

Phone: 738-5177

May 25, 1972.

MPA has received a grant to hire three people full-time for four months to do legal research into issues affecting mental patients. If you or anyone you know might be interested in these positions for the summer, please contact me at 738-5177 or 738-9429.

We are looking for people with definite research skills who can work independently and who are seriously interested in improving the legal and civil rights of patients. The salaries will not be particularly large (about \$350 a month), and we're hoping to find people who are committed to the principles of the work.

The objectives of the project as outlined in the application are as follows (of course, they can be re-defined by the researchers as the project evolves):

a) To undertake an extensive research project to document the rights of patients in terms of both legislation and internal hospital regulations. A further objective of the research team would be to ascertain the ways in which these laws and regulations are applied in practice and to determine the discrepancies between de jure and de facto procedures. This will involve interviewing police, mental hospital staff, psychiatrists, patients etc.

b) To prepare a detailed brief documenting the research findings and making specific recommendations for legislative and other changes as based on these findings.

c) To lobby among M.L.A.'s and to present the brief to the Legislature for consideration.

d) To establish bonds with the staff of Riverview Hospital for the purpose of making legal counselling and aid available to patients.

e) To begin establishing a system of legal aid for patients--either in conjunction with an existing legal society or through the creation of an independent society--which would provide regular assistance to patients. (Since these objectives were written, a legal aid program has begun at Riverview and hopefully researchers will work closely with this program.)

A meeting of all those interested in the three positions will be held at:

2504 York Avenue (one block above Kits beach)
Monday, June 5th at 8 P.M.

Hope to see you there.

Sincerely,



Lanny Beckman
Project Coordinator

Vancouver Peoples Law School
2426 York Avenue
Vancouver 9, B.C.
25 June 1972

Lanny Beckman
c/o Mental Patients' Association
3191 West 10th Avenue
Vancouver 8, BC.

Dear Lanny,

We want to thank you and the MPA for providing the room for our first Mental Patients and the Law course. As you may have realized, that course was a pilot one for us. Having it at the MPA helped us a great deal because of the informal atmosphere and the presence of people who actually had been to Riverview and could fill in the skeleton of law with the flesh of experience. The audience participation was great, more than we had anticipated, but just what we hoped for.

We'd like to thank you personally, also, for the research leads you gave us and the guidance as to what would most interest people associated with MPA.

We hope to work with you again -- perhaps after your vacation from MPA doings. Again, thank you.

Yours sincerely

Kit Rigg
Mark Battersby

Kit Rigg
VANCOUVER PEOPLES LAW SCHOOL

LAW CLASSES - FINAL SUMMER SCHEDULE

VANCOUVER PEOPLE'S LAW SCHOOL
2426 York Avenue, Vancouver 9, British Columbia 732-0222

ALL COURSES AND COURSE MATERIALS ARE FREE

- To register:
1. phone 732-0222
 2. send a stamped, self-addressed envelope and we will confirm your registration

Each course runs from two to four consecutive evenings; to cover the entire course, you must attend all of the evenings listed.

CONSUMER PROTECTION

TIME: July 10, 11, 12, 13 @ 7:30 - 9:30 P.M.
PLACE: Auditorium, Vancouver Public Library, 750 Burrard Street
COURSE OUTLINE: consumer protection laws, what a contract is
rights and obligations of a consumer in a contract
guarantees, warranties and exclusion clauses
recourse on defective goods, credit buying: rights and obligations
INSTRUCTOR: Christopher Carr -- B.C. Law Reform Commission
Lecturer in Law, London School of Economics
ASSISTED BY: Mary Ellen Boyd, Kit Rigg -- law students
CO-SPONSOR: Vancouver Public Library

LEGAL RESEARCH

TIME: July 17, 18, 19, 20 @ 7:30 - 10:30 P.M.
PLACE: Main Library in the Law Building, University of British Columbia
COURSE OUTLINE: how to use a law library, how to research a particular legal problem
INSTRUCTOR: James Gill -- lawyer and librarian for Russell DuMoulin
COURSE PREPARATION: A. Soroka -- Reference Librarian, U.B.C. Law School

SMALL DEBTS COURT PROCEDURES

TIME: July 17, 18, 19, 20 @ 7:30 - 10:30 P.M.
PLACE: YMCA, 955 Burrard Street
COURSE OUTLINE: jurisdiction of small debts court, filing and responding to a
summons, legal actions following judgement
practice in preparing and presenting cases
INSTRUCTOR: Ian Clague -- lawyer
ASSISTED BY: Penny Bain, Mark Battersby
CONSULTANT: T. Du Moulin -- lawyer
CO-SPONSOR: YMCA

DIVORCE AND MATRIMONIAL LAW

TIME: July 31, August 1, 3, 4 @ 7:30 - 9:30 P.M.
PLACE: Auditorium, Vancouver Public Library, 750 Burrard Street
COURSE OUTLINE: marital status, matrimonial property
custody of children and paternity, domicile
succession (transfer of property on death)
INSTRUCTOR: Norman Einarsson -- lawyer
ASSISTED BY: Penny Bain -- law student
CO-SPONSOR: Vancouver Public Library

UNEMPLOYMENT INSURANCE AND WORKMEN'S COMPENSATION REGULATIONS

TIME: July 31, August 1 @ 7:30 - 10:30 P.M.
PLACE: Auditorium, Fishermen's Hall, 138 East Cordova Street
INSTRUCTORS: Frank Maczko -- lawyer, Director of the Legal Aid Society
of British Columbia
To Be Announced -- a member of the Unemployment Insurance
Commission
ASSISTED BY: Mary Ellen Boyd -- law student
CO-SPONSOR: Fishermen's Union

