

# **ATTORNEY INFORMATION PACKET**

## **MENTAL HEALTH HEARING PROCEDURES**

### **INTERACTIVE VIDEO TECHNOLOGY HEARING PROGRAM**

1. **Applicability:** These procedures are to be used when you are assigned to represent individuals in mental health proceedings at facilities participating in the Wayne County Probate Court's Interactive Video Technology (IVT) Hearing Program.

Hospitals participating in the IVT Pilot Project/Contact Person:

Beaumont Taylor	Linda Santos (313) 295-5280
Beaumont Farmington	Jan Wagner (248) 471-8723
BCA StoneCrest Center	Marlene Mayers (313) 409-5358\ (313) 245-0614
Center for Forensic Psychiatry	Tye Brown (734) 295-4245
Henry Ford Kingswood	Linda Fraiser (248) 691-4890/ (248) 721-3022
Walter Reuther	Teneka Boykin (734) 367-8510
Wayne County Jail	John Restum (313) 598-1250 or (313) 224-0706
Havenwyck	Carmella Mitchell (248) 371-2212 or (248) 755-5760
St. Mary Mercy Livonia	Colleen Weber (734) 655-5832
McLaren Oakland	Amy Oxie (248) 338-5831
St. John Providence	Alice Wright (248) 849-3146
Harbor Oaks	Michelle Shain (586) 330-5205
Samaritan Behavioral Center	Patricia Coltman (313) 344-7740
Behavioral Center of Michigan	Angela Harrison (586) 261-2266

**Important Note: You and the patient will be at the hospital for the IVT hearing.** It is your responsibility to contact the facility and determine where the hearing room is located.

2. **Initial Client Meeting/Waiver and Stipulation:** The initial client meeting must still be conducted pursuant to the requirements of the Mental Health Code. **If a client signs a waiver and stipulation at this deferral meeting, you will not be required to attend the scheduled proceeding. You must check with the facility on the morning of the hearing date to verify that the patient has not changed their mind.** If they have, you must appear at the facility and represent them at the hearing.

3. **Pre-Hearing Preparation**

- Both the Court and the hospital, prior to beginning the IVT hearings, must determine that the IVT system is operational.
- The following persons must check in with the Court Clerk, via phone, when all are available: patient's assigned counsel and testifying psychiatrist/staff physician. See attached list of the names, phone and FAX numbers of the Court Clerks.
- Any last minute paperwork pertaining to the hearing (stipulations, voluntary admissions, etc.) must be FAXed to the Court Clerk.
- The facility must make a phone available for your use to contact the Court and\or Corporation Counsel. Access to a FAX machine must also be provided.

- As with live hearings, you must discuss the case with your client within a reasonable period of time prior to the hearing.

#### **4. Location of Participants**

At the hospital:

- Patient's lawyer.
- Patient.
- Petitioner, if employee of facility (i.e., social worker, etc.).
- Translator (if necessary).
- Testifying physician (if employee of facility).
- Doctor who conducted IME for patient (if called as witness).

In the courtroom:

- Petitioner, unless an employee of the facility.
- Corporation Counsel (unless otherwise permitted by the Court).
- Family members and other spectators.
- Witnesses (including testifying physician), unless employees of the facility or doctor who conducted IME for patient.

**Note:** If a hospital wishes to have the medical expert testify from its facility, hospital staff must contact the Court and Corporation Counsel by 12:00 PM on the day prior to the scheduled hearing. Call the Court or ask the facility if their expert will be at the hospital or courtroom.

#### **5. Time of Hearing**

**You must be at the hearing area of the facility by the time specified on your assignment sheet.** The Judge conducting the hearings will determine at what point in the docket the IVT proceedings will be conducted. The court will attempt to give the hospital 15 minutes advance notice prior to commencing the video hearings.

#### **6. Conduct of Hearing**

- The same process as used for live hearings will be used for IVT proceedings – i.e., parties and their attorneys will identify themselves for the record, witnesses will be sworn in, etc.
- The Judge conducting the hearing has the sole authority to terminate the proceeding and order a patient brought to court for a live adjudication.
- As with live proceedings, the Judge has the authority to order a patient to be restrained and\or removed from the hearing area.
- Jury trial requests will be handled in the same manner as for live proceedings.

#### **7. Waiver and Stipulation at Hearing**

- If the patient agrees to a waiver and stipulation at the hearing, you must FAX the signed form to the Court Clerk.
- The original must be mailed by you within 48 hours of the hearing to Mental Health Intake, 1307 Coleman A. Young Municipal Center, Detroit, Mich. 48226.

#### **8. Post Hearing Process/Voucher Procedure**

- The orders following hearing will be delivered in the usual manner – i.e., by email within three days, certified copy also mailed to hospital.
- Vouchers may be FAXed from the facility to the Court Clerk, e-mailed, or delivered by hand.