



PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

MENTAL HEALTH COURT APPLICATION PROCESS

PRACTICE NOTE

ISSUED: July 8, 2009

REVISED: December 7, 2023

EFFECTIVE: Immediately

The following practice note is issued consistent with Rule 6 of *the Rules of the Provincial Court of Newfoundland and Labrador in Criminal Proceedings* and section 720(2) of the *Criminal Code of Canada*.

BACKGROUND

The Mental Health Court has been operating in St. John's since 2005. The Court is designed to provide an increased level of support, both medical and community-based, to accused persons appearing before it. The Mental Health Court is based on the recognition that certain offenders who suffer from a psychiatric illness may commit offenses as a consequence of their diagnosis or due to lifestyle issues such as inadequate housing, lack of employment, barriers to employment and education, inappropriate medication use and self-medication with alcohol or drugs. MHC participants work with a team of professionals to address the issues that have led to the offenses before the court.

The Mental Health Court sits bi-weekly in St. John's on Wednesday afternoons in Courtroom #9.

APPLICATION REQUIREMENT

All persons wishing to appear in the Mental Health Court must make an application.

All applications must be made within a reasonable time.

ACTION

To accommodate the application requirement, the following process will be instituted:

1. When a matter is called and the accused indicates a desire to have the case transferred to Mental Health Court, and an application has been filed, the presiding Judge will adjourn the matter until the next available date in Mental Health Court to have the merits of the application considered by that Crown.
2. Applications should be filed and registered with the Criminal Division in the usual manner.
3. The application may take the form of the application attached to this Practice Note as Schedule "A".



Chief Judge Robin Fowler
Provincial Court of Newfoundland and Labrador



Joanne Turner
Director of Corporate Services
Provincial Court of Newfoundland and Labrador