

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974
PERIODIC REVIEW

330.1531 Review of status; frequency; disposition and notice of results; objection; hearing; petition for discharge.

Sec. 531.

(1) Every resident admitted by court order has the right to regular, adequate, and prompt review of his or her current status as an individual meeting the criteria for treatment. Six months after the date of an order of treatment, and every 6 months after that, the director of a facility to which a resident was admitted shall review the resident's status as an individual meeting the criteria for treatment.

(2) The results of each periodic review shall be made part of the resident's record, and shall be filed within 5 days of the review in the form of a written report with the court that ordered the resident's admission, and within the 5 days, notice of the results of the review shall be given by the facility to the resident, his or her attorney, and his or her nearest relative or guardian.

(3) If the report concludes that the resident continues to meet the criteria for treatment, and the resident or someone on his or her behalf objects to that conclusion, the resident has the right to a hearing and all other rights expressed or implied in sections 517 to 522 and may petition the court for discharge. The petition shall be presented to the court or a representative of the facility within 7 days, excluding Sundays and holidays, after the report is received. If the petition is presented to a representative of the facility, the representative shall transmit it to the court immediately.

History: 1974, Act 258, Eff. Nov. 6, 1974 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996 ;-- Am. 2018, Act 596, Eff. Mar. 28, 2019

330.1532 Annual hearing; petition for discharge; physician's or psychologist's report; dismissal of petition.

Sec. 532.

In addition to the right to a hearing under section 531, a resident admitted by court order has the right to a hearing and may petition the court for discharge without leave of court once within each 12-month period from the date of the original order of admission. The petition shall be accompanied by a physician's or a licensed psychologist's report setting forth the reasons for the physician's or licensed psychologist's conclusion that the resident no longer meets the criteria for judicial treatment. If no report accompanies the petition because the resident is indigent or is unable for reasons satisfactory to the court to procure a report, the court shall appoint a physician or a licensed psychologist to examine the resident, and the physician or licensed psychologist shall furnish a report to the court. If the report concludes that the resident continues to meet the criteria for treatment, the court shall so notify the resident and shall dismiss the petition for discharge. If the report concludes otherwise, a hearing shall be held according to sections 517 to 522.

History: 1974, Act 258, Eff. Nov. 6, 1974 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996 ;-- Am. 2018, Act 596, Eff. Mar. 28, 2019

330.1533 Writ of habeas corpus.

Sec. 533.

Nothing in this chapter shall prevent the filing of or deprive any individual of the benefits of a writ of habeas corpus.

History: 1974, Act 258, Eff. Nov. 6, 1974

