



SEANAD ÉIREANN

AN BILLE MEABHAIR-SHLÁINTE, 2024 MENTAL HEALTH BILL 2024

LEASUITHE COISTE COMMITTEE AMENDMENTS

SEANAD ÉIREANN

AN BILLE MEABHAIR-SHLÁINTE, 2024 —AN COISTE

MENTAL HEALTH BILL 2024 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 2

- *1. In page 14, line 23, to delete “means” and substitute “, other than in *Chapter 2* of *Part 7*, means”.
- *2. In page 14, between lines 24 and 25, to insert the following:
“ “Agency” means the Child and Family Agency;”.
- *3. In page 14, to delete line 29 and substitute the following:
“ “Board” has the meaning assigned to it in *section 94*;”.
- *4. In page 15, line 1, to delete “a child” and substitute “a child aged 16 years or older”.
- *5. In page 15, between lines 2 and 3, to insert the following:
“ “care order” has the same meaning as it has in section 18 of the Act of 1991;”.
- *6. In page 15, line 6, to delete “or” and substitute “and”.
7. In page 15, between lines 9 and 10, to insert the following:
“ “chemical restraint” means the use of medications with the primary intention of controlling a person’s behaviour or of restricting, preventing, or otherwise limiting their freedom of movement;”.

—*Senators Frances Black, Laura Harmon, Nessa Cosgrove.*

- *8. In page 15, line 23, after “such” to insert “a”.

9. In page 16, between lines 2 and 3, to insert the following:

“ “dual diagnosis” means the term used when a person experiences both a substance abuse problem and a mental health issue such as depression or an anxiety disorder. Treatment options must address both;”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy,
Chris Andrews, Tom Clonan.*

[SECTION 2]

*10. In page 16, line 3, after “recommendation” to insert “for involuntary admission”.

*11. In page 16, line 7, to delete “judgement” and substitute “judgment”.

*12. In page 16, to delete lines 10 to 12 and substitute the following:

“ “guardian” means, in relation to a child—

(a) a guardian pursuant to the Guardianship of Infants Act 1964, or

(b) the person acting in *loco parentis* to that child;”.

*13. In page 16, between lines 12 and 13, to insert the following:

“ “guardian *ad litem*” means, in relation to a child, a guardian *ad litem* (within the meaning of section 35A of the Act of 1991) appointed for the child in accordance with Part VA of the Act of 1991;”.

*14. In page 16, line 24, to delete “without providing his or her consent to such admission” and substitute “pursuant to an involuntary admission order or a renewal order”.

15. In page 16, to delete lines 32 to 35.

—*Senators Laura Harmon, Nessa Cosgrove.*

*16. In page 16, line 34, to delete “judgement” and substitute “judgment”.

17. In page 16, between lines 35 and 36, to insert the following:

“ “mental health difficulty” and/or “Psychosocial disability” mean, in relation to a person, any mental illness, condition or disability, whether of a continuous or intermittent nature, which affects the person’s thinking, perception, emotion, or mood and impairs the mental function of the person;”.

—*Senators Laura Harmon, Nessa Cosgrove.*

*18. In page 17, line 3, after “2011,” to insert “or”.

19. In page 17, between lines 9 and 10, to insert the following::

“(iv) psychologist;

—*Senator Lynn Ruane.*

*20. In page 17, line 12, to delete “of that Act”.

21. In page 17, between lines 12 and 13, to insert the following:

“(d) a member of a person’s wider psychosocial care team;”.

—*Senator Lynn Ruane.*

22. In page 17, line 14, after “healthcare” to insert “and psychosocial care”.

—*Senator Lynn Ruane.*

*23. In page 17, to delete lines 16 to 18 and substitute the following:

“ “nominated person” means an adult nominated—

(a) in relation to an adult, in accordance with *section 185*, and

[SECTION 2]

(b) in relation to a child aged 16 years or older, in accordance with *section 186*.”.

***24.** In page 17, between lines 25 and 26, to insert the following:

“ “parents or guardian or the Agency” means, in relation to a child, his or her parents, or either of them, or guardian, or, where the child is the subject of a care order, the Agency;”.

***25.** In page 17, between lines 25 and 26, to insert the following:

“ “pharmacological restraint” means the administration of medication to a person where the only purpose of such administration is to—

(a) control the person’s behaviour, or

(b) restrict, prevent or limit the person’s freedom of movement or access to his or her own body,

but does not include the administration of medication that is for the purposes of treating or ameliorating his or her mental disorder;”.

***26.** In page 17, between lines 35 and 36, to insert the following:

“ “recommendation for involuntary admission” has the meaning assigned to it in *section 16*;”.

27. In page 18, to delete line 37.

—*Senators Laura Harmon, Nessa Cosgrove.*

28. In page 18, line 37, after “restraint” to insert “, chemical restraint”.

—*Senators Frances Black, Laura Harmon, Nessa Cosgrove.*

***29.** In page 18, after line 38, to insert the following:

“ “review panel” has the meaning assigned to it in *section 27*;”.

***30.** In page 19, line 11, to delete “means” and substitute “means,”.

***31.** In page 19, line 15, after “person,” to insert “other than in *sections 37 and 78*,”.

SECTION 6

***32.** In page 20, to delete lines 39 and 40 and substitute the following:

“(a) the Act of 2001;

(b) the Mental Health (Amendment) Act 2018.”.

SECTION 9

33. In page 21, between lines 28 and 29, to insert the following:

“(5) An applicable person shall not be precluded from accessing mental health care or treatment by virtue of the fact that they are acutely drug or intoxicant affected, or are addicted to drugs or intoxicants.”.

—*Senator Lynn Ruane.*

[SECTION 9]

34. In page 21, between lines 28 and 29, to insert the following:

“(5) An applicable person shall not be precluded from accessing mental health care or treatment by virtue of the fact that they present with a concurrent mental health disorder and a substance use disorder.”.

—*Senator Lynn Ruane.*

SECTION 9

*35. In page 22, to delete line 11 and substitute the following:

“(ii) any other mental healthcare professional who is not a member of the person’s multidisciplinary team or who is otherwise not involved in the person’s care and treatment,”.

SECTION 10

*36. In page 22, line 37, after “the” where it firstly occurs to insert “Family District Court or”.

*37. In page 23, to delete lines 6 to 20 and substitute the following:

“(c) that in the case of a child who is aged 16 years or older—

(i) it shall be presumed that the child has the necessary maturity and capacity to make decisions affecting himself or herself in relation to his or her admission, care and treatment under this Act, and

(ii) the views of the parents or guardian or the Agency shall be recorded;

(d) that in the case of a child who is under 16 years of age and is capable of forming his or her own views, where practicable—

(i) the child shall be consulted at each stage of diagnosis and treatment,

(ii) the views and will and preferences of the child shall be recorded and given due regard, and

(iii) regard shall be given to the age and maturity of the child;”.

38. In page 23, line 12, to delete “and given due weight”.

—*Senators Laura Harmon, Nessa Cosgrove.*

39. In page 23, line 21, to delete “in so far as is practicable,”.

—*Senators Victor Boyhan, Frances Black, Laura Harmon, Nessa Cosgrove.*

40. In page 23, to delete line 21, and substitute the following:

“(d) children are entitled to age-appropriate care and should only be in age-appropriate units except in emergency circumstances. Under no circumstances should a child be placed in an adult unit for longer than 72 hours. Following this emergency 72 hour timeframe that care and treatment must be provided—”.

—*Senator Victor Boyhan.*

41. In page 23, between lines 23 and 24, to insert the following:

“(e) that children are entitled to age-appropriate care and should only be in age-

[SECTION 10]

appropriate units except in emergency circumstances. Under no circumstances should a child be placed in an adult unit for longer than 72 hours. Following this emergency 72 hour timeframe, that care and treatment must be provided—

- (i) in an age-appropriate environment, and
- (ii) in close proximity to the child's home or family, as appropriate;”.

—*Senators Laura Harmon, Nessa Cosgrove.*

42. In page 23, between lines 29 and 30, to insert the following:

“(2) No child shall be precluded from accessing mental health care or treatment by virtue of the fact that they are acutely drug or intoxicant affected, or are addicted to drugs or intoxicants.”.

—*Senator Lynn Ruane.*

43. In page 23, between lines 29 and 30, to insert the following:

“(2) No child shall be precluded from accessing care or treatment by virtue of the fact that they present with a concurrent mental health disorder and a substance use disorder.”.

—*Senator Lynn Ruane.*

SECTION 11

44. In page 23, after line 36, to insert the following:

“Guiding principles to apply in respect of persons with dual diagnosis

11. Services shall provide integrated care pathways for individuals with a dual diagnosis and the range of services including home, community and inpatient care as appropriate.”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

*45. In page 24, line 19, to delete “means” and substitute “means,”.

*46. In page 24, to delete lines 28 and 29.

SECTION 12

47. In page 25, between lines 1 and 2, to insert the following:

“12. (1) A person may be involuntarily admitted to a registered acute mental health centre pursuant to an involuntary admission order and held there if he or she fulfils each of the criteria (in this Act referred to as the “criteria for involuntary admission”) specified in *paragraph (a)*:

- (a) a person with psychosocial disabilities or as a condition that can be described as a mental illness, the nature and degree of which is such that—
 - (i) he or she requires care and treatment,
 - (ii) the care and treatment required to be given to the person cannot be given to that person other than in a registered acute mental health centre,
 - (iii) the reception, holding and care and treatment of the person concerned in a

[SECTION 12]

registered acute mental health centre would be likely to benefit the condition of that person,

- (iv) the person lacks capacity to consent to admission,
 - (v) the person lacks capacity to consent to treatment, and
 - (vi) where there is concern that the life or health of the person, or of another person, may be seriously and imminently affected/impacted.
- (2) Nothing in *subsection (1)* shall be construed as authorising the involuntary admission of a person to a registered acute mental health centre by reason only of the fact that the person—
- (a) has a psychosocial disability or a mental illness that does not fulfil the criteria for involuntary admission,
 - (b) has an intellectual disability,
 - (c) has a personality disorder,
 - (d) has a substance use issue,
 - (e) may behave in such a manner or hold views that are contrary to, deviate from or transgress cultural, religious, social or traditional norms or customs of appropriate behaviour, or
 - (f) requires to reside in a safe environment provided by a registered acute mental health centre.
- (3) The Commission shall prepare and issue a code of practice for staff working in registered acute mental health centres, An Garda Síochána, HSE authorised personnel and GPs, in relation to the provisions of this section.”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

[*Acceptance of this amendment involves the deletion of section 12 of the Bill.*]

48. In page 25, line 7, to delete “, or that of another person,”.

—*Senators Laura Harmon, Nessa Cosgrove.*

49. In page 25, line 8, to delete “, or that of another person,”.

—*Senators Laura Harmon, Nessa Cosgrove.*

50. In page 25, line 19, after “person”, to insert “to a material extent”.

—*Senators Laura Harmon, Nessa Cosgrove.*

***51.** In page 25, line 26, after “to” to insert “materially”.

52. In page 25, line 27, after “person”, to insert “to a material extent”.

—*Senators Laura Harmon, Nessa Cosgrove.*

[SECTION 13]

SECTION 13

*53. In page 26, to delete lines 19 and 20.

*54. In page 26, to delete lines 21 to 25 and substitute the following:

- “(d) is a spouse of the person, the subject of the application—
 - (i) who is living separately and apart from the person concerned, or
 - (ii) in respect of whom—
 - (I) an application for an order has been made but not yet determined under the Act of 2018, or
 - (II) an order has been made under the Act of 2018,”.

*55. In page 26, line 27, to delete “in *paragraphs (b) and (c)*” and substitute “in *paragraph (b)*”.

SECTION 14

56. In page 26, between lines 34 and 35, to insert the following:

“Capacity Assessment and Safeguards for Treatment Without Consent

14. (1) No person shall be administered treatment without their consent unless a formal capacity assessment has been completed and the person has been found to lack the capacity to consent to the treatment in question, in accordance with the provisions of the Assisted Decision-Making (Capacity) Act 2015.
- (2) An exception to *subsection (1)* shall apply only in circumstances of emergency, where such treatment is—
- (a) immediately necessary for the protection of life of the person or that of another person, or
 - (b) necessary for protection from an immediate and serious threat to the health of the person, or that of another person,
- and where no safe and effective alternative treatment is available.
- (3) Where a person is deemed temporarily unable to participate in a capacity assessment due to their mental or physical condition, this shall not be presumed to indicate a lack of capacity. In such cases:
- (a) the reasons why a capacity assessment could not be completed must be clearly recorded in the person’s medical file;
 - (b) a formal capacity assessment shall be conducted as soon as practicable, and in all cases within 24 hours of the administration of treatment;
 - (c) the person shall be supported to participate in the assessment as soon as they are able, in accordance with their rights under the Assisted Decision-Making (Capacity) Act 2015.
- (4) The Mental Health Commission shall establish procedures for independent auditing and review of all instances where treatment is administered without consent and before a capacity assessment is completed. This review shall consider:

[SECTION 14]

- (a) compliance with time limits;
- (b) documentation of rationale;
- (c) involvement of independent advocacy where applicable;
- (d) steps taken to support the person's participation.”.

