

Treatment Support Orders

Treatment Support Orders are made by the Mental Health Court and the Mental Health Review Tribunal for persons charged with a serious offence. Treatment Support Orders involve less oversight than Forensic Orders. They may form an important component of a patient's recovery by enabling the Mental Health Review Tribunal to 'step-down' a patient from a Forensic Order to a Treatment Support Order when a Forensic Order is reviewed.

What is a Treatment Support Order?

A Treatment Support Order may be made by the Mental Health Court if the Court decides a person was of unsound mind at the time of an alleged offence or is unfit for trial. Treatment Support Orders are made by the Court to protect the safety of the community in circumstances where a Forensic Order is not warranted.

When the Mental Health Review Tribunal reviews a Forensic Order, the Tribunal may revoke the Forensic Order and make a Treatment Support Order. The making of a Treatment Support Order by the Tribunal acts as a 'step down' from a Forensic Order as part of a person's recovery.

A Treatment Support Order authorises involuntary treatment and, if necessary, detention in an authorised mental health service.

See Factsheet: *Forensic Orders*

When a Treatment Support Order cannot be made?

A Treatment Support Order cannot be made if the person has an intellectual disability and the person does not need any treatment and care for a mental illness.

What are the differences between Forensic Orders and Treatment Support Orders?

There are two differences between a Forensic Order and a Treatment Support Order, namely:

- the way in which treatment in the community (i.e. a community category or limited community treatment) is authorised, and
- the nature of clinical oversight of the person on the order.

As with Treatment Authorities, the category for Treatment Support Orders must be a community category, unless it is necessary for the person to be an inpatient, having regard to the person's treatment and care needs, the safety and welfare of the person and the safety of others.

Unlike a Forensic Order, the Court and the Tribunal are not authorised to set maximum limits of community treatment for a Treatment Support Order, for example, the Court cannot prevent an authorised doctor increasing treatment in the community.

If the Court or Tribunal decides the category of a Treatment Support Order is community, or approves limited community treatment for the person, the Court or Tribunal must also decide whether an authorised doctor may, at a future time, reduce the extent of treatment in the community received by the person.

See Factsheet: *Treatment in the community*

What are the responsibilities of an authorised doctor?

An authorised doctor may amend the patient's Treatment Support Order to:

- change the category of the order
- authorise, revoke or change limited community treatment, or
- impose or change a condition of the order.

An authorised doctor cannot amend a condition set by the Court or Tribunal and cannot reduce the amount of treatment in the community contrary to a decision of the Court or Tribunal. There are otherwise no restrictions placed on the extent of community treatment that can be authorised by an authorised doctor.

However, consideration of victim issues should be included when planning amendments to a Treatment Support Order.

Example

Changing the place where a patient resides may bring them into contact with a victim.

An authorised doctor can change the category of the order to inpatient, contrary to a decision of the Court or Tribunal, where there has been a material change in the patient's mental state and the patient requires urgent treatment and care as an inpatient.

If this occurs, the administrator must give the Tribunal written notice of the amendment. The Tribunal must review the order within 14 days after receiving the notice.

Mental Health Court decisions for people on an existing order or authority

If a person subject to a Treatment Support Order is charged with new offences and the matter is heard by the Mental Health Court, the Court may:

- amend the existing order to include the new charges, or
- revoke the existing order and make a new order.

The new order may be a Forensic Order or Treatment Support Order regardless of which order the person was on previously. Charges from the previous order may be either dismissed or included on the new order.

If the Mental Health Court makes a Treatment Support Order for a patient subject to an existing Treatment Authority, the Treatment Authority ends.

What is the role of the Mental Health Review Tribunal?

The Tribunal must review a Treatment Support Order every six months. In addition, the relevant person, someone on the person's behalf, or the Chief Psychiatrist can apply for a review at any time.

When a review is undertaken, the Tribunal may confirm or revoke the order. A Treatment Support Order cannot be revoked if the person remains temporarily unfit for trial.

If the order is confirmed, the Tribunal may:

- decide the category of the order (community or inpatient)
- approve limited community treatment or an extension of limited community treatment, or
- impose, change or remove a condition of the order.

The Tribunal may also order the person's transfer to another authorised mental health service or a transfer out of Queensland.

If a person has been approved by the Tribunal to transfer out of Queensland, the requirement to conduct periodic reviews are suspended while the person subject to the order is out of Queensland.

See Factsheet: *Mental Health Review Tribunal*

Support for victims

A registered victim of an unlawful act has a right to receive particular information about the person subject to a Treatment Support Order. This is known as an 'Information Notice'.

Any eligible person must apply to the Chief Psychiatrist for the Information Notice.

In most cases, the Information Notice (and applicant details) are confidential from the patient.

If there is an Information Notice in place and a person's Treatment Support Order is revoked and replaced with a new order or amended to a new order, the Information Notice continues under the new order.

See Factsheet: *Support for Victims*

More information:

Mental Health Act 2016

www.health.qld.gov.au/mental-health-act

Contact your local mental health service
1300 MH CALL (1300 642255)

www.qld.gov.au/health/mental-health/help-lines/services

Resources:

Factsheet: [Mental Health Court](#)

Factsheet: [Mental Health Review Tribunal](#)

Factsheet: [Forensic Orders](#)

Factsheet: [Treatment in the community](#)

Factsheet: [Support for Victims](#)