up to six months and can be renewed for a period of six months.

### **Can a person or SDM change their mind after consenting to a CTO?**

A capable person or their SDM can withdraw their consent to the CTP at anytime but must notify the doctor. If the consent is withdrawn, after receiving the notice of intention, the doctor will review the person's condition within 72 hours to decide if that person can live in the community without the CTO.

If the doctor determines that the person cannot live in the community without the CTO, and the person has withdrawn their consent to the CTO, the doctor may place the person on a Form 1 (Application for Psychiatric Assessment). See the Form 1 Application for Psychiatric Assessment Information Guide for more information.

## **What happens if the person does not comply with the CTO?**

If the person does not follow the CTP, the doctor may try to contact them and remind them of their responsibilities under the CTO. If there is an SDM, the doctor may inform them of the situation. The doctor may assist the person to meet their responsibilities under the CTO.

If the doctor still believes that the person is not following the CTP, the doctor may issue an Order for Examination (Form 47). The Form 47 gives the police the authority to bring the person to the hospital for an examination. After the examination the doctor can, issue a new CTO, place the person on a Form 1 (Application for Psychiatric Assessment), or release them

## **Questions?**

For questions and information about the Consent and Capacity Board hearings, visit their [website](#).

If you have a question about your specific legal situation, contact a lawyer.

For questions about this Information guide, visit [Ontario.ca/PPAO](https://ontario.ca/ppao) or contact Psychiatric Patient Advocate Office at 1-800-578-2343.

This information guide provides information only and does not contain legal advice. If at any time requirements in legislation conflict with information in this sheet, the legislative requirements prevail.