—*Senators Victor Boyhan, Laura Harmon, Nessa Cosgrove.*

57. In page 26, between lines 34 and 35, to insert the following:

“Right to a Special Advocate

14. (1) Every person accessing mental health services shall have the right to access independent advocacy services to support them in understanding and exercising their rights. This right shall apply regardless of their legal status, and shall include, but not be limited to—
- (a) persons receiving services on a voluntary basis, and
 - (b) persons who are involuntarily detained.
- (2) All persons accessing mental health services, and where appropriate their families or representatives, shall be informed in a timely and accessible manner of the availability of independent advocacy services and how to access them.
- (3) Advocacy services shall be made available:
- (a) upon request by the person concerned;
 - (b) automatically for individuals who are involuntarily detained under this Act;
 - (c) automatically for children admitted to approved centres.
- (4) Advocates shall operate independently of mental health service providers and shall:
- (a) act in accordance with the will and preferences of the person concerned;
 - (b) assist the person in understanding their rights and options;
 - (c) support the person in participating in decisions about their care and treatment.
- (5) The organisation providing independent advocacy should be structurally and financially independent.”.

—*Senator Victor Boyhan.*

SECTION 14

*58. In page 27, line 13, to delete “may” and substitute “shall”.

*59. In page 28, line 26, to delete “the person, or a spouse” and substitute “the person or a spouse”.

SECTION 15

*60. In page 29, to delete lines 5 to 9.

*61. In page 29, line 10, to delete “*paragraphs (b) and*” and substitute “*paragraph (b) or*”.

[SECTION 16]

SECTION 16

- *62. In page 30, line 5, to delete “application” and substitute “application,”.

SECTION 17

- *63. In page 31, line 29, to delete “request, or the application” and substitute “request or the direct application”.

SECTION 18

- *64. In page 32, line 7, after “(5)” to insert “, subject to and in accordance with *subsections (6) and (7)*, as applicable,”.

SECTION 19

- *65. In page 34, line 32, to delete “concerned,”.

SECTION 20

- *66. In page 35, to delete lines 15 to 18 and substitute the following:

- “(a) the bringing of persons, other than children, to the registered acute mental health centre pursuant to *section 19* or *21*;
- (b) the bringing of children to the registered acute mental health centre pursuant to *sections 74#* or *77##*;
- (c) the bringing back of persons, other than children, to the registered acute mental health centre pursuant to *section 21* or *40*;
- (d) the bringing back of children to the registered acute mental health centre pursuant to *section 78*.”.

[#This is a reference to a section proposed to be inserted by amendment No. 243.]

[##This is a reference to a section proposed to be inserted by amendment No. 264.]

SECTION 22

- *67. In page 36, line 39, to delete “detention,” and substitute “detention”.

68. In page 37, line 7, to delete “24 hours” and substitute “72 hours”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

SECTION 23

- *69. In page 37, lines 31 and 32, to delete “consultant psychiatrist responsible for the care and treatment of an involuntarily admitted person” and substitute “responsible consultant psychiatrist”.

- *70. In page 37, line 33, after “the” to insert “responsible”.

SECTION 25

- *71. In page 38, line 15, to delete “and any” and substitute “or any subsequent”.

- *72. In page 38, to delete lines 17 and 18 and substitute “involuntarily admitted person concerned a copy of the involuntary admission order or renewal order, as the case may be.”.

[SECTION 25]

*73. In page 38, lines 19 and 20, to delete “consultant psychiatrist responsible for the care and treatment of an involuntarily admitted person” and substitute “responsible consultant psychiatrist”.

74. In page 39, between lines 28 and 29, to insert the following:

“(7) The consultant psychiatrist responsible for the care and treatment of an involuntarily admitted person shall, as soon as is practicable but not later than 24 hours after the making of an involuntary admission order and any renewal order in respect of an involuntarily admitted person, inform the person of the availability of independent advocacy services and how to access them.”.

—*Senator Frances Black.*

75. In page 39, between lines 28 and 29, to insert the following:

“(7) Upon request from the involuntarily admitted person, the consultant psychiatrist responsible for the person’s treatment shall refer the involuntarily admitted person to the National Advocacy Service.”.

—*Senator Frances Black.*

SECTION 26

*76. In page 39, line 37, to delete “record” and substitute “records”.

SECTION 27

77. In page 39, after line 39, to insert the following:

“Report on Maximising Autonomy

27. In advance of the five-year review of the Bill, the Mental Health Commission shall prepare and submit a report reviewing strategies to maximise patient autonomy within mental health services. This report shall be developed in consultation with a broad range of stakeholders, including but not limited to:

- (a) people with lived experience;
- (b) family members and supporters;
- (c) mental health professionals;
- (d) advocacy organisations; and
- (e) relevant statutory bodies.

and shall include evidence-based recommendations aimed at strengthening rights-based, person-centred approaches to care and enhancing supported decision-making in line with national and international human rights standards.”.

—*Senator Victor Boyhan.*

*78. In page 40, line 18, to delete “of”.

[SECTION 31]

SECTION 31

- *79. In page 46, line 11, after “report” to insert “to the Commission”.
- *80. In page 46, line 12, to delete “prescribed to the Commission” and substitute “specified by the Commission”.
- *81. In page 46, lines 32 and 33, to delete all words from and including “psychiatrists,” in line 32 down to and including line 33 and substitute “psychiatrists.”.
- *82. In page 47, line 2, to delete “a copy of the person’s medical record and”.

SECTION 32

- *83. In page 47, to delete lines 23 to 27 and substitute the following:
 - “(3) Subject to *subsection (4)*, the review board shall carry out the steps under *subsections (1) and (2)* as soon as may be, but in any event not later than 21 days after the date of the making of the order concerned.”.
- *84. In page 47, lines 25 and 26, to delete “21 days, or such shorter period as may be prescribed which period shall be not less than 14 days” and substitute “14 days, or such shorter period as may be prescribed”.

—Senators Frances Black, Laura Harmon, Nessa Cosgrove.

- *85. In page 48, line 28, after “and” to insert “the”.

SECTION 33

- *86. In page 49, to delete lines 26 and 27 and substitute the following:
 - “(7) Notice of an appeal under *subsection (1)* and a copy of the proceedings shall be served by the person bringing the appeal on—
 - (a) the review board,”.
- *87. In page 49, line 31, to delete “shall” and substitute “may”.
- *88. In page 49, lines 33 and 34, to delete “or any other person on whom notice is served under *subsection (7)*”.

SECTION 34

- *89. In page 51, line 3, to delete “and”.
- *90. In page 51, line 6, to delete “request.” and substitute “request, and”.
- *91. In page 51, between lines 6 and 7, to insert the following:

“(c) provide a copy of the request and his or her decision to the Commission.”.

SECTION 35

- *92. In page 51, to delete all words from and including “or” in line 41 to “the case may be,” in line 1, page 52.

SECTION 36

- *93. In page 52, line 36, to delete “subject to *subsection (10)*, set the time and date for the hearing” and substitute “set the time and date for the hearing in accordance with *subsection (9)*”.

[SECTION 36]

*94. In page 53, line 24, to delete “*subsection (7)*” and substitute “*subsection (6)*”.

*95. In page 54, line 20, after “shall” to insert “prepare and”.

SECTION 37

*96. In page 54, line 32, after “treatment” to insert “, but no longer than the expiry of the involuntary admission order or any subsequent renewal order pursuant to which he or she is detained,”.

SECTION 38

*97. In page 55, line 2, to delete “(7)” and substitute “(7),”.

*98. In page 55, line 14, to delete “record” where it secondly occurs and substitute “records”.

*99. In page 55, line 35, to delete “detention,” and substitute “detention”.

*100. In page 56, line 5, to delete “record” and substitute “records”.

SECTION 39

*101. In page 56, line 23, after “of” to insert “the”.

*102. In page 56, line 34, after “shall” to insert “prepare and”.

SECTION 41

*103. In page 58, line 14, to delete “record” and substitute “records”.

*104. In page 58, to delete lines 30 to 41 and substitute the following:

“(9) Subject to *subsection (10)*, where an order is revoked under *subsection (1)* in respect of a person and the order has been referred to a review board under *section 31* but the time and date has not been scheduled for the hearing of the review of the detention by the review board or the hearing has not commenced, the hearing by the review board shall not commence unless the person the subject of the order or his or her legal representative requests by notice in writing addressed to the Commission, as soon as practicable, but no later than 14 days after the date of the revocation of the order, that the review be completed.

(10) Where an order is revoked under *subsection (1)* and the revocation takes place within 48 hours before the time and date scheduled for the hearing of the review of the detention by the review board, the review shall continue at the time and date scheduled if the person or his or her legal representative submits a request in writing to the Commission to confirm that he or she wishes the hearing to proceed on that date.

(11) Where no request for the hearing to proceed is received under *subsection (10)*, the review shall be discontinued.

(12) Where a person or his or her legal representative requests under *subsection (9)* that a review be completed, that review shall take place within 21 days of the date the request is made.”.

SECTION 46

*105. In page 61, line 16, after “shall” to insert “, as soon as practicable,”.

[SECTION 46]

106. In page 61, between lines 32 and 33, to insert the following:

“(5) Where a person has been assessed as lacking capacity, further regular reviews of the person’s capacity shall be conducted throughout their subsequent treatment, at least once every 7 days, by the consultant psychiatrists or by another mental healthcare professional involved in the care of that person.”.

—*Senator Frances Black.*

***107.** In page 61, between lines 36 and 37, to insert the following:

“(6) A capacity assessment and, where applicable, a second capacity assessment shall be—

- (a) arranged for and carried out as soon as practicable, and
- (b) carried out regularly, with the frequency of review based on the individual needs of the person concerned, and in any event not less than once every 14 days, to assess whether the person continues to lack the necessary capacity to consent to or refuse treatment.”.

***108.** In page 61, line 38, to delete “record” and substitute “records”.

SECTION 47

***109.** In page 62, line 25, to delete “involuntary” and substitute “involuntarily”.

110. In page 62, between lines 28 and 29, to insert the following:

“(5) Notwithstanding the generality of *subsection (1)*, the administration of treatment to a person shall be regularly reviewed, and in any event, shall be reviewed at least once every 7 days, by the responsible consultant psychiatrist and the capacity of the person concerned shall be regularly reviewed by the responsible consultant psychiatrist or, on his or her direction, by another mental healthcare professional and in any event no longer than every 7 days.”.

—*Senators Laura Harmon, Nessa Cosgrove.*

***111.** In page 62, line 31, to delete “record” and substitute “records”.

SECTION 48

112. In page 62, between lines 31 and 32, to insert the following:

“Safeguards for treatment without consent

- 48.** (1) No person shall be administered treatment without their consent unless a formal capacity assessment has been completed and the person has been found to lack the capacity to consent to the treatment in question, in accordance with the provisions of the Assisted Decision-Making (Capacity) Act 2015.
- (2) An exception to *subsection (1)* shall apply only in circumstances of emergency, where such treatment is—
- (a) immediately necessary for the protection of life of the person or that of another person, or
 - (b) necessary for protection from an immediate and serious threat to the health of the

[SECTION 48]

person, or that of another person,

and where no safe and effective alternative treatment is available.

- (3) Where a person is deemed temporarily unable to participate in a capacity assessment due to their mental or physical condition, this shall not be presumed to indicate a lack of capacity and in such cases:
- (a) the reasons why a capacity assessment could not be completed must be clearly recorded in the person's medical file;
 - (b) a formal capacity assessment shall be conducted as soon as practicable, and in all cases within 24 hours of the administration of treatment;
 - (c) the person shall be supported to participate in the assessment as soon as they are able, in accordance with their rights under the Assisted Decision-Making (Capacity) Act 2015.
- (4) The Mental Health Commission shall establish procedures for independent auditing and review of all instances where treatment is administered without consent and before a capacity assessment is completed and this review shall consider:
- (a) compliance with time limits;
 - (b) documentation of rationale;
 - (c) involvement of independent advocacy where applicable;
 - (d) steps taken to support the person's participation."

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

113. In page 62, line 38, after "completed" to insert the following:

"if such treatment is immediately necessary for the protection of life of that person or that of another person".

—*Senator Frances Black.*

114. In page 63, lines 2 and 3, to delete "or that of another person,".

—*Senators Laura Harmon, Nessa Cosgrove.*

115. In page 63, line 5, to delete "or that of another person, or".

—*Senators Laura Harmon, Nessa Cosgrove.*

116. In page 63, between lines 6 and 7, to insert the following:

"(i) the life of the person is at risk, or the health of the person is at risk of immediate and serious harm,".

—*Senators Laura Harmon, Nessa Cosgrove.*

[SECTION 48]

*117. In page 63, line 10, after “to” to insert “materially”.

118. In page 63, line 11, after “person”, to insert “to a material extent,”.

—*Senators Laura Harmon, Nessa Cosgrove.*

*119. In page 63, between lines 12 and 13, to insert the following:

“(3) Where treatment is being administered to a person under *subsection (1)(b)*—

- (a) a capacity assessment and a second capacity assessment shall be completed no later than 72 hours after the initiation of treatment, and
- (b) the administration of treatment under that subsection shall be discontinued immediately where the person is assessed as not lacking capacity to consent to or to refuse treatment after either the capacity assessment or the second capacity assessment.”.

120. In page 63, to delete lines 13 to 23.

—*Senators Laura Harmon, Nessa Cosgrove.*

121. In page 64, lines 2 to 5, to delete all words from and including “or” in line 2, down to and including line 5 and substitute the following:

“the application referred to in *section 49* shall be made by the responsible consultant psychiatrist as soon as possible and, in any case, no longer than 72 hours from the initiation of involuntary treatment.”.

—*Senators Laura Harmon, Nessa Cosgrove.*

*122. In page 64, lines 3 and 4, to delete “responsible consultant psychiatrist” and substitute “registered proprietor”.

