

**SUBSTITUTE FOR  
HOUSE BILL NO. 4793**

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 434 (MCL 330.1434), as amended by 1995 PA 290.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 434. (1) Any individual 18 years of age or over may file  
2       with the court a petition that asserts that an individual is a  
3       person requiring treatment as defined in section 401.

4       (2) The petition shall contain the facts that are the basis  
5       for the assertion, the names and addresses, if known, of any  
6       witnesses to the facts, and, if known, the name and address of the  
7       nearest relative or guardian, or, if none, a friend, if known, of  
8       the individual.

1           (3) The petition shall be accompanied by the clinical  
2 certificate of a physician or a licensed psychologist, unless after  
3 reasonable effort the petitioner could not secure an examination.  
4 If a clinical certificate does not accompany the petition, an  
5 affidavit setting forth the reasons an examination could not be  
6 secured shall also be filed. The petition may also be accompanied  
7 by a second clinical certificate. If 2 clinical certificates  
8 accompany the petition, at least 1 clinical certificate shall have  
9 been executed by a psychiatrist.

10           (4) Except as otherwise provided in section 455, a clinical  
11 certificate that accompanies a petition shall have been executed  
12 within 72 hours before the filing of the petition, and after  
13 personal examination of the individual.

14           **(5) IF THE INDIVIDUAL IS FOUND NOT TO BE A PERSON REQUIRING**  
15 **TREATMENT UNDER THIS SECTION, THE PETITION AND ANY CLINICAL**  
16 **CERTIFICATE SHALL BE MAINTAINED BY THE COURT AS A CONFIDENTIAL**  
17 **RECORD TO PREVENT DISCLOSURE TO ANY PERSON WHO IS NOT SPECIFICALLY**  
18 **AUTHORIZED UNDER THIS CHAPTER TO RECEIVE NOTICE OF THE PETITION OR**  
19 **CLINICAL CERTIFICATE.**

20           Enacting section 1. This amendatory act takes effect 90 days  
21 after the date it is enacted into law.