OVERVIEW OF CIVIL COMMITMENT
(Involuntary Treatment of Mental Disorders in the State of Michigan)

Civil Commitment

The term ‘civil commitment’ refers to the process by which a person with a mental disorder is protected against the symptoms of that disorder by receiving medical treatment involuntarily (ie, against the person’s will). As such, the provision of such treatment requires a court order. The civil commitment process involves four steps: a petition for hospitalization, two clinical certificates, and a court hearing.

Step 1: The Petition (Petition/Application for Hospitalization)

• A petition, also known as an application for hospitalization, is a document containing a report of behavioral observations that serve as the basis for bringing the person to a medical center for evaluation.

• A petition can be completed by any relevant party (eg, relative, friend, police officer, nurse, etc.).

• A completed petition allows a person to be transported to and kept safe at that medical center in order for a clinical evaluation to be completed. It does not authorize involuntary treatment to commence.

Step 2: The First Clinical Certificate (Clinical Certificate)

• A clinical certificate certifies that the person received a clinical evaluation and was determined to be (a) mentally ill and (b) a person requiring psychiatric treatment.

• The first certificate can be completed by any physician or licensed psychologist.

• The first certificate is valid for up to 72 hours prior to psychiatric hospitalization, although psychiatric hospitals and insurance providers authorizing payment for hospitalization typically require a clinical certificate that has been completed within the last 24 hours.

• A completed first clinical certificate allows a person to be transported to and kept safe at a psychiatric facility until an evaluation by a psychiatrist and a court hearing can take place.

Step 3: The Second Clinical Certificate (Clinical Certificate)

• The second clinical certificate must be completed by a psychiatrist.

• It must be completed within 24 hours of the patient’s admission to a psychiatric facility.

Step 4: The Court Hearing

• The hearing must be held within 7 days of the court’s receipt of the petition and two clinical certificates.

• A psychiatrist or psychologist who has personally examined the person testifies at the hearing.

• Unless court-ordered to be hospitalized, the person is allowed to return home.

• At any time during the four steps above, the person may be allowed to receive psychiatric treatment voluntarily, at which point the civil commitment process terminates.