

SUBSTITUTE FOR
HOUSE BILL NO. 4414

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 100d, 281c, 282, 408, 409, 426, 427a, 427b,
429, 436, 438, 469a, 498k, 498t, 516, 519, and 537 (MCL 330.1100d,
330.1281c, 330.1282, 330.1408, 330.1409, 330.1426, 330.1427a,
330.1427b, 330.1429, 330.1436, 330.1438, 330.1469a, 330.1498k,
330.1498t, 330.1516, 330.1519, and 330.1537), as amended by 2022 PA
146.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 100d. (1) "Security transport officer" means an officer
2 employed by a private security company under contract with a county
3 under section 170.

4 (2) "Service" means a mental health service or a substance use

1 disorder service.

2 (3) "Serious emotional disturbance" means a diagnosable
3 mental, behavioral, or emotional disorder affecting a minor that
4 exists or has existed during the past year for a period of time
5 sufficient to meet diagnostic criteria specified in the most recent
6 Diagnostic and Statistical Manual of Mental Disorders published by
7 the American Psychiatric Association and approved by the department
8 and that has resulted in functional impairment that substantially
9 interferes with or limits the minor's role or functioning in
10 family, school, or community activities. The following disorders
11 are included only if they occur in conjunction with another
12 diagnosable serious emotional disturbance:

13 (a) A substance use disorder.

14 (b) A developmental disorder.

15 (c) "V" codes in the Diagnostic and Statistical Manual of
16 Mental Disorders.

17 (4) "Serious mental illness" means a diagnosable mental,
18 behavioral, or emotional disorder affecting an adult that exists or
19 has existed within the past year for a period of time sufficient to
20 meet diagnostic criteria specified in the most recent Diagnostic
21 and Statistical Manual of Mental Disorders published by the
22 American Psychiatric Association and approved by the department and
23 that has resulted in functional impairment that substantially
24 interferes with or limits 1 or more major life activities. Serious
25 mental illness includes dementia with delusions, dementia with
26 depressed mood, and dementia with behavioral disturbance. ~~but~~
27 **Serious mental illness** does not include any other dementia unless
28 the dementia occurs in conjunction with another diagnosable serious
29 mental illness. The following disorders also are included only if

1 they occur in conjunction with another diagnosable serious mental
2 illness:

3 (a) A substance use disorder.

4 (b) A developmental disorder.

5 (c) A "V" code in the Diagnostic and Statistical Manual of
6 Mental Disorders.

7 (5) "Special compensation" means payment to an adult foster
8 care facility to ensure the provision of a specialized program in
9 addition to the basic payment for adult foster care. Special
10 compensation does not include payment received directly from the
11 Medicaid program for personal care services for a resident, or
12 payment received under the supplemental security income program.

13 (6) "Specialized program" means a program of services,
14 supports, or treatment that are provided in an adult foster care
15 facility to meet the unique programmatic needs of individuals with
16 serious mental illness or developmental disability as set forth in
17 the resident's individual plan of services and for which the adult
18 foster care facility receives special compensation.

19 (7) "Specialized residential service" means a combination of
20 residential care and mental health services that are expressly
21 designed to provide rehabilitation and therapy to a recipient, that
22 are provided in the recipient's residence, and that are part of a
23 comprehensive individual plan of services.

24 (8) "State administered funds" means revenues appropriated by
25 the legislature exclusively for the purposes provided for in regard
26 to substance use disorder services and prevention.

27 (9) "State facility" means a center or a hospital operated by
28 the department.

29 (10) "State recipient rights advisory committee" means a

1 committee appointed by the director under section 756 to advise the
2 director and the director of the department's office of recipient
3 rights.

4 (11) "Substance abuse" means the taking of alcohol or other
5 drugs at dosages that place an individual's social, economic,
6 psychological, and physical welfare in potential hazard or to the
7 extent that an individual loses the power of self-control as a
8 result of the use of alcohol or drugs, or while habitually under
9 the influence of alcohol or drugs, endangers public health, morals,
10 safety, or welfare, or a combination thereof.