SECTION 49

*123. In page 64, line 21, to delete “responsible consultant psychiatrist” and substitute “registered proprietor”.

*124. In page 64, line 22, after “2015” to insert “as soon as practicable and”.

125. In page 64, lines 22 to 24, to delete all words from and including “prior” in line 22, down to and including line 24 and substitute the following:

“:

- “(i) prior to any treatment, other than treatment provided under *section 48, 50 or 51*, being provided to the involuntarily admitted person,
- (ii) as soon as possible and, in any case, no longer than 72 hours from the initiation of involuntary treatment for treatments provided under *section 48, 50 or 51*.”.

—*Senators Laura Harmon, Nessa Cosgrove.*

[SECTION 49]

- 126.** In page 64, lines 22 and 23, to delete “, other than treatment provided under *section 48, 50 or 51,*” and substitute the following:

“, unless such treatment is immediately necessary for the protection of life of that person or that of another person,”.

—*Senator Frances Black.*

- 127.** In page 64, line 24, after “person” to insert “as soon as is practicable but no longer than 72 hours after being involuntarily admitted”.

—*Senator Frances Black.*

- *128.** In page 64, between lines 24 and 25, to insert the following:

“(2) An application to the Circuit Court made under *subsection (1)* shall be withdrawn by the registered proprietor where—

- (a) the person the subject of the application is discharged as an involuntarily admitted person, or
- (b) the person the subject of the application is assessed under *section 46* to have capacity to consent to or refuse treatment.”.

SECTION 50

- *129.** In page 64, line 27, to delete “(2),” and substitute “(2)”.

- 130.** In page 64, to delete from “, or” in line 30, down to and including line 33 and substitute the following:

“in order for the involuntary treatment of a person deemed to lack capacity, who does not have access to Decision Supports, to continue beyond the treatment period, an application must be made by or on behalf of the responsible consultant psychiatrist to the High Court specifying the proposed treatment and seeking an order to continue to administer the treatment concerned to the person while they await decision-supports (in this section referred to as a “treatment order”) where all of the following apply, namely:

- (a) such treatment is immediately necessary for the protection of life of the person or for protection from an immediate and serious threat to the health of the person;
- (b) the involuntarily admitted person requires the treatment concerned immediately;
- (c) there is no alternative safe and effective treatment available;
- (d) it is likely that the condition of the involuntarily admitted person will benefit from such treatment to a material extent;

a treatment order shall, subject to any directions of the High Court, have effect for a period not exceeding 3 months.”.

—*Senators Laura Harmon, Nessa Cosgrove.*

[SECTION 50]

*131. In page 64, line 31, to delete “after the initial treatment period and” and substitute “outside of the initial treatment period or”.

*132. In page 64, line 34, after “where” to insert “there is no alternative safe and effective treatment available and”.

133. In page 64, lines 35 and 36, to delete all words from and including “or” on line 35, down to and including line 36.

—*Senators Laura Harmon, Nessa Cosgrove.*

134. In page 64, line 38, to delete “or that of another person, or” and substitute “and”.

—*Senators Laura Harmon, Nessa Cosgrove.*

*135. In page 65, line 4, after “to” to insert “materially”.

*136. In page 65, line 5, to delete “person,” and substitute “person.”.

137. In page 65, line 5, after “person”, to insert “to a material extent”.

—*Senators Laura Harmon, Nessa Cosgrove.*

*138. In page 65, to delete line 6.

*139. In page 65, between lines 6 and 7, to insert the following:

“(3) Where treatment is being administered to a person under *subsection (1)(b)*—

(a) a capacity assessment and a second capacity assessment shall be completed no later than 72 hours after the initiation of treatment, and

(b) the administration of treatment under that subsection shall be discontinued immediately where the person is assessed as not lacking capacity to consent to or to refuse treatment after either the capacity assessment or the second capacity assessment.”.

SECTION 51

140. In page 65, lines 25 and 26, to delete all words from and including “Where” on line 25, down to and including line 26 and substitute the following:

“Involuntary treatment cannot be administered to an involuntarily admitted person in cases where the person—“.

—*Senators Laura Harmon, Nessa Cosgrove.*

141. In page 65, between lines 33 to 34 and substitute the following:

(2) “the High Court has no authority to order the involuntary treatment of an individual against the will and preferences of a person who has capacity or against the wishes clearly outlined in a valid and relevant advance health care directive.”.

—*Senators Laura Harmon, Nessa Cosgrove.*

142. In page 65, to delete lines 34 to 37 and in page 66, to delete lines 1 to 7.

—*Senators Laura Harmon, Nessa Cosgrove.*

[SECTION 51]

***143.** In page 65, line 34, to delete “responsible consultant psychiatrist” and substitute “registered proprietor of the registered acute mental health centre concerned”.

144. In page 66, lines 9 and 10, to delete all words from and including “and” on line 9, down to and including “withdrawn,” on line 10.

—*Senators Laura Harmon, Nessa Cosgrove.*

***145.** In page 66, line 17, to delete “he or she” and substitute “and”.

146. In page 66, to delete lines 19 to 34.

—*Senators Laura Harmon, Nessa Cosgrove.*

***147.** In page 66, line 24, to delete “responsible consultant psychiatrist” and substitute “registered proprietor of the registered acute mental health centre concerned”.

***148.** In page 66, to delete lines 28 to 34.

—*Senator Frances Black.*

SECTION 52

149. In page 67, lines 4 and 5, to delete all words from and including “a proposed” on line 4, down to and including line 5 and substitute the following:

“electro-convulsive therapy, this treatment will not be involuntarily administered unless the person has:

- (a) a relevant decision-making representative,
- (b) a valid and relevant advance healthcare directive, or
- (c) a relevant designated healthcare representative appointed under an advance healthcare directive relevant to the treatment concerned and that representative consents to electro-convulsive therapy, or the advance healthcare directive specifies that there is consent to electro-convulsive therapy.”.

—*Senators Laura Harmon, Nessa Cosgrove.*

150. In page 67, between lines 5 and 6, to insert the following:

“(3) Electro-convulsive therapy shall not be administered to a person who has been involuntarily admitted unless the person has:

- (a) a relevant decision-making representative;
- (b) a valid and relevant advance healthcare directive;
- (c) a relevant designated healthcare representative appointed under an advance healthcare directive relevant to the treatment concerned,

and that representative consents, or the advance healthcare directive specifies that there is consent, to electro-convulsive therapy.”.

—*Senator Frances Black.*

[SECTION 53]

SECTION 53

151. In page 67, line 37, after “applied” to insert “in accordance with *section 57* and”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy,
Chris Andrews, Tom Clonan.*

152. In page 67, lines 37 and 38, to delete “in the care of” and substitute “present in”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy,
Chris Andrews, Tom Clonan.*

SECTION 57

***153.** In page 69, between lines 6 and 7, to insert the following:

“Pharmacological restraint

57. A pharmacological restraint shall not be applied in respect of a person receiving treatment in a registered acute mental health centre or designated centre unless—

- (a) the restraint is ordered by a consultant psychiatrist only,
- (b) the restraint is initiated by a relevant health professional,
- (c) the restraint is applied in respect of the person by a relevant health professional,
- (d) the application of such restraint is determined by the consultant psychiatrist, in accordance with regulations made under *section 58*, to be necessary where there is an immediate threat of serious harm to the person or to another person, and
- (e) the pharmacological restraint concerned complies with regulations under *section 58*.”.

154. In page 69, between lines 6 and 7, to insert the following:

“Chemical Restraint

57. (1) A chemical restraint shall not be applied in respect of a person receiving treatment in a registered acute mental health centre or designated centre unless—

- (a) the restraint is ordered and initiated by a relevant health professional,
 - (b) the restraint is applied to the person by a relevant health professional or a specified person under the direct supervision of a relevant health professional,
 - (c) the application of such restraint is determined by the relevant health professional, in accordance with regulations made under *section 58*, to be necessary for the administering of treatment to the person concerned, and
 - (d) the chemical restraint concerned complies with regulations under *section 58*.
- (2) The Mental Health Commission shall conduct a comprehensive review of the use of sedatives across all psychiatric institutions, with particular attention to the risks of over-medication and the potential use of such medications as chemical restraints. Following this review, the Commission shall develop and issue clear guidelines

[SECTION 57]

governing their appropriate use.”.

—*Senator Frances Black.*

155. In page 69, between lines 6 and 7, to insert the following:

“Chemical Restraint

57. (1) A chemical restraint shall not be applied in respect of a person receiving treatment in a registered acute mental health centre or designated centre unless—

- (a) the restraint is ordered and initiated by a relevant health professional,
- (b) the restraint is applied to the person by a relevant health professional or a specified person under the direct supervision of a relevant health professional,
- (c) the application of such restraint is determined by the relevant health professional, in accordance with regulations made under *section 58*, to be necessary where there is an immediate threat of serious harm to the person or to another person, or where it is necessary for the administering of treatment to the person concerned, and the chemical restraint concerned complies with regulations under *section 58*.

(2) The Mental Health Commission shall conduct a comprehensive review of the use of medication, specifically including rapid tranquillisers and PRN (pro re nata or “as needed”) sedatives across all psychiatric institutions, with particular attention to the risks of overmedication and the potential use of such medications as chemical restraint. Following this review, the Commission shall develop and issue clear guidelines governing their appropriate use.”.

—*Senators Laura Harmon, Nessa Cosgrove.*

SECTION 59

***156.** In page 71, between lines 9 and 10, to insert the following:

“Interpretation

59. (1) In this Part—

“emergency care order” has the meaning assigned to it in section 13 of the Act of 1991;

“interim care order” has the meaning assigned to it in section 17 of the Act of 1991;

“supervision order” has the meaning assigned to it in section 19 of the Act of 1991;

“voluntary care arrangement” means a care arrangement under section 4 of the Act of 1991.

(2) For the avoidance of doubt, in this Part, a child that is the subject of an emergency care order, an interim care order, a supervision order or a voluntary care arrangement shall be treated the same as a child who is not the subject of a care order, unless otherwise provided.”.

[*Acceptance of this amendment involves the deletion of section 59 of the Bill.*]

[SECTION 60]

SECTION 60

***157.** In page 71, lines 13 to 18, to delete all words from and including “(1) The” in line 13 down to and including line 18 and substitute the following:

“(1) Sections 21, 22, 24, 24A, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 35A to 35Q, 37 and 47 of the Act of 1991 shall, subject to the modifications specified in *subsection (2)*, apply to proceedings under this Part as they apply to proceedings to which those sections apply.

(2) The modifications referred to in *subsection (1)* are as follows:

(a) references in a section specified in that subsection to proceedings or an order under Part III, IV, IVA, IVB, V, VA or VI of the Act of 1991 shall be construed as references to proceedings or an order under this Part;

(b) references in sections 29, 35F and 35G of the Act of 1991 to the Agency shall be construed as references to—

(i) where the child is the subject of a care order, the Executive and the Agency, and

(ii) in all other instances, the Executive;

(c) references in section 34 of the Act of 1991 to an order made under Part III or Part IV of that Act and to the Agency shall be construed as references to an involuntary admission order made under *section 66* and to the Executive respectively;

(d) references in section 35 of the Act of 1991 to an order made under Part IV of that Act and to the Agency shall be construed as references to an involuntary admission order made under *section 66* and to the Executive respectively;

(e) in section 35B of the Act of 1991—

(i) references in subsection (2) of that section to proceedings under Part IVA and to the Family High Court shall be construed as references to proceedings under *section 66* and to the Family District Court or District Court respectively;

(ii) references in subsection (3) of that section to proceedings under Part IV, IVB or VI and to the Family District Court or the Family Circuit Court shall be construed as references to proceedings under *section 62(2)* and *64(2)* and to the Family District Court or District Court respectively;

(f) in section 35D of the Act of 1991—

(i) the reference in subsection (1) of that section to proceedings under Part IVA of that Act shall be construed as a reference to proceedings under *section 66*;

(ii) the reference in subsection (2) of that section to proceedings under Part IV, IVB or VI of that Act shall be construed as a reference to an application under *section 62(2)* or *64(2)*;

(g) in section 35H of the Act of 1991—

[SECTION 60]

- (i) references in subsection (1) of that section to a special care order and in subsection (6) to a subsequent care order shall be construed as references to an involuntary admission order made under *section 66* and a renewal order made under *section 67* respectively, and references in subsection (1) or (6) of that section to the Family High Court shall be construed as references to the Family District Court of the District Court;
- (ii) references in subsection (2) of that section to the Family District Court or the Family Circuit Court and an application under section 18(1) of that Act for a care order shall be construed as references to the Family District Court or District Court and an application under *section 62(2)* or *section 64(2)* respectively;
- (h) references in section 35K of the Act of 1991 to “the Minister” shall be construed as references to the Minister and the Minister for Children, Disability and Equality;
- (i) references in section 37 of the Act of 1991 to an order under Part III or IV of that Act shall be construed as references to an involuntary admission order made under *section 66*;
- (j) any other necessary modifications.”.

***158.** In page 71, line 19, to delete “18(3) and 19(4)” and substitute “18(3), 19(4) and 43A”.

***159.** In page 71, between lines 21 and 22, to insert the following:

“(3) Where a child is the subject of a special care order (within the meaning of the Act of 1991) or an interim special care order (within the meaning of the Act of 1991), he or she may be admitted to a registered acute mental health centre and treated under this Part as if he or she was the subject of a care order, with the modification that references to an application to—

- (a) the District Court or the Family District Court under *section 62(2)*, *64(2)*, *66*, *67*, *70* or *71*,
- (b) the Family Circuit Court under *section 69*, or
- (c) the Family High Court under *section 82*,

shall be construed as references to an application to the High Court or Family High Court under section 23NF(1) of the Act of 1991 to authorise the release of the child from the special care unit for the provision of psychiatric examination, treatment or assessment and with any other necessary modifications.”.