MENTAL PATIENTS AND THE LAW

TIME: August 7, 8, 10, 11 @ 7:00 - 9:00 P.M.
PLACE: Kitsilano Public Library, 2425 Macdonald Street
COURSE OUTLINE: civil admissions, voluntary and involuntary admissions
release on civil admissions, criminal admissions
Patients' Estate Act
other: marriage, divorce, sexual sterilization and immigration
INSTRUCTOR: Stuart Rush -- lawyer
ASSISTED BY: Mark Battersby
CONSULTANT: Michael Jackson -- Law Professor, U.B.C.
CO-SPONSOR: Kitsilano Public Library

INCOME TAX

TIME: August 14, 15, 16, 17 @ 7:30 - 9:30 P.M.
PLACE: Auditorium, Vancouver Public Library, 750 Burrard Street
COURSE OUTLINE: Provisions in the Income Tax Act relating to:
personal income, income from unincorporated business,
rental income, child care expenses, farmers' and fishermen's
income
INSTRUCTORS: Alison Morse -- C.A. Price Waterhouse and Company
Peter Mercer -- C.A. Chartered Accountants
Buzz Broughton -- Public Coordinator, Department of
National Revenue and Taxation
ASSISTED BY: Kit Rigg -- law student
CO-SPONSOR: Vancouver Public Library

CIVIL LIBERTIES

TIME: August 14, 15, 16, 17 @ 7:30 - 10:30 P.M.
PLACE: YMCA, 955 Burrard Street
COURSE OUTLINE: Freedom of speech (censorship), Freedom of assembly
Arrest procedures, Canadian Bill of Rights
Human Rights Act (job, housing and sex discrimination)
INSTRUCTOR: Bill Black -- Law Professor, U.B.C.
ASSISTED BY: Penny Bain -- law student

WOMEN AND THE LAW

TIME: August 21, 22, 23, 24 @ 7:30 - 10:30 P.M.
PLACE: YWCA, 580 Burrard Street, Board Room
COURSE OUTLINE: marriage law, matrimonial property, credit and contracts
employment rights
INSTRUCTORS: Mary Ellen Boyd -- law student
Penny Bain -- law student
CONSULTANTS: Denise McLaughlin, Elaine McCoy -- lawyers
CO-SPONSOR: YWCA

FORMING CO-OPERATIVES, INCORPORATIONS, SOCIETIES AND DAY CARE CENTRES

TIME: August 28, 29, 30, 31 @ 7:30 - 9:30 P.M.
PLACE: Auditorium, Vancouver Public Library, 750 Burrard Street
INSTRUCTOR: David Mossop -- lawyer with the Vancouver Community Legal
Assistance Service
ASSISTED BY: Kit Rigg, Mark Battersby
CO-SPONSOR: Vancouver Public Library

KO-ISHIN-MIT and
THE SHADOW PEOPLE

"Finders Keepers--Losers Weepers."

Most of you, no doubt, have heard this old saying. To the non-Indian way of life it means that if anyone finds anything it is his to keep, while the one who has lost it may as well cry because it is lost to him, even though someone may have found it. This did not apply to the Indian way of life.

Ko-ishin-mit, the Son of Raven, was a very selfish and greedy person. He was always longing to own other people's possessions and coveted everything that was not his. Oh, he was greedy!

One fine day, early in the spring of the year, when the sun was shining and smiling with warmth, Ko-ishin-mit overheard a group of menfolk talking about a strange place where you could see everything you could think of lying about, with never a person in sight.

"What kind of things? Where is this place? How far is it from here?" Ko-ishin-mit demanded in a high state of excitement. He was hopping up and down and his voice became croaky as he kept asking where to find the place.

The menfolk ignored his frantic questions and the speaker, a grey-haired, wizened old man, kept on with his story.

"There are canoes," he told, "big ones and small ones, paddles, fishing gear, tools, all sorts of play things and food galore. Oh, there is lots and lots of food, and the food is always fresh, even though no one is ever seen in the place."

Ko-ishin-mit became more and more excited and his voice was raspy as he screamed, "Who owns all these things? Where? How can I find them?"

The storyteller continued with his tale. "It is said that this strange place is on a little isle around the point and across the bay. The secret is that one must get there by sundown, and one must leave before sun-up. It is said, too, that the first person who finds this place may keep everything."

Ko-ishin-mit ran all the way home. "I must find this strange place first," he kept repeating to himself. "I must find the place first. I must. I must."

He flitted into his little house, and because he was out of breath he rasped and croaked, "Pash-hook, Pash-hook, Pash-hook, nah, my dear, get ready quickly. We are going out. Make some lunch. We may be gone all night," he croaked.

Pash-hook, the Daughter of Dsim-do the squirrel, scurried about. She did not need to be coaxed for she was always a fast and frisky little person. She never questioned her husband's wishes. Whatever her husband said had always been good enough for her and she was always eager to please him. So she hurried and she hurried.

Ko-ishin-mit grew more and more excited as he flitted here and hopped there inside his little house. He got out the two paddles. He hopped down to the beach and pulled and tugged at his canoe until he had it to the water, a feat he had never before done alone.

Flitting back to the house he pressed and coaxed his little wife. "Hurry, hurry! Pash-hook, hurry! We must get there first. Hurry before we are too late. We must get there first. Oh, let us be first," he kept repeating, mostly to himself.

The sun was setting when they paddled into the bay of the little isle around the point. It was a beautiful little isle with small clumpy spreading spruce trees growing from mossy green hills. The little bay was ringed with white sandy beaches. The tide was out and the green sea-grass danced and waved at them to come ashore and rest awhile. This is what Pash-hook imagined as she eased her paddling and glided their little canoe towards the glistening beach. Pash-hook was the dreamer.

"Paddle harder! Paddle harder!" Ko-ishin-mit commanded his little wife.

