



Mental health basics

1. A basic understanding of types of mental illness, their symptoms and typical treatment/effects of treatment is sufficient to assist clients with a mental illness.

Useful summary information is available at:

- Mental Health Resources for Carers website at: www.mhr4c.com.au
- The Royal Australian and New Zealand College of Psychiatrists website at: www.ranzcp.org/advice

2. Each client with a mental illness needs to be treated as an individual, as mental illness fluctuates and impacts people in different ways.
3. You should start with a presumption of capacity but consider capacity where relevant and take steps to enhance capacity.

For more information see:

- the Queensland Handbook for Practitioners on Legal Capacity, at: www.qai.org.au under publications or at www.qis.com.au under knowledge centre.

Understand a recovery framework

1. The need for legal help is just one aspect of the client's context.
2. Understanding a recovery framework is important.

For more information, see [A national framework for recovery-oriented mental health services](#) available at www.health.gov.au/ :

- A recovery framework places the client at the centre of their decisions and their continual recovery is strengths-based and locates the client in connection with all the other people/organisations which provide hope and meaning in their life (e.g. doctors, friends, pets and social groups).
3. Delivering legal services in a recovery framework requires you (the lawyer) to:
 - take the time to explain your role and what you can/cannot help with
 - be collaborative where possible (see Collaborate for better health outcomes below)
 - use language that helps the client feel valued, important, welcome and safe, communicates positive expectations and promotes hope and optimism.

Collaborate for better health outcomes

1. The best collaborative results are achieved when you can deliver your legal services in the health setting. For resources and guidance see:
 - the Health Justice Australia website at: www.healthjustice.org.au – Health Justice Partnerships recognise that vulnerable individuals are more likely to raise legal need with a health professional and that supporting collaboration between lawyers and health workers can improve access to justice, address the social determinants of health and increase wellbeing.
 - the Legal Health Check (LHC) project at: www.legalhealthcheck.org.au – the LHC can help caseworkers identify their client's legal needs and collaborate with you to resolve their legal issues.
2. Even if you are not operating within a formal, multi-disciplinary collaboration, you can still use collaborative practices.



Best practice guidelines for lawyers to assist individuals with a mental illness

- preserve and enhance any existing, therapeutic relationships the client has, wherever possible
 - where possible and with client's consent, inform other stakeholders of your role with the client
 - take the time to assess all the legal needs of the client (eg using the [legalhealthcheck](#)) and refer out legal matters you cannot assist with
 - be mindful of the client's essential priorities, such as housing, safety, access to health care (and their impact on the legal issues)
 - be familiar with other local services which may be useful to your client – foster relationships where possible.
3. Consider incorporating other professionals or stakeholders into your interviews/communications with the client, with appropriate client understanding and consent. When collaborating with other professionals:
- be aware of the ethical and professional barriers which may arise and implement practices to avoid them
 - remember that collaborative practice aims to improve an individual's well-being and increase access to justice.

For guidance see: [Possibilities for Multidisciplinary Collaboration in Clinical Practice: Practical Ethical Implications for Lawyers and Clients](#) (IV Articulation of Legal Ethical Rules) and www.churchilltrust.com.au/media/fellows/Breaking_down_the_silos_L_Gyorki_2013.pdf (Chapter 3 – Thinking Creatively Whilst Staying within the Square).

4. Regularly review client's consent to collaborate with others.

Facilitate effective communication

1. Manage your expectations – some clients may require 2 to 3 times longer for effective communication.
2. Consider requiring more than one interview to:
 - establish the client's circumstances and the legal issues, given that the mental illness may involve a fluctuating sense of reality
 - reduce client's anxiety/fatigue by providing information in manageable amounts.
3. If possible, ask the client if there is a preferable time of day to meet for an interview, especially in view of the effect of any medications.
4. If you need more information about someone's mental health, try asking:
 - Have the doctors made a diagnosis? Have they explained why? What do you think about it? Do you have any concerns about your general, physical or mental health?
 - Are you taking any medication? How long have you been taking (specific) medications? How taken (method – oral, injection etc.)? Any side-effects? If so, what?
5. The [legalhealthcheck](#) can be a valuable tool to structure a legal interview and assess all legal needs.
6. Take time to clarify with the client any next steps in the legal process and what tasks each of you has agreed to do.

For detailed training videos to support these guidelines, visit www.qpilch.org.au