

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

***** 330.1461.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 14, 2017 *****

330.1461.amended Testimony or deposition of physician or psychologist required; examinations; presence of attorney during deposition; cross-examination of deponent; waiver.

Sec. 461. (1) Except as otherwise provided in this section, an individual may not be found to require treatment unless at least 1 physician or licensed psychologist who has personally examined that individual testifies in person or by written deposition at the hearing.

(2) For a petition filed under section 434(6) that was not accompanied by, or that has not subsequently been supplemented by, a psychiatrist's clinical certificate, an individual may not be found to require treatment unless at least 1 physician or licensed psychologist and 1 psychiatrist who have personally examined that individual testify in person or by written deposition at the hearing.

(3) The examinations required under this section for a petition filed under section 434(6) shall be arranged by the court and the local community mental health services program or other entity as designated by the department.

(4) A written deposition may be introduced as evidence at the hearing only if the attorney for the subject of the petition was given the opportunity to be present during the taking of the deposition and to cross-examine the deponent. This testimony or deposition may be waived by the subject of a petition. An individual may be found to require treatment even if the petitioner does not testify, as long as there is competent evidence from which the relevant criteria in section 401 can be established.

History: 1974, Act 258, Eff. Nov. 6, 1974;—Am. 1976, Act 346, Imd. Eff. Dec. 21, 1976;—Am. 1982, Act 402, Imd. Eff. Dec. 28, 1982;—Am. 1995, Act 290, Eff. Mar. 28, 1996;—Am. 2016, Act 320, Eff. Feb. 14, 2017.