SECTION 61

160. In page 71, between lines 23 and 24, to insert the following:

“Appropriate environment

61. A child shall not be admitted to a registered acute mental health centre that is not approved for the admission of children.”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

[SECTION 61]

- *161. In page 71, line 27, after “professional,” to insert “and”.
- *162. In page 71, to delete lines 28 and 29 and substitute the following:
 - “(b) the child’s parents or guardian or the Agency,”.
- *163. In page 71, lines 30 and 31, to delete “, or refuse to consent to,” and substitute “or refuse”.
- *164. In page 72, line 4, to delete “, or refuse to consent to,” and substitute “or refuse”.
- *165. In page 72, line 5, to insert “responsible” before “consultant psychiatrist”.
- *166. In page 72, line 6, to delete “a second consultant” and substitute “another consultant”.
- *167. In page 72, lines 13 and 14, to delete “, or refuse to consent to,” and substitute “or refuse”.
- *168. In page 72, between lines 15 and 16, to insert the following:
 - “(5) A capacity assessment and, where applicable, a second capacity assessment shall be—
 - (a) arranged for and carried out as soon as practicable, and
 - (b) carried out regularly, with the frequency of review based on the individual needs of the child concerned, and in any event not less than once every 14 days, to assess whether the child continues to lack the necessary capacity to consent to or refuse treatment.”.
- *169. In page 72, line 16, after “of” to insert “a capacity assessment under *subsection (1)* or”.
- *170. In page 72, lines 18 and 19, to delete “, or refuse to consent to,” and substitute “or refuse”.
- *171. In page 72, line 22, to delete “record” and substitute “records”.
- *172. In page 72, to delete lines 25 and 26 and substitute the following:
 - “(a) his or her parents or guardian or the Agency, or”.

SECTION 62

- *173. In page 72, to delete lines 39 to 41, and in page 73, to delete lines 1 to 5 and substitute the following:
 - “(2) Where a child referred to in *subsection (1)* is the subject of a care order, the Executive may, with the agreement of the responsible consultant psychiatrist and with the consent of and on notice to the Agency, apply to the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being and, where the Court is satisfied that it is in the best interests of the child to be so admitted, the Court shall make an order authorising the admission of that child to the registered acute mental health centre.
 - (3) Where a guardian *ad litem* stands appointed for a child the subject of a care order at the time that an application under *subsection (2)* is proposed, the Executive shall notify the guardian *ad litem* of the proposed application in advance.”.
- *174. In page 73, to delete lines 6 to 10 and substitute the following:
 - “(3) Subject to *subsection (4)* and *section 71*, a voluntarily admitted child under 16 years

[SECTION 62]

of age may leave the registered acute mental health centre at any time into the care of his or her parents or guardian or the Agency, with the consent of his or her parents or guardian or the Agency.

- (4) Where a child being discharged under this section is the subject of a voluntary care arrangement, an emergency care order or an interim care order, he or she may leave the registered acute mental health centre at any time into the care of the Agency, with the consent of his or her parents or guardian.”.

SECTION 63

- *175. In page 73, line 15, to delete “, or refuse to consent to,” and substitute “or refuse”.
- *176. In page 73, between lines 22 and 23, to insert the following:
- “(4) Where a child the subject of a care order is admitted under this section, the Executive shall notify the Agency as soon as may be.”.
- *177. In page 73, line 24, after “order” to insert “, a voluntary care arrangement, an emergency care order or an interim care order”.
- *178. In page 73, line 25, to delete “Child and Family”.

SECTION 64

- *179. In page 73, line 28, to delete “*subsection (2)*” and substitute “*subsections (2) and (3)*”.
- *180. In page 73, line 29, to delete “, or refuse to consent to,” and substitute “or refuse”.
- *181. In page 73, to delete lines 33 to 39 and substitute the following:
- “(2) Where a child is—
- (a) the subject of a care order,
- (b) aged 16 years or older, and
- (c) assessed under *section 61* to lack the necessary capacity to consent to or refuse his or her admission on a voluntary basis,
- the Executive may, with the agreement of the responsible consultant psychiatrist and with the consent of and on notice to the Agency, apply to the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being located and, where the Court is satisfied that it is in the best interests of the child to be so admitted, the Court shall make an order authorising the admission of that child to that registered acute mental health centre.
- (3) Where a guardian *ad litem* stands appointed for a child the subject of a care order at the time that an application under *subsection (2)* is proposed, the Executive shall notify the guardian *ad litem* of the intended application in advance.”.
- *182. In page 73, to delete lines 40 to 42, and in page 74, to delete lines 1 and 2 and substitute the following:
- “(3) Subject to *subsections (4) and (5)* and *section 71*, a child admitted to a registered acute mental health centre under this section may leave the registered acute mental

[SECTION 64]

health centre at any time into the care of his or her parents or guardian or the Agency, with the consent of his or her parents or guardian or the Agency, as the case may be.

- (4) Where a child being discharged under this section is the subject of a voluntary care arrangement, an emergency care order or an interim care order, he or she may leave the registered acute mental health centre at any time into the care of the Agency, with the consent of his or her parents or guardian, as the case may be.”.

***183.** In page 74, to delete lines 9 to 13 and substitute the following:

“(b) arrange for capacity assessments of the child to be carried out in accordance with *section 61* to assess whether the child continues to lack the necessary capacity to consent to or refuse voluntary admission.”.

***184.** In page 74, line 15, to delete “, or refuse to consent to,” and substitute “or refuse”.

SECTION 65

***185.** In page 75, line 3, to delete “detention,” and substitute “detention”.

***186.** In page 75, line 4, after “to” to insert “materially”.

187. In page 75, between lines 20 and 21, to insert the following:

“(4) Where a child is admitted to an adult acute mental health centre pursuant to an involuntary admission order made under *section 66*, the Executive shall ensure, in so far as is practicable, that this period shall be no longer than 72 hours before the child is transferred to an age-appropriate centre.”.

—*Senator Frances Black.*

SECTION 66

***188.** In page 75, line 22, to delete “Where” and substitute “Subject to *subsection (3)*, where”.

***189.** In page 75, line 23, to delete “and where—” and substitute the following:

“the Executive shall, as soon as may be, arrange for a consultant psychiatrist to carry out an examination of the child.

- (2) Where, following an examination under *subsection (1)*, the consultant psychiatrist is satisfied that the child has a mental disorder that fulfils the criteria for involuntary admission of a child, and where—”.

***190.** In page 75, line 29, to delete “or refuse to consent to” and substitute “or refuse”.

***191.** In page 75, lines 30 to 32, to delete all words from and including “the responsible” in line 30 down to and including “believe” in line 32 and substitute “the responsible consultant psychiatrist believes, with the agreement of the child’s parents or guardian or the Agency,”.

***192.** In page 75, line 35, to delete “or refuse to consent to” and substitute “or refuse”.

***193.** In page 75, lines 39 and 40, to delete “the District Court in the District Court district where the child concerned resides or is located,” and substitute “the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being,”.

[SECTION 66]

***194.** In page 76, line 1, to delete “detention,” and substitute “detention”.

***195.** In page 76, to delete lines 3 to 6 and substitute the following:

“(2) Where the Executive makes an application for involuntary admission under *subsection (2)#* following an examination under *subsection (1)*, the consultant psychiatrist who carried out an examination of the child shall—

(a) report to the Court as soon as practicable within such period as is specified by the Court, which period shall be no longer than 72 hours after the giving of such direction by the Court, on the results of the examination, and

(b) indicate to the Court whether he or she is satisfied that the child fulfils the criteria for involuntary admission of a child.”.

[*#This is a reference to a subsection proposed to be inserted by amendment No. 189.*]

***196.** In page 76, lines 7 and 8, to delete “*subsection (1)*” and substitute “*subsection (2)#*”.

[*#This is a reference to a subsection proposed to be inserted by amendment No. 189.*]

***197.** In page 76, line 12, to delete “or refuse to consent to” and substitute “or refuse”.

***198.** In page 76, lines 14 and 15, to delete “the parents, or either of them, or guardian, or, where the child is the subject of a care order, the Child and Family Agency” and substitute “the parents or guardian or the Agency”.

***199.** In page 76, line 20, to delete “*subsection (1)*” and substitute “*subsection (2)#*”.

[*#This is a reference to a subsection proposed to be inserted by amendment No. 189.*]

***200.** In page 76, line 21, to delete “the District Court” and substitute “the Family District Court or the District Court, as the case may be,”.

***201.** In page 76, to delete lines 24 to 26 and substitute the following:

“consultant psychiatrist and for that consultant psychiatrist to—

(a) report to the Court as soon as practicable within such period as is specified by the Court, which period shall be no longer than 72 hours after the giving of such direction by the Court, on the results of the examination, and

(b) indicate to the Court whether he or she is satisfied that the child fulfils the criteria for involuntary admission of a child.”.

***202.** In page 76, to delete lines 28 to 30 and substitute “*subsection (1)* or *(5)* where he or she is a relative of the child concerned.”.

***203.** In page 76, to delete lines 31 to 35.

***204.** In page 76, line 36, to delete “the Court” and substitute “the Family District Court or the District Court, as the case may be,”.

***205.** In page 76, line 41, after “order”)” to insert “for the involuntary admission of the child concerned in a specified registered acute mental health centre”.

[SECTION 66]

***206.** In page 76, after line 41, to insert the following:

- “(8) Where a guardian *ad litem* stands appointed for a child the subject of a care order at the time that an application for involuntary admission under *subsection (2)#* is proposed, the Executive shall notify the guardian *ad litem* of the proposed application in advance.
- (9) Subject to *subsection (8)*, notice of an application for involuntary admission under *subsection (2)#* and a copy of the proceedings shall be served by the Executive on—
- (a) where the application is in respect of a child the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, the Agency, and
- (b) any other person specified by the Family District Court or the District Court, as the case may be.
- (10) Before making an involuntary admission order under this section, the Family District Court or the District Court, as the case may be, may have regard to any submission made to it in relation to any matter by or on behalf of a party to the proceedings concerned or any other person having an interest in the proceedings.”.

[*#This is a reference to a subsection proposed to be inserted by amendment No. 189.*]

***207.** In page 77, line 1, to delete “*subsection (1)*” and substitute “*subsection (2)#*”.

[*#This is a reference to a subsection proposed to be inserted by amendment No. 189.*]

***208.** In page 77, line 1, to delete “the Court” and substitute “the Family District Court or the District Court, as the case may be,”.

***209.** In page 77, lines 3 and 4, to delete “the District Court under *subsection (1)*” and substitute “the Family District Court or the District Court, as the case may be, under *subsection (2)#*”.

[*#This is a reference to a subsection proposed to be inserted by amendment No. 189.*]

***210.** In page 77, line 5, to delete “detention,” and substitute “detention”.

SECTION 67

***211.** In page 77, line 11, to delete “detention,” and substitute “detention”.

***212.** In page 77, line 13, to delete “*section 69* or *69(7)*” and substitute “*section 69* and *70(7)*,”.

***213.** In page 77, line 16, to delete “the District Court” and substitute “the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being”.

***214.** In page 77, line 22, to delete “District Court” and substitute “Family District Court or the District Court, as the case may be,”.

***215.** In page 77, line 25, to delete “District Court” and substitute “Family District Court or the District Court, as the case may be,”.

***216.** In page 77, line 30, to delete “District”.

[SECTION 67]

***217.** In page 77, lines 34 to 36, to delete all words from and including “she—” in line 34 down to and including line 36 and substitute “she is a relative of the child concerned.”.

***218.** In page 77, between lines 36 and 37, to insert the following:

“(6) Where the Executive proposes to make an application under *subsection (2)*, it shall notify the guardian *ad litem* for the child appointed in accordance with Part VA of the Act of 1991, as applied by *section 60*, of the proposed application in advance.

(7) Notice of an application under *subsection (2)* and a copy of the proceedings shall be served by the Executive on—

(a) where the child is the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, the Agency, and

(b) any other person specified by the Family District Court or the District Court, as the case may be.

(8) Before making a renewal order under this section, the Family District Court or the District Court, as the case may be, may have regard to any submission made to it in relation to any matter by or on behalf of a party to the proceedings concerned or any other person having an interest in the proceedings.”.

***219.** In page 77, line 37, to delete “Court” and substitute “Family District Court or the District Court, as the case may be,”.

SECTION 69

***220.** In page 78, lines 7 and 8, to delete “Circuit Court against a decision of the District Court” and substitute “Family Circuit Court against a decision of the Family District Court or the District Court”.

***221.** In page 78, line 11, to delete “and 74,” and substitute “and 75,”.

***222.** In page 78, lines 16 and 17, to delete “parents, or either of them, or guardian, or, where the child is the subject of a care order, the Child and Family Agency” and substitute “parents or guardian or the Agency”.

***223.** In page 78, line 19, after “on the” to insert “Family”.

***224.** In page 78, line 20, to delete “the judge of the circuit” and substitute “a judge of the Family Circuit Court for the time being assigned to the Family Circuit Court circuit”.