11 (12) "Substance use disorder" means chronic disorder in which
12 repeated use of alcohol, drugs, or both, results in significant and
13 adverse consequences. Substance use disorder includes substance
14 abuse.

15 (13) "Substance use disorder prevention services" means
16 services that are intended to reduce the consequences of substance
17 use disorders in communities by preventing or delaying the onset of
18 substance abuse and that are intended to reduce the progression of
19 substance use disorders in individuals. Substance use disorder
20 prevention is an ordered set of steps that promotes individual,
21 family, and community health, prevents mental and behavioral
22 disorders, supports resilience and recovery, and reinforces
23 treatment principles to prevent relapse.

24 (14) "Substance use disorder treatment and rehabilitation
25 services" means providing identifiable recovery-oriented services
26 including the following:

27 (a) Early intervention and crisis intervention counseling
28 services for individuals who are current or former individuals with
29 substance use disorder.

1 (b) Referral services for individuals with substance use
2 disorder, their families, and the general public.

3 (c) Planned treatment services, including chemotherapy,
4 counseling, or rehabilitation for individuals physiologically or
5 psychologically dependent upon or abusing alcohol or drugs.

6 (15) "Supplemental security income" means the program
7 authorized under title XVI of the social security act, 42 USC 1381
8 to 1383f.

9 (16) "Telemedicine" means the use of an electronic media to
10 link patients with health care professionals in different
11 locations. To be considered telemedicine under this section, the
12 health care professional must be able to examine the patient via a
13 health insurance portability and accountability act of 1996, Public
14 Law 104-191 compliant, secure interactive audio or video, or both,
15 telecommunications system, or through the use of store and forward
16 online messaging.

17 (17) "Transfer facility" means a facility selected by the
18 department-designated community mental health entity, which
19 facility is physically located in a jail or lockup and is staffed
20 by at least 1 designated representative when in use according to
21 chapter 2A.

22 (18) "Transition services" means a coordinated set of
23 activities for a special education student designed within an
24 outcome-oriented process that promotes movement from school to
25 postschool activities, including postsecondary education,
26 vocational training, integrated employment including supported
27 employment, continuing and adult education, adult services,
28 independent living, or community participation.

29 (19) "Treatment" means care, diagnostic, and therapeutic

1 services, including administration of drugs, and any other service
2 for treatment of an individual's serious mental illness, serious
3 emotional disturbance, or substance use disorder.

4 (20) "Urgent situation" means a situation in which an
5 individual is determined to be at risk of experiencing an emergency
6 situation in the near future if he or she does not receive care,
7 treatment, or support services.

8 (21) "Wraparound services" means an individually designed set
9 of services provided to minors with serious emotional disturbance
10 or serious mental illness and their families that includes
11 treatment services and personal support services or any other
12 supports necessary to foster education preparedness, employability,
13 and preservation of the child in the family home. Wraparound
14 services are to be developed through an interagency collaborative
15 approach and a minor's parent or guardian and a minor age 14 or
16 older are to participate in planning the services.

17 Sec. 281c. (1) Following an examination by a health
18 professional under section 281b and a certification by that health
19 professional that the requirements of section 281a(1) are met, a
20 court may order the respondent held for treatment for a period not
21 to exceed 72 hours if the court finds by clear and convincing
22 evidence that the person presents an imminent danger or imminent
23 threat of danger to self, family, or others as a result of a
24 substance use disorder. If the hearing to be held under section
25 281b will not be held within that 72-hour period, the court may
26 order the respondent held for treatment until the hearing. In
27 making its order, the court ~~shall~~**must** inform the respondent that
28 the respondent may immediately make a reasonable number of
29 telephone calls or use other reasonable means to contact an

1 attorney, a physician, or a health professional; to contact any
2 other person to secure representation by counsel; or to obtain
3 medical or psychological assistance and that the respondent will be
4 provided assistance in making calls if the assistance is needed and
5 requested.

