

7: Assessment Order

Most people with a mental illness or mental disorder willingly and actively seek help and can make decisions about what kind of treatment, care and support they want. There may however be times when you become unwell because of your mental illness or mental disorder and cannot make those decisions (you don't have decision-making capacity), or you refuse help, despite there being a risk of harm to yourself or the community. In these situations, you may require a formal assessment to determine whether you need treatment care and support. An Assessment Order (AO) is one way of doing this.

Assessment Order (AO)

An application for an AO can be made by anyone, including a family member, a member of the public, a health professional or you, if you are concerned about your own mental health or wellbeing.

Applications are made to ACT Civil and Administrative Tribunal (ACAT) if you are:

- unable to make reasonable choices and decisions about your own health and safety
- unable to do something to look after your own health and safety, or
- likely to do serious harm to yourself or others.

An AO is an Order that directs you to have an assessment.

What if an AO is made for me?

If ACAT makes an AO for you, you are required to have a mental health assessment. The AO includes information about the assessment to be conducted, the name of the health professional who will conduct the assessment (if known) and where it will take place.

Most assessments are held in community health centres. Occasionally, the assessment may need to take place in an approved mental health facility like the hospital. The assessment must be conducted within seven days of the Order being made, unless otherwise stated.

More information about AOs, including the application form and information sheet, is available on the ACAT website (see [Where to get help about the Mental Health Act](#)).

Removal Orders

If you do not comply with an AO fully knowing that the AO has been made and have no reasonable excuse for failing to comply (for example, you don't attend an assessment interview as scheduled), ACAT can issue a Removal Order.

A Removal Order means a Mental Health Officer, doctor, authorised ambulance officer or police officer can take you to an approved mental health facility for the assessment to be conducted.

What does an assessment involve?

In an assessment the health professional conducting the assessment will discuss your current situation and history. This may include asking about your medical history, early development, family history and use of alcohol, tobacco, and any other substances. The assessment may involve observing your behaviour. They will also ask about behaviour, thoughts, feelings, and experiences to assess whether these suggest you have a mental illness or mental disorder.

A detailed assessment also includes information provided by other people, such as carers, close

friends, family members and significant others, where possible and appropriate.

If you are taken to a mental health facility for an assessment, you must be allowed to contact all the people that you wish to know about the situation. This might include your Nominated Person, a relative or friend, the Public Advocate and/or a lawyer.

What happens after an assessment?

After an assessment has been completed, the health professional doing the assessment will discuss their opinion with you. They will make recommendations about what they think might help. You may be offered community or hospital-based treatment, which you can accept or decline.

If you decline, and the health professional carrying out the assessment feels that criteria for involuntary care under the Mental Health Act are not met, then you can leave.

If the health professional carrying out the assessment believes that you fulfill the criteria for involuntary care under the Mental Health Act, you can be detained under the Act.

The health professional who conducts the assessment must write a report to ACAT that includes:

- a history of the present situation (mental illness/disorder)
- results of a Mental State Examination
- psychiatric history or past treatments
- personal history (including family, early life, and development)
- medical history
- current medications
- drug and alcohol history
- forensic history (if any)
- risk assessment
- impression or diagnosis
- recommendations about whether a Mental Health Order is needed, and
- proposed action or management plan.

If you need help to understand or respond to the assessment report, you can contact the person who conducted the assessment or advocacy services like ACT Disability, Aged and Carer Advocacy Service (ADACAS) or Legal Aid.

A copy of your assessment report will be given to you, and:

- ACAT, and
- your parents (if you are a child), or those who have parental responsibility for you.

The following people should also be told in writing about the outcome of the assessment:

- your nominated person (if you have one)
- your guardian (if you have one)
- the person who holds power of attorney for you (if you have one), and
- your health attorney.

Depending on the outcome of the assessment:

- the Chief Psychiatrist (or their delegate) may apply to ACAT for a Psychiatric Treatment Order (PTO), or
- the Care Coordinator (or their delegate) may apply to ACAT for a Community Care Order (CCO).