Straight for the beach they glided. Ko-ishin-mit flitted out onto the wet sand. "Pull the canoe up," he ordered as he hopped up the beach, looking about to see if there was anyone else there ahead of him. He could see long rows of beautiful canoes, big and small, pulled up well above the high-water mark. They all had pretty canoe mats covering them from the heat of the day and the cool of the night. There was no one in sight. Ko-ishin-mit was hopping up the beach. He did not wait to help his small wife with their canoe.

"I got here first! I got here first!" he rasped as he hopped and flitted up to the neat row of houses on the grassy knoll that lay just below the spreading and clumpy spruce trees.

"I got here first!" the greedy KO-ishin-mit croaked as he flitted swiftly to the biggest of the great houses. The huge door was shut and he pushed it open and hopped inside. He did not look back to see if his little wife Pash-hook was following. "I got here first," he chanted. Ko-ishin-mit, Son of Raven, was very, very greedy.

No one was to be seen. There was not a sound to be heard other than, "I got here first." Ko-ishin-mit's beady little black eyes grew even smaller in his greed to grab, grab, grab. "All is mine! All is mine!" his voice rasped out as he croaked, the way ravens do when they espy food.

"The whole village is mine. I got here first," he reasoned to himself. He hopped around the earthen floor of the great room. Big cedar boxes lined the walls. Ko-ishin-mit's greedy instinct told him that they would be full of dried and smoked food-stuffs. Indeed he did find smoked salmon, cured meats, oils, preserved fish eggs, dried herring roe, cured qwanis (camus bulbx), and dried berries.

"Everything, everything! All is mine. All is mine," he croaked as he flitted and hopped about opening boxes of oil, dried bulbs and fish-heads. Everything he saw he wanted. He wanted it all. His own drool spilled out of his mouth. He was very greedy.

Presently Pash-hook came into the great house. For the first time in her life she was not hurrying to do her husband's bidding. She did not scurry one little bit. Instead of helping her husband to carry out all the things and food-stuff down to their little canoe on the sandy beach, she slowly approached a small pile of embers that were still glowing on the centre hearth. There was no flame. The embers glowed warmly and invitingly. Pash-hook sat down and began to warm herself. She spread out her tiny hands. The embers still glowed warmly.

Ko-ishin-mit was so excited and so busy carrying out the food-stuff that he, for the first time in their married lives, forgot to make his wife do all the work.

"I shall never be hungry again. I shall never be hungry again," he kept repeating.

He worked hard packing, packing, packing, all he could lift and move down the long sloping beach. The tide was out and their little canoe was far down from the great houses. Pash-hook sat by the embers warming herself while Ko-ishin-mit worked at loading the canoe. At last the canoe was filled. It was so full there was hardly any room left for himself or for Pash-hook.

"One more trip. One more trip." How greedy Ko-ishin-mit was! He decided to put the last load where his wife would sit. He hopped up the high sloping beach and flitted into the now nearly empty cedar box and decided again he would put the very last load where Pash-hook would sit.

All of a sudden he remembered her. Pash-hook was still sitting by the fire warming herself at the embers.

"Come Pash-hook! Hurry! We must come back as fast as we can. We must come back before daylight returns. Hurry, hurry, Pash-hook!"

But Pash-hook still sat without moving, before the embers of the fire. Ko-ishin-mit lost his temper. He hopped to his wife's side demanding in his voice, "What's the matter with you, woman? You have never dis-

obeyed me like this before. Get up at once. We must go."

Pash-hook did not move. She did not speak. She did not look up at her husband.

Ko-ishin-mit was alarmed. He became very frightened.

"Get up, get up!" he croaked. In anger he grabbed Pash-hook by the shoulders and tried to pull her up. The harder he pulled the heavier she became. He could not budge the small little person. She felt like a rooted stone. Ko-ishin-mit was now trembling with fear. He hop-flitted out and down to his canoe and pushed and heaved trying to move it out to deeper water, but the harder he pulled and heaved the heavier the little canoe became.

"Something is wrong. Something is terribly wrong," he told himself. He tried to shout but only a weak croak came out. He flitted back to the great house and hopped inside. Pash-hook still sat by the embers of the fire.

Ko-ishin-mit noticed she was trying very hard to tell him something. He very gingerly approached her and bent his head towards her moving lips. Brave, gallant Pash-hook tried with all her might.

"There are strange people holding me down. I can't move," she whispered, almost out of breath. "Put back all you took, she entreated her husband.

Ko-ishin-mit flitted back to his canoe and once more tried to push it out into the stream. It would not move. He tried pulling it farther up onto the beach. It moved with hardly any effort at all. Trembling, Ko-ishin-mit grabbed the topmost bale and hauled it back to the great house. He worked very hard toting all the boxes and bales back to where he found them. When the last article had been returned to its own cedar box then only did Pash-hook stir.

"Heahh," she breathed, "I'm free," and shook herself and stood up. Her husband led her out and down the long, long beach to their canoe.

Pash-hook hopped in as her now very meek husband pushed the canoe into the stream. They both paddled with all their might and main until they were at a safe distance from the strange, strange place. When they at last stopped to rest Pash-hook spoke her first words since leaving the great house.

"Heahh, I'm free," she repeated. "There are people up there in the great house with the earthen floors. I'm sure of it. I felt hands, heavy hands, upon my shoulders holding me down. I'm certain that one of them sat on me because I felt so crushed down from above. I was very frightened. I couldn't speak. I couldn't tell you."

Ko-ishin-mit looked at his wife with great love. "Choo, choo, choo, all right, all right, Pash-hook my mate. Don't be afraid any more. We shall never go to that isle again."

It is said that all things belong to someone. The old people say it is not wise to keep anything you find.

Around the point and across the bay
There is an Isle with clumpy spruce
That stands on mossy knolls
Green with salal.

