



WAYNE STATE UNIVERSITY  
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# WAYNE COUNTY PROBATE COURT MENTAL HEALTH FAQs FOR THE GENERAL PUBLIC

## Contributors:

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# **How to File a Petition for Involuntary Mental Health Treatment or a Transport Order?**

## **1: Do I have to be a relative to get someone committed to the hospital?**

No, any person who is at least 18 years old and has witnessed the behavior of another person that would qualify them as a “person requiring treatment” may file the petition.

## **2: What is a “person requiring treatment?”**

Not all people living with a mental illness qualify for Involuntary Treatment. Under Michigan law (MCL 330.1401), two criteria must be met:

1. The person in question has a mental illness (not just a substance use disorder and not a neurological condition like dementia)

AND

2. The person in question meets at least one of the following criteria DUE TO THEIR MENTAL ILLNESS:

- a. The person seems likely (e.g., they have said something, tried to do something), in the near future, to intentionally or unintentionally (e.g., they falsely believe people are trying to harm them, so they run across a busy road to get to safety, endangering themselves) seriously harm themselves or someone else.

- b. The person is unable to attend to their basic physical needs (e.g., not eating, not caring for children, not taking care of their hygiene) placing them at risk for further harm.

- c. The person, because of their mental illness, does not recognize they need help, placing them at risk for further harm.

## **3: How do I file a Petition?**

If the person that needs treatment lives in Wayne County or can be found in Wayne County, complete forms [Petition for Mental Health Treatment \(PCM 201\)](#), [Petitioner Filing Coversheet \(WCPC 99\)](#), and [Protected Personal Identifying Information \(MC97\)](#). All forms are available at: <https://www.wcpc.us/probate-court-forms.html>. You may email the completed forms to: [mentalhealth@wcpc.us](mailto:mentalhealth@wcpc.us), fax to 313-967-4013 or mail to: 902 Wayne County Probate Court, 2 Woodward Avenue, Detroit, MI 48226.

#### **4: How do I get the person somewhere to be evaluated?**

If the individual lives in Wayne County or can be found in Wayne County, complete forms [Petition for Mental Health Treatment \(PCM 201\)](#), [Petitioner Filing Coversheet \(WCPC 99\)](#), and [Protected Personal Identifying Information \(MC97\)](#). All forms are available at: <https://www.wcpc.us/probate-court-forms.html>. Transport Order requests may be filed in person at the Coleman A. Young Municipal Center located at: 2 Woodward Ave., Detroit, MI 48226 - Room 902, Monday – Friday, 8am – 4pm; via email at: [mentalhealth@wcpc.us](mailto:mentalhealth@wcpc.us) or fax at: 313-967-4013 to begin the process of filing a petition asking a Judge to enter an order that the person is brought to a Crisis Stabilization Unit (CSU) or Emergency Department (ED) for evaluation. This is called a “Pick-Up” or “Transport Order”.

##### **a. What do I do if I don’t understand how to complete the petition?**

The Wayne County Probate Court has a YouTube page that will walk you through completing the necessary forms, [Petition for Mental Health Treatment \(PCM 201\)](#), [Petitioner Filing Coversheet \(WCPC 99\)](#), and [Protected Personal Identifying Information \(MC97\)](#).

Note: If the person lives in a county other than Wayne, you will have to contact the Probate Court of that county.

#### **5: Is there a filing fee?**

There is no fee to file a Petition for Mental Health Treatment or Transport.

#### **6: What happens after the “Pick-Up Order/Transport Order” is signed by the Judge?**

The order will be emailed to the petitioner. The petitioner must take the Transport Order to police department nearest to where the individual can be found, for the law enforcement agency to pick up the individual and put them in protective custody. This order will expire after 10 days.

Once in protective custody, the officer will transport the person to the nearest Crisis Stabilization Unit (CSU) or the nearest Emergency Department (ED) to be examined.

#### **7: What happens if the “Pick-Up Order/Transport Order” expires?**

Once 10 days have passed, the pick-up/transport order is no longer valid. If the law enforcement agency is unable to effectuate the transport order, they will send notice back to the Behavioral Health Unit, explaining why they were unable to perform the transport.

# What Happens After a Petition for Mental Health Treatment or Transport Order is Filed?

## 1: What happens after the person is picked up and brought to the ED or the CSU hospital?

Once the person is brought to the ED or the CSU, the person will undergo a psychiatric examination. The examining physician or mental health professional will decide if the person needs additional treatment. **The Judge cannot order further treatment unless a psychiatrist and psychologist (or a psychiatrist for AOT only) completes the steps listed below.**

### a. Person Does Not Require Additional Treatment

If the person is found not to need additional treatment, the examining physician releases the member back to the community and refers to an outpatient provider for follow-up in the community along with referrals to other appropriate community-based supports.

### b. Person Does Require Additional Treatment

If the person does need treatment, they may consent to mental health treatment in the hospital, or if they do not consent, a petition for mental health treatment will be filed with the Wayne County Probate Court.

## 2: How does the person find out about the Petition?

The individual and the individual's attorney are personally served. All other interested persons (petitioner and guardian) are notified by mail and/or email.

## 3: When is the hearing set?

When a Petition for Mental Health Treatment is filed, a hearing will be held within 7 days of the Wayne County Probate Court's receipt of the paperwork.

If a Petition is filed that requests AOT only and the person is not hospitalized, then the hearing will also be held within 7 days.

## 4: What happens once the hearing is set?

Once the hearing is set, an attorney will be assigned for the person alleged to need treatment, unless that person retains their own attorney.

