

No. 1247/1990

## **Mental Health Decree**

Issued in Helsinki on 21 December 1990

### **Chapter 1. General provisions**

#### Section 1

##### *Supervision of work*

When introducing the system of supervision of work referred to in section 4, subsection 3, of the Mental Health Act (1116/1990), a municipality or federation of municipalities shall see to it that the supervision of work is as to its contents such that promotes the personnel's facilities to provide such mental health services as are needed by the population.

#### Section 2

##### *Involuntary treatment*

- (1) A person can be treated against his or her will only in a hospital unit providing psychiatric treatment that has the facilities to provide such care.
- (2) A unit referred to in section 8, subsection 3, of the Mental Health Act refers to a hospital unit providing treatment pertaining to child and adolescent psychiatry. (18.12.1992/1446)

### **Chapter 2.**

#### **Mental examination and involuntary treatment of a person accused of a crime**

##### Section 3 (27.11.1992/1133)

##### *Delivery of trial documents*

- (1) If a court has ordered that a person accused of a crime shall undergo mental examination and the accused is imprisoned, the National Authority for Medicolegal Affairs shall forward the documents sent to it by the court to the physician in charge of the examination as well as inform the governor of the prison where the accused is according to the documents held in remand, where and when the examination will be carried out.
- (2) If the accused has not been ordered to be imprisoned, the National Authority for Medicolegal Affairs shall deliver the documents to the physician in charge of the examination as well as a notification of the place of examination and the point of time when it will begin to the police of the place of residence of the accused, which shall inform the person to be examined of the place and time of examination. (19.3.1993/302)

##### Section 4 (27.11.1992/1133)

##### *Delivery of documents on mental examination*

After the mental condition of the accused has been examined, the physician in charge of the examination shall deliver a report on the examination and his or her opinion of the mental condition of the accused to the National Authority for Medicolegal Affairs, and return the documents. The National Authority for Medicolegal Affairs shall send the

court the documents referred to above and its opinion of the mental condition of the accused.

Section 5 (27.11.1992/1133)

*Delivery of a decision on continued treatment*

A decision referred to in section 17, subsection 2, of the Mental Health Act to continue treatment and the documents on which it is based shall be delivered to the National Authority for Medicolegal Affairs well before the end of the period of treatment of six months referred to in section 17, subsections 2 and 3, of the Mental Health Act.

Section 6 (27.11.1992/1133)

*Discharge from hospital under supervision of a unit of the hospital district*

A person referred to in section 17, subsections 2 and 3, of the Mental Health Act who has been ordered to treatment can be released from hospital before the final discharge from hospital on the conditions laid down by the National Authority for Medicolegal Affairs for a maximum of six months at a time. During this time the person shall be under supervision of a psychiatric unit of the hospital district concerned. The hospital district shall designate the psychiatric unit that is in charge of the supervision.

**Chapter 2 a (28.12.2000/1282)**

**Mental health services for children and young people**

Section 6 a was repealed by Act 17.2.2005/108.

Section 6 b (28.12.2000/1282)

*Cooperation of care units*

When a child or young person uses mental health services, the care unit shall see to it, by consent of the patient's parent or other legal representative or, if the patient on the basis of his or her age and level of development is able to decide on his or her care, by the child's own consent, that when the care of the patient is transferred to a new unit, all the information necessary for providing further care is made available to this unit.

Section 6 c (28.12.2000/1282)

*Supportive measures within outpatient care*

The municipality shall see to it that necessary and adequate supportive measures to enable coping at home are available in the outpatient care of mental disorders of children and young people.

Section 6 d (28.12.2000/1282)

*Regional cooperation*

In order to form the functional entity referred to in section 5 of the Mental Health Act in the mental health work for children and young people the joint municipal board for the hospital district and the municipalities in its area shall agree on the regional division of duties and its implementation. Furthermore, the municipality or joint municipal board maintaining a health centre shall arrange at least once a year a cooperation meeting to which the bodies engaged in mental health work in the area of the municipality or the joint municipal board, including private corporations and service providers, are invited. The meeting can be arranged in cooperation by several municipalities or joint municipal

boards. At the meeting the representatives of the municipalities and joint municipal boards shall agree on the objectives for the mental health work for children and young people and on the practical division of duties in the area. The meeting can also agree on which private bodies can be involved in the cooperation. In addition, the State Provincial Offices shall arrange on an annual basis regional cooperation meetings for the development of the division of duties in the mental health services for children and young people.

### **Chapter 3. Miscellaneous provisions**

#### Section 7 (27.11.1992/1133)

##### *Order of priority of mental examination and treatment*

The National Authority for Medicolegal Affairs shall order, taking into account the urgency of carrying out the mental examinations, in which order the patients referred to in section 6 of the Mental Health Act are admitted to the Government Mental Hospital for mental examination.

#### Section 8

##### *Service of decision*

- (1) A decision referred to in section 11, subsection 2, the Mental Health Act shall be served on the patient without delay as provided in the Act on Service in Administrative Affairs (232/66) concerning serving of specific notices.
- (2) If the patient is under age, the decision shall be served on the patient if he or she has attained the age of 12, and on a person who according to section 11, subsection 1, of the Mental Health Act shall be given an opportunity to be heard.
- (3) If a guardian or guardian ad litem has been appointed for a patient of age, he or she shall be served with the decision as well.

#### Section 9

##### *Entry into force*

- (1) This Decree enters into force on 1 January 1991.
- (2) Measures necessary for the implementation of this Decree may be undertaken before its entry into force.

##### *Entry into force of Amended Decree 28.12.2000/1282:*

- (1) This Decree enters into force on 1 January 2001.
- (2) Measures necessary for the implementation of this Decree may be undertaken before its entry into force.

##### *17.2.2005/108:*

- (1) This Decree enters into force on 1 March 2005.