

# Medico-legal Approach of Psychiatric Patient

Presented

by

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# Introduction

## Forensic psychiatry

- It deals with application of psychiatry in the administration of Justice
- It is investigation of the relationship between mental disorder and criminal behavior.
- It assess mentally disordered offenders.
- Forensic psychiatrist gives his opinion on the state of mind of the accused, at the time of the committed offence and the present state of the person awaiting trial.

# Domains of Forensic Psychiatry

- **Competence**
- **Criminal responsibility (insanity)**
- **Violence (sexual offences)**
- **Divorce**
- **Psychic injury**
- **Expert testimony**

# **Patients who require expert psychiatric opinion**

- **Those who may do harm to themselves or to society.**
- **Those who may not look after themselves, or property.**
- **Those who may turn out to be dangerous if they act upon their abnormal thinking.**
- **Spouses of mentally ill patients may require psychiatrists' evidence in the court of law in the matter of divorce.**

# **Medico-legal aspect of insanity**

- **Medical insanity**

is abnormality of mind and delusion which diminished responsibility.

- **Legal insanity**

is unsoundness of mind which make the offender incapable of knowing the nature of the act (wrong or contrary to the law)

- **Degree of mental disturbance**

- **Individual loses the power of regulating his actions and conduct according to the rules of the society to which he belongs.**

- **The insanity person may be considered to be immune from certain responsibilities such as a decision to marry, make business contracts.**

# **Capacity (Competence) and Incapacity**

## **Clinical Capacity**

- **It is limited to health care decision.**
- **The right to make health care decisions, including refusal of medically necessary care.**
- **It is the ability to understand the benefits and risks of the health care, to understand possible alternatives and to make and communicate a health care decision.**
- **Capacity may be intermittent, variable and affected by the environment.**
- **Patients who lack capacity due to intoxication, delirium, coma, severe depression, agitation, or other impairment may regain capacity when their impairment resolves.**
- **To obtain consent to treat a patient who lacks clinical capacity, health care practitioners must contact an agent.**

# Legal Capacity (Competency)

- It is ability to do something including making decision.
- It is assessed in relation to particular decision or activity.
- It is a legal status.
- It cannot be determined by health care practitioners.
- Aged  $\geq 18$  yr are automatically considered legally capable of making health care decisions for themselves.
- Good mentality (no insanity- no mental retarded or demented .

# Legal Incapacity

- **A disabling condition :-**  
Mental retardation, mental disorder, dementia, altered consciousness, chronic use of drugs.
- **Inability to receive and evaluate information or to make or communicate decisions.**
- **Inability to meet essential requirements of physical health, safety, or self-care.**

# **Medico-Legal aspect of Mental-ill person**

- **Management of property and affairs of insane.**
- **Illegal Detention**
- **Insanity and Contracts**
- **The competence of Insane to be a witness**
- **Insanity and testamentary capacity**
- **Marriage**
- **Admission in Psychiatric Hospital**
- **Immediate Restraint:-**
  - **An insane person who is dangerous to himself or to others, or who is likely to injure or wastefully spend his property or that of others.**
  - **Person suffering from delirium due to disease and delirium tremens.**

# **Assessment of psychiatric patient**

- **Physical examination.**
- **Mental state including intelligence testing.**
- **Laboratory investigations**
- **Long observation in hospital .**



**Thank you**