

## Nearest Relative Nomination and Displacement Process

A Mental Health Act Assessment is undertaken and the outcome decision is to place the person assessed under safeguards s3 and or either s7 MHA 83. During the AMHP consultation with the Nearest Relative they object: NR rationale for objection to be consider unreasonable in that it does not take in to account the persons welfare or public interest.



The AMHP should consider other ways of achieving the same ends and the following before considering commenting process for displacement of the Nearest Relative s29 MHA 83:

- 1. Discuss with NR whether they would consider delegating their responsibilities as the Nearest Relative to someone else (s32 (2) (e) MHA 83 and Regulations 24 MHA 83.*
- 2. The AMHP or independent advocate could provide support to the person assessed to apply to county court themselves if there is NO nearest relative identified for a Nearest relative to be appointed to ensure the person has this safeguard rights are protected.*



The Nearest Relative continues to object to s3 and or s7 application to be made; and the objection is unreasonable. The AMHP should consider commencing displacement s29(4) MHA



The Nearest Relative (NR) nominates another person to act as the Nearest Relative and the patient agrees to nominated person; NR delegates their N.R roles and responsibilities.



Delegation Form completed with the AMHP and NR and nominated person. Consideration for displacement of NR is no longer required(Appendices 6.1 Displacement Practice Guidance)

The AMHP to commence the displacement process s29(4) MHA 83 and should undertake the following:

1. Contact the legal department where the person ordinarily resides to discuss the case (See Appendices 6.2 Displacement Practice Guidance)
2. Provide the County Court/Legal department with the required report/ information to enable consideration of application (5.4 Displacement Practice Guidance Jan 22)
3. Attend the county court with support from the Legal representation and present the report of supporting evidence to the county court.
4. The County Court will either appoint or not appoint an NR. Duration of NR will cease after discharge from s3 or s7 or if neither if it is 3 months after the order of appointment of the NR (s29 (5)).