6 (2) A program in which a respondent is being held under
7 subsection (1) must release the respondent from the program
8 immediately upon the expiration of the time period established by
9 the court for the treatment under subsection (1). If determined
10 appropriate by the court with the assistance of health
11 professionals, a respondent may be transferred from a more-
12 restrictive program setting to a less-restrictive program setting
13 for the treatment ordered under this section.

14 (3) A respondent ordered held under this section shall not be
15 held in jail pending transportation to the program or evaluation
16 unless the court previously has found the respondent to be in
17 contempt of court for either failure to undergo treatment or
18 failure to appear at the examination ordered under section 281b.

19 (4) If a court is authorized to issue an order that the
20 respondent be transported to a program, the court may issue a
21 summons. If the respondent fails to attend an examination scheduled
22 before the hearing under section 281b, the court shall issue a
23 summons. The court shall direct a summons issued to the respondent
24 and shall command the respondent to appear at a time and place
25 specified in the summons. If the respondent who has been summoned
26 fails to appear at the program or the examination, the court may
27 order a peace officer to take the respondent into protective
28 custody. After the respondent is taken into protective custody, a
29 peace officer or security transport officer shall transport the

1 respondent to a program on the list provided under subsection (5)
2 for treatment. The transportation costs of the peace officer or
3 security transport officer must be included in the costs of
4 treatment for substance use disorder to be paid as provided in
5 section 281a(4).

6 (5) A department-designated community mental health entity on
7 at least an annual basis must submit each of the following lists to
8 the clerk of the court in each county served by the department-
9 designated community mental health entity:

10 (a) A list of all programs in the counties served by the
11 department-designated community mental health entity that are able
12 and willing to take respondents ordered held for treatment under
13 subsection (1).

14 (b) A list of programs and health professionals in the
15 counties served by the department-designated community mental
16 health entity that are able and willing to provide treatment for a
17 substance use disorder that is ordered under section 281b.

18 Sec. 282. (1) A peace officer, security transport officer,
19 member of the emergency service unit, or staff member of an
20 approved service program or an emergency medical service who acts
21 in compliance with sections 276 to 286 is acting in the course of
22 ~~his or her~~ **their** official duty and is not criminally or civilly
23 liable as a result.

24 (2) Subsection (1) does not apply to a peace officer, security
25 transport officer, member of the emergency service unit, or staff
26 member of an approved service program or an emergency medical
27 service who, while acting in compliance with sections 276 to 286,
28 engages in behavior involving gross negligence or willful or wanton
29 misconduct.

1 (3) Approved service programs, staff of approved service
2 programs, emergency medical services, staff of emergency medical
3 services, peace officers, security transport officers, and
4 emergency service units are not criminally or civilly liable for
5 the subsequent actions of the apparently incapacitated individual
6 who leaves the approved service program or emergency medical
7 service.

8 Sec. 408. (1) An individual is subject to being returned to a
9 hospital if both of the following circumstances exist:

10 (a) The individual was admitted to the hospital by judicial
11 order.

12 (b) The individual has left the hospital without
13 authorization, or has refused a lawful request to return to the
14 hospital while on an authorized leave or other authorized absence
15 from the hospital.

16 (2) The hospital director may notify **a** peace ~~officers~~**officer**
17 or **a** security transport ~~officers~~**officer** that an individual is
18 subject to being returned to the hospital. Upon notification by the
19 hospital director, a peace officer must take the individual into
20 protective custody. After the individual is taken into protective
21 custody, a police officer or security transport officer must
22 transport the individual to a hospital.

23 (3) An opportunity for appeal, and notice of that opportunity,
24 must be provided to an individual who objects to being returned
25 from any authorized leave in excess of 10 days.

26 Sec. 409. (1) Each community mental health services program
27 ~~shall~~**must** establish 1 or more preadmission screening units with
28 24-hour availability to provide assessment and screening services
29 for individuals being considered for admission into hospitals,

1 assisted outpatient treatment programs, or crisis services on a
2 voluntary basis. The community mental health services program shall
3 employ mental health professionals or licensed bachelor's social
4 workers licensed under part 185 of the public health code, 1978 PA
5 368, MCL 333.18501 to 333.18518, to provide the preadmission
6 screening services or contract with another agency that meets the
7 requirements of this section. Preadmission screening unit staff
8 shall be supervised by a registered professional nurse or other
9 mental health professional possessing at least a master's degree.

