

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

330.1498o Notice of intent or oral request to terminate hospitalization; petition to continue hospitalization; hearing.

Sec. 498o.

(1) Except as provided in subsection (4), a minor hospitalized under this chapter shall not be kept in the hospital more than 3 days, excluding Sundays and holidays, after receipt by the hospital of a written notice of intent to terminate the hospitalization of the minor executed by the minor's parent, guardian, or person in loco parentis or by the minor if the minor is 14 years of age or older and was admitted to the hospital upon his or her own request.

(2) Upon receipt of an oral request to terminate hospitalization of a minor pursuant to subsection (1), the hospital promptly shall supply the necessary form for termination of hospitalization to the person giving notice.

(3) Upon receipt of notice or an oral request under subsection (1) or (2) by a hospital under contract with the community mental health services program, the hospital director immediately shall notify the executive director.

(4) If notice of intent to terminate hospitalization is received by a hospital under subsection (1) or (2), and the director of the hospital determines that the minor to whom the notice applies should remain in the hospital, the director of the hospital or a person designated by the director of the hospital shall file, within 3 days, excluding Sundays and holidays, after receipt of the notice, a petition with the court requesting an order to continue hospitalization of the minor. The petition shall be accompanied by 1 certificate executed by a child and adolescent psychiatrist and 1 certificate executed by either a physician or a licensed psychologist. If a petition is filed with the court under this subsection, the hospital shall continue to hospitalize the minor pending a court hearing on the petition.

(5) Upon receipt of a petition to continue hospitalization of a minor under subsection (4), the court shall schedule a hearing to be held within 7 days, excluding Sundays and holidays, after receipt of the petition. The hearing shall be convened in accordance with sections 451 to 465.

(6) If the court finds the minor to be suitable for hospitalization by clear and convincing evidence, the court shall order the minor to continue hospitalization for not more than 60 days. If the court does not find by clear and convincing evidence that the minor is suitable for hospitalization, the court shall order the minor discharged from the hospital.

History: Add. 1984, Act 186, Imd. Eff. July 3, 1984 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996