The beaches are covered with sea-shells white
When the tide runs out sea-grasses wave and beckon you in.
The shadow people live there, it is said--
Shadow people one cannot see until the sun is up
To cast their shadows on the sands of sea-shells white.

a Fable of the Tse-shaht People

from:

SON OF RAVEN
SON OF DEER

BY: George Clutesi

GRAY'S PUBLISHING LTD./SIDNEY, B.C.

Reprinted here with the enthusiastic support of George Clutesi.

LAW IS ONE OF THE FOLKWAYS OF A PEOPLE. IT CAN-
NOT BE TAKEN FROM THEM WITHOUT GREAT COST TO THE
TAKERS, GREAT ANGUISH TO ITS RIGHTFUL OWNERS BE-
CAUSE OF THE BURDEN TO THEM OF ITS LOSS, AND
CONSEQUENTLY ENORMOUS STRESS TO THE WHOLE CULTURE
UNTIL IT HAS BEEN RETURNED

and the people are registering
in great numbers
and those who have come have been eased a little
and will come again
to other classes
till they have what they need

and in the winter many more aspects of this interesting part of our
folk-ways will be presented in evening classes

- | | | |
|------------------------|---------------------------|------------------------|
| criminal procedures: | small debts court: | land transactions: |
| incorporating: | fighting city hall: | legal research: |
| consumer protection: | divorce & matrimony: | legal philosophy: |
| civil liberties: | mental patients law: | pollution & water law: |
| motor vehicle law: | landlord & tenant: | income tax: |
| transfer payments: | the court system: | sentencing: |
| medicine & the law: | immigration: | wills: |
| unemployment insurance | & workmen's compensation: | |
| civil damages: | youth & the law: | |

and on Channel 10 T.V.
and in public schools

AND BY NEXT SUMMER there will be classes in all the Province's communities
with the help of the communities

and with the help of the communities' lawyers
any help with the courses
any suggestions as to what they should be,
and where
and when

please
WRITE
or
C
A
L
L

VANCOUVER PEOPLE'S LAW SCHOOL
2426 York Avenue,
Vancouver 9, B.C.

TEL #732-0222

VANCOUVER PEOPLE'S LAW SCHOOL
2426 York Avenue, Vancouver 9, British Columbia 732-0222

This is to confirm that you

are registered for Mental Patients + the Law

to be held at 3191 West 10th

on June 12 - 15 from 7:30 to 10:30p

The course is to be instructed by

Si. Rush, K. Rigg, M. Battersby

Materials will be available

at the first meeting of the course

at the Vancouver People's Law School

2426 York Avenue, Vancouver on _____

can be mailed if you phone in 732-0222

other _____

Kit Rigg

Instructor's Signature

LAW CLASSES - - JUNE SCHEDULE

VANCOUVER PEOPLE'S LAW SCHOOL
2426 York Avenue, Vancouver 9, British Columbia 732-0222

ALL COURSES AND COURSE MATERIALS ARE FREE

- To register:
1. phone 732-0222
 2. send a stamped, self-addressed envelope and we will confirm your registration.

MENTAL PATIENTS AND THE LAW

TIME: June 12, 13, 14, 15 @ 7:30 - 10:30 P.M.
PLACE: MENTAL PATIENTS ASSOCIATION, 3191 West 10th Avenue
INSTRUCTOR: Stuart Rush -- lawyer
ASSISTED BY: M. Battersby, Kit Rigg
CO-SPONSOR: Mental Patients Association

IMMIGRATION PROCEDURES

TIME: June 12, 13, 14, 15 @ 7:00 - 10:00 P.M.
PLACE: Auditorium, Special Programs Division of VANCOUVER CITY COLLEGE
951 West 12th Avenue
INSTRUCTORS: Don Rosenbloom -- lawyer
Diana Davidson-moore -- law student
CO-SPONSOR: Special Programs Division of Vancouver City College

WOMEN AND THE LAW

(This course is being given twice during June.)

TIME: June 12, 13, 14, 15 @ 7:30 - 10:30 P.M.
June 26, 27, 28, 29 @ 7:30 - 10:30 P.M.
PLACE: YWCA, 580 Burrard Street
COURSE OUTLINE: marital status & matrimonial property, divorce & maintenance
custody of children & paternity
succession (transfer of property on death), taxation, credit
contract & employment rights, workmen's compensation
INSTRUCTORS: Penny Bain, Mary Ellen Boyd -- law students
CONSULTANTS: Denise McLaughlin, Elaine McCoy -- lawyers
CO-SPONSOR: YWCA

YOUTH AND THE LAW

3-hour seminar

TIME: June 7 @ 12:00 noon - 3:00 P.M.
PLACE: SOCIETY FOR TOTAL EDUCATION, 557 West 12th Avenue
COURSE OUTLINE: Juvenile Delinquent Act, drug laws, Federal & Provincial laws
governing youth
INSTRUCTORS: Mark Battersby, Kit Rigg

LEGAL RESEARCH

TIME: June 26, 27, 28, 29 @ 7:30 - 10:30 P.M.
PLACE: Main Library in the Law Building -- UNIVERSITY OF BRITISH COLUMBIA
COURSE OUTLINE: how to use a law library
how to research a particular legal problem
INSTRUCTOR: Diana Davidson-moore -- law student
COURSE PREPARATION: A. Soroka -- Reference Librarian, U.B.C. Law School

LANDLORD AND TENANT ACT

TIME: June 26, 27 @ 7:30 - 10:30 P.M.
PLACE: YMCA, 980 Burrard Street
INSTRUCTOR: Jerome Paradis -- lawyer
CO-SPONSOR: YMCA

LAW CLASSES - - JULY SCHEDULE

VANCOUVER PEOPLE'S LAW SCHOOL
2426 York Avenue, Vancouver 9, British Columbia 732-0222

