

*This factsheet is part of a series from Legal Aid NSW that aims to help answer your questions about COVID-19 and everyday law.*

**You may be worried or confused about how COVID-19 will affect you and your everyday life. Sometimes a crisis can make legal problems worse or new problems might develop. Legal Aid NSW understands that there will be a lot of questions about money worries, fines, police, housing, Centrelink, employment, guardianship and mental health. This series of factsheets will give you helpful information and contacts to assist you to manage all the changes that are happening in our community.**

## How will I get help?

LawAccess NSW can give you advice about:

- Your stay in a hospital where treatment for mental illness is provided
- A community treatment order
- Guardianship matters
- Financial management orders
- How the COVID-19 changes affect these things and you

Depending on your circumstances, you can still be represented by a lawyer. Sometimes that is in person and other times representation happens by audio-visual link or telephone. Tribunals and lawyers will generally not visit you in hospital.

You can call LawAccess NSW on **1300 888 529** for information and advice about any mental health or guardianship law problem.

## How will decisions be made about what happens to me during the COVID-19 period?

The Guardianship Division of NSW Civil and Administrative Tribunal (NCAT) and the Mental Health Review Tribunal are still holding hearings and making decisions about:

- Detention in hospital
- Community treatment orders
- Financial management
- Guardianship

But the laws have changed, and the tribunals are working in a different way.

## What is happening at the Mental Health Review Tribunal?

If you are detained in a hospital under the *Mental Health Act*, you will be offered free access to a lawyer. If you are presented before the Mental Health Review Tribunal, in most situations a lawyer will contact you before the hearing. Contact is made by telephone, audio-visual link or in person depending on the hospital and the situation.

Depending on your circumstances the lawyer may represent you at the hearing by phone or audio-visual link and in person at some hospitals.

The Tribunal:

- Will hold a hearing up to 14 days after your admission to hospital or detention in hospital.
- Will hold another hearing at least every 3 months for the first 12 months if the doctors want to continue your detention in hospital.
- Will hold all other hearings at the usual points in time.

Doctors must discharge you from hospital if they believe you are well enough, and you have a safe place to go.

If you need treatment and care for your mental illness in the community the doctors may ask the Tribunal to make a community treatment order.

## What is happening at the Guardianship Division of NCAT?

- Nearly all hearings are conducted by telephone and/or audio-visual link.
- If a lawyer is helping you, they will contact you by phone before your hearing. Sometimes the lawyer may also see you in person before the hearing. They may then appear at the hearing by telephone or in person depending on the situation.

## How can I get help?

You can call LawAccess NSW on **1300 888 529** for information and advice about any mental health or guardianship law problem.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for LawAccess NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for LawAccess NSW or visit [www.relayservice.gov.au](http://www.relayservice.gov.au).

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, it may change.