

Running a Case under the Mental Health Act 1992 and related legislation

CHAPTER 1 - INTRODUCTION	1
CHAPTER 2 - THE STATUTORY DEFINITION OF MENTAL DISORDER	2
Introductory remarks	2
The definition of mental disorder	3
"Abnormal state of mind"	3
"Continuous or intermittent nature"	4
Delusions	5
Disorder of mood	5
Disorder of volition	6
Disorder of cognition	8
Severity Criteria, or, "to such a degree that..."	9
Section 4 exclusion criteria	11
The time for determining mental disorder	13
CHAPTER 3 - PRESENTATION OF EVIDENCE	14
Written reports	14
Oral evidence	14
Problems with evidence	15
"Damaging" hearings	16
Pre-hearing conferences	17
Section 28 requirements	18
CHAPTER 4 - LEGISLATION INTERFACE	19
Criminal Justice Act	19
Protection of Personal and Property Rights Act 1988	19
Health and Disability Commissioner	21
CHAPTER 5 - PROFESSIONAL ROLES	22
The Doctor/ patient relationship	22
Lawyer/client role	23
Judge's role	23
CHAPTER 6 - CONCLUSION	25
APPENDIX 1 - UN Principles for the protection of persons with mental illness and for the improvement of mental health care	27
APPENDIX 2 - Court Order - PPPR Act	39
APPENDIX 3 - Guidelines for Discharge Planning for people with mental illness Mental Health Services, Ministry of Health, July 1993)	43