

HOUSE BILL No. 5341

October 30, 1997, Introduced by Reps. Richner, Leland, Law, Hale and Kelly and referred to the Committee on Appropriations.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 498c and 498d (MCL 330.1498c and 330.1498d),
as amended by 1995 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 498c. As used in this chapter, unless the context
2 requires otherwise:

3 (a) "Person in loco parentis" means a person who is not the
4 parent or guardian of a minor, but who has either legal custody
5 of a minor or physical custody of a minor and is providing sup-
6 port and care for the minor.

7 ~~-(b) "State ward" means a state ward as defined in section 2~~
8 ~~of the youth rehabilitation services act, Act No. 150 of the~~
9 ~~Public Acts of 1974, being section 803.302 of the Michigan~~
10 ~~Compiled Laws.~~

1 (B) ~~-(c)-~~ "Suitable for hospitalization" means a
 2 determination concerning a minor that all of the following cri-
 3 teria are met:

4 (i) The minor is a minor requiring treatment.

5 (ii) The minor is in need of hospitalization and is expected
 6 to benefit from hospitalization.

7 (iii) An appropriate, less restrictive alternative to hospi-
 8 talization is not available.

9 Sec. 498d. (1) Subject to section 498e and except as other-
 10 wise provided in this chapter, a minor of any age may be hospi-
 11 talized if both of the following conditions are met:

12 (a) The minor's parent, guardian, or a person acting in loco
 13 parentis for the minor or, ~~pursuant to~~ IN COMPLIANCE WITH sub-
 14 section (2) OR (3), the ~~department of social services~~ FAMILY
 15 INDEPENDENCE AGENCY OR COUNTY JUVENILE AGENCY, AS APPLICABLE,
 16 requests hospitalization of the minor ~~pursuant to~~ UNDER this
 17 chapter.

18 (b) The minor is found to be suitable for hospitalization.

19 (2) The ~~department of social services~~ FAMILY INDEPENDENCE
 20 AGENCY may request hospitalization of a minor who is ~~1 of the~~
 21 following: ~~(a) Committed to the department of social services~~
 22 ~~under Act No. 220 of the Public Acts of 1935, being sections~~
 23 ~~400.201 to 400.214 of the Michigan Compiled Laws.~~ COMMITTED TO
 24 THE FAMILY INDEPENDENCE AGENCY UNDER 1935 PA 220, MCL 400.201 TO
 25 400.214.

1 (3) THE FAMILY INDEPENDENCE AGENCY OR COUNTY JUVENILE
2 AGENCY, AS APPLICABLE, MAY REQUEST HOSPITALIZATION OF A MINOR WHO
3 IS 1 OF THE FOLLOWING:

4 (A) ~~-(b)-~~ A ward of the court under chapter X or XIIIA of
5 ~~Act No. 288 of the Public Acts of 1939, being sections 710.21 to~~
6 ~~712A.28 of the Michigan Compiled Laws~~ 1939 PA 288, MCL 710.21 TO
7 710.70 AND 712A.1 TO 712A.32, if the ~~department of social~~
8 ~~services~~ FAMILY INDEPENDENCE AGENCY OR COUNTY JUVENILE AGENCY is
9 specifically empowered to do so by ~~an~~ COURT order. ~~of the~~
10 ~~court.~~

11 (B) ~~-(c)-~~ Committed to the ~~department of social services as~~
12 ~~described in section 2 of~~ FAMILY INDEPENDENCE AGENCY OR COUNTY
13 JUVENILE AGENCY UNDER the youth rehabilitation services act, ~~Act~~
14 ~~No. 150 of the Public Acts of 1974, being section 803.302 of the~~
15 ~~Michigan Compiled Laws~~ 1974 PA 150, MCL 803.301 TO 803.309,
16 except that if the minor is residing with his or her custodial
17 parent, the consent of the custodial parent is required.

18 (4) ~~-(3)-~~ Subject to sections 498e, 498f, and 498j, a minor
19 14 years of age or older may be hospitalized if both of the fol-
20 lowing conditions are met:

21 (a) The minor requests hospitalization ~~pursuant to~~ UNDER
22 this chapter.

23 (b) The minor is found to be suitable for hospitalization.

24 (5) ~~-(4)-~~ In making the determination of suitability for
25 hospitalization, a minor shall not be determined to be a minor
26 requiring treatment solely on the basis of 1 or more of the
27 following conditions:

1 (a) Epilepsy.

2 (b) Developmental disability.

3 (c) Brief periods of intoxication caused by substances such
4 as alcohol or drugs or by dependence upon or addiction to those
5 substances.

6 (d) Juvenile offenses, including school truancy, home truan-
7 cy, or incorrigibility.

8 (e) Sexual activity.

9 (f) Religious activity or beliefs.

10 (g) Political activity or beliefs.

11 (6) "COUNTY JUVENILE AGENCY" MEANS THAT TERM AS DEFINED IN
12 SECTION 2 OF THE COUNTY JUVENILE AGENCY ACT.

13 Enacting section 1. This amendatory act does not take
14 effect unless the United States department of health and human
15 services grants part 3 of the family independence agency's waiver
16 filed under the child welfare demonstration project to permit a
17 transfer of title IV-E funding from the state to 1 or more coun-
18 ties and the family independence agency files with the secretary
19 of state a certification that the necessary waiver was granted.

20 Enacting section 2. This amendatory act does not take
21 effect unless all of the following bills of the 89th Legislature
22 are enacted into law:

23 (a) Senate Bill No. _____ or House Bill No. _____ (request
24 no. 03597'97 *).

25 (b) Senate Bill No. _____ or House Bill No. _____ (request
26 no. 03598'97 *).

- 1 (c) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 03598'97 a *).
- 3 (d) Senate Bill No. _____ or House Bill No. _____ (request
4 no. 03598'97 b *).
- 5 (e) Senate Bill No. _____ or House Bill No. _____ (request
6 no. 03599'97 *).
- 7 (f) Senate Bill No. _____ or House Bill No. _____ (request
8 no. 03644'97 *).
- 9 (g) Senate Bill No. _____ or House Bill No. _____ (request
10 no. 03917'97 *).