10 (2) Each community mental health services program shall
11 provide the address and telephone number of its preadmission
12 screening unit or units to law enforcement agencies, the
13 department, the court, hospital emergency rooms, and private
14 security companies under contract with a county under section 170.

15 (3) A preadmission screening unit shall assess an individual
16 being considered for admission into a hospital operated by the
17 department or under contract with the community mental health
18 services program. If the individual is clinically suitable for
19 hospitalization, the preadmission screening unit shall authorize
20 voluntary admission to the hospital.

21 (4) If the preadmission screening unit of the community mental
22 health services program denies hospitalization, the individual or
23 the person making the application may request a second opinion from
24 the executive director. The executive director shall arrange for an
25 additional evaluation by a psychiatrist, other physician, or
26 licensed psychologist to be performed within 3 days, excluding
27 Sundays and legal holidays, after the executive director receives
28 the request. If the conclusion of the second opinion is different
29 from the conclusion of the preadmission screening unit, the

1 executive director, in conjunction with the medical director, shall
2 make a decision based on all clinical information available. The
3 executive director's decision shall be confirmed in writing to the
4 individual who requested the second opinion, and the confirming
5 document shall include the signatures of the executive director and
6 medical director or verification that the decision was made in
7 conjunction with the medical director. If an individual is assessed
8 and found not to be clinically suitable for hospitalization, the
9 preadmission screening unit shall provide appropriate referral
10 services.

11 (5) If an individual is assessed and found not to be
12 clinically suitable for hospitalization, the preadmission screening
13 unit shall provide information regarding alternative services and
14 the availability of those services, and make appropriate referrals.

15 (6) A preadmission screening unit shall assess and examine, or
16 refer to a hospital for examination, an individual who is brought
17 to the preadmission screening unit by a peace officer or security
18 transport officer or ordered by a court to be examined. If the
19 individual meets the requirements for hospitalization, the
20 preadmission screening unit shall designate the hospital to which
21 the individual shall be admitted. The preadmission screening unit
22 shall consult with the individual and, if the individual agrees,
23 the preadmission screening unit must consult with the individual's
24 family member of choice, if available, as to the preferred hospital
25 for admission of the individual.

26 (7) A preadmission screening unit may operate a crisis
27 stabilization unit under chapter 9A. A preadmission screening unit
28 may provide crisis services to an individual, who by assessment and
29 screening, is found to be a person requiring treatment. Crisis

1 services at a crisis stabilization unit must entail an initial
2 psychosocial assessment by a master's level mental health
3 professional and a psychiatric evaluation within 24 hours to
4 stabilize the individual. In this event, crisis services may be
5 provided for a period of up to 72 hours, after which the individual
6 must be provided with the clinically appropriate level of care,
7 resulting in 1 of the following:

8 (a) The individual is no longer a person requiring treatment.

9 (b) A referral to outpatient services for aftercare treatment.

10 (c) A referral to a partial hospitalization program.

11 (d) A referral to a residential treatment center, including
12 crisis residential services.

13 (e) A referral to an inpatient bed.

14 (f) An order for involuntary treatment of the individual has
15 been issued under section 281b, 281c, former 433, or 434.

16 (8) A preadmission screening unit operating a crisis
17 stabilization unit under chapter 9A may also offer crisis services
18 to an individual who is not a person requiring treatment, but who
19 is seeking crisis services on a voluntary basis.

20 (9) If the individual chooses a hospital not under contract
21 with a community mental health services program, and the hospital
22 agrees to the admission, the preadmission screening unit shall
23 refer the individual to the hospital that is requested by the
24 individual. Any financial obligation for the services provided by
25 the hospital shall be satisfied from funding sources other than the
26 community mental health services program, the department, or other
27 state or county funding.

