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CONSIDERATION OF CASES BY COURT ABOUT MENTAL HEALTH CARE TO PERSONS' COMPULSORY ORDER

Scientific article is devoted to the investigation of peculiarities of the case of separate proceedings to provide mental health care in the face of enforcement. Based on the research it is made conclusions about the gaps in the law and possible ways to overcome them by improving the current legislation of Ukraine.

Formation and development of legal and democratic state is not possible without ensuring universal values, including health occupies an important place. The human right to health and health care is an inalienable moral rights of everyone enshrined in international legal acts and national legislation of Ukraine. Provision of compulsory psychiatric care in violation of the statutory order may result in significant human rights abuses, since the consequences associated with a possible restriction of individual rights to liberty, freedom of movement, personal integrity, personal honor and dignity.

Civil procedural law governing regulates judicial procedure for reviewing

and resolving cases of providing mental health care in the face of enforcement. They are cases of special proceedings. Separate proceedings are a form non actional proceedings, which are considered in the order of civil cases confirm the presence or absence of legal facts that are important to protect the rights and interests of the individual or the creation of conditions exercise of moral rights or property or confirm the presence or absence non contested rights and definition of the legal status of a person.

Proceedings of cases about providing mental health care compulsorily governed by Chapter 10 of the Civil Procedure Code of Ukraine and the Law of Ukraine on February 22, 2000 № 1489-III "On Psychiatric Care", and includes the following measures: psychiatric examination, outpatient mental health care (and its sequel), admission to a psychiatric institution forcibly (and continued such hospitalization).