

Representing Respondents in Mental Commitment Proceedings in Wayne County Probate Court

- The number of cases assigned depends upon several factors including: (1) the number of petitions received; and (2) attorney's stated availability. It is important that attorneys only give dates to the court that they are available. This is done through Sign-Up Genius. Attorneys who decline assignments on stated available days may be removed from future consideration.
- Your assignment packet will be sent via e-mail. Attorneys are urged to review their packets immediately for deferral meeting times and to contact the hospital upon appointment. Scheduling is important because hospitals need to make arrangements for their respective staffs to participate, as well as notifying the patient's family members and a representative from community mental health agency who will attend. Please refer to **MCL 330.1455**.
- All hearings and deferral conferences are held remotely via ZOOM (unless notified otherwise by the court – such as for jury trials).
- It is important to note that clients should not sign both the deferral **and** the waiver/stipulation form. They represent different intentions and outcomes.
- Attorneys should be aware that Wayne County Probate Court has added language to the waiver form which allows the subject of a petition to stipulate to the allegations of the petition. This form can also be used to withdraw a petition for discharge.
- Hearing days are normally Mondays, Wednesdays, and Fridays.
- Review your packet to ascertain which hospitals are involved and the deferral conference times. The BHU and courtroom staff does not provide this information by telephone.
- **Pay close attention to the type of petition which has been filed.** Petitions for Judicial Admission are different from Petitions for Mental Health Treatment. These JA petitions are within the scope of Chapter Five of the Mental Health Code. There is no deferral conference scheduled. There is no language in the statute which allows for stipulation or deferral. Orders entered in these matters are not the same as in other involuntary treatment matters. Make sure you review Chapter Five of the Mental Health Code prior to the hearing.
- If a patient has entered into a deferral agreement, and a demand for hearing has been filed and set for hearing, that patient may not sign another deferral. No other conference will be scheduled.
- Once the attorney has contacted the client and has obtained a deferral or waiver, fax or email the deferrals as soon as possible.
- Patients cannot sign waivers or deferrals outside the (virtual) presence of their attorney.
- Respondents in involuntary commitment proceedings may appeal. These appeals are taken to the Court of Appeals. There is no right to a Court appointed attorney to represent a respondent in an appeal.
- Attorney copies of vouchers are included in the assignment packet (which is sent via email). Send the completed and signed vouchers, saved individually and named their voucher number, to vouchers@wcpc.us as soon as possible.
- A list of physicians and/or psychologists who have performed independent evaluations in the past, or expressed an interest and willingness to perform them, is available on the Court's website, www.wcpc.us, under Information-Frequently Asked Questions (FAQs)-Independent Evaluator List ([IME Evaluator List](#)).
- You must prepare the motion and order for the independent evaluation. You should have an examiner selected to include in the order. This examiner should be one who has agreed to the work and one who is acceptable to your client. Please refer to **MCL 330.1463**.
- **Review Chapters Four and Five of the Mental Health Code, beginning at MCL 330.1400 and MCL 330.1500.**