



PATHWAYS UNDER THE MICHIGAN MENTAL HEALTH CODE FOR OBTAINING AN EXAMINATION AND PLACING AN INDIVIDUAL IN PROTECTIVE CUSTODY

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MENTAL HEALTH TREATMENT

- According to the National Institute of Mental Health (NIMH) more than 57.8 million adults in the United States (1 in 5) live with a mental illness, with the severity ranging from mild to severe.
- Historically in America, mental illness was often managed (rather than treated) by placing individuals in asylums.
- Since the 1950s, advancements in medicine and changes in the law have shifted the focus to treating individuals with mental illness in the least restrictive environment possible, often in the community.
- But what happens when someone in the community decompensates to the point where they require inpatient treatment or meet the definition of a “person requiring treatment” under the Michigan Mental Health Code?
- Today we’ll discuss the pathways available for obtaining an examination and placing an individual in protective custody when necessary.

PERSON REQUIRING TREATMENT

- “Person Requirement Treatment” is defined in [MCL 330.1401](#), but substantially means that one of the following apply to this individual:
 - (a) Mental illness + likely to seriously physically injury self or others + act(s)/significant threat(s);
 - (b) Mental illness + unable to attend to basic physical needs + serious harm in near future if not addressed + shown proof of failure to attend to needs;
 - (c) Mental illness + impaired judgment + doesn’t understand need for treatment + unwilling to participate in necessary treatment + competent clinical opinion + risk of physical *or mental* harm to self or others.

OPTIONS TO SECURE EXAMINATION/HOSPITALIZATION

- Petition for Mental Health Treatment (PCM201) with Request for Examination/Order for Transport/Examination (PCM209a)
- Petition for Assisted Outpatient Treatment (PCM201)/Order for Transport/Examination (PCM209a)
- Notice of Inability to Secure Examination (PCM245)/Order for Transport/Examination (PCM209a)
- Petition for Mental Health Treatment (PCM201)/One Clinical Certificate (PCM208)
- Demand for Hearing with Order to Transport (PCM236)
- Notification of Noncompliance (PCM230)
 - Psychiatrist Order
 - Modified Order (PCM217a)/Order After Noncompliance AOT (PCM244)
 - Police Pickup Order
- Peace Officer Transport
- Petition for Judicial Admission with Request for Examination (PCM224)/Order for Report on Petition for Judicial Admission (PCM215)

PETITION FOR MENTAL HEALTH TREATMENT (PCM201)

- Petition for Mental Health Treatment with Box 8 checked requesting examination and peace officer transport (pickup order).

8. For hospitalization and combined treatment only.) An examination could not be secured because: _____

I request:

a. the individual be examined at _____
the preadmission screening unit or hospital designated by the community mental health services program.

b. a peace officer take the individual into protective custody. After the individual is taken into protective custody, a peace officer or security transport officer shall transport the individual to _____

- Completed by any adult age 18 or older, must contain facts that are the basis for the assertion, [MCL 330.1434\(1\) and \(2\)](#).
- Courts obtain the Petition (PCM201) and Protected Personal Identifying Information (MC97).

ORDER FOR EXAMINATION/TRANSPORT (PCM209a)

- Court prepares:
 - Order for Examination/Transport – PCM209a (1st page)
 - Box 6 is checked if they are requesting hospitalization
 - Enter an execution date of 10 days from the time of filing
 - Judge signs the Order
 - Signed Order for Examination/Transport (Pickup Order) with copy of the Petition, MC97 and police information sheet are distributed to local law enforcement agency pursuant to court procedure.

IT IS ORDERED:

3. The individual be examined by a psychiatrist psychiatrist and a physician or licensed psychologist

at _____
Prescreening unit or hospital

Upon completion of the examination(s), the executed clinical certificate(s) shall be filed with the court or a report that a clinical certificate is not warranted shall be made to the court.

The individual shall be hospitalized. If the examinations and clinical certificates are not completed within 24 hours after hospitalization, the individual shall be released.

