

# Care of Forensic Order (Disability) Patients

## Forensic order (disability)

Forensic orders (disability) are made for persons whose unsoundness of mind or unfitness for trial is a result of their intellectual disability as opposed to their mental illness.

## What does a forensic order (disability) provide for?

A forensic order (disability) allows for care to be provided for the person but not treatment. Care includes the provision of rehabilitation, the development of living skills and the giving of support, assistance, information and other services. Care does not include the administration of medications.

A forensic order (disability) does not authorise the administration of medications for behavioural control reasons, for example, chemical restraint for the management of challenging behaviours. Should a person subject to a forensic order (disability) require such medications a guardian or a disability service provider may apply to the Queensland Civil and Administrative Tribunal to seek approval for the use of restrictive practices. Restrictive practices approvals apply only in community settings and do not apply when a patient is admitted to an inpatient setting.

## What are the options if a forensic order (disability) patient requires treatment for a mental illness?

If a person subject to a forensic order (disability) requires treatment for a mental illness, consent must be sought. If the person is unable to give consent, treatment can be approved by a substitute decision maker such as the Public Guardian or personal guardian.

If the required treatment cannot be provided with the person's consent or with the consent of a substitute decision maker, it may be appropriate to treat the person under a treatment authority.

### Example:

In cases where it is felt that a medication such as a mood stabiliser may be appropriate in the care of a person subject to a forensic order (disability), consent to take the medication must be sought from the person. If the person does not have capacity to consent, alternative decision makers must be consulted. This may involve seeking consent from the person's guardian who may, for example, be a family member or the Public Guardian.

## How do treatment authorities and forensic order (disability) interact?

If a person's treatment authority is inconsistent with their forensic order (disability), the forensic order (disability) will prevail to the extent of the inconsistency.

### Example:

An authorised doctor cannot attach conditions to a person's treatment authority which are inconsistent or contrary to their forensic order (disability). Both orders are independently reviewed by the Mental Health Review Tribunal.