Once the Petition is filed, and if the person is deemed clinically suitable, the individual may decide to sign a Formal Voluntary Admission Application consenting to recommended

treatment, and the petition will be dismissed. The individual may also request to defer the hearing at a deferral conference or stipulate to a treatment order.

The individual may also demand a jury hearing. If this occurs, the hearing will be adjourned and a jury hearing will be scheduled.

### **5: What is a Deferral Conference?**

Within 72 hours of the filing of the Petition, a deferral conference is scheduled with the individual of the petition, the attorney representing the individual, a representative of the inpatient hospital, and the community mental health treatment team and/or a representative of DWIHN.

At this conference, the individual may agree to submit to hospitalization for up to 60 days, assisted outpatient treatment for no longer than 180 days, or a combination of AOT and hospitalization up to 180 days with hospitalization not to exceed 60 days.

The individual will sign a [Request to Defer Hearing on Commitment](#) (PCM 235). When this agreement is signed, the hearing on the petition may be deferred for not longer than 60 days if hospitalization only is requested or not longer than 180 days if assisted outpatient treatment or a combination of assisted outpatient treatment and hospitalization is requested.

### **6: What happens if the person is non-compliant during the Deferral period?**

If the individual does not comply with the agreement, a [Demand for Hearing](#) (PCM 236) will be filed by the hospital or outpatient provider and a hearing will be scheduled to determine what will need to happen to get the person back into treatment. The individual has the right to be present at the hearing (they may waive this right), and the attorney appointed for the person is present.

A physician or psychologist who has personally examined the person must testify at the hearing. AOT only petitions require **either** the testimony or deposition of an evaluating doctor/psychologist and psychiatrist OR a clinical certificate from a psychiatrist plus the testimony or deposition of an evaluating doctor/psychologist.

The judge will listen to the testimony and decide whether to order mental illness hospitalization and/or outpatient treatment for the person.

After hearing testimony, the Judge may dismiss the case or grant the Order.

### **7: What does it mean if the person stipulates?**

The person may agree to the entry of an order for involuntary treatment and sign a stipulation.

Once the stipulation is signed by the individual, the individual's attorney, and a representative from the inpatient hospital, the document is forwarded to the Wayne County Probate Court. The Judge may then grant the petition and enter an initial order for treatment based upon the stipulated agreement.

### **8: What happens at the hearing?**

The petitioner must be present at the hearing and is represented by Wayne County Corporation Counsel. The person who is alleged to need treatment also has a right to be present at the hearing unless waived, and the attorney appointed for the person is present.

A physician or psychologist who has personally examined the person must testify at the hearing. Assisted Outpatient Treatment only petitions require **either** the testimony or deposition of an evaluating doctor/psychologist and psychiatrist OR a clinical certificate from a psychiatrist plus the testimony or deposition of an evaluating doctor/psychologist.

The judge will listen to the testimony and decide whether to order mental illness hospitalization and/or outpatient treatment for the person.

The respondent has the right to ask for an independent medical evaluation at the time of hearing.

After hearing testimony, the Judge may dismiss the case or grant the Order.

### **9: What does it mean if the Petition is granted?**

If the Petition is granted, the Judge will sign an Initial Order for Mental Health Treatment. The typical initial order will authorize up to 60 days of hospitalization, no longer than 180 days of assisted outpatient treatment, or a combination of hospitalization and assisted outpatient treatment.

The initial order will contain a conditional pick-up order such that if after release from the hospital the person fails to abide by a psychiatrist's order to return to the hospital, law enforcement will pick up the person and transport him/her to the hospital with a letter from the psychiatrist.

### **10: What if the person is not complying with treatment?**

If the person is not complying with treatment in the community, his/her outpatient provider will notify the Court by sending in documentation. At that time the outpatient provider can request that the individual is transported to the ED or CSU if they believe the individual needs immediate mental health treatment.

## **11: What happens if the person will need treatment longer than the initial treatment period?**

If the person is believed to still require treatment, the outpatient provider or hospital will submit a [Petition for Second Mental Health Treatment Order](#) (PCM 218) not less than 14 days prior to the expiration of the initial order. If granted, the Second Order allows for an additional 90 days of hospitalization, assisted outpatient treatment only, or a combination of hospitalization or assisted outpatient treatment.

A [Petition for Continuing Mental Health Treatment Order](#) (PCM 218a) may be filed by the outpatient provider or hospital no less than 14 days of the expiration of the Second Order or not less than 14 days prior to the expiration of the last continuing treatment order. If granted, the Court may enter an order for hospitalization, assisted outpatient treatment or combined hospitalization and assisted outpatient treatment for up to one year.

### **Disclaimer:**

**This document is intended solely as a general guideline for the purpose of providing information on filing paperwork with the Wayne County Probate Court for mental health proceedings. It should be noted that the legal landscape, including the Michigan Mental Health Code, may undergo updates and changes over time. Consequently, the content of this document may become outdated and may not reflect the most current legal requirements.**

**It is essential to consult with a qualified legal professional or seek legal advice specific to your circumstances when dealing with mental health proceedings or any legal matters. This document does not constitute legal advice, and reliance on its content should not replace the guidance and advice of a licensed attorney. Laws and regulations are subject to change, and individual cases may have unique considerations that cannot be addressed through general information.**

**While we strive to provide accurate and up-to-date information, we do not guarantee the accuracy or completeness of the content within this document. Therefore, it is advisable to verify any legal information and seek the counsel of a legal expert to ensure your actions align with the latest legal requirements.**

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