***225.** In page 78, line 22, after “the” to insert “Family”.

***226.** In page 78, line 29, after “the” to insert “Family”.

***227.** In page 78, line 39, after “the” to insert “Family”.

***228.** In page 78, lines 40 and 41, to delete “any proceedings under this section shall be served by the person bringing the proceedings and a copy of the proceedings shall be served” and substitute “an appeal under *subsection (1)* and a copy of the proceedings shall be served by the person bringing the appeal”.

***229.** In page 79, between lines 2 and 3, to insert the following:

“(c) where the child is the subject of a care order, a voluntary care arrangement, an

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emergency care order or an interim care order, the Agency,”.

*230. In page 79, line 6, after “the” to insert “Family”.

*231. In page 79, between lines 6 and 7, to insert the following:

“(8) A person bringing an appeal under this section shall also notify the guardian *ad litem* for the child appointed in accordance with Part VA of the Act of 1991, as applied by *section 60*, of the bringing of the appeal.”.

*232. In page 79, line 7, to delete “Circuit Court shall” and substitute “Family Circuit Court may”.

*233. In page 79, lines 9 and 10, to delete “or any other person on whom notice is served under *subsection (7)*”.

SECTION 70

*234. In page 79, between lines 10 and 11, to insert the following:

“Discharge of involuntarily admitted children

70. (1) Subject to *subsection (2)*, where a responsible consultant psychiatrist becomes of the opinion that a child no longer fulfils the criteria for involuntary admission of a child, the responsible consultant psychiatrist shall as soon as possible meet with the child concerned and—

(a) inform the child of his or her intention to notify the Executive under *subsection (4)* of his or her proposal to discharge the child and of the right of the child, if discharged, to leave the registered acute mental health centre or, with the responsible consultant psychiatrist’s agreement—

(i) remain as a voluntarily admitted child if—

(I) in the case of a child aged 16 years or older, the child wishes, or

(II) in the case of a child under 16 years of age, the child’s parents, or either of them, or guardian, wishes,

or

(ii) in the case of a child aged 16 years or older assessed as lacking capacity under *section 61*, remain as a child aged 16 years or older lacking necessary capacity admitted with parental consent if his or her parents, or either of them, or guardian wishes,

and

(b) provide the child with all relevant information from the child’s care plan prepared in accordance with *section 180* and information regarding—

(i) what will occur if the child leaves the registered acute mental health centre, and

(ii) what will occur if the child remains in the registered acute mental health centre in accordance with *paragraph (a)(i)* or *(ii)*.

(2) Where a child referred to in *subsection (1)*—

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- (a) is under 16 years of age or is assessed as lacking capacity under *section 61*, and
- (b) is the subject of a care order,

that subsection shall apply in relation to the child with the modification that the child may remain as a voluntarily admitted child in the registered acute mental health centre with the responsible consultant psychiatrist's agreement where an order is made by the Family District Court or the District Court, as the case may be, authorising the admission under *section 62(2)#* or *64(2)##*.

- (3) The meeting referred to in *subsection (1)* may also be attended by—
 - (a) in the case of a child aged 16 years or older, at his or her request or where, in the opinion of the responsible consultant psychiatrist, it is in the child's best interests—
 - (i) the child's parents or guardian or the Agency, and
 - (ii) any nominated person,
 - (b) in the case of a child aged 16 years or older assessed as lacking capacity to consent under *section 61* or a child under 16 years of age—
 - (i) his or her parents or guardian or the Agency, and
 - (ii) where relevant, any nominated person.
- (4) Where a responsible consultant psychiatrist proposes to discharge a child under *subsection (1)*, the responsible consultant psychiatrist or another mental healthcare professional who is involved in the child's care and treatment shall—
 - (a) notify—
 - (i) the Executive,
 - (ii) the child's guardian *ad litem*, and
 - (iii) where the child is the subject of a care order, a voluntary care arrangement, an emergency care order, an interim care order or a supervision order, the Agency,of the proposal to discharge the child, together with a report of his or her opinion that the child no longer fulfils the criteria for involuntary admission, for the purpose of *subsection (6)*, and
 - (b) engage with the child concerned and, in so far as is practicable, where appropriate, liaise with the persons referred to in *paragraph (a)* or *(b)* of *subsection (3)* as they apply in respect of the child concerned for the purposes of planning the child's discharge.
- (5) Where the Family District Court or the District Court, as the case may be, refuses an application for a renewal order under *section 67* in relation to a child, *subsections (1)* to *(4)* shall apply to the child concerned and his or her responsible consultant psychiatrist with the modification that the discharge of the child has been authorised by the Family District Court or the District Court under *subsection (7)*, and a further

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application under *subsection (6)* shall not be required.

- (6) Where the Executive has been notified of a proposal to discharge a child under *subsection (4)*, the Executive shall make an application to the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being and furnish the report referred to in *subsection (4)(a)* to the Court upon the making of the application.
- (7) Subject to *subsection (9)*, where the Court is satisfied, having considered an application under *subsection (6)*, that the child no longer meets the criteria for involuntary admission for a child, the Court shall make an order authorising the discharge of the child as an involuntarily admitted child from the registered acute mental health centre.
- (8) Notice of an application under *subsection (6)* and a copy of the proceedings shall be served by the Executive on—
 - (a) where the child is the subject of a care order, a voluntary care arrangement, an emergency care order, an interim care order or a supervision order, the Agency, and
 - (b) any other person specified by the Family District Court or the District Court, as the case may be.
- (9) Before making an order authorising the discharge of the child as an involuntarily admitted child under *subsection (7)*, the Family District Court or the District Court, as the case may be—
 - (a) shall have regard to the report referred to in *subsection (4)(a)*, and
 - (b) may have regard to any submission made to it in relation to any matter by or on behalf of a party to the proceedings concerned or any other person having an interest in the proceedings.
- (10) The decision under this section for a child to remain in a registered acute mental health centre as a voluntarily admitted child or a child aged 16 years or older lacking necessary capacity admitted with parental consent, or to not remain, shall be recorded and a copy shall be retained in the child's medical records.
- (11) Where a child the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order is discharged under this section, he or she shall be released into the care of the Agency.”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 173.]

[##This is a reference to a subsection proposed to be inserted by amendment No. 181.]

[Acceptance of this amendment involves the deletion of section 70 of the Bill.]

SECTION 71

- *235. In page 81, line 16, after “examination” to insert “and consultation with the responsible consultant psychiatrist”.

[SECTION 71]

***236.** In page 81, lines 18 to 20, to delete all words from and including “parents,” in line 18 down to and including “Agency” in line 20 and substitute “parents or guardian or the Agency”.

***237.** In page 81, between lines 30 and 31, to insert the following:

“(4) Where a child the subject of a care order is discharged following a notification under *subsection (3)*, he or she shall be released into the care of the Agency.”.

***238.** In page 81, to delete lines 34 to 40 and substitute the following:

“*section 66(2)#*, subject to the following modifications:

(a) the application shall be made—

(i) at the next sitting of the Family District Court held in the Family District Court district in which the child resides or is for the time being,

(ii) in circumstances of urgency where no judge of the Family District Court is available to hear the application, at the next sitting of the District Court held in the same district court district, or

(iii) in the event that the next sitting of the Family District Court or District Court is not due to be held within 3 days of the date on which the child is detained under this section, at a sitting of the Family District Court or District Court which has been specially arranged under *paragraph (d)*, held within the said 3 days;

(b) where a judge for the Family District Court district or a judge for the district court district in which the child resides or is for the time being is not immediately available, an order may be made by any judge of the Family District Court or the District Court;

(c) the application may, if the judge is satisfied that the urgency of the matter so requires, be made *ex parte*;

(d) the application may, if the judge is satisfied that the urgency of the matter so requires, be heard and an order made thereon elsewhere than at a sitting of the Family District Court or a public sitting of the District Court;

(e) the Executive shall furnish reports, prepared by the psychiatrist or psychiatrists concerned, of the examinations under *subsection (2)* when making the application.”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 189.]

***239.** In page 81, line 45, to delete “Court” and substitute “Family District Court or District Court, as the case may be,”.

***240.** In page 82, line 2, to delete “record” and substitute “records”.

***241.** In page 82, line 4, to delete “*section 66(1)*” and substitute “*section 66(2)#*”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 189.]

[SECTION 72]

SECTION 72

*242. In page 82, between lines 9 and 10, to insert the following:

“Notification to Agency

72. (1) The Executive shall, as soon as may be, notify the Agency where a child who is the subject of a voluntary care arrangement, an emergency care order or an interim care order—
- (a) is admitted to a registered acute mental health centre under *section 62, 63 or 64*, or
 - (b) leaves a registered acute mental health centre under *section 62, 63, 64 or 71*.
- (2) The Executive shall, as soon as may be, notify the Agency where a child who is the subject of a supervision order—
- (a) is admitted to a registered acute mental health centre under *section 62, 63, 64 or 66*,
 - (b) leaves a registered acute mental health centre under *section 62, 63, 64 or 71*, or
 - (c) is discharged from a registered acute mental health centre under *section 70*.
- (3) Where a child was the subject of a care order, a voluntary care arrangement, an emergency care order, an interim care order or a supervision order at the time of his or her admission under *section 62, 63, 64 or 66* and that arrangement or order ceases during his or her period of admission, the Executive shall, as soon as may be, notify the Agency where the child concerned—
- (a) leaves a registered acute mental health centre under *section 62, 63, 64 or 71*, or
 - (b) is discharged from a registered acute mental health centre under *section 70*.”.

SECTION 74

*243. In page 84, between lines 5 and 6, to insert the following:

“Bringing of child subject of involuntary admission order to registered acute mental health centre

74. (1) Where an involuntary admission order is made under *section 66* in respect of a child, the child’s parents or guardian or the Agency shall arrange for the child to be brought to the registered acute mental health centre specified in the order as soon as practicable after the making of the order.
- (2) Where the parents or guardian of a child the subject of an involuntary admission order or the Agency are unable to arrange for the child to be brought to the registered acute mental health centre in accordance with *subsection (1)*, the parents or guardian or the Agency shall request—
- (a) the clinical director of the registered acute mental health centre specified in the order, or
 - (b) a consultant psychiatrist acting on that clinical director’s behalf,

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to arrange for the child concerned to be brought to the registered acute mental health centre.

- (3) A person referred to in *paragraph (a) or (b) of subsection (2)*, on foot of a request made under that subsection, shall arrange for the child the subject of the involuntary admission order to be brought to the specified registered acute mental health centre by members of the staff of the centre or a service provider as soon as practicable.
- (4) A person referred to in *paragraph (a) or (b) of subsection (2)* may request a member of An Garda Síochána to assist in bringing the child the subject of the involuntary admission order to the specified registered acute mental health centre where the person referred to in *paragraph (a) or (b) of subsection (2)* is of the opinion that such assistance is necessary to protect the health of the child or other persons from the threat of immediate and serious harm.
- (5) Where a request is made to An Garda Síochána under *subsection (4)*, a member or members of An Garda Síochána—
 - (a) shall comply with that request as soon as practicable, and
 - (b) may—
 - (i) enter if needs be by force any dwelling or other premises or any place if the member has reasonable cause to believe that the child concerned is to be found there, and
 - (ii) take all reasonable measures necessary to bring the child the subject of the order to the registered acute mental health centre including the detention or restraint of the child concerned.
- (6) A member of An Garda Síochána who under *subsection (5)(b)(ii)* detains or restrains a child the subject of an order shall cease the detention or restraint immediately upon the detention or restraint no longer being necessary, in the opinion of the member of An Garda Síochána applying the restraint, in order to protect the health of the child or other persons from the threat of immediate and serious harm.”.

***244.** In page 84, line 12, after “*subsection (1)*” to insert “and any information provided in accordance with *subsection (3)*”.

***245.** In page 84, to delete lines 15 to 19 and substitute “the child and his or her parents or guardian or the Agency, and”.

***246.** In page 84, lines 22 to 25, to delete all words from and including “psychiatrist—” in line 22 down to and including line 25 and substitute “psychiatrist, to the child’s parents or guardian or the Agency.”.

***247.** In page 84, lines 34 to 36, to delete all words from and including “parents,” in line 34 down to and including “Agency” in line 36 and substitute “parents or guardian or the Agency”.

***248.** In page 85, lines 1 and 2, to delete all words from and including “parents,” in line 1 down to and including “Agency” in line 2 and substitute “parents or guardian or the Agency”.

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- *249. In page 85, lines 6 to 8, to delete all words from and including “parents,” in line 6 down to and including “Agency,” in line 8 and substitute “parents or guardian or the Agency”.
- *250. In page 85, lines 10 and 11, to delete “parents, or either of them, or guardian, or, where the child is the subject of a care order, the Child and Family Agency” and substitute “parents or guardian or the Agency”.
- *251. In page 85, lines 18 and 19, to delete “subsequently provided thereunder” and substitute “provided in accordance with *subsection (3)*”.

SECTION 75

- *252. In page 85, to delete lines 25 to 27 and substitute the following:
 - “order to—
 - (a) the child concerned, and
 - (b) (i) the parents, or either of them, or guardian of the child, where appropriate, or
 - (ii) where the child is the subject of a care order, the Agency.”.
- *253. In page 85, line 32, to delete “shall be given” and substitute “and any information provided in accordance with *subsection (4)* shall be given”.
- *254. In page 85, to delete lines 35 to 38 and substitute the following:
 - “lacking capacity under *section 61*—
 - (i) to the child concerned, and
 - (ii) (I) to the parents, or either of them, or guardian of the child, where appropriate, or
 - (II) where the child is the subject of a care order, to the Agency.”.
- *255. In page 86, lines 1 to 6, to delete all words from and including “older,” in line 1 down to and including line 6 and substitute the following:
 - “older—
 - (i) to the child concerned, and
 - (ii) with the consent of the child concerned or where, in the opinion of the responsible consultant psychiatrist, it is in the child’s best interests—
 - (I) to the parents, or either of them, or guardian of the child, where appropriate, or
 - (II) where the child is the subject of a care order, to the Agency.”.
- *256. In page 86, to delete lines 30 to 33 and substitute the following:
 - “(h) is informed of the guardian *ad litem* appointed for him or her following the making of the involuntary admission order in accordance with Part VA of the Act of 1991, as applied by *section 60*,”.

