



What is a 'breach'

If the person does not follow the treatment plan it is considered a 'breach' of the CTO¹ and they can be admitted to a mental health facility against their will.

Steps in the 'breach' process:

1. The person must be verbally informed that they are in 'breach' and that the director of community treatment is concerned for their safety.
2. The person must be given written notice (a breach notice) to comply with the treatment plan and warned that the police could become involved.
3. The director can issue a 'breach order' requiring the person be taken to and admitted to a mental health inpatient facility which may involve the police.

It is important to remember that this process can be stopped if the person agrees to comply with the treatment plan or the director believes the breach is no longer necessary.

Carers should be informed by the director of community treatment or treating team of any breach process.

Carers can have an important role in helping the person to understand the need to follow the treatment plan and talking with the treating team to avoid a 'breach' process.

¹ Section 58 of the Mental Health Act 2007 (NSW)



Appealing against a CTO

A person may appeal against a decision of the Mental Health Review Tribunal to make a CTO order longer than 6 months. However, the appeal must be made to the Supreme Court.



More Information

- **Mental Health Review Tribunal Civil Hearing Kit: Community Treatment Orders**
<https://www.mhrt.nsw.gov.au/files/mhrt/pdf/Section%204%20CTOs%20%20word%20update%20Sept%202018.pdf>
- **Mental Health Coordinating Council**
<https://mhrc.nsw.gov.au/chapters/9-carers-of-people-with-mental-health-conditions/9a-carers-of-people-with-mental-health-conditions-overview/>
- **Application for a CTO**
<https://www.mhrt.nsw.gov.au/files/mhrt/pdf/MHRTCTOApplication2021-EDITABLE.pdf>
- **Application to vary or revoke a CTO**
<https://www.mhrt.nsw.gov.au/files/mhrt/pdf/MHRTCTOVaryRevokeApplicationForm2021.pdf>
- **Flowchart for Steps in the Breach process of a CTO**
https://www.mhrt.nsw.gov.au/files/mhrt/pdf/Breach_CTO_Flowchart_%20August2011.pdf

Scan the QR code to access all brochures.



Information for Carers of a person with Mental Health Issues

Carers and Community Treatment Orders

This brochure provides information for carers about community treatment orders. It explains what community treatment orders are and how carers and families are involved.



What is a CTO

A community treatment order (CTO) is a legal order made by the Mental Health Review Tribunal following a hearing. It has an expiry date and identifies the community mental health service that must administer the CTO.

Use the QR code in this brochure to access the 'The Mental Health Review Tribunal' brochure.

A CTO authorises compulsory treatment for a person living in the community². It sets out the terms under which a person must accept medication and therapy, counselling, management, rehabilitation, and other services. This is called the treatment plan. The person who has a CTO must follow the individual treatment plan.

As a carer you don't have a right to be automatically provided with a copy of the CTO and treatment plan. If the person agrees you can ask the treating team for a copy; you can also ask them to share the treatment plan with other professionals, such as a GP or psychologist.

Why have a CTO

CTOs require a person to continue mental health treatment in the community. For many people the granting of a CTO means they can be discharged from hospital.

The CTO enables the community mental health service to intervene when the person's mental health is deteriorating.

To make a CTO the Mental Health Review Tribunal must be satisfied that the person has a history of mental illness and continues to need treatment, and:

- They have a history of refusing to accept appropriate treatment
- That refusal has resulted in involuntary admission to hospital³
- A CTO must be the least restrictive alternative consistent with safe and effective care
- The treatment plan can be implemented

Carers and family members may feel more confident that the person will continue in treatment when a CTO has been ordered.



How Does Someone Get a CTO

Following a request, the Mental Health Review Tribunal conducts a hearing to consider making an order for a CTO. The request can be made by a medical officer at a mental health ward, the director of community treatment at a community mental health service or a designated carer or principal care provider⁴.

Use the QR code in this brochure to access the 'Carer Rights' brochure.

The designated carer or principal care provider must be notified of any variation of a CTO or if a further CTO is planned.

You can ask the treating team to tell you when the current order will expire.

The director of community treatment at a community mental health service has the power to remove a CTO.

You, as the carer, can ask the treating team if they plan to request the Tribunal to make another CTO when the order expires. You can also request the mental health service to apply to the Tribunal for a continuing order.

² Section 51 of the Mental Health Act 2007 (NSW)

³ Section 53 of the Mental Health Act 2007 (NSW)

⁴ Section 51(2) and Regulation 9 of the Mental Health Act 2007 (NSW)

