



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner  
Director

### MEMORANDUM

DATE: July 17, 2014

TO: Chief Probate Court Judges  
Probate Court Administrators  
Probate Registers

FROM: Robin Eagleson, Management Analyst

RE: 2014 Public Act 200; Substance Use Disorder Services

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The purpose of this memo is to inform the courts of recently-passed legislation that will affect court operations.

Effective June 24, 2014, Public Act 200 of 2014 (the "Act") amends the Mental Health Code to allow an individual to petition the court to provide involuntary treatment and/or services for a substance use disorder.<sup>1</sup> A court is prohibited from ordering involuntary treatment for an individual unless all of the following statements apply:

- a. The individual has a substance use disorder as verified by a health professional under section 281b.
- b. The individual presents an imminent danger or imminent threat of danger to self, family, or others as a result of the substance use disorder, or a substantial likelihood of the threat of danger in the near future exists.
- c. The individual can reasonably benefit from treatment.

MCL 330.1281a(1).

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<sup>1</sup> The Act includes revisions of MCL 330.1100b, MCL 330.1100c, MCL 330.1100d, MCL 330.1260, MCL 330.1276, MCL 330.1277, MCL 330.1278, MCL 330.1279, MCL 330.1281, MCL 330.1282, MCL 330.1283, MCL 330.1286, and MCL 330.1464a. The Act also adds MCL 330.1281a, MCL 330.1281b, and MCL 330.1281c.

The Act defines “court” as the probate court for the county in which an individual resides or is found, if a request for substance use disorder treatment and rehabilitation services has been made or a petition for involuntary treatment has been filed (MCL 330.1260[1][b]). The Act specifies the individuals who may file a petition and what information must be included in a petition filed under this section (MCL 330.1281a[2], [3]). Upon receipt of a petition and payment of the filing fee, the court must examine the petitioner under oath regarding the contents of the petition and if the court determines there is probable cause that treatment may be beneficial, the court must do the following:

- schedule a hearing to be held within 7 days to determine if there is clear and convincing evidence to find that treatment would be beneficial to the respondent,
- notify the respondent that the respondent may retain counsel, and that the respondent may be represented by court-appointed counsel at public expense if the respondent is indigent,
- notify the respondent that an examination will be conducted no later than 24 hours before the hearing date by a physician, and
- provide the required notifications as provided in the Act.

MCL 330.1281b.

When a petitioner files a petition with the court, the ML (Miscellaneous Matters) case-type code must be used. A new case-type code will not be created at this time. The statute requires that a hearing be scheduled and heard within 7 days of receipt of the petition. A new case-type code, along with new time guidelines regarding these cases, may be created in the future should the need arise.

At this time (and subject to review of implementation issues under the Act), SCAO does not anticipate creating a new form or establishing new court rules. Courts may refer petitioners to the Act for details about the contents of a petition and the process.

If you have any questions, please contact me at [TrialCourtServices@courts.mi.gov](mailto:TrialCourtServices@courts.mi.gov).