

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974
TRANSFER AND RETURN

330.1536 Transfer of resident; notice; appeal.

Sec. 536.

(1) A resident in a facility may be transferred to any other facility, or to a hospital operated by the department, if the transfer would not be detrimental to the resident and the responsible community mental health services program approves the transfer.

(2) The resident and his or her nearest relative or guardian shall be notified at least 7 days before any transfer, except that a transfer may be effected earlier if necessitated by an emergency. In addition, the resident may designate 2 other persons to receive the notice. If the resident, his or her nearest relative, or guardian objects to the transfer, the department shall provide an opportunity to appeal the transfer.

(3) If a transfer is effected due to an emergency, the required notices shall be given as soon as possible, but not later than 24 hours after the transfer.

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

330.1537 Return of individual to facility; conditions; protective custody; notice; appeal.

Sec. 537.

(1) An individual is subject to being returned to a facility if both of the following are true:

(a) The individual was admitted to a facility on an application executed by someone other than themselves or by judicial order.

(b) The individual has left the facility without authorization, or has refused a lawful request to return to the facility while on an authorized leave or other authorized absence from the facility.

(2) The facility may notify a peace officer that an individual is subject to being returned to the facility. Upon notification, a peace officer must take the individual into protective custody. After the individual is taken into protective custody, a peace officer or a security transport officer must return him or her to the facility unless contrary directions have been given by the facility or the responsible community mental health services program.

(3) An opportunity for appeal must be provided to any individual returned over their objection from any authorized leave in excess of 10 days, and the individual must be notified of the right to appeal. In the case of a child less than 13 years of age, the appeal must be made by the child's parent or guardian.

History: 1974, Act 258, Eff. Nov. 6, 1974 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996 ;-- Am. 2018, Act 596, Eff. Mar. 28, 2019 ;-- Am. 2022, Act 146, Eff. (sine die) ;-- Am. 2022, Act 214, Imd. Eff. Oct. 14, 2022