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- *257. In page 86, line 36, after “the”, where it secondly occurs, to insert “Family”.
- *258. In page 87, lines 5 and 6, to delete “subsequently provided thereunder” and substitute “provided in accordance with *subsection (4)*”.

SECTION 76

- *259. In page 87, lines 9 and 10, to delete “parents of a child, or either of them, or guardian, or, where the child is the subject of a care order, the Child and Family Agency,” and substitute “child’s parents or guardian or the Agency”.
- *260. In page 87, line 12, after “child,” to insert “and”.
- *261. In page 87, to delete lines 13 to 15.
- *262. In page 87, lines 19 and 20, to delete “parents or guardian, or the Child and Family Agency” and substitute “parents or guardian or the Agency”.
- *263. In page 87, to delete line 22 and substitute “*paragraphs (a) and (d) of subsection (1)* unless the child concerned consents.”.

SECTION 77

- *264. In page 87, between lines 22 and 23, to insert the following:

“Bringing of child other than child subject of involuntary admission order to registered acute mental health centre

77. (1) Where a child is to be admitted to a registered acute mental health centre under *section 62* or *64* and his or her parents or guardian or the Agency are or is unable to arrange to bring the child to the registered acute mental health centre, the parents or guardian or the Agency, as the case may be, shall request—
- (a) the clinical director of the registered acute mental health centre which the child is to be admitted to, or
 - (b) a consultant psychiatrist acting on that clinical director’s behalf,
- to arrange for the child concerned to be brought to the registered acute mental health centre.
- (2) A person referred to in *paragraph (a) or (b) of subsection (1)* shall arrange for the child referred to in that subsection to be brought to the registered acute mental health centre by members of the staff of the centre or a service provider as soon as practicable.”.

- *265. In page 87, between lines 22 and 23, to insert the following:

“Transfer of involuntarily admitted child to hospital or other place in certain circumstances

78. (1) A clinical director of a registered acute mental health centre may arrange for the transfer of an involuntarily admitted child detained in that centre to a hospital or other place, other than a registered acute mental health centre, for the purposes of receiving treatment and for his or her detention there for that purpose.

- (2) A child who is transferred under *subsection (1)* may be kept at the hospital or other place so long as is necessary for the purpose of his or her treatment, but no longer than the expiry of the involuntary admission order or any subsequent renewal order pursuant to which he or she is detained, and shall then be taken immediately back to the registered acute mental health centre from which he or she was transferred.
- (3) The detention of a child in a hospital or other place, other than a registered acute mental health centre, under this section shall be deemed for the purposes of this Act to be detention in the registered acute mental health centre from which he or she was transferred.”.

*266. In page 87, between lines 22 and 23, to insert the following:

“Transfer of child by clinical director in certain circumstances

79. (1) Where, in relation to an involuntarily admitted child, the clinical director of a registered acute mental health centre (in this section referred to as the “first-mentioned registered acute mental health centre”) is of the opinion that—

- (a) it would be for the benefit of the involuntarily admitted child in the first-mentioned registered acute mental health centre to be transferred to another registered acute mental health centre (in this section referred to as a “second-mentioned registered acute mental health centre”), or
- (b) for the purpose of obtaining special treatment, the details of which shall be specified in writing, it is necessary for the child to be transferred to a second-mentioned registered acute mental health centre,

the Executive may, with the consent of the clinical director of the first-mentioned registered acute mental health centre and the clinical director of the second-mentioned registered acute mental health centre, apply to the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being, for the transfer of the involuntarily admitted child to the second-mentioned registered acute mental health centre.

- (2) Where, following an application under *subsection (1)*, the Court is satisfied that it is in the best interests of the child to be transferred, the Court shall make an order authorising the transfer, reception, care and treatment of that child in that second-mentioned registered acute mental health centre.
- (3) Where a guardian *ad litem* stands appointed for a child the subject of a care order at the time that an application under *subsection (1)* is proposed, the Executive shall notify the guardian *ad litem* of the proposed application in advance.
- (4) Notice of the application under *subsection (1)* and a copy of the proceedings shall be served by the Executive on—
 - (a) where the application is in respect of a child the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, the Agency, and

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- (b) any other person specified by the Family District Court or the District Court, as the case may be.
- (5) Before making an order under *subsection (2)*, the Family District Court or the District Court, as the case may be, may have regard to any submission made to it in relation to any matter by or on behalf of a party to the proceedings concerned or any other person having an interest in the proceedings.
- (6) Where an involuntarily admitted child is transferred to a second-mentioned registered acute mental health centre following the making of an order under *subsection (2)*, the clinical director of the first-mentioned registered acute mental health centre shall give notice in writing of the transfer to the Commission within 24 hours of the transfer having taken place.
- (7) A child who is transferred to a second-mentioned registered acute mental health centre following an application under *subsection (1)(a)* may be detained in the second-mentioned registered acute mental health centre until the date of the expiration of the involuntary admission order pursuant to which he or she was detained in the first-mentioned registered acute mental health centre.
- (8) A child who is transferred to a second-mentioned registered acute mental health centre following an application under *subsection (1)(b)* may be detained there so long as is necessary for the purpose of the specified special treatment and shall then be taken back to the first-mentioned registered acute mental health centre, which taking back may not occur later than the date of the expiration of the involuntary admission order pursuant to which he or she was detained in the first-mentioned registered acute mental health centre.
- (9) In this section, references to an involuntary admission order include references to a renewal order.”.

*267. In page 87, between lines 22 and 23, to insert the following:

“Request for application for transfer of child

- 80.** (1) A request may be made to the clinical director of a registered acute mental health centre for the transfer of an involuntarily admitted child detained in that centre to another registered acute mental health centre by—
- (a) subject to *paragraph (b)*, in the case of a child aged 16 years or older, the child concerned or any nominated person, and
 - (b) in the case of a child aged 16 years or older assessed as lacking capacity to consent under *section 61* or a child under 16 years of age, his or her parents or guardian or the Agency or, where relevant, any nominated person.
- (2) Subject to *subsection (3)*, a clinical director who receives a request under *subsection (1)* may make an application under *section 79#* for the transfer of the involuntarily admitted child with the consent of the clinical director of the registered acute mental health centre to which the child is to be transferred.
- (3) Before deciding whether to make an application under *section 79#*, the clinical

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director who received the request under *subsection (1)* shall consult with the child the subject of the application, the responsible consultant psychiatrist and other members of the child's multidisciplinary team and, as appropriate, the child's parents or guardian or the Agency and any nominated person.

- (4) The clinical director who received the request under *subsection (1)* shall, within 7 days of receiving the request—
- (a) make his or her decision on whether or not to make an application under *section 79*#,
 - (b) provide a copy in writing of that decision to the person who made the request which shall include, where the clinical director refuses a request, the reasons for refusing the request, and
 - (c) send a copy of the request and his or her decision to the Commission.”.

[#This is a reference to a section proposed to be inserted by amendment No. 266.]

- *268. In page 87, line 26, to delete “grant” and substitute “give”.
- *269. In page 87, lines 31 to 33, to delete all words from and including “parents” in line 31 down to and including “Agency” in line 33 and substitute “child's parents or guardian or the Agency”.
- *270. In page 87, between lines 36 and 37, to insert the following:

“(2) Where a permitted absence is given under *subsection (1)* to a child the subject of a care order, the child shall be released into the care of the Agency for the duration of the permitted absence.”.
- *271. In page 87, line 37, to delete “*subsection (1)*,” and substitute “*subsection (1)*”.
- *272. In page 88, lines 2 to 4, to delete all words from and including “parents,” in line 2 down to and including “Agency,” in line 4 and substitute “child's parents or guardian or the Agency”.
- *273. In page 88, line 6, to insert “responsible” before “consultant psychiatrist”.

SECTION 78

- *274. In page 88, lines 23 and 24, to delete all words from and including “parents,” in line 23 down to and including “Agency” in line 24 and substitute “parents or guardian or the Agency”.

SECTION 79

- *275. In page 89, lines 16 and 17, to delete all words from and including “parents,” in line 16 down to and including “Agency,” in line 17 and substitute “parents or guardian or the Agency”.

SECTION 80

- *276. In page 89, line 29, to delete “*section 60*” and substitute “*section 61*”.
- *277. In page 89, to delete lines 30 to 37 and substitute the following:

“consent of the child's parents or guardian or the Agency obtained freely without threats or inducement where—

 - (a) adequate information relevant to the decision has been given to the child's parents or guardian or the Agency, and
 - (b) due regard has been given to the views and the will and preferences of the child

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in accordance with the guiding principles.”.

- *278. In page 90, lines 4 to 6, to delete all words from and including “*section 61*” in line 4 down to and including “Agency” in line 6 and substitute “*section 61*, his or her parents or guardian or the Agency”.

SECTION 81

- *279. In page 90, lines 12 to 14, to delete all words from and including “parents,” in line 12 down to and including “Agency,” in line 14 and substitute “parents or guardian or the Agency”.
- *280. In page 90, lines 17 to 19, to delete all words from and including “The parents” in line 17 down to and including “Agency,” in line 19 and substitute “In respect of an involuntarily admitted child under 16 years of age, his or her parents or guardian or the Agency”.
- *281. In page 90, to delete lines 26 and 27.

SECTION 82

- *282. In page 91, line 8, to delete “or on behalf of the responsible consultant psychiatrist” and substitute “the Executive”.
- *283. In page 91, line 9, after “the”, where it firstly occurs, to insert “Family”.
- *284. In page 91, line 21, after “will” to insert “materially”.
- *285. In page 91, line 24, after “the” to insert “Family High”.
- *286. In page 91, between lines 33 and 34, to insert the following:

“(4) Where an application is made to the Family High Court under *subsection (1)*, the Executive shall immediately notify—

- (a) the guardian *ad litem* appointed for the child,
- (b) subject to *paragraph (c)*, where the child is under 16 years of age or has been assessed as lacking necessary capacity under *section 61*, his or her parents or guardian or the Agency,
- (c) where the child is under 16 years of age or has been assessed as lacking necessary capacity under *section 61* and is the subject of a voluntary care arrangement, an emergency care order or an interim care order, his or her parents or guardian and the Agency,
- (d) where the child is aged 16 years or older, has capacity to make decisions about his or her treatment and is the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, the Agency, and
- (e) any other person specified by the Family High Court,

of the making of the application and any treatment provided under *subsection (5)#*.”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 288.]

- *287. In page 91, line 34, after “the” to insert “Family High”.
- *288. In page 91, after line 39, to insert the following:

“(5) An application may be made by the Executive to the Family High Court to renew a

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treatment order made under this section, subject to any directions of the Court, where the involuntarily admitted child the subject of the treatment order continues to satisfy the relevant criteria in *subsection (2)*.

- (6) Where an application to the Family High Court has been made under *subsection (1)* or (4) in relation to an involuntarily admitted child under 16 years of age or an involuntarily admitted child aged 16 years or older who has been assessed as lacking capacity under *section 61*, treatment may be administered to the involuntarily admitted child prior to the hearing of the application, for a period of 72 hours after its initiation or until the hearing of the application by the Family High Court, whichever is sooner, where, in the opinion of the responsible consultant psychiatrist, all of the relevant criteria in *subsection (2)* apply.
- (7) Where treatment is administered to a child without consent pursuant to a treatment order under *subsection (1)* or prior to the hearing of the application under *subsection (6)*, the absence of consent and details of the treatment or treatments shall be noted in his or her medical records.
- (8) A treatment order shall, subject to any directions of the Family High Court, have effect for a period not exceeding 3 months.”.

*289. In page 92, line 1, after “the”, where it firstly occurs, to insert “Family High”.

*290. In page 92, line 5, after “age,” to insert “or”.

*291. In page 92, to delete lines 8 to 10.

*292. In page 92, lines 11 to 13, to delete all words from and including “the” where it secondly occurs in line 11 down to and including “Agency,” in line 13 and substitute “the child’s parents or guardian or the Agency”.

*293. In page 92, line 14, to delete “parents, or either of them, or guardian, or, the Child and Family Agency” and substitute “parents or guardian or the Agency”.

*294. In page 92, line 15, to delete “or refuse to consent to treatment” and substitute “or refuse treatment”.

*295. In page 92, line 17, to delete “(a), (b), (c) and (d)” and substitute “(a) and (b)”.

*296. In page 92, line 21, to delete “record” and substitute “records”.

