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**To:** Court Forms Info <CourtFormsInfo@courts.mi.gov>  
**Date:** 7/20/2009 8:51 PM  
**Subject:** PCM 201 and PCM 214 Rev. 2009

To Whom It May Concern,

I have previously submitted two separate e-mails regarding suggestions to improve and modify mental commitment forms PCM 201 "Petition / Application for Hospitalization" and PCM 214 "Initial Order Following Hearing on Petition for Admission", that have now been published as of today (Monday, July 20, 2009) for the 30-day comments period. A comment has been made by the publishing staff that the forms committee previously reviewed and recommended the combination of the Petition and Application to one form, PCM 201, in 2006 and 2007, and the mental health community would understand the difference.

It should be noted that first, we are considering the issue of the distinctness of the Petition and the Application, two different legal entities occurring on one legal document. Second, we are considering the execution of MCL 330.1400 et seq. in distinguishing admission by petition and admission by medical certification. PCM 201 is often used by Notice of Hospitalization PCM 211 in conjunction with the Application for Hospitalization (PCM 201 back page) in admission by medical certification. However, it is completely unclear at what point staff are intending to submit a form as an instrument of a petition or a medical certification. This can easily be remedied by splitting the petition and application into two different documents. The back page of PCM 201 largely serves as an application, so splitting into two distinct forms is not burdensome or complicated, but it instantly clarifies differences between petitions and applications.

The forms committee was wrong about the mental health community understanding the difference. I did not have knowledge of those very recent discussions of the forms committee, but I have researched and discovered negligence in properly filing under the law. The public defenders whom patients are often assigned for counsel know little to nothing about the Mental Health Code and among attorneys licensed with the State Bar of Michigan there is likely not even one attorney knowledgeable of case law owing to the confidentiality of some counties' (Ingham County for instance) mental commitment proceedings. So, the most effective way to protect civil liberties are literally the forms PCM 201 and PCM 214 as well as requiring that the patient be served PCM 235 "Request to Defer Hearing on Commitment".

With regard to the recommendation for PCM 214 "Initial Order Following Hearing on Petition for Admission", it was suggested that the language "SCAO-approved, use of form, verbatim, mandatory" be put in the upper left hand corner to replace the current language. The committee may likely come to this conclusion of their own accord, but I suggest that this requirement be put in place for every single PCM mental commitment form (MCL 330.1404 and MCL 330.855), and possibly every PC probate court form (MCL 330.855).

Thank you for your considerations,

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