



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: March 14, 2019

TO: Probate Judges
Circuit Judges
Probate Registers
Court Administrators

FROM: Robin Eagleson, Management Analyst

RE: 2018 Mental Health Code Revisions – Judicial Admissions

Effective March 28, 2019, [Public Act 596 of 2018](#) amends the Mental Health Code (MHC) to provide authority to the courts to order outpatient treatment as an alternative to inpatient judicial admissions. Highlights of the legislative amendments are below:

Forms: The judicial admission forms have been revised to address the legislative changes. Highlighted form changes may be found [here](#). Forms will be available for use on the [SCAO forms website](#) by March 28, 2019.

Case-Type Code: The case-type code will remain JA.

Caseload Changes: All caseload reporting requirements will remain.

Case Management System Changes: There are no changes for the case management system.

Highlights of Legislative Amendments:

- The term “judicial admission” has been substituted for the term “treatment” throughout chapter 5.
- The term “center” has been substituted for the term “facility” throughout chapter 5.
- Definitions were revised or added for the following terms:

- “Alternative program of care and treatment” means an outpatient program of care and treatment suitable to the individual’s needs under the supervision of a psychiatrist that is developed in accordance with person-centered planning under section 712.¹
- “Criteria for treatment” means the criteria specified in section 515 for admission of an adult with an intellectual disability to a facility, private facility, or alternative program of care and treatment under section 518.²
- “Treatment” means admission into an appropriate treatment facility or an outpatient program of care and treatment suitable to the individual’s needs under the supervision of a psychiatrist that is developed in accordance with person-centered planning under section 712.³
- Provides the court with the authority to order outpatient treatment or admission into a treatment facility.⁴ The individual must meet the following criteria:
 - is 18 years of age or older;
 - has been diagnosed as an individual with an intellectual disability; and
 - Either of the following:
 - can be reasonably expected within the near future to intentionally or unintentionally seriously physically injury himself, herself, or another person, and has overtly acted in a manner substantially supportive of that expectation.

OR

 - has been arrested and charged with an offense that was a result of the intellectual disability.⁵
- The court must review a report submitted under MCL 330.1516(3), “specifically reviewing alternatives and recommendations as provided under section 517(6)(c) and (d).⁶

For any questions, please contact me at trialcourtservices@courts.mi.gov or 517-373-5542.

¹ MCL 330.1500(b).

² MCL 330.1500(d).

³ MCL 330.1500(f).

⁴ MCL 330.1515.

⁵ If the resident met criteria for treatment under MCL 330.1515(b), the prosecuting attorney must be notified of a discharge by the facility.

⁶ MCL 330.1519.