28 Sec. 426. Upon delivery to a peace officer of a petition and a
29 physician's or licensed psychologist's clinical certificate, the

1 peace officer ~~shall~~**must** take the individual named in the petition
2 into protective custody and transport the individual immediately to
3 the preadmission screening unit or hospital designated by the
4 community mental health services program for hospitalization under
5 section 423. If the individual taken to a preadmission screening
6 unit meets the requirements for hospitalization, then unless the
7 community mental health services program makes other transportation
8 arrangements, the peace officer must take the individual to a
9 hospital designated by the community mental health services
10 program. The community mental health services program may arrange
11 for a security transport officer to transport the individual to the
12 hospital. Transportation to another hospital due to a transfer is
13 the responsibility of the community mental health services program.

14 Sec. 427a. (1) If a peace officer is taking an individual into
15 protective custody, the peace officer may use that kind and degree
16 of force that would be lawful if the peace officer were effecting
17 an arrest for a misdemeanor without a warrant. In taking an
18 individual into custody, a peace officer may take reasonable steps
19 for self-protection. In transporting an individual, a security
20 transport officer may take reasonable steps for self-protection.
21 The protective steps may include a pat down search of the
22 individual in the individual's immediate surroundings, but only to
23 the extent necessary to discover and seize a dangerous weapon that
24 may be used against the peace officer, security transport officer,
25 or other ~~person~~**individual** present. These protective steps must be
26 taken by the peace officer or security transport officer before the
27 individual is transported to a preadmission screening unit or a
28 hospital designated by the community mental health services
29 program.

1 (2) Taking an individual to a community mental health services
2 program's preadmission screening unit or a hospital under section
3 427 by a peace officer is not an arrest, but is a taking into
4 protective custody. The peace officer must inform the individual
5 that he or she is being held in protective custody and is not under
6 arrest. An entry must be made indicating the date, time, and place
7 of the taking, but the entry must not be treated for any purpose as
8 an arrest or criminal record.

9 Sec. 427b. (1) A peace officer or security transport officer
10 acting under this act has the same immunity provided for a
11 governmental employee under section 7 of 1964 PA 170, MCL 691.1407.

12 (2) Neither a county nor a county mental health transportation
13 panel is civilly liable for an act or omission of a security
14 transport officer or a private security company contracted with a
15 county under section ~~179~~.170.

16 Sec. 429. (1) A hospital designated under section 422 shall
17 receive and detain an individual presented for examination under
18 section 426, 427, 435, 436, or 438, for not more than 24 hours.
19 During that time the individual ~~shall~~**must** be examined by a
20 physician or a licensed psychologist unless a clinical certificate
21 has already been presented to the hospital. If the examining
22 physician or psychologist does not certify that the individual is a
23 person requiring treatment, the individual shall be released
24 immediately. If the examining physician or psychologist executes a
25 clinical certificate, the individual may be hospitalized under
26 section 423.

27 (2) If a preadmission screening unit provides an examination
28 under section 409, 410, or 427, the examination shall be conducted
29 as soon as possible after the individual arrives at the

1 preadmission screening site, and the examination must be completed
2 within 2 hours, unless there are documented medical reasons why the
3 examination cannot be completed within that time frame or other
4 arrangements are agreed upon by the peace officer or security
5 transport officer and the preadmission screening unit.

6 Sec. 436. (1) If it appears to the court that the individual
7 will not comply with an order of examination under section 435, the
8 court may order a peace officer to take the individual into
9 protective custody. After the individual is taken into protective
10 custody, a peace officer or security transport officer ~~shall~~**must**
11 transport ~~him or her~~**the individual** to a preadmission screening
12 unit or hospital designated by the community mental health services
13 program or to another suitable place for the ordered examination or
14 examinations.

15 (2) A court order for a peace officer to take an individual
16 into protective custody and transport the individual as described
17 in subsection (1) must be executed within 10 days after the court
18 enters the order. If the order is not executed within 10 days after
19 the court enters the order, the law enforcement agency must report
20 to the court the reason the order was not executed within the
21 prescribed time period.