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To register phone 732-0222

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what a contract is
rights & obligations of a consumer in a contract
guarantees, warranties and exclusion clauses
recourse on defective goods
credit buying: rights & obligations

INSTRUCTOR: Christopher Carr - B.C. Law Reform Commission
Lecturer in Law, London School of Economics

ASSISTED BY: Mary Ellen Boyd, Penny Bain - law students

CO-SPONSOR: Vancouver Public Library

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filing and responding to a summons
legal actions following judgment
practice in preparing and presenting cases

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ASSISTED BY: Penny Bain, Mark Battersby

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CO-SPONSOR: YMCA

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how to research a particular case

INSTRUCTOR: Diana Davidson-moore - law student

COURSE PREPARATION: A. Soroka - Reference Librarian, U.B.C. Law School

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COURSE OUTLINE: marital status
matrimonial property
custody of children & paternity
domicile
succession (transfer of property on death)

INSTRUCTOR: Norman Einarsson - lawyer

ASSISTED BY: Penny Bain - law student

CO-SPONSOR: Vancouver Public Library

2165 W. 6th
4PM Wed

MENTAL PATIENTS AND THE LAW

Vancouver People's Law School
2426 York Street, Vancouver, B.C.
732-0222

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Civil admissions to provincial mental health facilities are done under the B.C. Statutes Chapter 29, known as the Mental Health Act, 1964, along with amendments to this Act enacted in 1968. Before discussing the various ways that one can be admitted under this Act we need a few definitions, as given in Section 2 of the Act.

1. "Mentally disordered person" means a mentally ill or mentally retarded person.
2. "Mentally ill person" means a person who is suffering from a disorder of the mind that seriously impairs his ability to react appropriately to his environment or to associate with others; and that requires medical treatment or makes care, supervision and control of the person necessary for his protection or welfare or for the protection of others.
3. "Mentally retarded person" means a person in whom there is a condition of arrested or incomplete development of mind, whether arising from inherent causes or induced by disease or injury, that is of a nature or degree that requires or is susceptible to medical treatment or other special care or training and who requires care, supervision and control for his own protection or for the protection of others.
4. "Superintendent" means a person who is appointed in charge of a Provincial mental health facility and includes a person authorized by that person to exercise the power or duty of the Superintendent conferred or imposed by the provision being interpreted.

Voluntary admissions are covered under Sec. 22 of the Act. According to this section (as amended in 1968), a person can pretty well sign himself in if he is over 18, though in this case and for those under age 18, the Superintendent (in other words, anyone who has the authority to admit him) must be satisfied that the person has been examined by a physician who thinks that he is a "mentally disordered person". If someone is 16 or over but under 18 he can sign himself in only if a near relative also requests his admission.

("Near relative" means a grandfather, grandmother, father, stepfather, mother, stepmother, son, daughter, husband, wife, brother, sister, half-brother, half-sister, and includes the legal guardian of a minor and a committee having custody of the person of a patient under the Patients' Estate Act.)

If a person is under 16, a parent, guardian or, if a parent or appointed guardian is not available, the nearest relative may request his "voluntary" or, as they describe it in the Act, "informal" admission.

The advantage of being admitted under this section is that if a person is over 16, the nurse of the ward is required to communicate to the Superintendent any desire the patient has to leave, and the Superintendent is required to arrange the release of the person within 72 hours. If a person is under 16 and admitted under this section (Sec. 22) then anyone who was in the position to have him admitted can apply for his release also to be arranged within 72 hours. But it should be remembered (and it is mentioned specifically in the Act) that should the

for involuntary admissions(described below) be fulfilled for someone admitted voluntarily, then there is no provision for a 72 hour release.

There is one last form of voluntary admissions. It is specifically designed for alcoholics (Sec. 26). A person can sign himself in as an "alcohol addict" for a period of not less than 20 days nor more than a year. To sign himself in a person must complete a form stating that he requests care for his alcoholism. After 30 days the person is then treated as a voluntary admission (Sec. 22) and may request a discharge at any time.

Involuntary admissions

Involuntary admissions are done under Section 23 of the Act., which specifies the conditions for such an admission. First, an application for involuntary admission can be made by (1) a near relative as defined above, (2) anyone who has knowledge of the circumstances and antecedents of the person, (3) a policeman, (4) "anyone who has reason to believe that the person is mentally disordered." In other words just about anyone. But an application is not enough for admission. The application must be accompanied by two medical certificates completed by 2 physicians one of whom cannot be on the staff of the facility that the person is being admitted to, and neither of whom can have special vested interest in seeing the person admitted (e.g. the partner of the person whose admission is applied for cannot sign his certificate). The medical certificates must state that the physician has examined the person in the last 2 weeks and found him to be mentally disordered. It must give in summary form the reasons for this judgement and must state specifically that the person requires medical treatment in a provincial mental health facility or that he requires care, supervision and control for his own protection or welfare or for the protection of others. Two such valid certificates are all that is needed to authorize any person to apprehend and convey the person named in the certificate to a Provincial Mental health facility.

If a person is admitted according to the procedure outlined above, he can only be kept for one year. At the end of this period he must be released, unless authority for his detention is renewed (Sec. 24) by a report being filed within 2 months of the end of the year stating that he has been examined by a physician authorized by the Superintendent or the superintendent himself and giving the reasons for renewing his detention. The detention is renewable for one year on the first anniversary of admission and for two years each time thereafter.

Besides the standard admission under Section 23, there are other forms of involuntary admission. A person can be held in a psychiatric unit, usually

a part of a hospital, for 30 days provided that the requirements of Sec. 23 have been met. If the person is not transferred to a mental health facility within 30 days, then he must be released (Sec. 24 (b)).

