- previous treatment for mental illness

advanced statements
- sets out individuals preferences in relation to treatment if they become a MH patient
- can be made any time
  - in writing
  - signed and dated by the person
  - witnessed by an authorised witness
- treating team must take note of AS

presumption of capacity
- just because someone is mentally unwell does not mean they are mentally incapable
- capacity fluctuates and needs to be reassessed
- a person has the capacity to give informed consent if
  - info understood
  - remember the info
  - able to weigh info that is relevant to the decision
  - able to communicate the decision

nominated persons
- role
  - provide support
  - receive info about patient
  - be consulted about treatment
  - assist patient to exercise their rights

when a patient does not give consent to treatment
- AP may make treatment decision for pt. if there is no less restrictive avenue for treatment
- AP must take into account
  - pt. views and preferences
  - AS
  - views of nominated person
  - views of guardian
  - views of carer
  - views of parent if pt. is <16
  - likely consequences if treatment is not performed
  - any second opinion

police powers
- may apprehend a person if
  - they appear to have a mental illness
  - to prevent serious and imminent to the person or to another person
  - may be accompanied with a MHP
  - may apprehend person and take them to designated MH service
- police now have new search powers which include
  - provision to search person for dangerous items
  - search for items which will assist in escape
  - powers to seize such items

criteria for compulsory treatment
- following criteria enables a person to be made subject to a temporary treatment order
a) the person has a mental illness and
b) because the person has a mental, there person needs immediate treatment to prevent
   - serious deterioration in the person’s mental or physical health or
   - serious harm to the person or another and
c) the immediate treatment will be provided to the person if the subject to a temporary TO or TO