

NEAREST RELATIVE

AS THE NEAREST RELATIVE OF SOMEONE DETAINED UNDER A SECTION OF THE MENTAL HEALTH ACT WHAT ARE YOUR RIGHTS?



NEAREST RELATIVE IS NOT THE SAME AS NEXT OF KIN

"Next of kin" is not defined in law. The mental health Act confers no specific powers on a patients' next of kin". The nearest relative for the purposes of the mental Health Act may not be the same as a person's next of kin.

Who is the Nearest Relative?

A patient's nearest relative is defined as the person who comes first in the list of relatives below.

Men and women take equal priority however where two or more people come in the same place in the list the eldest takes precedence.

Nearest Relative must be over 18yrs except if married/civil partner or parent of patient.

- Husband/wife/civil partner
- Son or daughter
- Father or mother
- Brother or sister
- Grandparent
- Grandchild
- Uncle or aunt
- Nephew or niece

WHAT ARE MY RIGHTS AS NEAREST RELATIVE?

As the nearest relative you can

- **Request a Mental Health Act Assessment** to have the patient detained under a section of the Mental Health Act.
- **Object to the detention** of the patient under section
- **Request the discharge** of the patient from their section/guardianship or supervised community treatment order (SCT), if this is refused by the Responsible Clinician (RC) you can appeal at a **Mental Health Review Tribunal**.
- Request the support of an **advocate** (IMHA)
- Be **consulted** about the treatment of the patient
- **Appoint someone else** to be the nearest relative if you feel unable.