A peace officer shall take the individual into protective custody. After the individual is taken into protective custody, a peace officer or security transport officer shall transport the individual to the designated prescreening unit or hospital. If the order is not executed by 10 days from entry of order the law enforcement agency must report to the court the reason the order was not executed within the prescribed time period.

Petition For Assisted Outpatient Treatment (AOT)(PCM201)

- Petition for Mental Health Treatment (PCM201). Typically filed with the court by CMH. May be obtained from: All preadmission screening units, MCL 330.1436(3).
- Completed by any adult age 18 or older, must contain facts that are the basis for the assertion, [MCL 330.1434\(1\) and \(2\)](#).
- Petition must have Box 9C checked for AOT only.

9. I request the court to determine the individual to be a person requiring treatment and to order:

- a. hospitalization only.
- b. a combination of hospitalization and assisted outpatient treatment.
- c. assisted outpatient treatment without hospitalization.

- Courts obtain the Petition (PCM201) and Protected Personal Identifying Information (MC97). Documents are reviewed by the Court.

ORDER FOR EXAMINATION/TRANSPORT – ASSISTED OUTPATIENT TREATMENT (PCM209a)

- Court prepares
 - Order for Examination/Transport (Pickup Order) – PCM209a (1st page)
 - Box 7 is checked if they are requesting AOT only.
 - Enter an execution date of 10 days from the time of filing.

Order for Examination/Transport (3/23) Case Number _____
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7 A peace officer shall take the individual into protective custody. After the individual is taken into protective custody, a peace officer or security transport officer shall transport the individual to the designated prescreening unit or hospital for assessment for assisted outpatient treatment. If the order is not executed by _____, the law enforcement agency must report to the court the reason the order was not executed within the prescribed time period.

8. The request to take the individual into protective custody for transport is denied.

- Judge signs the order
- Signed Order for Examination (PCM209a) with copy of the Petition (PCM201), Protected Identifying Information (MC97) and police information sheet are distributed to local law enforcement agency pursuant to court procedure. Police can then locate the individual and take them into protective custody.

Notice of Inability to Secure Evaluation/Examination (PCM245)

- If an evaluation cannot be secured on the alleged respondent, the petitioner may file a Notice of Inability to Secure Evaluation/Examination (PCM245), [MCL 330.1436](#).
 - The court may issue an Order for Examination/Transport (PCM209a). Box 7 is checked.

Order for Examination/Transport (3/23) Case Number _____
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7 A peace officer shall take the individual into protective custody. After the individual is taken into protective custody, a peace officer or security transport officer shall transport the individual to the designated prescreening unit or hospital for assessment for assisted outpatient treatment. If the order is not executed by _____, the law enforcement agency must report to the court the reason the order was not executed within the prescribed time period.

8. The request to take the individual into protective custody for transport is denied.

PETITION FOR MENTAL HEALTH TREATMENT (PCM201), ONE CLINICAL CERTIFICATE

- Upon delivery of a petition and a physician's or licensed psychologist's clinical certificate, a peace officer must take the individual into protective custody and transport to the preadmission screening unit, [MCL 330.1426](#). No order is required.
- Petition for Hospitalization (PCM201) with Box 7 (indicating appropriate clinical certificate), Box 8 with a. and b. checked.
 - Petition must be less than 10 days old, [MCL 330.1423](#)

Attached is a clinical certificate by a physician or licensed psychologist taken within the last 72 hours.
 clinical certificate by a psychiatrist taken within the last 72 hours.
 no clinical certificate is attached because only assisted outpatient treatment is requested.