SECTION 83

* *Section proposed to be deleted.*

SECTION 84

*297. In page 92, after line 36, to insert the following:

“Application to Family District Court for relevant treatment order

84. (1) Subject to *subsection (11)*, an application for a treatment order under this section may be made by the Executive where—

- (a) treatment cannot be administered to an involuntarily admitted child aged 16 years or older assessed as lacking capacity under *section 61* or an involuntarily

[SECTION 84]

admitted child aged under 16 years because—

- (i) his or her parents, or either of them, or guardian, having been given an opportunity to consent to or refuse the treatment concerned, fail to do so or are incapable of doing so, or
- (ii) where, in respect of a child who is not the subject of a care order, his or her parents, or either of them, or guardian, after the making of reasonable enquiries, cannot be found,

and

- (b) the relevant criteria in *subsection (2)* apply.
- (2) The relevant criteria for the purpose of *subsection (1)* are that there is no alternative safe and effective treatment available and—
- (a) the treatment is immediately necessary for the protection of life of the child or that of another person,
 - (b) the treatment is necessary for protection from an immediate and serious threat to the health of the child, or that of another person, or
 - (c) the child has a mental disorder, the nature and degree of which is such that—
 - (i) he or she requires treatment immediately,
 - (ii) the treatment required to be given to the child cannot be given to that child other than in a registered acute mental health centre, and
 - (iii) the treatment of the child concerned would be likely to materially benefit the condition of that child.
- (3) The following provisions shall have effect in relation to an application under *subsection (1)*:
- (a) the application shall be made—
 - (i) at the next sitting of the Family District Court held in the Family District Court district in which the child resides or is for the time being,
 - (ii) in circumstances of urgency where no judge of the Family District Court is available to hear the application, at the next sitting of the District Court held in the same district court district, or
 - (iii) in the event that the next sitting of the Family District Court or District Court is not due to be held within 3 days, at a sitting of the Family District Court or District Court which has been specially arranged under *paragraph (d)*, held within the said 3 days;
 - (b) where a judge for the Family District Court district or a judge for the district court district in which the child resides or is for the time being is not immediately available, an order may be made by any judge of the Family District Court or the District Court;
 - (c) the application may, if the judge is satisfied that the urgency of the matter so

[SECTION 84]

requires, be made *ex parte*;

- (d) the application may, if the judge is satisfied that the urgency of the matter so requires, be heard and an order made thereon elsewhere than at a sitting of the Family District Court or a public sitting of the District Court;
 - (e) the Executive shall specify the proposed treatment to be administered to the child concerned.
- (4) Before making an application under *subsection (1)* due to a failure by a child's parents, or either of them, or guardian to consent to or refuse the treatment concerned, the Executive shall—
- (a) provide adequate time, information and, as appropriate, support to assist a child's parents, or either of them, or guardian to make a decision regarding the treatment concerned, and
 - (b) inform the parents, or either of them, or guardian of its intention to make an application and consult with them in advance as appropriate.
- (5) Where an application is made under *subsection (1)*, the Executive shall immediately notify the making of the application to—
- (a) the guardian *ad litem* appointed for the child,
 - (b) where possible and appropriate, the child's parents, or either of them, or guardian, and
 - (c) any other person specified by the Family District Court or the District Court, as the case may be.
- (6) Subject to *subsection (14)*, where the Family District Court or the District Court, as the case may be, is satisfied, having considered any reports or evidence that may be adduced before it, that the circumstances in *subsection (1)* apply, the Court may make an order (in this section referred to as a "relevant treatment order") for the administration of the proposed treatment to the child concerned in a registered acute mental health centre for a period not exceeding 21 days.
- (7) Before making a relevant treatment order, the Family District Court or the District Court, as the case may be, may request and consider such reports or evidence as it considers necessary to be furnished to the Court, within such period as may be specified by the Court.
- (8) Where an application has been made under *subsection (1)*, treatment may be administered to the child the subject of the application for a period of 72 hours from the initiation of the application or until the hearing of the application by the Family District Court or the District Court, as the case may be, whichever is sooner, where, in the opinion of the responsible consultant psychiatrist, the grounds in *subsection (1)* continue to apply.
- (9) Where treatment is administered under *subsection (8)*, the Executive shall immediately notify the persons specified in *paragraphs (a), (b) and (c) of subsection (5)*.

[SECTION 84]

- (10) On the hearing of an application under *subsection (1)*, the Family District Court or the District Court, as the case may be, pending its determination of the application, of its own motion or on the application of any person, give such interim directions as it sees fit as to the care and treatment of the child the subject of the application, but any such direction shall cease to have effect immediately on the determination by the Court of the application before it.
- (11) Where, in the case of an involuntarily admitted child aged 16 years or older assessed as lacking capacity under *section 61* or an involuntarily admitted child aged under 16 years—
- (a) the responsible consultant psychiatrist, and
 - (b) the child's parents or guardian or the Agency,
- agree that it would be detrimental to the relationship between the child and his or her parents or guardian or the Agency for that person or persons to consent to or refuse treatment, and, in the opinion of the responsible consultant psychiatrist, the relevant criteria in *subsection (2)* apply, an application for a relevant order may be made under this section with any necessary modifications.
- (12) An application may be made by the Executive to the Family District Court or the District Court, as the case may be, to renew a relevant treatment order for one further period not exceeding 21 days, commencing on the date of the expiry of the initial relevant treatment order, subject to any directions of the Court, where—
- (a) in the case of a child aged 16 years or older, the child continues to lack capacity to consent to or refuse treatment, and
 - (b) the grounds in *subsection (1)* continue to apply,
- and *subsections (3), (4), (5), (7), (8), (9) and (10)* shall apply to such a renewal application with any necessary modifications.
- (13) The Executive shall withdraw any application under this section not yet determined by the Family District Court or the District Court, as the case may be, where any of the matters in *subsection (14)* occur.
- (14) Treatment may be administered pursuant to a relevant treatment order or any renewed relevant treatment order under this section until such time as the order expires or any of the following occurs, whichever is the sooner:
- (a) in the case of a child aged 16 years or older, he or she is assessed under *section 61* as having capacity to consent to or refuse treatment;
 - (b) the child's parents or guardian or the Agency make a decision to consent to or refuse treatment on behalf of the child;
 - (c) the child is discharged as an involuntarily admitted child under *section 70*;
 - (d) the responsible consultant psychiatrist discontinues the treatment.
- (15) The Executive shall notify the Agency where a relevant treatment order is made under *subsection (6)* or renewed under *subsection (12)*."

[SECTION 85]

SECTION 85

***298.** In page 93, between lines 8 and 9, to insert the following:

“Prohibition on administration of electro-convulsive therapy for children

85. Electro-convulsive therapy shall not be administered to a child and, accordingly, a reference in this Part to treatment that may be administered to a child, or authorised or directed in respect of a child, shall not include electro-convulsive therapy.”.

SECTION 88

***299.** In page 94, between lines 4 and 5, to insert the following:

“Pharmacological restraint for children

88. A pharmacological restraint shall not be applied in respect of a child receiving treatment in a registered acute mental health centre unless—

- (a) the restraint is ordered by a consultant psychiatrist only,
- (b) the restraint is initiated by a relevant health professional,
- (c) the restraint is applied in respect of the child by a relevant health professional,
- (d) the application of such restraint is determined by the consultant psychiatrist, in accordance with regulations made under *section 89*, to be necessary where there is an immediate threat of serious harm to the child or to another person, and
- (e) the pharmacological restraint concerned complies with regulations under *section 89*.”.

300. In page 94, between lines 4 and 5, to insert the following:

“Chemical restraint

88. (1) A chemical restraint shall not be applied in respect of a child receiving treatment in a registered acute mental health centre or designated centre unless—

- (a) the restraint is ordered and initiated by a relevant health professional,
- (b) the restraint is applied to the child by a relevant health professional or a specified person under the direct supervision of a relevant health professional,
- (c) the application of such restraint is determined by the relevant health professional, in accordance with regulations made under *section 58*, to be necessary where there is an immediate threat of serious harm to the child concerned or to another person, and,
- (d) the chemical restraint concerned complies with regulations under *section 58*.

(2) The Mental Health Commission shall conduct a comprehensive review of the use of sedatives across all psychiatric institutions, with particular attention to the risks of over-medication and the potential use of such medications as chemical restraints. Following this review, the Commission shall develop and issue clear guidelines

[SECTION 88]

governing their appropriate use.”.

—*Senator Frances Black.*

301. In page 94, between lines 4 and 5, to insert the following:

“Chemical Restraint for Children

88. (1) A chemical restraint shall not be applied in respect of a child receiving treatment in a registered acute mental health centre unless—

- (a) the restraint is ordered and initiated by a relevant health professional,
- (b) the restraint is applied to the child by a relevant health professional or a specified person under the direct supervision of a relevant health professional,
- (c) the application of such restraint is determined by the relevant health professional, in accordance with regulations made under *section 89*,
- (d) the restraint complies with regulations under *section 89*, to be necessary where there is an immediate threat of serious harm to the child or to another person, and

(2) The Mental Health Commission shall conduct a comprehensive review of the use of medication—specifically including rapid tranquillisers and PRN (pro re nata or “as needed”) sedatives – across all psychiatric institutions, with particular attention to the risks of overmedication and the potential use of such medications as chemical restraint. Following this review, the Commission shall develop and issue clear guidelines governing their appropriate use.

—*Senators Laura Harmon, Nessa Cosgrove.*

***302.** In page 94, line 35, to delete “record” and substitute “records”.

SECTION 89

***303.** In page 95, line 21, after “*section 10*” to insert “(including that the best interests and the welfare of the child shall be the primary consideration)”.

SECTION 90

***304.** In page 96, lines 8 to 14, to delete all words from and including “(1) Subject” in line 8 down to and including line 14 and substitute the following:

“(1) Where a restrictive practice is used on—

- (a) a voluntarily admitted child admitted under *section 62*,
- (b) a child aged 16 years or older lacking necessary capacity admitted with parental consent under *section 64*, or
- (c) an involuntarily admitted child,

his or her parents or guardian or the Agency and his or her nominated person, if any, shall be informed of the application of the restrictive practice as soon as possible after the initiation of any application of a restrictive practice.

(2) Where a restrictive practice is used on a voluntarily admitted child admitted under *section 63*—

[SECTION 90]

- (a) his or her nominated person, if any, and
 - (b) where the child is the subject of a care order, the Agency,
- shall be informed of the application of the restrictive practice as soon as possible after the initiation of any application of a restrictive practice.”.

***305.** In page 96, to delete lines 15 to 23.

***306.** In page 96, line 26, to delete “*subsections (1) to (4)*” and substitute “*subsection (1) or (2)*”.

***307.** In page 96, line 31, to delete “Child and Family”.

***308.** In page 96, line 33, to delete “record” and substitute “records”.

SECTION 91

***309.** In page 96, between lines 34 and 35, to insert the following:

“Role of parent or guardian regarding application of restrictive practice

91. (1) As soon as practicable after the admission of a child admitted voluntarily under *section 62*, a child aged 16 years or older lacking necessary capacity admitted with parental consent under *section 64* or an involuntarily admitted child, the responsible consultant psychiatrist or another member of the child’s multidisciplinary team shall—

- (a) provide information on the application of restrictive practices in that registered acute mental health centre to—
 - (i) the child,
 - (ii) his or her nominated person, if any, and
 - (iii) the child’s parents or guardian or the Agency,
- (b) take into account the views of the persons referred to in *paragraph (a)* regarding the application of restrictive practices, and
- (c) record the views of those persons in the child’s medical records and care plan.

(2) As soon as practicable after the admission of a child voluntarily admitted under *section 63*, the responsible consultant psychiatrist or another member of the child’s multidisciplinary team shall—

- (a) provide information on the application of restrictive practices in that registered acute mental health centre to—
 - (i) the child,
 - (ii) his or her nominated person, if any, and
 - (iii) where the child is the subject of a care order, the Agency,
- (b) take into account the views of the persons referred to in *paragraph (a)* regarding the application of restrictive practices, and

[SECTION 91]

(c) record the views of those persons in the child’s medical records and care plan.”.

[Acceptance of this amendment involves the deletion of section 91 of the Bill.]

SECTION 109

***310.** In page 107, line 13, after “and” to insert “the”.

SECTION 119

311. In page 112, between lines 4 and 5, to insert the following:

- “(d) the progress towards and resource requirements for the extension of CAMHS towards a CYMHS for young people up to the age of 25, and the development of youth mental health clinical specialty,
- (e) the estimated number of whole-time equivalent clinicians to fully and safely staff public mental health services, and
- (f) the estimated level of new additional funding required to provide full and safe services with timely access to care.”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

SECTION 120

312. In page 112, between lines 21 and 22, to insert the following:

- “(3) The Commission shall within 12 months publish a report on the quality and independence of complaints processes and make recommendations for the strengthening of such processes.”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

SECTION 127

313. In page 116, line 14, to delete “a consultant psychiatrist” and substitute “a qualified mental health professional”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

***314.** In page 116, line 25, after “and” to insert “the”.

SECTION 130

***315.** In page 118, lines 13, after “and” to insert “the”.

SECTION 133

***316.** In page 120, line 34, to delete “*subsection (1)(a)*” and substitute “*subsection (1)*”.

SECTION 135

***317.** In page 122, line 10, to delete “Committee of Inquiry” and substitute “committee (in this section referred to as a “Committee of Inquiry”)”.

***318.** In page 122, line 13, to delete “the inquiry” and substitute “carrying out an inquiry”.

[SECTION 138]

SECTION 138

319. In page 124, between lines 15 and 16, to insert the following:

“ “community mental health services” means a mental health service which provides either urgent or routine care and treatment in a place other than a registered acute mental health centre or registered community mental health centre, including such services as crisis intervention teams.”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

SECTION 150

***320.** In page 132, lines 3 and 4, to delete “in accordance with *section 146, 147 or 148* or following an inspection in accordance with *section 128,*” and substitute “in accordance with *section 146, 147 or 148* or vary or impose a condition, including an additional condition, where it considers it necessary under *section 152,*”.

