

DISCHARGE from a Psychiatric Hospital - Adults

When you go into the hospital, the treatment team should work with you to plan your treatment. This is the **treatment plan**. There will be goals in your plan. When you reach these goals, you should be **discharged** and leave the hospital.

Your treatment plan should say where you will go when you leave, what services you will need and what agency will give you those services. If a community mental health agency will be helping you when you leave, they should also meet with you to plan your discharge. The plans might change, but discharge planning should always be part of your treatment plan.

If you think you do not need to be in the hospital any more, talk with your treatment team and explain why you do not need the hospital. Tell them you want to be discharged. If they do not agree, ask them for their reasons.

If you do not agree with their reasons:

Voluntary admission - This means you went into the hospital without any court order. Ask the staff for an **Intention to Terminate Hospitalization** form. This form tells the treatment team that you want to leave in three days. If the treatment team thinks you still need the hospital, they must send a notice to the Probate court by the end of those three days for a hearing.

Involuntary Admission – This means you were ordered to go into the hospital. You went to a hearing, or you postponed (deferred) the hearing, or you already had a court order and you were returned to the hospital.

If you have a court order for 60 or 90 days treatment, there is not much more you can do. You can get out early only if the treatment team decides you are ready to leave early.

If you have a court order for one year - alternative (ATO) or combined or assisted out-patient (AOT): You can ask the court for a hearing every

six (6) months. The treatment team must send a report to the court every 6 months about you. You should get a copy. At that time, you may sign a **Petition for Discharge** form and send it to the court.

You must send the petition to the court in 7 days after you get a copy of the report (not counting Sunday or holidays). If you send it late, you will lose your chance to have a hearing.

This asks the court for a hearing to see if you really still need to be in the hospital. If you cannot pay for a lawyer, ask the court to give you one. Write this on the form you send.

If you were returned to the hospital: You can appeal or object. You should get a notice from the court saying you can do this. Sign the court form and send it back in 7 days. If you do not get this form, ask for it.

If you deferred your hearing, you can go to court anytime you think you are ready to leave. Tell the staff that you want to go to court. You will need to sign a paper called a **Demand for Hearing**.

The Court Hearing

The Probate Court will schedule a hearing within seven (7) days after it gets a Petition for Discharge or Demand for Hearing. You will get a letter with the time and date of the hearing.

You have the right to have a lawyer at the hearing. The lawyer should meet with you at least 24 hours before the hearing. If you cannot pay for a lawyer, the court will pay for one for you. If you do not know any lawyers, the court will find one for you. You also can contact your local Attorney Referral Service for names. Ask for a lawyer who will do a commitment hearing.

You have the right to be at the hearing. If you do not think you need to be in a hospital, we suggest that you go to the hearing. You have a better chance to get discharged if you go to court.

Waive your rights? This means you will not go to court. Not a good idea if you want a chance to get out. If you waive your rights, the court will usually write the order for you to stay in the hospital.

You have the right to a jury trial. A jury is six people who will listen to the facts and decide if you should be in the hospital. If you ask for a jury, your hearing might be postponed until a jury can be picked. You should talk with your lawyer about this before the hearing.

You have the right to bring witnesses, and talk for yourself at the hearing. All this should be planned with your lawyer before you go to court.

You have the right to an independent evaluation. This means that a psychologist or psychiatrist who does not work for the hospital would talk with you. This person would then tell the court if he or she thinks you need to be in the hospital. You can pick your own 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 this is done. Again, talk with your lawyer before you go to court.

At the hearing, the judge or jury will listen to all reports.

A doctor from the hospital should be in court. The only time a doctor does not need to be in court is if he or she gave your lawyer a **deposition**.

The judge also should ask for a report from your Community Mental Health agency. This report will tell the judge if there is a program outside the hospital that can help you. If there is a program and you agree to go to it, then the judge should not order you to stay in the hospital.

You have the right to appeal the court order. If you think your rights in the hearing were ignored, you can appeal. You must write a letter to the Circuit Court within 21 days after your court hearing.

If your lawyer cannot help, ask how to get someone else to help you. You can also ask the circuit court to give you someone to help you. The court does not have to do this, but it might.

This information is not a substitute for legal advice. If you have other questions about your rights, please talk with your lawyer or call Michigan Protection & Advocacy Service at 1-800-288-5923 (free) or 517-487-1755 (collect).

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