8 (For hospitalization and combined treatment only.) An examination could not be secured because: _____

I request:

a the individual be examined at _____
the preadmission screening unit or hospital designated by the community mental health services program.

b a peace officer take the individual into protective custody. After the individual is taken into protective custody, a peace officer or security transport officer shall transport the individual to _____

- Clinical certificate (PCM208) - less than 3 days old, MCL [330.1425](#)

DEMAND FOR HEARING AS A PICKUP ORDER

- A Demand for Hearing (PCM236) follows a deferral and is filed when an individual is no longer honoring the deferral contract, [MCL 330.1455\(6\), \(8\)-\(11\)](#).
- A Demand for Hearing (PCM236) may be filed by a hospital, mental health case worker, CMH or the individual.
 - Must be filed not more than 14 days and not less than 7 days prior to the expiration of the deferral period, MCL [330.1455\(10\) and \(11\)](#).
- If the individual is out of hospital and hospitalization/transport is requested, Box 5 on the Demand for Hearing form must be checked.

5. The individual requires hospitalization pending the hearing and it is necessary that the court order a peace officer to transport the individual to the hospital pending the hearing.

DEMAND FOR HEARING ORDER TO TRANSPORT (PCM236)

- Judge must sign the Order to Transport portion of the Demand for Hearing (PCM236).

(Complete only if item 5 is checked.)

ORDER TO TRANSPORT

IT IS HEREBY ORDERED that a peace officer shall take the individual into protective custody and transport the individual to the hospital stated above.

Judge signature and date

Approved: SCAO
Form PCM 236, Rev. 3/23
MCL 330.1455(6),(8)-(11)
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- Court retains original order for the file. Copies are distributed to police agencies, hospital, CMH and petitioner.
- When the respondent is picked up, the hospital will notify the court. The court will schedule a hearing.
- If hospitalization and transport are not requested, a hearing is scheduled to be heard at the court.
- If the Demand for Hearing is withdrawn, the deferral stays in place.

NONCOMPLIANCE AS AN ORDER - [MCL 330.1408](#); [MCL 330.1475\(2\)\(B\)](#)

- Psychiatrist Pickup Order
- Police Pickup Order
- Modified Order
- **Note:** *Notice of Non-compliance (PCM230) cannot be used in cases involving deferrals. A deferral is considered a contract, not an Order. If an individual fails to comply after agreeing to a deferral, a Demand for Hearing must be filed.*

NONCOMPLIANCE - PSYCHIATRIST PICKUP ORDER

- Box 5 & 6c on Notification of Non-Compliance (PCM230) is checked.

5. A psychiatrist has ordered the individual to return to the hospital.

6. I request the court to modify its last order of assisted outpatient treatment

combined hospitalization and assisted outpatient treatment to direct the individual to:

a. undergo another assisted outpatient treatment program.

b. undergo hospitalization or combined hospitalization and assisted outpatient treatment, with hospitalization not to exceed _____ days.

c. be transported to the hospital by a peace officer if the individual refuses to comply with the psychiatrist's order to return to the hospital.

- Copy of Initial Order (PCM214), Second Order for Mental Health Treatment (PCM219) or Continuing Order for Mental Health Treatment (PCM219a) with Box 16 checked.

16. If the individual refuses to comply with a psychiatrist's order for hospitalization, a peace officer shall take the individual into protective custody. After the individual is taken into protective custody, a peace officer or a security transport officer shall transport the individual to the hospital designated by the psychiatrist.

- Protected Personal Identifying Information (MC97) and CMH Return from Authorized/Unauthorized Leave LEIN form (signed by a psychiatrist).

NONCOMPLIANCE – POLICE PICKUP ORDER

- Box 6c on Notification of Non-Compliance (PCM230) is checked

6. request the court to modify its last order of assisted outpatient treatment
 combined hospitalization and assisted outpatient treatment to direct the individual to:

- a. undergo another assisted outpatient treatment program.
- b. undergo hospitalization or combined hospitalization and assisted outpatient treatment, with hospitalization not to exceed _____ days.
- c. be transported to the hospital by a peace officer if the individual refuses to comply with the psychiatrist's order to return to the hospital.

- Copy of Initial Order (PCM214), Second Order for Mental Health Treatment (PCM219) or Continuing Order for Mental Health Treatment (PCM219a) with Box 16 checked.