22 (3) Following the filing of a petition for assisted outpatient
23 treatment, if it comes to the court's attention that the individual
24 will not make ~~himself or herself~~**themselves** available for an
25 evaluation, the court may order a peace officer to take the
26 individual into protective custody. After the individual is taken
27 into protective custody, a peace officer or security transport
28 officer shall transport the individual to the designated
29 preadmission screening unit or hospital. The court must be

1 satisfied that reasonable effort was made to secure an examination
2 before the court orders an individual to be taken into protective
3 custody and transported for an evaluation. At the time the
4 individual arrives at the preadmission screening unit or hospital,
5 the preadmission screening unit or hospital must complete an
6 assessment that includes an examination upon the arrival of the
7 individual and release the individual following the conclusion of
8 the examination unless the medical professional who examines the
9 individual finds the need for immediate hospitalization. If
10 immediate hospitalization is necessary, the director must file a
11 petition, accompanied by 2 clinical certificates, with the probate
12 court within 24 hours after the medical professional's finding. The
13 petition must request involuntary hospitalization and may request a
14 combination of hospitalization and assisted outpatient treatment.
15 The court must set a hearing in accordance with section 452(1).

16 Sec. 438. If it appears to the court that the individual
17 requires immediate assessment because the individual presents a
18 substantial risk of significant physical or mental harm to ~~himself~~
19 ~~or herself~~ **themselves** in the near future or presents a substantial
20 risk of significant physical harm to others in the near future, the
21 court may order the individual hospitalized and may order a peace
22 officer to take the individual into protective custody and
23 transport the individual to a preadmission screening unit
24 designated by the community mental health services program. After
25 the individual is taken into protective custody by a peace officer,
26 the court may, also, order a security transport officer to
27 transport the individual to a preadmission screening unit
28 designated by the community mental health services program. If the
29 preadmission screening unit authorizes hospitalization, the peace

1 officer or security transport officer must transport the individual
2 to a hospital designated by the community mental health services
3 program, unless other arrangements are provided by the preadmission
4 screening unit. If the examinations and clinical certificates of
5 the psychiatrist, and the physician or the licensed psychologist,
6 are not completed within 24 hours after hospitalization, the
7 individual must be released.

8 Sec. 469a. (1) Except for a petition filed as described under
9 section 434(7), before ordering a course of treatment for an
10 individual found to be a person requiring treatment, the court
11 ~~shall~~**must** review a report on alternatives to hospitalization that
12 was prepared under section 453a not more than 15 days before the
13 court issues the order. After reviewing the report, the court shall
14 do all of the following:

15 (a) Determine whether a treatment program that is an
16 alternative to hospitalization or that follows an initial period of
17 hospitalization is adequate to meet the individual's treatment
18 needs and is sufficient to prevent harm that the individual may
19 inflict upon himself or herself or upon others within the near
20 future.

21 (b) Determine whether there is an agency or mental health
22 professional available to supervise the individual's treatment
23 program.

24 (c) Inquire as to the individual's desires regarding
25 alternatives to hospitalization.

26 (2) If the court determines that there is a treatment program
27 that is an alternative to hospitalization that is adequate to meet
28 the individual's treatment needs and prevent harm that the
29 individual may inflict upon himself or herself or upon others

1 within the near future and that an agency or mental health
2 professional is available to supervise the program, the court shall
3 issue an order for assisted outpatient treatment or combined
4 hospitalization and assisted outpatient treatment in accordance
5 with section 472a. The order shall state the community mental
6 health services program or, if private arrangements have been made
7 for the reimbursement of mental health treatment services in an
8 alternative setting, the name of the mental health agency or
9 professional that is directed to supervise the individual's
10 assisted outpatient treatment program. The order may provide that
11 if an individual refuses to comply with a psychiatrist's order to
12 return to the hospital, a peace officer must take the individual
13 into protective custody. After the individual is taken into
14 protective custody by a peace officer, a peace officer or a
15 security transport officer shall transport the individual to the
16 hospital selected.

17 (3) If the court orders assisted outpatient treatment as the
18 alternative to hospitalization, the order must be consistent with
19 the provisions of section 468(2)(d).