A person can also be held for up to 72 hours for psychiatric reasons under Sec. 27 and Sec. 24(b) of the Mental Health Act. Sec. 24(b) authorizes such detention when only one (1) medical certificate has been filed because there is not another physician within a reasonable distance. But they cannot keep someone over 72 hours unless another physician sees him and signs a certificate within that time. It should be noted that nowhere in the requirements for certification of mental disorder does that Act require that the physician be a specialist in psychiatry.

Sec. 27 states that the police may pick someone up if the person is in a public place and acting in a manner likely to endanger his safety or the safety of others and is apparently suffering from mental disorder. After the person is apprehended, the police must take him to a doctor who must examine the person and, if he is to be held, sign a certificate to the effect that he is a mentally disordered person and in need of "care, supervision and control for his protection and welfare and for the protection of others." The police are then authorized to take him to a Provincial mental health facility where they can keep him for only 72 hours unless the standard conditions for involuntary admission are met, viz. the completion of another medical certificate and the completion of a form for admission.

Under Sec 27 by a magistrate or a judge's

A person can also be
warrant. The magistrate or judge can issue this warrant if he is satisfied that
the procedure for admission of the person to a mental health facility cannot be
utilized without dangerous delay. But in this case, too, a person cannot be kept
longer than 72 hours without completion of the standard authorization procedure
(application and two doctors' certificates).

That pretty much summarizes the ways by which a person can get himself ad-
mitted to Riverview provided that he has not been accused or convicted of a crime -
there are other ways discussed later for handling these admissions. Once in the
"mental health facility" a person is subject to the discipline and direction of
the superintendent and members of his staff and this is true whether a person is
a voluntary or involuntary admission (sec 29). The staff, on the other hand, is
constrained by Sec. 22(2) from willfully ill-treating or neglecting any patients.
The penalty for so doing is a maximum of \$500 or 6 months in jail. It should
also be noted that under Sec. 22(1) anyone who assists or encourages anyone to
leave (secape from) a provincial mental health facility without proper authority

is also subject to a \$500 fine or 6 months in jail.

Now to discuss the ways of getting someone, or oneself, out of a mental health facility. If a person has been admitted as a voluntary admission and is over 16 he merely has to ask to leave. If a person is being forced or was forced to enter a mental health facility, then that person or anyone else who dares to do so may apply to a Judge in Chambers, using Sec 30 of the Act, for a review of his application procedure and/or detention either before his admission or within 3 months after admission. (The procedure for this application will be discussed in class.) This provides one of the primary legal remedies and gives one a chance to argue before a court and to use counsel. After hearing the case, the Judge can order a person released, admitted, detained, or he may order the Superintendent to have a psychiatrist examine the person and give his opinion as to whether the person is in need of detention in an institution. After hearing the psychiatrist's opinion, the Judge can once again decide to order the person's admission, or continued detention or release. There are other legal remedies available, too, in particular one can apply for a writ of habeas corpus (this procedure will also be discussed in class).

After 30 days in an institution, the patient or anyone else is free to apply for a review of his case by an "independent review panel" established by the minister of mental health as provided by Sec 31 of the Act. The review panel consists of a list of psychiatrists from which the superintendent picks two each month to review all appeals for that month. Reviews are supposed to be made in the month they are requested with the results due by the end of the next month. The review panel is not required to see the patient himself, though it is free to see both him and his records. The recommendations of this panel are, like those of the Judge's, binding on the superintendent -- if they recommend the release of the patient, the superintendent must release him. Should the members of this review panel disagree, then the superintendent is to appoint another member and his opinion is binding.

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The patient or anyone else is allowed to reapply for a review of his case every 6 months. It states in the Act that the superintendent is required to send notice of these appeal procedures to next of kin, and we have been told by people working for the department that the patients are also informed of these procedures.

A third procedure for getting out of a mental health facility is simply to leave. This is prohibited under Sec. 38 of the Act and the superintendent is free to issue a warrant for a person's seizure any time within 60 days of his leaving. After this period if the escapee has not been apprehended and is not considered particularly dangerous, he is then deemed discharged. It should be noted that within

5. the first 48 hours that a person is gone from the institution he can be apprehended that without the issuance of a warrant, and that a warrant for seizure can be issued at or on 60 days if the person in question is considered especially dangerous to himself or sent others. There are no criminal sanctions for leaving the institution; if caught, at the person is returned, though the institution can, of course, place more restrictions on his stay.

That pretty well summarizes the mental health act and the problem of civil admissions. Criminal admissions are done under the Federal Criminal Code (Sec. 542-46) and a person in this case will be sent to Riverside, the section of Riverview set up primarily for criminal admissions.

CRIMINAL ADMISSIONS

1. A magistrate or judge, on evidence of one doctor that the accused is mentally ill, can order a person sent to Riverside for observation for a period not more than thirty days. This action is done under sec. 543 (2) of the Criminal Code and can be done at any time before verdict or sentence though it is frequently done at preliminary hearings. At Riverside, tests are conducted to determine the accused's fitness to stand trial, If the psychiatrists feel that he is fit, they will have him sent back to court where it is still possible to try the issue of his fitness. Should the psychiatrist at Riverside not feel a person is fit to stand trial, it has become standard procedure for the accused to be held in Riverside as an "Order-in-Council" patient. He is held (as they say) at "the pleasure of the Lieutenant Governor" at the issuance of an "Order-in-Council", until such time as the Lieutenant Governor feels the person is fit to stand trial -- this decision being based on the recommendation of a Review Panel discussed below. The grounds by which the Lieutenant Governor gets the right to order someone held before trial are unclear. Nevertheless in 1970 of the 109 people sent back to Riverside under section 543(2) only 91 were sent back as fit to stand trial and the remainder held as "Order-in-Council" patients.

patients,
2. A person may be committed to Riverside during trial if he is found unfit to stand trial, and this decision can be made at any time during the trial. In particular it can be made before the decision of whether the accused is guilty or not. A person found unfit during trial is sent to Riverside under 543(6) and is kept there until the Lieutenant Governor sees fit to send him to trial again.