16. If the individual refuses to comply with a psychiatrist's order for hospitalization, a peace officer shall take the individual into protective custody. After the individual is taken into protective custody, a peace officer or a security transport officer shall transport the individual to the hospital designated by the psychiatrist.

- Protected Personal Identifying Information (MC97) and CMH Return from Authorized/Unauthorized Leave LEIN form (not signed by psychiatrist).

NONCOMPLIANCE – MODIFIED ORDER

- Notice of Noncompliance form (PCM230) is filed with the box checked at the top requesting a modified order, and Box 6c requesting peace officer transport is checked.

STATE OF MICHIGAN PROBATE COURT COUNTY		NOTIFICATION OF NONCOMPLIANCE <input checked="" type="checkbox"/> REQUEST FOR MODIFIED ORDER	CASE NO. and JUDGE
<small>Print address</small>		<small>Print telephone no.</small>	

PLS USE: 1919
TCS Code: NCAD

- Court Prepares Either:
 - Order Regarding Request to Modify (PCM217a) and checks Box 10, **OR**

10 If the individual refuses to comply with a psychiatrist's order to return to the hospital, a peace officer shall take the individual into protective custody and transport the individual to the hospital designated by the psychiatrist.

- Order After Notice of Noncompliance Assisted Outpatient Treatment (PCM244) and checks Box 6.

6. A peace officer shall take the individual into protective custody and transport the individual to the preadmission screening unit established by the community mental health services program serving the community in which the individual resides. _____ Designated facility

- Note: Some counties and/or hospitals will require a modified order.

PEACE OFFICER TRANSPORT ([MCL 330.1427](#))

- If a police officer observes an individual acting in a manner that causes them to believe that the individual is a person requiring treatment, the peace officer may take the individual into protective custody and transport the individual to a preadmission screening unit designated by CMH.
- The treatment facility will conduct an examination and determine whether or not the individual is a person requiring treatment.
- If it is determined that the individual requires treatment, the treatment facility will forward a Petition for Mental Health Treatment (PCM201), Notice of Hospitalization (PCM211), Protected Personal Identifying Information (MC97) and Report on Examination and Clinical Certificate (PCM208) to the Court.

PETITION FOR JUDICIAL ADMISSION – INDIVIDUAL WITH AN INTELLECTUAL DISABILITY

- Petition for Judicial Admission (PCM224) is filed with Box 8 checked requesting protective custody, [MCL 330.1515](#).

8. The court order a peace officer to take the individual into protective custody. After the individual is taken into protective custody, a peace officer or security transport officer shall transport the individual immediately to _____ for examination.
Facility

- Court prepares Order for Report on Petition for Judicial Admission (PCM215). Box 3, 4 (with location) and 6 are checked on the order. Expiration date of 10 days is entered, [MCL 330.1516\(4\)](#).

2. The individual must be examined and a report filed.

3. The individual will not comply with an order for examination and a peace officer must take the individual into protective custody for transport to the place of examination.

IT IS ORDERED:

4. The individual be examined at _____

5. _____ is appointed to arrange for the examination of the individual and to prepare and file a report to the court.

6. A peace officer take the individual into protective custody. After the individual is taken into protective custody, a peace officer or security transport officer shall transport the individual immediately to the site designated above where the individual may remain up to 48 hours for the required examinations. The transport order is valid through _____
Date

CONCLUSION

- **1. Legal Framework for Mental Health Treatment**
 - The Michigan Mental Health Code provides a structured, legal process for ensuring individuals with mental illness receive appropriate care.
- **2. Protective Custody as a Tool for Safety**
 - Protective custody ensures that individuals posing a risk to themselves or others are brought in for examination and potential treatment.
- **3. Balancing Rights and Public Safety**
 - The procedures under the Mental Health Code seek to balance individual rights with community safety, emphasizing treatment in the least restrictive environment possible.



QUESTIONS?