



COMMITMENT HEARINGS (Adult)

[Michigan state law MCL 330.1401](#) says a court can order you to get treatment if you are mentally ill, and:

you tried or threatened to hurt yourself,

or

you tried or threatened to hurt someone else,

or

you cannot take care of yourself (like remembering to eat), or

you do not understand that you need treatment and you might hurt yourself or someone else,

or

you stopped treatment now. The court could order you to start treatment again if you stopped before and ended up in jail, prison or a psychiatric hospital in the past 4 years.

The court can order that you get treatment in a hospital or outside the hospital or both.

If someone believes that you need mental health treatment, the person can write an application or petition. The petition must say why the person thinks you are mentally ill and need treatment. Anyone can write a petition.

When the Probate Court gets a petition, the judge might order you to get an evaluation. The evaluation is to see if you really

need to go into a hospital. If the judge does not think you will go yourself, the judge can order the police to take you.

Usually, you will be evaluated by the Community Mental Health Preadmission Screening Unit. You will be asked to go to their office or to a hospital. The police might also take you there. Evaluations should be done in two hours. [MCL 330.1429\(2\)](#)

Two doctors must agree that you need treatment. They must meet you and write a **Clinical Certificate**. At least one doctor must be a psychiatrist. The other doctor may be a physician or psychologist.

If you go into a hospital, the hospital must make sure there are two Clinical Certificates. If you do not have two Clinical Certificates, then the hospital needs to make sure the doctors see you in 24 hours. If no one evaluates you in 24 hours, then you should be let out of the hospital. [MCL 330.1438](#)

If one doctor does not think you need to be in the hospital, then you also should be let out.

The hospital must give you a copy of the Clinical Certificates and the petition. You should also get information in writing about your rights. [MCL 330.1448](#)

If you agree to stay in the hospital for treatment, you may sign in. This is called a Voluntary Admission. There will be no court order for treatment and you might be released in a short time.

If you change your mind later and want to leave, tell the hospital staff. They should give you a form to sign. This is the **Intention to Terminate Hospitalization** form. If your doctor thinks you can leave, then you should be out in 3 days after they get your form.

If the doctor thinks you need more time in the hospital, the hospital will send a notice to the Probate Court. The Probate Court will set a date for a hearing to decide if you can leave or if you should stay.

If you do not think you need treatment, you have a right to a court hearing. This means that a judge or a jury will decide if you need treatment and if you need to stay in the hospital. [MCL 330.1455 \(2\)](#)

Let the hospital staff know you want a hearing. They will send a notice to the Probate Court. The court will set a date for your hearing. It will send you a notice about the hearing seven (7) days after it gets the papers from the hospital.

In 72 hours (not counting Sundays and holidays), you should meet with a lawyer, a hospital staff and someone from the county CMHSP. You will be told what treatment they think you should get. The lawyer will tell you what your choices are.

One of your choices will be to **defer** your right to go to court. This means you postpone your hearing. You agree to get treatment in the hospital. There is no court order and, sometimes, you only stay a short time. If you change your mind, you can still go to hearing.

Ask to sign a paper called a [Demand for Hearing](#). If your doctor thinks you are ready, then you will be discharged. If the doctor does not think you are ready to leave, the hospital will send the Demand for Hearing to the Probate Court. The court will set a day for a hearing within 7 days after it gets the Demand for Hearing.

You have the right to have a lawyer at a hearing. The court will give you a lawyer or you can hire your own. If you do not

know the names of any other lawyers, contact your local Attorney Referral Service for suggestions.

If you cannot pay for a lawyer, the court will pay for one for you.

Sometimes, a person gets the same lawyer over and over again. If you think it is time to try a different lawyer, you can send a letter to the court asking that it give you another lawyer.

Your lawyer should meet with you at least 24 hours before the hearing. [MCL 330.1454\(7\)](#)

You have the right to a jury trial. A jury is six people who will listen to the facts and decide if you need treatment. If you do not ask for a jury, the judge will decide. Talk with your lawyer about this before you go to hearing. If you ask for a jury, your hearing might be postponed a few weeks. [MCL 330.1458](#)

You have the right to be at your court hearing, to bring witnesses, and to talk for yourself. All this should be planned with your lawyer before you go to court. [MCL 330.1455](#)

You have the right to an independent evaluation. This means that a psychologist or physician who does not work for the hospital would talk with you. This doctor would give a report to the court and your lawyer if he/she thinks you need to be in the hospital. You can pick the doctor or have the court find one. The court will pay the doctor if you cannot. If you ask for an independent evaluation, your hearing might be postponed until it is done. [MCL 330.1463](#)

You have the right to have the court look at alternatives to hospitalization before making a decision. At the hearing, the court must get a [report](#) about any programs outside the hospital that might help you. If there is a program and you agree, the court can order you to get treatment at that program instead of in the hospital. [MCL 330.1469a](#)

The court must look at any advance directive, Power of Attorney document or treatment plan. If there is a conflict, then the court should order another doctor to see if there is a way to solve the problem. [MCL 330.1469a \(4\), \(5\)](#)

You have the right to appeal a court order. If you think the Probate Court did not follow the law, you can **appeal** to the Circuit Court. You only have 21 days to appeal. You must write a letter to the Circuit Court within 21 days after your court hearing.

Your lawyer might help you do the appeal. If not, ask your lawyer how to get someone else to help you or ask the Circuit Court.

This is a summary of the current laws. It is not a substitute for legal advice. For more information, talk with your lawyer or call Michigan Protection & Advocacy Service, Inc. at 1-800-288-5923 or 517-487-1755.

Permission to copy this information is granted provided credit is given to Michigan Protection & Advocacy Service, Inc.