

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.1099e Admission to juvenile mental health court; preadmission screening; confidentiality of information obtained from preadmission screening and assessment; criminal history contained in L.E.I.N.

Sec. 1099e. (1) Each juvenile mental health court shall determine whether a juvenile may be admitted. No juvenile has a right to be admitted into a juvenile mental health court. Admission into a juvenile mental health court program is at the discretion of the court based on the juvenile's legal and clinical eligibility. A court has the discretion to consider a juvenile's prior participation or completion status in a juvenile mental health court. A juvenile may be admitted to juvenile mental health court, regardless of prior participation or prior completion status. However, a violent offender must not be admitted into juvenile mental health court.

(2) Admission to a juvenile mental health court does not disqualify a juvenile for any other dispositional options available under state law or court rule.

(3) To be admitted to a juvenile mental health court, a juvenile shall cooperate with and complete a preadmission screening and assessment and shall submit to any future assessment as directed by the juvenile mental health court. A preadmission screening and assessment must include all of the following:

(a) A review of the juvenile's delinquency history. A review of the law enforcement information network may be considered sufficient for purposes of this subdivision unless a further review is warranted. The court may accept other verifiable and reliable information from the prosecution or defense to complete its review and may require the juvenile to submit a statement as to whether or not he or she has previously been admitted to a juvenile mental health court and the results of his or her participation in the prior program or programs.

(b) An assessment of the risk of danger or harm to the juvenile, others, and the community using standardized instruments that have acceptable reliability and validity.

(c) A mental health assessment, performed by a mental health professional, for an evaluation of a serious mental illness, serious emotional disturbance, co-occurring disorder, or developmental disability.

(d) A review of the juvenile's family situation, special needs, or circumstances that may potentially affect the juvenile's ability to receive mental health or substance abuse treatment and follow the court's orders, including input from family, caregivers, or other collateral supports.

(4) Except as otherwise permitted in this chapter, any statement or other information obtained as a result of participating in a preadmission screening and assessment under subsection (3) is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and must not be used in any future juvenile delinquency proceeding.

(5) The court may request that the department of state police provide to the court information contained in the law enforcement information network pertaining to a juvenile criminal history for the purposes of determining a juvenile's eligibility for admission into the juvenile mental health court.

History: Add. 2018, Act 590, Eff. Mar. 28, 2019.