

10: Community Care Order

Most people with a mental disorder willingly and actively seek help and can make decisions about what kind of treatment, care or support they want. There may however be times when you become unwell because of your mental disorder and cannot make those decisions (you don't have decisionmaking capacity), or you refuse help, despite there being a risk of harm to yourself or the community. In these situations, you may be placed under a Community Care Order.

What is a mental disorder?

A mental disorder is a condition that interferes with your perceptual interpretation, comprehension, reasoning, learning, judgement, memory, motivation, or emotion. Common causes of a mental disorder include dementia (e.g. Alzheimer's disease), intellectual disability, acquired brain injury and other degenerative neurological conditions. A mental disorder can significantly affect your ability to function in day-to-day life.

What is a Community Care Order (CCO)?

A Community Care Order is a type of Mental Health Order, made by the ACT Civil and Administrative Tribunal (ACAT), when you have been identified as requiring treatment and care for your mental disorder.

It is made to enable you to receive the assessment, treatment, care or support you need, when you don't have the ability to seek it yourself or are refusing to do so. This means treatment, care or support can be given without your consent.

When can a CCO be made?

A Community Care Order will only be made if, based on an assessment:

- you have a mental disorder, and either
 - you do not have decision-making capacity and refuse treatment, care, or support, or

- you have decision-making capacity, but refuse treatment, care, or support, and
- because of the mental disorder ○ you are doing or are likely to do serious harm to yourself or someone else, or
 - your physical or mental health is getting worse, or is likely to get worse, (to the extent that it outweighs your right to give consent), and
- treatment, care, and support are likely to reduce the harm or stop it from getting worse
- treatment, care, and support cannot be given in a way that involves less restriction on your freedom of choice and movement, and
- a Psychiatric Treatment Order (PTO) should not be made instead.

Applying for a CCO

The Care Coordinator, or their delegate, can apply to ACAT for a Community Care Order. The application includes a copy of the proposed treatment plan.

The proposed treatment plan will include information about what treatment, care or support is recommended, why and how it will help. Before applying for an order, the Care Coordinator will take all reasonable steps to consult and consider views expressed by you, your guardian, carer, nominated person (if appointed) and any

other relevant service providers as required.

How is a CCO made?

After receiving an application, ACAT will hold a hearing to decide whether a CCO should be made. ACAT will give you at least three days written notice of the hearing.

The hearing is a formal meeting, and you will be invited to attend. ACAT encourages this as your views and wishes are important. You can bring a support person(s) with you and have a lawyer to represent your interests if you want to. ACAT are provided with information from your treating team. Your views and those of your carer, guardian or nominated person can be put forward, both verbally and in writing.

Hearings are held in private, which means that only people who you want to be present will be able to attend. Hearings may be in person or via video/audio conference.

Who is consulted?

If a CCO has been made for you, the Care Coordinator (or their delegate) will consult with you. There are a range of things you might wish to discuss, including:

- what treatment, care or support, counselling, training, therapeutic or rehabilitation program they are considering and why
- where and when the treatment, care or support will take place
- the treatment, care or support that has worked for you in the past
- what type(s) of treatment, care or support you do or do not want and why
- if you also have a Restriction Order, whether you must stay in an approved mental health facility for treatment.

While your opinions and views will always be considered, your treatment, may need to accommodate your clinical needs.

Your doctor may also talk to:

- your parents, or the people who have parental responsibility (if you are a child)
- 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)
- your carer (if you have one)
- your health attorney (if you have one)
- the Corrections Director-General if you are a detainee, on bail or parole, and
- the Children and Young People's DirectorGeneral, if you are a child who is a detainee or on bail.

The Care Coordinator (or their delegate) will give a copy of your treatment plan to:

- you
- your parents, or the people who have parental responsibility (if you are a child)
- ACAT
- the Public Advocate
- 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 (if you have one).

What if a CCO is made for me?

If a CCO has been made for you, the Care Coordinator is responsible for coordinating your treatment, care, and support.

Community Care Order may state one or more of the following:

- that you are to be given treatment, care, or support

- that you may be given medication for your mental disorder as prescribed by a doctor
- that you are to participate in counselling, training or a therapeutic or rehabilitation program, and
- that limits may be imposed on communication with others.

These decisions will be made within five working days of the Order being made. The details of your treatment will be outlined in your treatment plan. This plan will say where you will receive treatment, care, and support. Before you are given any treatment, care, or support, it will be clearly explained to you.

How long will I stay on a CCO?

Under the Act any compulsory treatment must be for the shortest time possible. A CCO can be made for any period up to six months, but it is frequently shorter.

The CCO will be reviewed before it expires. It can also be reviewed sooner if your treating team believe the order is no longer needed or if you ask for a review. A hearing needs to be held if you, your representative or ACAT initiated the review.

When ACAT review an Order, it can:

- confirm the Order (keep it the same)
- change the Order
- cancel the Order
- make additional Orders, or
- make an Assessment Order, requiring you to undergo a mental health assessment to decide what further treatment, care and support is needed.

Limits on communication

As part of your CCO, limits can be placed on who you are able to communicate with.

The limitation must be consistent with the Order, necessary and reasonable and must not reduce the effectiveness of your treatment, care, or support.

You will be told the reasons for the limitation, what the limitations are and how long they will be in place (a maximum of seven days at a time).

Can I have leave whilst on a CCO?

If you are on a CCO with a Restriction Order, and you are required to stay at an approved mental health facility, you cannot leave, but have the right to apply for leave.

Leave is:

- an agreed amount of time able to be spent outside the facility that has been agreed between you and your treating team
- designed to enhance recovery and help you return to your usual life in the community.

Your treatment plan should state whether you are entitled to leave and if not, why. If leave is requested, the specific type, length and other conditions of leave are decided on a case-by-case basis.

The Care Coordinator or your treating doctor can also cancel your leave. If leave is cancelled, you will be invited to return to the facility voluntarily. If you do not then a Mental Health Officer, doctor, authorised ambulance officer or police officer can apprehend you and take you to a relevant facility.

What is a Restriction Order (RO)?

A RO is a type of Mental Health Order that can be added to a CCO for a maximum of three months. A RO can tell you where you must live or where you must stay. It can also state any people you must not see or talk to, places you must not go and/or things you must not do.

ACAT is responsible for reviewing applications and can make a RO if:

- the Order is needed to keep you, someone else, or the public safe; and
- treatment, care, and support cannot be given in a way that involves less restriction of your freedom of choice and movement.