

MENTAL HEALTH

Mental Illness under the Mental Health Code

Mental Illness is defined by Statute as “a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.” [MCL 330.1400\(g\)](#). Not all mentally ill persons will qualify for involuntary treatment under the mental health code. To be a person requiring treatment, the individual must have a mental illness and at least one of the following factors:

- Can reasonably be expected within the near future to intentionally or unintentionally seriously harm himself/herself or another person, and who has already done so or threatened to do so; or
- Is unable to attend to his/her basic physical needs such as food, clothing, or shelter; or
- Is unable to understand his/her need for treatment which may result in significant physical harm to himself/herself or to others.

[MCL 330.1401](#)

A person affected by age, epilepsy, alcoholism, or drug dependence will be a person requiring treatment only if they meet one of the above requirements. [MCL 330.1401\(2\)](#).

How psychiatric treatment for an adult can be obtained

An adult may consent to voluntary treatment at any private or public facility of his/her choice willing and able to accept the patient without involvement of the Court. If a patient agrees to voluntary treatment, they are permitted to leave the facility at any time. However, if the facility determines that the patient needs to remain in the facility for treatment, the patient may be retained and a hearing will be held to determine if further involuntary hospitalization is required.

If voluntary treatment is not possible and the Court becomes involved, please contact Tuscola Behavioral Health Systems at (989) 673-6191 or (800) 462-6814.

Emergency transportation of a person for evaluation

There are two ways a person can be involuntarily transported to a facility for treatment: protective custody pick-ups or transport because of a medical certification.

Protective Custody: If a police officer observes someone acting in a manner which causes the officer to reasonably believe that the adult is a “person requiring treatment” and that the person presents a serious danger to self or others, the officer may take the individual

into protective custody and transport the individual to a hospital without needing a pick-up order from the court. [MCL 330.1427](#)

Transport by Medical Certification (Pick-up Order): If an adult voluntarily agrees to be examined by a psychiatrist or physician and the doctor concludes that the individual is a “person requiring treatment,” a court order is not necessary. The doctor must complete a [Clinical Certificate \(PCM 208\)](#) and the petitioner (the person requesting treatment of the mentally ill individual) must complete the [Petition/Application for Hospitalization \(PCM 201\)](#). The Clinical Certificate and the Petition/Application for Hospitalization can be shown to the police or an ambulance company so that the person can be transported to a facility for treatment. The Clinical Certificate and the Petition must be shown to a police officer or ambulance company within 72 hours of being completed. Within seven days of the transport to a facility, the Probate Court will hold a hearing to determine whether the patient should remain hospitalized.

Where and how a petition is filed

To file a petition, a person must first contact Tuscola Behavioral Health Systems (TBHS) at either (989) 673-6191 or (800) 462-6814. Social Workers from TBHS will arrange to meet the petitioner at the offices of the Probate Court. For a petition to be filed in Tuscola County Probate Court, the alleged mentally ill person must be either a resident of Tuscola County or presently found in Tuscola County. The petitioner must be at least 18 years of age. There is no filing fee associated with a Petition/Application for Hospitalization.

After the petition is filed, several things may happen before the hearing:

- Once the individual is transported to the treatment facility, another evaluation will be made within 24 hours. [MCL 330.1429\(1\)](#). If the examining physician or psychologist does not find the person to be a “person requiring treatment,” the individual will be released immediately. [MCL 330.1429\(1\)](#). If the examiner signs a Clinical Certificate, the individual will be hospitalized pending the hearing, which must be held within 7 days.
- If the patient does not have his/her own attorney, then the court will appoint an attorney to represent the patient. [MCL 330.1454\(2\)](#)
- CSTS will prepare an Alternative Treatment Report that the Judge will study to determine if there is a better alternative to hospitalization. [MCL 330.1453a](#)
- A meeting will be held within 72 hours of the filing of the petition. At the meeting, the court process will be explained to the patient and the patient will be given the chance to accept the proposed plan of treatment, with the condition that s/he has the right to request a hearing at any time, and a hearing must be convened by the court within seven days. [MCL 330.1451\(8\)](#)

What is Involuntary Commitment?

