



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

September 2, 2016

TO: Michigan Court Forms Committee, Mental Health/Commitment Work Group

FROM: Matthew Walker, Forms and Manuals Analyst

RE: Agenda and Materials for **September 15, 2016 Meeting**

PLACE: **Michigan Hall of Justice**, 925 West Ottawa, downtown Lansing (map enclosed)

Below is the agenda for the September 15, 2016 meeting of the Michigan Court Forms Committee, Mental Health/Commitment Work Group. The meeting starts at 9:30 a.m. and ends at approximately 3:30 p.m. The meeting will be held in room 1S-69. Lunch reservations have been made for you. **If you cannot attend, please contact me at least two days before the meeting.** Please note that our office is located at 925 W. Ottawa St., Lansing, MI 48915.

Please bring these agenda materials to the meeting. Although documentation is provided with the agenda, it would also be helpful to bring a copy of the Michigan Court Rules and any other resources you believe are necessary.

1. **Header information on multiple page forms**

It has been suggested that all forms that are multiple pages be modified to contain header information on each page. Many SCAO-approved mental health forms do not contain header information on each separate page because they were designed to be duplex printed. But, because of changes in technology, many forms are printed from internet sources and are not duplex printed when they are received by the court. This may require many forms to become three pages instead of two. A sample is provided.

Draft provided.

Public Comments:

- Excellent idea – with the multiple pages being faxed/scanned to the Courts/Hospitals/CMH agencies, it is important to have this identification on each page.

Marietta Appner, Register
Gogebic County Probate Court

2. **PCM 201, Petition for Treatment**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Also note the suggestion to remove the “For Hospital Use Only” language on page 2 and citations to MCL 330.1423 and MCL 330.1427. The proposed language in 2015 HB 4674 changes the references to application with the term “petition.” However, it is not clear from the statutory language whether hospitals and peace officers must use PCM 201. MCL 330.1404 states that the department shall prescribe the forms to be used under this chapter, except for court proceedings.

Draft provided.

3. **PCM 208, Clinical Certificate**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Draft provided.

4. **PCM 209, Supplemental Petition to Application for Hospitalization and Order for Examination**

This form was recommended for deletion at the 2015 Mental Health Workgroup meeting and is being republished for comment. Deletion of this form is based on the anticipated statutory language of 2015 HB 4764.

SCAO suggests that further discussion take place regarding DHHS use of this form under MCL 330.1420 through MCL 330.1430.

Draft provided.

Public Comments:

- This comment relates to the proposed deletion of form PCM209. Once upon a time, my court exclusively used PCM209a because we liked the idea that a sworn affidavit was required. However, our local CMH convinced our Judge and Prosecutor to use PCM209 on any petition that came from someone other than CMH, and here is their reasoning: PCM209a orders the person to be examined by both a physician/psychologist and a psychiatrist. Sometimes, when the person gets to the pre-screening unit, the physician and CMH psychologist determine that the person does not meet the criteria for hospitalization. But because the Order instructed them to have the person also examined by a psychiatrist, and our hospital does not have a psychiatric unit nor a psychiatrist on staff, they would have to make the costly arrangements to have the person transported by ambulance to a psychiatric unit in another county, even though they knew the psychiatrist would make the same conclusion. Not only is that costly and a waste of time, imagine the inconvenience and embarrassment to that poor individual who was not really going to be hospitalized. Form PC209 orders that the person be transported to the pre-screening unit for examination, but leaves it up to the physician/psychologist to determine if the individual meets the criteria for being transferred to a psychiatric unit for examination by a psychiatrist. If you are going to delete form PCM209, then you need to include that same option in PCM209a. Thank you for your consideration.

Laura Plachta
Isabella County Probate Register

5. **PCM 209a, Supplemental Petition for Treatment and Order**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Draft provided.

Public Comments:

- I believe that the Supplemental Petition should read as you stated in the revised – “immediately hospitalized” or the very least “immediately examined by a health care professional along with a mental health care professional.”

Marietta Appner, Register
Gogebic County Probate Court

6. **PCM 211, Notice of Hospitalization and Certificate of Service**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Draft provided.

7. **PCM 212, Notice of Hearing on Petition for Treatment/Judicial Admission**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Other suggestions include reviewing the title of the form and changing the citation of MCL 330.1453 to MCL 330.1453(2) in the footer.

Draft provided.

