

# Application for Extension of Compulsory Treatment Order

To: *Location*  
 The Family Court/District Court at:

Name of patient:

Patient's date of birth:

Of:

I have undertaken a clinical review of the patient dated:

This review was conducted:  in person  
 via audio-visual link

The current compulsory treatment order expires on:

The patient first began treatment under a compulsory treatment order commencing on:

The patient is being treated under:  a compulsory community treatment order  
 a compulsory inpatient treatment order

*Name and address of hospital (or other place) where treatment to be conducted*  
 at:

I confirm that, if the patient provides consent as required by section 34D of the Mental Health (Compulsory Assessment and Treatment) Act 1992, no person from this service wishes to be heard in respect of this application, and that it is appropriate to dispense with the examination and hearing.

**My recommendation to the Court is for the following extension order to be made:**

*Note: The "12-month period" option only applies to patients who have already been subject to two consecutive 6-month period compulsory treatment orders*

a community treatment order for a further 6-month period  
 an inpatient order for a further 6-month period  
 or  
 a community treatment order for a 12-month period  
 an inpatient order for a 12-month period

This application is made by:

of:

**SECTION 34 COURT MAY EXTEND ORDER**

- (1) Within 14 days before the date on which a compulsory treatment order is to expire under section 33, the responsible clinician must cause the case to be reviewed under section 76.
- (2) If, following that review, the responsible clinician is satisfied that the patient is not fit to be released from compulsory status, that clinician may apply to the court for an extension of the currency of the order for a further period of 6 months commencing with the day after the date on which the order would otherwise have expired.
- (3) The court must treat the application as if it were an application made under section 14(4). Sections 15 and 17 to 33 apply with any necessary modifications subject to sections 34C and 34D.

**SECTION 34A COURT MAY FURTHER EXTEND ORDER FOR 12-MONTH PERIOD**

- (1) If a compulsory treatment order has been extended by application under section 34(2) or under subsection (2), the responsible clinician must, within 14 days immediately preceding the date on which the extended compulsory treatment order expires, cause the case to be reviewed under section 76.
- (2) If, following that review, the responsible clinician is satisfied that the patient is not fit to be released from compulsory status, that clinician may apply to the court for an extension of the currency of the order for a period of 12 months commencing with the day after the date on which the order would otherwise have expired.

**34C EXAMINATION AND HEARING OF APPLICATION FOR EXTENSION OF COMMUNITY TREATMENT ORDER BY AUDIOVISUAL LINK**

- (1) This section applies to an application under section 34 or 34A for the extension of a community treatment order.
- (2) A District Court Judge may use an audiovisual link to examine a patient for the purposes of the application if the patient consents to the use of the audiovisual link.
- (3) A District Court Judge may determine that all or any participants may appear at a hearing by audiovisual link if the patient consents to the use of the audiovisual link.
- (4) The District Court Judge must take into account the following criteria when making a determination under subsection (3):
  - (a) the potential impact of the use of the technology on the effective maintenance of the rights of the person under section 20, including the right to assess the credibility of witnesses and the reliability of evidence presented to the court;
  - (b) any other relevant matters.
- (5) In this section,—

**audiovisual link** means facilities that enable both audio and visual communication,—

  - (a) in relation to an examination of a patient, with the patient:
  - (b) in relation to a hearing, between all participants

**participant** means any of the following persons in a hearing:

  - (a) a party:
  - (b) the patient:
  - (c) counsel:
  - (d) a witness:
  - (e) the presiding District Court Judge.

**34D COURT MAY DISPENSE WITH EXAMINATION AND HEARING**

- (1) The court may determine an application under section 34 or 34A without examination of the patient and without a formal hearing if the court is satisfied that—
  - (a) the patient has given consent in accordance with subsection (2) for the application to be so determined; and
  - (b) no person wishes to be heard in respect of the application; and
  - (c) it is appropriate to do so in the circumstances.
- (2) The consent of the patient must be—
  - (a) given on the advice of a solicitor; and
  - (b) provided in writing to the court and the Director of Area Mental Health Services.