20 Sec. 498k. (1) If a minor who has been admitted to a hospital
21 under this chapter leaves the hospital without the knowledge and
22 permission of the appropriate hospital staff, the hospital must
23 immediately notify the minor's parent, guardian, or person in loco
24 parentis, the executive director if appropriate, and the
25 appropriate police agency.

26 (2) If a minor has left a hospital without the knowledge and
27 permission of the appropriate hospital staff or has refused a
28 request to return to the hospital while on an authorized absence
29 from the hospital, and the hospital director believes that the

1 minor should be returned to the hospital, the hospital director
2 must request that the minor's parent, guardian, or person in loco
3 parentis transport the minor to the hospital. If the parent,
4 guardian, or person in loco parentis is unable, after reasonable
5 effort, to transport the minor, a request may be submitted to the
6 court for an order to transport the minor. If the court is
7 satisfied that a reasonable effort was made to transport the minor,
8 the court ~~shall~~**must** order a peace officer to take the minor into
9 protective custody. After the minor is taken into protective
10 custody, a peace officer or a security transport officer shall
11 transport the minor to the hospital.

12 (3) An opportunity for appeal, and notice of that opportunity,
13 shall be provided to any minor and to the parent or guardian of any
14 minor who is returned over the minor's objection from any
15 authorized leave in excess of 10 days. In the case of a minor less
16 than 14 years of age, the appeal shall be made by the parent or
17 guardian of the minor or person in loco parentis.

18 Sec. 498t. If a person who requests hospitalization of a minor
19 under section 498d or 498h is unable, after reasonable efforts, to
20 transport the minor for the evaluation required by section 498e, a
21 request may be submitted to the court for an order to transport the
22 minor. If the court is satisfied that a reasonable effort was made
23 by the person requesting hospitalization to transport the minor for
24 evaluation, the court ~~shall~~**must** order a peace officer to take the
25 minor into protective custody. After the minor is taken into
26 protective custody, a peace officer or a security transport officer
27 ~~shall~~**must** transport the minor immediately to the evaluation site,
28 and if necessary, from the evaluation site to the hospital for
29 admission. The person requesting the transport order must meet the

1 minor at the evaluation site and remain with the minor for the
2 duration of the evaluation.

3 Sec. 516. (1) Any person found suitable by the court may file
4 with the court a petition that asserts that an individual meets the
5 criteria for treatment specified in section 515.

6 (2) The petition ~~shall~~**must** contain the alleged facts that are
7 the basis for the assertion, the names and addresses, if known, of
8 any witnesses to alleged and relevant facts, and if known the name
9 and address of the nearest relative or guardian of the individual.

10 (3) If the petition appears on its face to be sufficient, the
11 court shall order that the individual be examined and a report be
12 prepared. To this end, the court shall appoint a qualified person
13 who may but need not be an employee of the community mental health
14 services program or the court to arrange for the examination, to
15 prepare the report, and to file it with the court.

16 (4) If it appears to the court that the individual will not
17 comply with an order of examination under subsection (3), the court
18 may order a peace officer to take the individual into protective
19 custody. After the individual is taken into protective custody, a
20 peace officer or a security transport officer shall transport him
21 or her immediately to a facility recommended by the community
22 mental health services program or other suitable place designated
23 by the community mental health services program for up to 48 hours
24 for the ordered examination.

25 (5) After examination, the individual shall be allowed to
26 return home unless it appears to the court that he or she requires
27 immediate admission to the community mental health services
28 program's recommended facility in order to prevent physical harm to
29 himself, herself, or others pending a hearing, in which case the

1 court shall enter an order to that effect. If an individual is
2 ordered admitted under this subsection, not later than 12 hours
3 after he or she is admitted the facility shall provide him or her
4 with a copy of the petition, a copy of the report, and a written
5 statement in simple terms explaining the individual's rights to a
6 hearing under section 517, to be present at the hearing and to be
7 represented by legal counsel, if 1 physician and 1 licensed
8 psychologist or 2 physicians conclude that the individual meets the
9 criteria for treatment.