This is the process used in a probate court to help a person who may be mentally ill and harmful to self or others and refuses to seek treatment.

How do I know if a person is mentally ill?

First, watch the person's behavior carefully. If the behavior only occurs when the person has been taking drugs or using alcohol, the problem could be substance abuse, not mental illness.

However, if the behavior is continuous, and if the person threatens or actually harms him/herself or others, you may contact the Probate Court where the person resides or is found.

Who should I call?

If you have been unable to get treatment for the person at a clinic or agency with a mental health professional, you may call the Tuscola Behavioral Health Systems at (989) 673-6191.

If the emergency occurs after business hours, you can call the 24-hour Emergency Telephone service at (989) 673-6191. They will immediately refer you to a mental health facility.

What will the Court's Mental Health Services Department need to know?

Staff will verify that you personally observed the behavior and that it happened recently. You will be asked to describe the behavior in detail.

Staff will also want to know the individual's substance abuse habits. If the problem is determined to be substance abuse related, you will be referred to an agency in your area.

You will also be asked whether every effort has been made to get the person to voluntarily seek help.

What if the person needs further evaluation?

Staff will tell you to come in person to 440 N. State St., Caro, Michigan to fill out a petition. You will need to describe in writing:

1. What specific symptoms and behaviors the person is displaying.
2. What harmful or threatening behavior to him/herself or others did the person demonstrate that concerns you.

Petitions can be filed between 8:00 AM – 12:00 PM and 1:00 PM - 3:00 PM, Monday - Friday, except holidays.

What happens next?

You will be asked to complete a Petition/Application for Hospitalization.

Staff will prepare a Supplemental Petition to Application for Hospitalization and Order for Examination. The petition will then be sent to the Probate Judge for approval.

Where will the person be taken?

The police will take the person to a crisis center.

What happens at the crisis center hospital?

The hospital will perform a psychiatric evaluation within 24 hours and will decide whether the person needs treatment.

What if the hospital determines that the person does not require hospitalization?

If the person does not require hospitalization, or is diagnosed as having a substance abuse problem, the hospital will release the person. Sometimes the hospital will recommend outpatient treatment.

And if the person is diagnosed as requiring treatment?

Then the person will be sent to a designated hospital for necessary care.

Who makes the decision to hospitalize the person for psychiatric treatment?

The hospital director and Tuscola Behavioral Health Systems are authorized to recommend hospitalization or release.

How long will the person be kept in the treatment facility?

The Court may order up to 60 days of treatment on the initial admission order, but the hospital makes the final decision.

Could it be longer?

Yes. The hospital may petition the Court for continued treatment. The Court will then hold a hearing to decide whether to grant the petition or discharge the patient.

If you need more information about getting help for someone who may need mental health treatment, call the Tuscola Behavioral Health Systems at (989) 673-6191.

At and after the hearing

[MCL 330.1455](#)

The patient has the right to an attorney, a trial by judge or jury, and an independent medical examination. The county prosecuting attorney will represent the petitioner and the county at the hearing. The patient may be brought to the courthouse by hospital staff and must be present at the hearing unless s/he waives his/her presence in open court or signs a waiver in the presence of his/her attorney. If the patient is hospitalized at the University of Michigan, St. Joseph, or Chelsea Community Hospital, they will have the opportunity to appear at the hearing via video conferencing from the hospital.

A doctor from the hospital will testify and the petitioner may be asked to testify. At the hearing the court will decide whether the person is a “person requiring treatment.” The judge has the option of dismissing the petition or ordering up to 90 days of treatment, which may be a combination of a maximum of 60 days of hospitalization and outpatient treatment. At the conclusion of the hearing, the family may wish to place the patient in a private facility rather than a public facility. As the treatment time expires, the facility may file a Petition for Second or Continuing Treatment Order (PCM 218) if continued hospitalization appears necessary. If a Petition for Second or Continuing Treatment is filed, a hearing will be necessary.