

HOUSE BILL No. 4793

August 18, 2015, Introduced by Rep. Lucido and referred to the Committee on Judiciary.

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.

9 (3) The petition shall be accompanied by the clinical
10 certificate of a physician or a licensed psychologist, unless after
11 reasonable effort the petitioner could not secure an examination.

1 If a clinical certificate does not accompany the petition, an
2 affidavit setting forth the reasons an examination could not be
3 secured shall also be filed. The petition may also be accompanied
4 by a second clinical certificate. If 2 clinical certificates
5 accompany the petition, at least 1 clinical certificate shall have
6 been executed by a psychiatrist.

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

11 (5) A PETITION AND ANY CLINICAL CERTIFICATE FILED UNDER THIS
12 SECTION SHALL BE MAINTAINED BY THE COURT AS A CONFIDENTIAL RECORD
13 AND IN A MANNER TO PREVENT DISCLOSURE OF THE FILING AND CONTENT OF
14 THE PETITION OR CLINICAL CERTIFICATE TO THE PUBLIC OR ANY PERSON
15 NOT SPECIFICALLY AUTHORIZED UNDER THIS CHAPTER TO RECEIVE NOTICE OF
16 THE PETITION OR CLINICAL CERTIFICATE.

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