

CAPACITY TO EXERCISE CIVIL RIGHTS: SERIAL CASES STUDY 5 CASE REPORTS

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Introduction: In Brazil there is a great demand for evaluation of the capacity to exercise civil rights of mentally ill patients, aiming their judicial interdiction as a protective measure. In Rio de Janeiro, the Public Attorney Office counts with a seven psychiatrists team, that among other functions, will evaluate the civil capacity of individuals, giving the district attorneys a technical psychiatric background to decide whether, or not, to demand a judicial interdiction.

Objective: Analyze five case reports in which district attorneys have demanded a civil capacity evaluation.

Method: This is a serial cases study of five patients, where each individual was assessed. The final psychiatric diagnosis was obtained with a psychiatric evaluation of the patients, the examination of their records or relatives interview.

Discussion: The five patients, each with a different diagnosis, were assessed individually. The civil incapacity is not an absolute state, but a relative situation, and the reasons and circumstances are important elements in forensic evaluation.

Conclusions: Interdiction is not always the best, or even the most convenient solution to social, economic and legal problems occasioned by the absence or loss of insight or self-determination caused by disability or mental illness. It is vital to characterize the absence or loss of sense of judgment, self-determination or volition, and it is necessary to determine that such damage would be significant to the specific conditions of the familiar and socio-economic profile of each citizen.