

P02-176

## POSTHUMOUS FORENSIC PSYCHIATRIC EXAMINATIONS IN LITIGATIONS ABOUT CAPACITY TO CONTRACT

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The particular difference of testamentary capacity is that unlike common civil capacity it cannot be limited. The authors' objectives were to estimate the trends of diagnostics and conclusions in post mortem forensic examinations about capacity to contract, to establish the main diagnostic groups and to evaluate the factors of influence on experts' choice.

Data base and methodology: All of the 147 statements on capacity to contract drawn by forensic psychiatrists in Lithuania during the period of five years. The data were sorted by a special questionnaire worked out by the authors. Statistical analysis was done by Pearson correlation method, using SAS, SPSS program packages for statistical processing.

Results and conclusions: Posthumous examinations made up only 2.7 per cent among all accomplished in 5 years. Witnesses testimonies in 51.7 cases were so contradictory that half of them had been discarded from considering. Medical files made the major material, however 16.5 per cent of them were psychiatrically irrelevant. 46.2 per cent contained descriptions of mental disorders, the subjects had not been consulted by psychiatrists. From all registered mental pictures 86.6 per cent had a background of somatoneurological disorder, and 13.4 per cent of mental syndrome had no association to physical condition. Mental disorder or severe somatic pathology alone do not always determine patient's incapacity. Due to experts' 45 per cent contracts were nullified.