



**The Hospital Won't Let Me Go. What Are My Rights?**

You've been brought to the hospital without your consent and your doctor refuses to let you leave. Or, perhaps you came to the hospital voluntarily, but now they won't let you leave. You've probably been placed under **preventive confinement**.

Indeed, the law<sup>1</sup> allows a physician, usually a psychiatrist, or a specialized nurse practitioner to keep a person in the hospital without their consent for up to 72 hours under the following conditions: if their mental state presents a grave and immediate danger to themselves or to others.

You may therefore have been placed under preventive confinement, without prior court authorization being required and even before a medical examination was performed. However, the physician or specialized nurse practitioner cannot keep you in the hospital for more than 72 hours without your consent or without prior court authorization.

Subsequently, you may be asked to undergo psychiatric assessments. If you refuse to undergo these assessments, the physician may file a court application for **temporary confinement for purposes of a psychiatric assessment**. At that time, the physician must prove that they have serious reasons to believe that your mental state presents a danger to yourself or to others. **YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER AT THIS HEARING.**

If the judge grants the hospital's application, i.e., the judge orders the temporary confinement for purposes of a psychiatric assessment, you will undergo a first examination within 24 hours of the judgment. If the conclusion of this assessment is that confinement is necessary, you will undergo a second examination by a second psychiatrist within 48 hours of the order.

Lastly, even if both examinations conclude that confinement is necessary, the court can only authorize **confinement in an institution** if the court itself has serious reasons to believe that you present a danger and that confinement is necessary.

Here, too, **YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER AT THIS HEARING.**

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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](#).

To find the contact information for your legal aid office, please click on the following link [www.csj.qc.ca](http://www.csj.qc.ca).

<sup>1</sup> [Act respecting the protection of persons whose mental state presents a danger to themselves or to others](#), CQLR, c. P-38.001, ss. 6 to 8.

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

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