



Psychiatric Assessments

Following a court ruling concluding that there is good reason to believe that Olivia represents a danger to herself or to others due to her mental state and ordering that she be confined in an institution, Olivia must undergo a psychiatric assessment. She wonders exactly what this assessment will entail, and which professional will perform it.

First, it should be noted that a psychiatric assessment consists of two examination reports, which must be completed within the strict time limits prescribed by law in such circumstances.

[Article 29 of the Civil Code of Québec](#) specifies what a psychiatric examination covers:

“A psychiatric examination report must deal in particular with the necessity of confining the person in an institution if he is a danger to himself or to others owing to his mental state, with the ability of the person who has undergone the examination to care for himself or to administer his property and, where applicable, with the advisability of instituting tutorship to a person of full age, or obtaining homologation of a protection mandate, for him.”

Moreover, [the Act respecting the protection of persons whose mental state presents a danger to themselves or to others](#) specifies that a report made following a psychiatric examination must be signed by the examining physician.

The physician who prepares the report must also state:

1. that he himself has examined the person;
2. the date of the examination;
3. his diagnosis, even if only provisional, concerning the mental state of the person;
4. his opinion as to the gravity and probable consequences of the person's mental state; and
5. the reasons and facts upon which his opinion and diagnosis are based and, among the facts mentioned, those which he himself has observed and those which have been communicated to him by others.

A psychiatric examination must be carried out by a psychiatrist. However, if it is not possible to obtain the services of a psychiatrist in due time, the examination may be carried out by any other physician.

In all cases, the law stipulates that the psychiatrist or physician performing the examination may not be the spouse, a close relative or relative by marriage or a civil union or the representative of the person undergoing the examination.

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

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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.