***321.** In page 132, to delete lines 7 to 11 and substitute “it shall notify the registered proprietor in writing of the proposal and the reasons for the proposal not later than 14 days after the date of the proposal, and that he or she may make representations in accordance with this section.”.

SECTION 153

***322.** In page 134, lines 8 and 9, to delete “refusal by the Commission to vary or remove a condition on the registration” and substitute “proposal by the Commission not to grant the application concerned”.

SECTION 155

***323.** In page 134, line 36, to delete “imposed” and substitute “attached, varied or imposed”.

SECTION 156

***324.** In page 136, line 15, to delete “registered” and substitute “the”.

SECTION 161

***325.** In page 137, after line 37, to insert the following:

“(d) making an application under Part 5 of the Act of 2015 for the purposes of *Chapter 3 of Part 3;*”.

***326.** In page 138, line 1, to delete “to maintain” and substitute “maintaining”.

***327.** In page 138, line 2, to delete “to liaise” and substitute “liaising”.

SECTION 163

***328.** In page 138, lines 23 and 24, to delete “(in this Part known as the “registered person”)”.

***329.** In page 138, line 25, to delete “this section” and substitute “this section (in this Part known as the “registered person”)”.

SECTION 165

330. In page 139, line 36, to delete “a consultant psychiatrist” and substitute “a qualified mental health professional”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

[SECTION 165]

- 331.** In page 140, line 1, to delete “a consultant psychiatrist” and substitute “a qualified mental health professional”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

SECTION 166

- *332.** In page 141, to delete line 13 and substitute the following:

“(12) This section applies to *sections 152, 157, 158, 159, 160, 161(3)(b), 164(6), 175, 176, 181, 184, 187 and 188.*”.

SECTION 168

- *333.** In page 142, to delete lines 31 to 36 and substitute the following:

“(4) Where, on hearing an application under *subsection (1)*, the District Court is satisfied that there is a risk to the life, or a serious risk to the health or welfare, of members of the staff or a person accessing the registered mental health service because of any act, omission, failure to act or negligence on the part of the registered mental health service or the registered proprietor, it may make an order in accordance with that subsection—”.

SECTION 172

- *334.** In page 145, line 9, to delete “detention,” and substitute “detention”.

SECTION 175

- *335.** In page 148, to delete line 18 and substitute “a registered mental health service be required—”.

SECTION 176

- 336.** In page 149, between lines 2 and 3, to insert the following:

“Review of procedures dealing with complaints in registered mental health services

- 176.** (1) The Minister shall, within 12 months of the commencement of this Act, conduct a review of existing procedures dealing with complaints that are available to persons accessing registered mental health services.

- (2) The review shall—

- (a) examine the accessibility, independence, transparency and effectiveness of current procedures dealing with complaints,
 - (b) consider the feasibility of establishing an independent mechanism for receiving and addressing complaints relating to mental health services, and
 - (c) identify any legislative or administrative reforms that may enhance the independence and responsiveness of procedures dealing with complaints.
- (3) The review shall be conducted using existing resources within the Department of Health and should include consultation with:
- (a) individuals with lived experiences, service users and advocacy groups;
 - (b) mental health professionals and service providers;

[SECTION 176]

- (c) the Mental Health Commission;
 - (d) any other persons or bodies the Minister considers appropriate.
- (4) A report on the findings of the review shall be laid before each House of the Oireachtas within 24 months of the commencement of this Act.”.

—*Senator Frances Black.*

SECTION 177

337. In page 149, between lines 19 and 20, to insert the following:

“5-year sharing the vision funding and implementation strategy

- 177.** (1) The Minister shall, within 12 months of the passing of this Act, publish a five-year funding and implementation strategy for mental health services.
- (2) The strategy referenced in *subsection (1)* shall be reviewed annually by the Mental Health Commission.
- (3) The strategy shall place an emphasis on shifting care to community-based services as and where appropriate.”.

—*Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy, Chris Andrews, Tom Clonan.*

SECTION 179

- *338.** In page 151, lines 12 and 13, to delete “A member of a person’s multidisciplinary team shall, following a comprehensive assessment of a person in a registered acute mental health centre” and substitute “A member of the multidisciplinary team of a person, other than a child, admitted to a registered acute mental health centre shall, following a comprehensive assessment of the person”.

SECTION 180

- *339.** In page 152, line 8, to delete “prescribed” and substitute “prescribed,”.
- *340.** In page 152, lines 21 and 22, to delete “a parent or guardian of the child as appropriate, or in the case of a child, the subject of a care order, the Child and Family Agency” and substitute “the child’s parents or guardian or the Agency, as appropriate”.
- *341.** In page 152, to delete line 24 and substitute the following:
- “(b) ensure that any consultation is accessible to the child and that information shall be provided in a manner that can reasonably be understood by the child, and”.
- *342.** In page 152, lines 26 and 27, to delete all words from and including “*section 63*,” in line 26, down to and including line 27 and substitute “*section 63* the child concerned and, with his or her consent, the child’s parents or guardian or the Agency,”.
- *343.** In page 152, line 28, to delete “with the consent of the child concerned,”.
- *344.** In page 152, to delete lines 29 to 31 and substitute the following:

“(ii) in the case of a child admitted under *section 62, 64 or 66*—

(I) the child’s parents or guardian or the Agency, and

[SECTION 180]

(II) the guardian *ad litem* for the child, if any.”.

- *345. In page 152, lines 35 and 36, to delete “his or her parent or guardian, or, in the case of a child the subject of a care order, the Child and Family Agency” and substitute “his or her parents or guardian or the Agency”.
- *346. In page 152, lines 36 and 37, to delete “and other members of the multidisciplinary team as appropriate”.
- *347. In page 153, lines 3 and 4, to delete “parent or guardian, or, in the case of a child, the subject of a care order, the Child and Family Agency” and substitute “parents or guardian or the Agency”.

SECTION 181

348. In page 153, between lines 7 and 8, to insert the following:

“181. (1) The Executive shall keep and maintain records for the purposes of—

- (a) identifying persons to whom mental health services are being provided,
 - (b) identifying those services and the persons providing the services pursuant to this Part,
 - (c) specifying the aggregate needs identified by the services,
 - (d) specifying the number of persons to whom services are not being provided or to whom they are not being provided in full, and
 - (e) planning the provision of such services to persons.
- (2) The Executive shall, within 6 months after the end of each year, submit a report in writing to the Minister in relation to the aggregate needs identified by services on the basis of information collected in accordance with *subsection (1)* including an indication of the periods of time ideally required for the provision of the services, the sequence of such provision and an estimate of the cost of such provision.
- (3) A report under this section shall include such other information in such form and regarding such matters as the Minister may direct and shall be published by the Executive within one month of the date of its submission to the Minister.”.

—Senators Nicole Ryan, Joanne Collins, Pauline Tully, Maria McCormack, Conor Murphy,
Chris Andrews, Tom Clonan.

[Acceptance of this amendment involves the deletion of section 181 of the Bill.]

- *349. In page 153, lines 13 and 14, to delete “or parent or guardian, or, in the case of a child, the subject of a care order, the Child and Family Agency” and substitute “, the child’s parents or guardian or the Agency”.
- *350. In page 153, lines 20 and 21, to delete all words from and including “child” where it firstly occurs in line 20 down to and including “Agency” in line 21 and substitute “child’s parents or guardian or the Agency”.

[SECTION 184]

SECTION 184

- *351.** In page 154, line 18, to delete “for the following” and substitute “for any or all of the following”.

SECTION 185

- 352.** In page 155, between lines 2 and 3, to insert the following:

“Advocacy Services

- 185.** (1) Every person accessing mental health services shall have the right to access independent advocacy services to support them in understanding and exercising their rights. This right shall apply regardless of their legal status, and shall include, but not be limited to—

- (a) persons receiving services on a voluntary basis, and
- (b) persons who are involuntarily detained.

- (2) All persons accessing mental health services, and where appropriate their families or representatives, shall be informed in a timely and accessible manner of the availability of independent advocacy services and how to access them. Advocacy services shall be made available:

- (a) upon request by the person concerned;
- (b) automatically for individuals who are involuntarily detained under this Act;
- (c) automatically for children admitted to approved centres.

- (3) Advocates shall operate independently of mental health service providers and shall:

- (a) act in accordance with the will and preferences of the person concerned;
- (b) assist the person in understanding their rights and options;
- (c) support the person in participating in decisions about their care and treatment.

- (4) The organisation providing independent advocacy should be structurally and financially independent.

—Senators Laura Harmon, Nessa Cosgrove.

- *353.** In page 155, line 5, to delete “section” and substitute “Act”.
- *354.** In page 155, line 6, to delete “nominee” and substitute “nominated person”.
- *355.** In page 155, line 8, to delete “nominee” and substitute “nominated person”.
- *356.** In page 155, line 12, to delete “nominee” and substitute “nominated person”.
- *357.** In page 155, line 16, to delete “nominee” and substitute “nominated person”.
- *358.** In page 155, line 18, to delete “nominee” and substitute “nominated person”.
- *359.** In page 155, line 26, to delete “nominee” and substitute “nominated person”.

[SECTION 186]

SECTION 186

- *360. In page 155, line 37, to delete “section” and substitute “Act”.
- *361. In page 155, line 38, to delete “nominee” and substitute “nominated person”.
- *362. In page 156, line 1, to delete “nominee” and substitute “nominated person”.
- *363. In page 156, line 5, to delete “nominee” and substitute “nominated person”.
- *364. In page 156, line 9, to delete “nominee” and substitute “nominated person”.
- *365. In page 156, line 12, to delete “nominee” and substitute “nominated person”.
- *366. In page 156, line 18, to delete “nominee” and substitute “nominated person”.

SECTION 187

- *367. In page 156, line 23, to delete “who is in a” and substitute “who is in or being treated by a”.
- *368. In page 156, line 30, to delete “on a person” and substitute “of a person”.

SECTION 188

- *369. In page 157, line 15, before “any” to insert “where the person is an adult,”.

SECTION 192

- *370. In page 158, line 20, to delete “*sections*” and substitute “*section*”.

SECTION 194

- *371. In page 159, lines 12 and 13, to delete “(“legal advice”)”.

SECTION 196

- *372. In page 160, to delete lines 32 to 34.

SECTION 199

- *373. In page 162, between lines 21 and 22, to insert the following:
“(2) An assigned legal representative shall comply with a request of the Commission under *subsection (1)*.”.

SECTION 202

- *374. In page 163, after line 34, to insert the following:

“Amendment of section 36 of Act of 2015

202. Section 36 of the Act of 2015 is amended, in subsection (4)—

- (a) in paragraph (j)(ii), by the substitution of “person,” for “person, and”, and
- (b) by the insertion of the following paragraph after paragraph (j):

“(ja) a registered proprietor (within the meaning of the *Act of 2025*) for the purposes of *Chapter 3 of Part 3* of that Act, and”.

- *375. In page 164, lines 4 and 5, to delete “Subject to subsections (1) to (5) and paragraphs (b) and (c) of this subsection” and substitute “Subject to paragraphs (b) and (c) and subsections (1) to (5)”.

[SECTION 202]

*376. In page 164, lines 14 and 15, to delete “subsections (1) to (5), paragraph (c) of this subsection” and substitute “subject to paragraph (c) and subsections (1) to (5)”.

*377. In page 164, line 17, to delete “of this subsection”.

SECTION 205

*378. In page 165, lines 7 and 8, to delete “that person (within the meaning of *section 16* of the *Act of 2025*).” and substitute “the person (within the meaning of *section 16* of the *Act of 2025*)”.

*379. In page 165, line 10, to delete “that person.” and substitute “that person.”.

SECTION 206

*380. In page 165, to delete lines 13 and 14.

*381. In page 165, line 15, to delete “136.” and substitute “ “136.”.

SECTION 208

*382. In page 166, between lines 7 and 8, to insert the following:

“Amendment to Courts (Supplemental Provisions) Act 1961

208. Section 8C of the Courts (Supplemental Provisions) Act 1961 is amended, in subsection (2)—

- (a) in paragraph (k), by the deletion of “or”,
- (b) in paragraph (l), by the substitution of “2018, or” for “2018.”, and
- (c) by the insertion of the following paragraph after paragraph (l):

“(m) *Part 4* of the *Mental Health Act 2025*.”.

NEW SECTION

*383. In page 170, after line 21, to insert the following:

“Amendment to Family Courts Act 2024

223. The Family Courts Act 2024 is amended—

- (a) in section 2, in the definition of “family law proceedings”, by the insertion of the following paragraph after paragraph (z):

“(za) *Part 4* of the *Mental Health Act 2025*;”,

- (b) in section 24(2)—

- (i) in paragraph (j), by the deletion of “or”,
- (ii) in paragraph (k), by the substitution of “2018, or” for “2018.”, and
- (iii) by the insertion of the following paragraph after paragraph (k):

“(l) *Part 4* of the *Mental Health Act 2025*.”,

and

- (c) in section 39(2)—

[NEW SECTION]

- (i) in paragraph (d), by the deletion of “or”,
- (ii) in paragraph (e), by the substitution of “2018, or” for “2018.”, and
- (iii) by the insertion of the following paragraph after paragraph (e):

“(f) *Part 4 of the Mental Health Act 2025.*”.

TITLE

- *384.** In page 13, line 25, after “practices” to insert “and the prohibition on administration of electro-convulsive therapy”.