10 (6) The report required by subsection (3) shall contain all of
11 the following:

12 (a) Evaluations of the individual's mental, physical, social,
13 and educational condition.

14 (b) A conclusion as to whether the individual meets the
15 criteria for treatment specified in section 515.

16 (c) A list of available forms of care and treatment that may
17 serve as an alternative to admission to a facility.

18 (d) A recommendation as to the most appropriate living
19 arrangement for the individual in terms of type and location of
20 living arrangement and the availability of requisite support
21 services.

22 (e) The signatures of 1 physician and 1 licensed psychologist
23 or 2 physicians who performed examinations serving in part as the
24 basis of the report.

25 (7) A copy of the report required under subsection (3) shall
26 be sent to the court immediately upon completion.

27 (8) The petition shall be dismissed by the court unless 1
28 physician and 1 licensed psychologist or 2 physicians conclude, and
29 that conclusion is stated in the report, that the individual meets

1 the criteria for treatment.

2 (9) An individual whose admission was ordered under subsection
3 (5) is entitled to a hearing in accordance with section 517.

4 Sec. 519. (1) Before making an order of disposition under
5 section 518(2), the court ~~shall~~**must** consider ordering a course of
6 care and treatment that is an alternative to admission to a
7 facility. To that end, the court shall review the report submitted
8 to the court under section 516(3), specifically reviewing
9 alternatives and recommendations as provided under section
10 516(6) (c) and (d).

11 (2) If the court finds that a program of care and treatment
12 other than admission to a facility is adequate to meet the
13 individual's care and treatment needs and is sufficient to prevent
14 harm or injury that the individual may inflict upon himself,
15 herself, or others, the court shall order the individual to receive
16 whatever care and treatment is appropriate under section 518(2) (c).

17 (3) If at the end of 1 year it is believed that the individual
18 continues to meet the criteria for treatment, a new petition may be
19 filed under section 516.

20 (4) If at any time during the 1-year period it comes to the
21 attention of the court either that an individual ordered to undergo
22 a program of alternative care and treatment is not complying with
23 the order or that the alternative care and treatment has not been
24 sufficient to prevent harm or injuries that the individual may be
25 inflicting upon himself, herself, or others, the court may without
26 a hearing and based upon the record and other available information
27 do either of the following:

28 (a) Consider other alternatives to admission to a facility,
29 modify its original order, and direct the individual to undergo

1 another outpatient program of alternative care and treatment for
2 the remainder of the 1-year period.

3 (b) Enter a new order under section 518(2)(a) or (b) directing
4 that the individual be admitted to a facility recommended by the
5 community mental health services program. If the individual refuses
6 to comply with this order, the court may direct a peace officer to
7 take the individual into protective custody. After the individual
8 is taken into protective custody, a peace officer or a security
9 transport officer shall transport him or her to the facility
10 recommended by the community mental health services program.

11 Sec. 537. (1) An individual is subject to being returned to a
12 facility if both of the following are true:

13 (a) The individual was admitted to a facility on an
14 application executed by someone other than ~~himself or herself~~
15 **themselves** or by judicial order.

16 (b) The individual has left the facility without
17 authorization, or has refused a lawful request to return to the
18 facility while on an authorized leave or other authorized absence
19 from the facility.

20 (2) The facility may notify a peace officer that an individual
21 is subject to being returned to the facility. Upon notification, a
22 peace officer ~~shall~~**must** take the individual into protective
23 custody. After the individual is taken into protective custody, a
24 peace officer or a security transport officer ~~shall~~**must** return him
25 or her to the facility unless contrary directions have been given
26 by the facility or the responsible community mental health services
27 program.

28 (3) An opportunity for appeal must be provided to any
29 individual returned over ~~his or her~~**their** objection from any

1 authorized leave in excess of 10 days, and the individual ~~shall~~
2 **must** be notified of ~~his or her~~ **the** right to appeal. In the case of
3 a child less than 13 years of age, the appeal ~~shall~~ **must** be made by
4 ~~his or her~~ **the child's** parent or guardian.