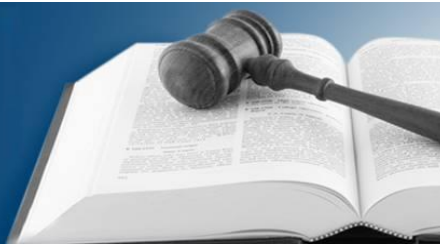




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Legal Brief*

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The Right to Communicate of a Person Who Has Been Placed Under Confinement in a Health Care Institution

Following a court ruling that Sophie represents a danger to herself or to others due to her mental state, she has been placed under confinement in a health care institution against her will. She wonders whether she will be able to contact her close relatives during her stay.

The [Act respecting the protection of persons whose mental state presents a danger to themselves or to others](#) provides that any person placed under confinement in a health care institution may communicate with the persons of their choice. For example, the person can communicate with their spouse, children or close relatives during their stay.

However, the attending physician or a specialized nurse practitioner may decide to prohibit or restrict certain communications. This decision must be made in the interests of the person under confinement, and it can only be temporary.

If the attending physician or a specialized nurse practitioner imposes such a prohibition or restriction, it must be set out in writing and contain reasons.

Under this *Act*, the person placed under confinement must be given a copy of the prohibition or restriction, and a copy must also be noted in the person's file.

That said, no communication restrictions may be imposed between the person under confinement and the following persons:

1. The confined person's representative
2. The person qualified to give consent to the care required by the confined person's state of health
3. A lawyer
4. The Public Curator
5. The Administrative Tribunal of Québec

Finally, this *Act* stipulates that the person under confinement must be allowed to make all communications confidentially.

For any other information regarding your rights and recourses if you have been placed under confinement, don't hesitate to contact the nearest legal aid office in your area. To find the contact information for your legal aid office, please click on the following link www.csj.qc.ca.

Don't hesitate to have your eligibility for legal aid evaluated by making an appointment at a legal aid office near you. You can also check your eligibility online [here](#).

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* The information set out in this document is not a legal interpretation.

The masculine gender is used to designate persons solely in order to simplify the text.