

**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.