

# Mental Health Basics

## Part II

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Last month, I reviewed the basic definitions and services provided at the Oakland County Probate Court, Mental Health Division. A common procedure handled at the Mental Health Division is the emergency transport of a person for an evaluation at Common Ground Crisis Services. These emergency evaluation procedures are employed if the person does not voluntarily agree to treatment.

There are basically three ways in which a person can be transported for evaluation. The first is "protective custody," MCL 330.1427. The law provides that if a police officer observes an individual acting in a manner causing the officer to reasonably believe that the adult is a "person requiring treatment" and presents a serious danger to self or others, the police officer may take the individual into protective custody and transport them to a hospital without the necessity of obtaining a transport order from the court.

A second method for an emergency evaluation is the transportation by "medical certification," MCL 330.1423. In this procedure, if an adult agrees to be examined by a physician or psychiatrist who concludes that the individual is a "person requiring treatment," a court order is not necessary. The physician or psychiatrist would complete a *Clinical Certificate* and a family member or friend would complete a *Petition/Application for Hospitalization*. These two documents would be presented to a police officer or ambulance company that would provide the transportation. No court involvement or court hearing is necessary to have the patient transported and evaluated; however, the documents

are only good for 72 hours from the time the *Clinical Certificate* is completed. A Probate Court hearing will be held within seven days of the court's receipt of the paperwork to determine if the patient should remain hospitalized.

Perhaps the most common method for an emergency evaluation is a *Court Order to Transport*. A person seeking such an order must have personally observed recent examples of behavior or speech which evidence mental illness. It is necessary that the person seeking such a petition make all efforts to obtain voluntary treatment or examination for the individual before the court becomes involved. The petitioner will need to complete a *Petition and Order for Examination* and a *Petition/Application for Hospitalization* at the Mental Health counter. An emergency hearing will be held that same day and the petitioner will be required to testify as to his/her observations. If the judge grants the order, the petitioner will take a certified copy of the *Order for Transport* to the police and/or ambulance company who will generally transport the person to Common Ground Crisis Center.

Once the person is transported to Common Ground for evaluation, Common Ground may or may not recommend treatment or in-patient hospitalization for the individual. Further, if the adult is affected by age, epilepsy, alcoholism or drug dependence, Common Ground may find that the person is not necessarily "a person requiring treatment."

If you have further questions about these emergency evaluation procedures, please contact the Mental Health Division of the Oakland County Probate Court at 248-858-0291. Stay tuned!