3. A person may be sent to Riverside if he is found not guilty by reason of insanity as provided for under sec. 542. The criteria stated in the criminal code for deciding whether a person is insane enough to be not guilty of an act is whether a person is in a state of natural imbecility or has disease of the mind to an extent

issued for omission or of knowing that an act or omission is wrong." (sec. 16) If one is himself or sent to Riverside under this section, he is also kept there by an "Order-in-Council", caught, at the "pleasure of the Lieutenant Governor."

4. If a prisoner has a breakdown or appears to prison authorities to be mentally ill, he may be sent under order of the Lieutenant Governor to Riverside as provided in sec. 546. All but the thirty day admissions to Riverside are subject to Review by the "Order-in-Council Review Board" set up by the B. C. Government. The Review Board is presently composed of two psychiatrists not on staff, and a judge. The Review Board is supposed to periodically review the cases of all Order-in-Council patients at Riverside and make recommendations to the A. G. as to changes if any in the status of the patients. The recommendations, unlike those of the Review Panel for Civil Admissions, are not binding on the Superintendent or the Attorney General. Provisions are made in the Criminal Code for the establishment of a board very similar to that of the B. C. Government's with the exception that the Review Board in the Criminal Code is directed to Review all Order-in-Council patients' cases every six months. After two and a half years of operation, the B. C. Board has only seen about half the patients, though it has seen some more than once. The order in which the Review Board reviews cases is informal and based in part on the length of time a person has been in Riverside, requests from the Attorney General, and recommendations of the staff. One way in which to increase the chance that a patient's case be reviewed is to request a review by writing the Attorney General in Victoria.

The Review Board considers the reasons a prisoner-patient was admitted when deciding whether to detain or release him. If a person was admitted before he stood trial, the Review Board assesses the person's competency to stand trial. If a person was admitted because he was found not guilty because of insanity, the Board will consider whether the person is well enough to be released into the community -- taking into consideration the danger the person might present to others and himself. If a person is committed from prison, the Review Board will consider whether he is sane enough to return to prison, or, if his time is up, to return to the community without endangering himself and others. After studying various kinds of evidence including reports from resident psychiatrists, the nature of the offense, and the Board's impression of the patient from its own interview, the Board gives its recommendation to the Attorney General. There are a range of possibilities that it can recommend: from greater freedom within the institution to discharge into the community. Once again what the Board decides depends on the reasons for admission.

change to a return to prison to await trial. Should the Board recommend the latter and the Attorney General follow its recommendation, the person is then returned to jail and free to request bail. At the trial, the person could still be found incompetent to stand (sec. 543) or not guilty because of insanity (sec. 542) and returned to Riverside. Or, of course, he could be found guilty and sent to prison but without his time in Riverside counting; or he could simply be found innocent. But even here a person is not assured of freedom since he still might be held as an involuntary civil admission.

Should the Attorney General follow the Board's recommendation for the release or partial release of a person who had been found innocent by reason of insanity, the person will first be placed under the supervision of the Superintendent who arranges for his discharge or whatever other degree of release is recommended. If a person who has been admitted from prison is found after his trial to be sane, then he will either be returned to prison or released depending on whether his stay in Riverside has exhausted his sentence. Should a prisoner be in Riverside after his sentence has expired and the psychiatrist still think he is mentally ill, then he will be transferred to the part of Riverview for civil admissions and held as an involuntary admission under sections 23 and 24 of the Mental Health Act.

THE PATIENT'S ESTATE ACT. 1962 amended 64, 65, & 68

When someone enters a mental hospital, he frequently loses legal control over his affairs. The Patient's Estate Act is the law that allows this to be done and sets out the rules telling how to do it. Actually, a person does not have to be admitted to a mental hospital before he can lose control over his affairs; it can happen while the person stays home. Below is a description of the more important aspects of the Patient's Estate Act.

For the purposes of this Act, a "patient" is someone (a) whom the Superintendent of a mental health facility describes as incapable of managing his affairs due to mental infirmity because of disease, age or any other reason; or (b) whom a judge of the Supreme Court describes as mentally incapable under this Act. (sec. 2) Anyone including relatives of the Attorney General, can apply to a Judge to have someone declared incompetent. (sec. 3) If the judge feels that someone has (a) a mental infirmity caused by disease, age or otherwise, or (b) a disorder or disability of mind

ever other evidence he believes is important, including the testimony of the person whose competency is in question. If he desires, the Judge can order a trial in Supreme Court to decide if a person is mentally incompetent. (sec. 3(5))

Once a Judge declares that someone is incapable of managing his affairs (is a patient), all power that that person has over his own affairs or even over his own person or both can be given to a "committee." (sec. 7(1), (6)) This committee is any person or group of persons appointed by a Judge of the Supreme Court to control the patient's affairs or person. (sec. 7(1)) The people on the committee may be relatives or friends of the patient or, if the Judge does not appoint anyone, the B.C. Public Trustee automatically becomes the committee. (sec. 7(3))

The Committee has all the legal powers which the patient would have if he were not declared incompetent. (sec. 16, 18) In other words, the committee has the power to buy and sell for the patient, to sign his name, to agree to contracts in his name, etc.

