

## **REQUEST FOR ELECTROCONVULSIVE THERAPY**

### **SERVING AS GUARDIAN AD LITEM**

#### **I. STATUTORY BASIS**

MCL 330.1717 of the Mental Health Code address consent for electroconvulsive therapy or similar procedure:

(1) A recipient shall not be the subject of electroconvulsive therapy, or a procedure intended to produce convulsions or coma unless consent is obtained from the following:

(a) The recipient, if he or she is 18 years of age or older and does not have a guardian for medical purposes.

(b) The recipient's parent who has legal and physical custody of the recipient if the recipient is less than 18 years of age.

(c) The recipient's guardian, if the guardian has power to execute a consent to procedures described in this section.

(d) The recipient's designated representative, if a durable power of attorney or other advance directive grants the representative authority to consent to procedures described in this section.

(2) If a guardian consents to a procedure described in this section, the procedure shall not be initiated until 2 psychiatrists have examined the recipient and documented in the recipient's medical record their concurrence with the decision to administer the procedure.

(3) If a parent or guardian of a minor consents to a procedure described in this section, the procedure shall not be initiated until 2 child and adolescent psychiatrists, neither of whom may be the treating psychiatrist, have examined the minor and documented in the minor's medical record their concurrence with the decision to administer the procedure.

(4) A minor or an advocate designated by the minor may object to the administration of a procedure described in this section. The objection shall be made either orally or in writing to the probate court. The procedure shall not be initiated before a court hearing on the minor's or advocate's objection.

(5) At least 72 hours, excluding Sundays or holidays, before the initiation of a procedure described in this section, a minor shall be informed that he or she has a right to object to the procedure.

(6) If a procedure described in this section is considered advisable for a recipient and an individual eligible to give consent for the procedure is not located after diligent effort, a probate court may, upon petition and after a hearing, consent to administration of the procedure in lieu of the individual eligible to give consent.

**MCL 330.1717** (emphasis added)

#### **II. ELECTROCONVULSIVE THERAPY REQUEST PROCEDURE**

- a. Occasionally, a hospital will file a petition under **MCL 330.1717(6)** (see above) when they believe that electroconvulsive therapy is necessary for a patient's mental health treatment. If they cannot obtain consent from the patient's guardian, or if the patient does not have a

guardian and will not agree to the procedure, a hospital may submit a petition to obtain permission to administer the procedure.

- b. Petition is filed with the Behavioral Health Unit (BHU) during the court's filing hours.
  - i. **Email:** Filing may be submitted as a single PDF attachment to [mentalhealth@wcpc.us](mailto:mentalhealth@wcpc.us) (this is the best and most efficient filing method).
  - ii. **Fax:** (313) 967-4013
  - iii. **Mail:** The Court's mailing address can be found on our website [www.wcpc.us](http://www.wcpc.us).
  - iv. **Dropbox:** Filings may be dropped in the drop box located on the 13<sup>th</sup> Floor of the Coleman A. Young Municipal Center, right by the elevators.
  - v. **In Person:** Filings may be submitted with the BHU at room 902, on the 9<sup>th</sup> floor of the Coleman A. Young Municipal Center. Filing hours for in person filings are 8:00a.m. – 12:30p.m. and 1:30p.m – 4:00p.m. Final customers to be addressed no less than 15 minutes prior to closing time.
- c. Filing Fee – None.
- d. Form Used – No official SCAO form; may be attorney drafted or PC586, Petition and Order may be used.
- e. The petition will be set for hearing in the same fashion as any other item on the mental health docket.
- f. Although there is no right to a court appointed attorney for this type of petition, an attorney will be appointed to represent the ward.
- g. Court Hearing
  - i. The Judge will rule whether the petition for electroconvulsive therapy should be granted.
  - ii. If the petition is approved, an order will be signed by the Court to this effect.