8. **PCM 214, Initial Order After Hearing on Petition for Treatment**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

An alternative draft of this form is also presented for consideration. The alternative draft merges the options for alternative treatment/assisted outpatient treatment and combined hospitalization and alternative treatment/assisted outpatient treatment.

Other suggestions include modifying item 17 to account for MCL 330.1464a and orders of assisted outpatient treatment only. Under MCL 330.1464a, orders of assisted outpatient treatment only are not entered on LEIN.

Draft provided.

Public Comments:

- Would be helpful if many of these forms included information whether a CPL should be suspended or revoked.

Lisa Brown
Oakland County Clerk/Register of Deeds

9. **PCM 216, Order for Report on Alternative Treatment and Report**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Other suggestions include modifying the title to state “Order and Report on Alternative Mental Health Treatment” and modifying item 10c to account for DHHS.

Draft provided.

Public Comments:

- Order AND Report – just makes better sense

Marietta Appner, Register
Gogebic County Probate Court

10. **PCM 217a, Order to Modify Order for Alternative Treatment or Combined Hospitalization and Alternative Treatment**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Other suggestions include modifying item 7 to allow the court to write in the number of days of hospitalization. The current language limits the court to the number of days listed in the initial order. However, there does not appear to be a statutory reason for this limitation.

Draft provided.

11. **PCM 218, Petition for Second or Continuing Treatment Order**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Draft provided.

12. **PCM 219, Second or Continuing Order for Treatment**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

An alternative draft of this form is also presented for consideration. The alternative draft merges the options for alternative treatment/assisted outpatient treatment and combined hospitalization and alternative treatment/assisted outpatient treatment.

Draft provided.

13. **PCM 220, Petition for Discharge from Continuing Treatment**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Draft provided.

Public Comments:

- PCM226 “The assisted/outpatient treatment provided to the patient since the last Order reveals the following progression/lack of progression:”

Marietta Appner, Register
Gogebic County Probate Court

14. **PCM 222, Order After Hearing on Petition for Discharge from Continuing Treatment**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Other suggestions include adding an option for assisted outpatient treatment to this form.

Draft provided.

15. **PCM 226, Six-Month Review Report**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Other suggestions include rewording item 7 to clarify the intent of the item.

Draft provided.

16. **PCM 230, Notification of Noncompliance and Request for Modified Order**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

It has also been suggested that a writing space for the individual's social security number (last four digits only) or date of birth be added in the masthead to help police agencies verify the individual's identity.

Draft provided.

17. **PCM 231, Order for Report After Notification and Report**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Draft provided.

18. **PCM 232, Order After Hearing on Appeal of Return to Hospital/Center From Authorized Leave**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Draft provided.

19. **PCM 234, Order After Hearing on Objection to Hospitalization**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Other suggestions include removing item 5, which is the checkbox option to waive testimony by a physician or licensed psychologist. MCL 330.1461 requires the testimony of a physician or licensed psychologist to determine an individual requires treatment. However, this form is intended for use under MCL 330.1475a, which only requires the court to determine if the individual requires hospitalization after the individual is hospitalized without a hearing.

Draft provided.

20. **PCM 235, Request to Defer Hearing on Commitment**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Draft provided.

21. **PCM 236, Demand for Hearing**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Draft provided.

22. **PCM 241, Notice of Right to Object to Hospitalization and Objection and Demand for Hearing**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Draft provided.

23. **PCM 242, Petition for Assisted Outpatient Treatment**

This form was recommended for deletion at the 2015 Mental Health Workgroup meeting and is being republished for comment. Deletion of this form is based on the form being merged with PCM 201 and the anticipated statutory language of 2015 HB 4764.

Draft provided.

24. **PCM 243, Initial Order Following Hearing on Petition for Assisted Outpatient Treatment**

This form was recommended for deletion at the 2015 Mental Health Workgroup meeting and is being republished for comment. Deletion of this form is based on the form being merged with PCM 214 and the anticipated statutory language of 2015 HB 4764.

Draft provided

25. **PCM 244, Order After Notice of Noncompliance with Assisted Outpatient Treatment or Combined Hospitalization and Assisted Outpatient Treatment**

This form was modified at the 2015 Mental Health Workgroup meeting and is being republished for comment and further modification if necessary. Changes to this form are based on the anticipated statutory language of 2015 HB 4764.

Draft provided.