

# Mental Health Basics

## Part III

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*by Lisa Langton*  
*Family Division Administrator -*  
*Probate/Juvenile Register*

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In Parts I and II of this Mental Health series, I have discussed the basic procedures available for those individuals suffering from a mental illness who require treatment. We have also discussed the process by which a person can obtain an emergency evaluation for a friend or a loved one. As previously indicated, if a person has found it necessary to file a petition with the Probate Court and if the friend or loved one has been transported to Common Ground Crisis Services, an evaluation will be made within 24 hours. If the examining physician or psychologist does not find that the individual is a "person requiring treatment," the individual will be released immediately. If, however, the examiner signs a clinical certificate, the individual will be hospitalized pending a court hearing which must, by statute, be set within seven days (MCLA 330.1452).

Upon receiving the clinical certificate, the Probate Court will set the hearing and, unless the patient has his or her own attorney, the court will appoint an attorney to represent the patient at that hearing. Recognize that the patient may be billed for some or all of the attorney fees unless indigent.

During this process, Community Mental Health Services prepares what is called a "Alternative Treatment Report," which will be reviewed to determine if there is an appropriate alternative treatment other than hospitalization. This report will be filed with the Oakland County Mental Health Division. A meeting will be scheduled at the facility where the patient is hospitalized. This meeting must be held within 72 hours of the filing of the petition. At that meeting, the attorney and hospital staff will explain the court process to the individual, who will be given an opportunity to

accept a plan of treatment with the condition that he or she has the right to request a hearing at any time.

If it is necessary to hold a hearing, the patient has a right to an attorney, a jury, and an independent medical examination. In Oakland County, Corporation Counsel represents the petitioner and the county at all hearings. The patient will be transported to the courthouse by the hospital staff so that they may attend the hearing. The patient also has the right to waive his or her attendance, either in open court or by the execution of a waiver. At the hearing, testimony is presented which usually includes the petitioner and a doctor from the hospital. After the testimony is presented, the court decides whether or not the patient is, in fact, a "person requiring treatment" as defined by the Mental Health Code. The judge has the option of dismissing the petition or ordering up to 90 days of treatment, which may be combined with outpatient treatment as well.

The family has the option of placing the patient in a private facility rather than a public facility. The facility may determine that a "Petition for Continuing Hospitalization" is necessary and may file that with the Oakland County Mental Health Division. If such a petition is filed, a subsequent hearing will be held with the patient having the same rights as listed above.

There are numerous other procedures that the Oakland County Mental Health Division handles, including guardianships for individuals with developmental disabilities and Mental Health procedures regarding minors. For further information, please contact the Mental Health Division at 248-858-0291. Stay tuned!