If the committee does something which the patient does not like, he cannot sue them -- the only person who can sue for the patient is the committee (sec. 23(1)) and they cannot sue themselves. The patient can sue the committee after he has recovered his competency, but in order to win the suit, he would have to show that the committee deliberately did not disclose certain acts, neglects, defaults, or accounts; or that the committee was dishonest or unlawful in its conduct. (sec.14(5)) Merely because it did something with his affairs which he would not have done, or did not wish them to do is not grounds for damages. Thus, the committee can do pretty much as they like. They must act "for the benefit of the patient and his family" (sec. 19), but they determine what the "benefit" is, and they may, in fact, be the family. However, (sec. 11) they must show their accounts to the Public Trustee (1) within six months from the start of their power by taking inventory of all the patient's possessions and debts; (2) within thirty days after each second yearly anniversary of their taking power; and (3) whenever a Judge of the Supreme Court asks them to.

What can someone do to stop others from taking control over his affairs or to regain control once he has lost it? There are several precautions and remedies: (1) The person can ask that the question of his competency be tried in Supreme Court (though the Judge does not have to agree to this) -- there he has a better chance to give his side of the story (sec. 5). (2) He can appeal the decision

affadavits mentioned above (Sec. 6). If the patient requests such an examination, the Judge must agree unless he feels the person is too incompetent to know what he is asking for (Sec. 6(2)). (4) If a person fears that he may be declared incompetent, he can nominate someone to be his "committee" and, again, the Judge must agree to appoint that nominee unless he has "good and sufficient" reason not to. The Nomination must be in writing and signed by two witnesses who watched both the patient's signature and the signature of the other witness. (Sec. 10) (5) After one year from the date of the order declaring someone incapable of managing his affairs, anyone, including the patient, may apply for an order from a Judge saying that he is no longer incapable. (Sec. 5) The Judge will again read the affidavits of two "duly qualified medical practitioners" and if they say that the person is no longer incapable, he may declare the person to be capable once more. A person can apply for this order sooner than one year from the date of the incompetency order if a Judge gives him leave to do so.

NOTE!! A person cannot protect himself by signing a power of attorney to a friend since all powers of attorney become void when a person is declared to be incapable. (Sec. 20)

A person ceases to be a patient when (a) he is discharged from a provincial mental health facility or a psychiatric unit (Sec 12(a)). (Unless the Public Trustee is his committee in which case he does not automatically cease to be a patient under this provision). (b) he is the subject of an order under the Mental Health Act which prohibits anyone from admitting him to a provincial mental health facility (Sec. 12b); (c) he is let out on leave from a provincial mental health facility or a psychiatric unit and part of the leave conditions is that he is no longer considered a patient for the purposes of this Act (12c); (d) he is the subject of a certificate signed by the Superintendent of a provincial mental health facility or the officer in charge of a psychiatric unit that he is no longer incapable (Sec. 12d); (e) he is the subject of an order under this act that he is no longer incapable (Sec. 12e).

But merely because a person is no longer a patient, he does not automatically regain legal control over his affairs or even himself. After he ceases to be a patient (incapable or incompetent) the person, or his committee (unless it is the public Trustee) must apply, giving ten days notice to the Public Trustee, for the discharge of his committee. A Judge will order this. Only after the committee has been discharged is the person again in control of his affairs and person.

If someone becomes, or has been, a mental patient, it can seriously affect his ability to enter or remain in Canada unless he is a Canadian citizen or has lived in Canada as a landed immigrant for over five years. Section 5(a) of the Immigration Act says that no one is allowed to be admitted to Canada (unless he has the written permission of the Minister of Immigration) if he

- (a) is an imbecile, idiot or moron (Sec. 5(a)(i))
- (b) is insane, or, if he is an immigrant, was insane at any time. Sec.5a(ii)

(There are exceptions to this -- if a person who was insane has not been in a mental institution for the last seven years nor suffered any significant recurrence of symptoms, and if the symptoms are not likely to recur -- then the Governor in Council (the Federal Cabinet) may authorize his admission to Canada. Sec 5(a)(ii)(A))

- (c) has a constitutionally psychopathic personality
- (d) if an immigrant, has epilepsy.

The Immigration Department can order that the person suspected of being in any of these categories submit to a mental or physical examination.

After someone has become an immigrant, if he becomes an inmate of an asylum or hospital for the mentally diseased, he is subject to deportation (Sec. 18(1)(e)(iii)). If the Immigration Department discovers that someone came into Canada who actually should have been kept out because he was in the first two categories listed above, it can deport him (Sec. 18(1)(e)(v)).

MENTAL PATIENTS AND THE LAWS ON MARRIAGE AND DIVORCE

If a person is deemed mentally ill, it can affect his right to marry. The B.C. Marriage Act states that no one is allowed to perform a marriage between two people either of whom is an idiot, insane, or under the influence of intoxicating liquor. If a person is insane at the time of marriage, the marriage can be annulled. There are no grounds for divorce in either B.C. or Federal statutes merely because one partner to the marriage is mentally ill or the inmate of a mental hospital. If one spouse has been in a mental institution continuously for three or more years, the other spouse may be able to divorce the inmate spouse on grounds of separation. (This will be discussed at more length in the course.)

SEXUAL STERILIZATION AND MENTAL PATIENTS

Can a person be sterilized for being mentally ill? YES!

Under the B.C. Sexual Sterilization Act(1948), if the Superintendent of a mental

that an inmate who, upon his release, would likely beget or

bear children who would, by reason of inheritance, have a tendency to serious mental disease or mental deficiency, the Superintendent may recommend to a Board of Eugenics that the person be sterilized.

The Board of Eugenics is made up of a Judge of a Court of Record in B.C., a psychiatrist and one person experienced in Social Work. If they agree unanimously after reading the history of the inmate, as shown in the mental health facility records, and perhaps after examining him, that the children of the inmate would likely be mentally diseased or deficient, they may order his sterilization. BUT if the inmate is capable of doing so (who decides if he is capable?) he must give his consent before the operation can be carried out. If the inmate is "incapable" of consenting, his spouse or his parent or guardian (if he has no spouse) or the Provincial Secretary must give his consent.

THE END

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