

Act No. 524
Public Acts of 1998
Approved by the Governor
January 12, 1999
Filed with the Secretary of State
January 12, 1999
EFFECTIVE DATE: January 12, 1999

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senator Bullard

ENROLLED SENATE BILL No. 1192

AN ACT to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 498c and 498d (MCL 330.1498c and 330.1498d), as amended by 1995 PA 290.

The People of the State of Michigan enact:

Sec. 498c. As used in this chapter, unless the context requires otherwise:

(a) "Person in loco parentis" means a person who is not the parent or guardian of a minor, but who has either legal custody of a minor or physical custody of a minor and is providing support and care for the minor.

(b) "Suitable for hospitalization" means a determination concerning a minor that all of the following criteria are met:

(i) The minor is a minor requiring treatment.

(ii) The minor is in need of hospitalization and is expected to benefit from hospitalization.

(iii) An appropriate, less restrictive alternative to hospitalization is not available.

Sec. 498d. (1) Subject to section 498e and except as otherwise provided in this chapter, a minor of any age may be hospitalized if both of the following conditions are met:

(a) The minor's parent, guardian, or a person acting in loco parentis for the minor or, in compliance with subsection (2) or (3), the family independence agency or county juvenile agency, as applicable, requests hospitalization of the minor under this chapter.

(b) The minor is found to be suitable for hospitalization.

(2) The family independence agency may request hospitalization of a minor who is committed to the family independence agency under 1935 PA 220, MCL 400.201 to 400.214.

(3) As applicable, the family independence agency may request hospitalization of, or the county juvenile agency may request an evaluation for hospitalization of, a minor who is 1 of the following:

(a) A ward of the court under chapter X or XIIA of 1939 PA 288, MCL 710.21 to 710.70 and 712A.1 to 712A.32, if the family independence agency or county juvenile agency is specifically empowered to do so by court order.

(b) Committed to the family independence agency or county juvenile agency under the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, except that if the minor is residing with his or her custodial parent, the consent of the custodial parent is required.

(4) Subject to sections 498e, 498f, and 498j, a minor 14 years of age or older may be hospitalized if both of the following conditions are met:

(a) The minor requests hospitalization under this chapter.

(b) The minor is found to be suitable for hospitalization.

(5) In making the determination of suitability for hospitalization, a minor shall not be determined to be a minor requiring treatment solely on the basis of 1 or more of the following conditions:

(a) Epilepsy.

(b) Developmental disability.

(c) Brief periods of intoxication caused by substances such as alcohol or drugs or by dependence upon or addiction to those substances.

(d) Juvenile offenses, including school truancy, home truancy, or incorrigibility.

(e) Sexual activity.

(f) Religious activity or beliefs.

(g) Political activity or beliefs.

(6) As used in this section, "county juvenile agency" means that term as defined in section 2 of the county juvenile agency act.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) Senate Bill No. 1183.

(b) Senate Bill No. 1184.

(c) Senate Bill No. 1185.

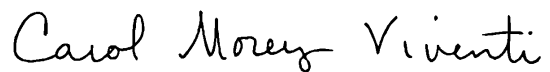
(d) Senate Bill No. 1186.

(e) Senate Bill No. 1187.

(f) Senate Bill No. 1196.

(g) Senate Bill No. 1197.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved _____

Governor.