

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

330.1281a Involuntary treatment.

Sec. 281a. (1) A court may order involuntary treatment for an individual who is an adult as provided in this section and sections 281b and 281c. This section and sections 281b and 281c do not apply and sections 264 to 268 apply for an individual who is a minor. A court shall not order involuntary treatment for an individual unless all of the following apply to that individual:

(a) The individual has a substance use disorder as verified by a health professional under section 281b.

(b) The individual presents an imminent danger or imminent threat of danger to self, family, or others as a result of the substance use disorder, or a substantial likelihood of the threat of danger in the near future exists.

(c) The individual can reasonably benefit from treatment.

(2) An individual described in this subsection may initiate proceedings for the involuntary treatment of an individual by filing a verified petition in the court and paying a filing fee in the same amount, if any, that is charged for a filing under section 434. A petition and all subsequent documents filed in the court under this subsection must be entitled: "In the interest of (name of respondent)". Any of the following individuals may file a petition under this subsection:

(a) The spouse of the respondent.

(b) A family member of the respondent.

(c) The guardian of the respondent.

(d) A health professional.

(3) A petitioner shall include all of the following in a petition filed under this section:

(a) The petitioner's name and residence address or, if the petitioner is a health professional, his or her business address.

(b) The petitioner's source of authority under subsection (2) to file the petition, including the petitioner's relationship to the respondent.

(c) The respondent's name, residence address, and current location, if known.

(d) The name and residence address of the respondent's parents, if living and if known.

(e) The name and residence address of the respondent's guardian, if any and if known.

(f) The name and residence address of the respondent's spouse, if any and if known.

(g) The name and residence address of the respondent's adult children, if any and if known.

(h) The name and residence address of the individual who has custody of the respondent, if any and if known. If no individual is known under this subdivision, the name and residence address of any other close relative or friend of the respondent, if known.

(i) A description of the facts that lead the petitioner to believe that the respondent has a substance use disorder and presents an imminent danger or imminent threat of danger to self, family, or others as a result of the substance use disorder, or that a substantial likelihood of the threat of danger in the near future exists if the respondent does not receive treatment.

(j) Except as otherwise provided in subdivision (k), a certified statement of a health professional who has examined the respondent within 2 days before the day the petition is filed under this section. A certified statement under this subdivision must include all of the following:

(i) The health professional's findings in support of the need for involuntary treatment.

(ii) The health professional's statement regarding whether the respondent presents an imminent danger or imminent threat of danger to self, family, or others as a result of the substance use disorder, or a substantial likelihood of the threat of danger in the near future exists if the respondent does not receive treatment.

(iii) The health professional's statement regarding whether the respondent can reasonably benefit from treatment.

(iv) The health professional's indication of the type and length of treatment required.

(v) If treatment is indicated under subparagraph (iv), the treatment facilities known to the health professional that are able and willing to provide the recommended treatment. The health professional shall include a disclosure of any ownership interest in or other relationship or affiliation with a facility identified under this subparagraph, if any.

(k) In lieu of a certified statement of a health professional under subdivision (j), a statement that the respondent refused to undergo an examination by a health professional concerning the respondent's possible need for treatment.

(4) A petitioner shall submit with a petition filed under this section the name and address of the person or public or private facility with which the petitioner has arranged for the treatment of the respondent. The petitioner shall include a verification from the person or public or private facility that it has agreed to provide

the treatment and the estimated cost of the treatment. Unless waived by the court for good cause, the petitioner shall submit with the petition a guarantee, signed by the petitioner or another individual authorized to submit a petition for the respondent under this section, obligating the guarantor to pay the costs of the examinations under section 281b(2)(e), the costs of the respondent that are associated with a hearing conducted under section 281b and that are determined appropriate by the court, and the costs of any treatment ordered by the court.

(5) An individual who does any of the following is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$5,000.00, or both:

(a) Furnishes false information for the purpose of obtaining an order of involuntary treatment.

(b) Causes or otherwise secures, or conspires with or assists another to cause or secure, without a reason to believe the respondent has a substance use disorder, an order of involuntary treatment.

(c) Causes, or conspires with or assists another to cause, the denial to any individual a right accorded that individual under this chapter.

History: Add. 2014, Act 200, Imd. Eff. June 24, 2014.