

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

330.1511 Administrative admission; objection.

Sec. 511. (1) Objection may be made to the admission of any administratively admitted resident. An objection may be filed with the court by a person found suitable by the court or by the resident himself or herself if he or she is at least 13 years of age. An objection may be made not more than 30 days after admission of the resident, and may be made subsequently at any 6-month interval following the date of the original objection or, if an original objection was not made, at any 6-month interval following the date of admission.

(2) An objection shall be made in writing, except that if made by the resident, an objection to admission may be communicated to the court or judge of probate and the executive director of the community mental health services program by any means, including but not limited to oral communication or informal letter. If the resident informs the facility that he or she desires to object to the admission, the facility shall assist the resident in submitting his or her objection to the court.

(3) Upon receiving notice of an objection, the court shall schedule a hearing to be held within 7 days, excluding Sundays and holidays. The court shall notify the person who objected, the resident, the person who executed the application, the executive director, and the director of the facility of the time and place of the hearing.

(4) The hearing is governed by sections 517 to 522, including the appointment of counsel and an independent medical or psychological evaluation, that the court considers necessary to ensure that all relevant information is brought to the court's attention, and by this section.

(5) The court shall sustain the objection and order the discharge of the resident if the resident is not in need of the care and treatment that is available at the facility or if an alternative to the care and treatment provided in a facility is available and adequate to meet the resident's needs.

(6) Unless the court sustains the objection and orders the discharge of the resident, the facility may continue to provide residential and other services to the resident.

(7) Unwillingness or inability of the parent, guardian, or person in loco parentis to provide for the resident's management, care, or residence is not grounds for refusing to sustain the objection and order discharge, but in that event the objecting person may, or a person authorized by the court shall, promptly file a petition under section 637 or, if the resident is a juvenile, under section 2 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, to ensure that suitable management, care, or residence is provided.

History: 1974, Act 258, Eff. Nov. 6, 1974;—Am. 1995, Act 290, Eff. Mar. 28, 1996;—Am. 2018, Act 596, Eff. Mar. 28, 2019.