

Written Statement of Rights of Involuntary Hospitalization Brief Summary for Patients

Someone is worried about your mental health and wants you to be seen by a doctor to decide if you need help from the hospital. However, you do NOT want to be admitted!

This concerned person writes examples of the behavior they are worried about and why they believe you need help from the hospital. The concerned person writes this information on a form called a **Petition**.

(The petition may be given to the police so they know you need to go to the hospital. The police may need to bring you to the hospital).

The petition is then given to the hospital or screening center. The doctor at the hospital/screening center will meet with you to decide if your behavior is serious enough for you to require staying at the hospital for help. If the doctor decides you need help from the hospital, the doctor will write out the reasons why you need help at the hospital. The form the doctor will write on is called a **First Clinical Certificate**.

Now, a psychiatrist needs to meet with you within 24 hours of being at the hospital. This doctor will also be deciding if your behavior is serious enough to require staying at the hospital. If this second doctor decides you need help from the hospital, the doctor will write out the reasons on a form also called a Certificate, but this one is known as the **Second Clinical Certificate**.

Now that you are in the hospital you may make at least 2 phone calls. You will have a lawyer who will work with you, once your paperwork has been filed with the court. You can also get your own lawyer as long as you pay for the services the lawyer provides to you.

You will be working with McLaren Northern Behavioral Health staff to assure you have access to the care you need. A physician will meet with you within the first 24 hours of your stay. Your psychiatrist will meet with you everyday that you are in the hospital. You will be evaluated for medication and treatment options. Your physician or nurse will explain the risks and benefits to any medication recommended for your treatment.

You can decide if you want to take the recommended medications. You have a right to refuse treatment until there is a deferral conference or a court order for your treatment, unless you are in immediate danger to your own safety or the safety of others.

Deferral Conference or Court Hearing

You have the right to Due Process (your time in court). Your attorney will meet with you within 3 days of your papers being filed with the court. You must have met with your attorney within the first 3 days but no less 1 full day (24 hours) before your scheduled court date. Your attorney should meet with you before the deferral conference.

Your physician and the staff will provide input and recommendations for your treatment during the deferral process.

If you are working with Community Mental Health, you will have a case manager meet with you. Your case manager will provide recommendations and information regarding your care during the deferral conference.

When you have your deferral conference your attorney will be present, as well as hospital treatment staff and a representative from the CMH. You will have several options:

1. You may decide to DEFER (delay) going to court. This means you are agreeing to take medication and participate in therapy/treatment now and when you are discharged. This is called “stipulating to the treatment”.
 - When you DEFER, it can last for 90 days; anytime in the next 90 days you can change your mind and ask for a court hearing.
 - You are now considered a “voluntary patient”.
 - The hospital can also ask for a court hearing at anytime if you decide not to participate in treatment. The hospital will ask for a hearing to determine if you need inpatient treatment and if so, the court will order you to take medications and participate in treatment. You are now an “involuntary patient”.

Some people prefer to DEFER their court hearing because it keeps the involuntary commitment to hospitalization off their permanent legal record.

2. You can decide to have a hearing and appear before the PROBATE JUDGE and let the judge decide if you need to be in the hospital for mental health treatment.
3. You may request a JURY TRIAL, allowing the jury to decide if you need to be in the hospital for mental health treatment. (you have to request a jury trial before the first witness takes the stand at the hearing with the probate judge - option 2 described above.)

You have many rights under the Michigan Mental Health Code during hospitalization and treatment. You will be provided with a rights booklet at admission. This book is a guide to your rights as a patient. If you have questions or would like to make a complaint regarding your rights, we have a Rights Advisor at the hospital you can talk to.

For more information on Recipient Rights please call or ask staff to contact the Rights Advisor at: (231) 487-5001

Reference:

http://www.michigan.gov/documents/mdch/involuntary_admission_explanation_revised_6_2012_3906_41_7.pdf

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