

CLINICAL PRACTICE FORM

MENTAL HEALTH ACT SECTION 23(2) and 23(3)

POWER TO DETAIN VOLUNTARY PATIENT (CHILD)
IN AN APPROVED CENTRE



Before completing this form please read the notes overleaf
PLEASE COMPLETE IN BLOCK CAPITALS AND FILE IN THE CHILD'S CLINICAL FILE

PART A Section 23(2)

- 1) Full Name and Address of Child detained:
- 2) Date of Birth & Gender: / / (dd/mm/yyyy) M F
- 3) Personal Public Service Number (PPSN):
- 4) Approved Centre Name and Address:
- 5) Date & Time Child is detained at Approved Centre / / : (24 hr clock e.g. 2.21pm as 14:21)
(d d / m m / y y y y)
- 6) Designation of staff member detaining Child at Approved Centre
Consultant Psychiatrist
Registered Medical Practitioner
Registered Nurse
- 7) Name of staff member detaining Child
- 8) Was Risk Assessment used? YES (if yes, please provide details below) NO

Signed: _____

Date: / / (dd/mm/yyyy) Time: : (24 hr clock e.g. 2.21pm as 14:21)

PART B Section 23(3)

- 9) Was the above named child returned to his or her parents or either of them or a person acting in loco parentis? YES NO
- 10) Was an application made under Section 25 at the next sitting of the District Court? YES NO
- 11) Was the child placed in the custody of the Health Service Executive? YES NO
- 12) If applicable, who made the application to the District Court? _____

Signed: _____

Date: / / (dd/mm/yyyy) Time: : (24 hr clock e.g. 2.21pm as 14:21)

NOTES

Care should be taken when completing this form. When completed, it is to be filed in the person's clinical file at the Approved Centre. This form may be inspected by the Inspector of Mental Health Services, requested by a Mental Health Tribunal or by the Mental Health Commission.

SECTIONS OF THE MENTAL HEALTH ACT (2001)

Section 23 (2) and Section 23 (3) of the Mental Health Act (2001) state:

- 23. —(2) Where the parents of a child who is being treated in an approved centre as a voluntary patient, or either of them, or a person acting in *loco parentis* indicates that he or she wishes to remove the child from the approved centre and a consultant psychiatrist, registered medical practitioner or registered nurse on the staff of the approved centre is of opinion that the child is suffering from a mental disorder, the child may be detained and placed in the custody of the Health Service Executive.
- 23. —(3) Where a child is detained in accordance with this section, the Health Service Executive shall, unless it returns the child to his or her parents, or either of them, or a person acting in *loco parentis*, make an application under *section 25* at the next sitting of the District Court held in the same district court district or, in the event that the next such sitting is not due to be held within 3 days of the date on which the child is placed in the care of the health board, at a sitting of the District Court, which has been specially arranged, held within the said 3 days, and the Health Service Executive shall retain custody of the child pending the hearing of that application.

Definition of a Child:

"child" means a person under the age of 18 years other than a person who is or has been married; (Section 2 Mental Health Act 2001)

FLOWCHART

POWER TO PREVENT A CHILD BEING TREATED AS A VOLUNTARY PATIENT FROM LEAVING AN APPROVED CENTRE

The parents of a child, or either of them, or a person acting in *loco parentis* wishes to remove a child who is being treated as a voluntary patient from an Approved Centre.

Section 23(2)



If a Consultant Psychiatrist, Registered Medical Practitioner or Registered Nurse on the staff of the Approved Centre is of the opinion that the child is suffering from a mental disorder then pursuant to Section 23(2) he or she may detain the child in the Approved Centre in the custody of the Health Service Executive (HSE)

Section 23(2)

OR

HSE returns the child to his/her parents, or either of them, or a person acting in *loco parentis*.

Section 23(3)

- HSE makes an application for the involuntary admission of the child under Section 25 at the next sitting of the District Court.
- Such an application must be made within 3 days of the date on which the child was placed in the custody of the HSE.
- HSE shall retain custody of the child pending the hearing of the application.

Section 23(3)