

JAIL DIVERSION STATUTES

§ 330.1206.

Community mental health services program; purpose; services.

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§ 330.1209

(Repealed) Former § [330.1209](#) pertained to notifying county program of admittance of individual to state facility.

§ 330.1209a.

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MCL § 330.1206

§ 330.1206. Community mental health services program; purpose; services.

Sec. 206. (1) The purpose of a community mental health services program shall be to provide a comprehensive array of mental health services appropriate to conditions of individuals who are located within its geographic service area, regardless of an individual's ability to pay. The array of mental health services shall include, at a minimum, all of the following:

- (a) Crisis stabilization and response including a 24-hour, 7-day per week, crisis emergency service that is prepared to respond to persons experiencing acute emotional, behavioral, or social dysfunctions, and the provision of inpatient or other protective environment for treatment.
- (b) Identification, assessment, and diagnosis to determine the specific needs of the recipient and to develop an individual plan of services.
- (c) Planning, linking, coordinating, follow-up, and monitoring to assist the recipient in gaining access to services.
- (d) Specialized mental health recipient training, treatment, and support, including therapeutic clinical interactions, socialization and adaptive skill and coping skill training, health and rehabilitative services, and pre-vocational and vocational services.
- (e) Recipient rights services.
- (f) Mental health advocacy.
- (g) Prevention activities that serve to inform and educate with the intent of reducing the risk of severe recipient dysfunction.
- (h) Any other service approved by the department.

(2) Services shall promote the best interests of the individual and shall be designed to increase independence, improve quality of life, and support community integration and inclusion. Services for children and families shall promote the best interests of the individual receiving services and shall be designed to strengthen and preserve the family unit if appropriate. The community mental health services program shall deliver services in a manner that demonstrates they are based upon recipient choice and involvement, and shall include wraparound services when appropriate.

HISTORY: Act 258, 1974, p 911; imd eff August 6, 1974 (see 1974 note below).

Pub Acts 1974, No. 258, Ch. 2, § 206, imd eff August 6, 1974, by § 1102(1) eff August 6, 1975; amended by Pub Acts 1995, No. 290, eff March 28, 1996 (see Mich. Const. note below).

Former Acts.

Former § 330.601 outlined the services which might be provided.

NOTES:

Editor's notes:

Michigan Constitution of 1963, Art. IV, § 27, provides:

"No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house."

Effect of amendment notes:

The 1995 amendment re-designated former section as subsection (1), opening paragraph; added subsection (1), paragraphs (a)-(h); added subsection (2); and made substantive changes.

Michigan Administrative Code references:

Michigan Administrative Code R 330.1001 et seq

CASE NOTES

Community mental health services may not be denied a person located within the geographical limits of a county on the basis of residence of the person. Op Atty Gen, April 24, 1986, No. 6356.

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**MCL § 330.1207**

§ 330.1207. Diversion from jail incarceration.

Sec. 207. Each community mental health services program shall provide services designed to divert persons with serious mental illness, serious emotional disturbance, or developmental disability from possible jail incarceration when appropriate. These services shall be consistent with policy established by the department.

**HISTORY:** Act 258, 1974, p 911; imd eff August 6, 1974 (see 1974 note below).

Pub Acts 1974, No. 258, Ch. 2, § 207, as added by Pub Acts 1995, No. 290, eff March 28, 1996 (see Mich. Const. note below).

**NOTES:**

Editor's notes:

Michigan Constitution of 1963, Art. IV, § 27, provides:

"No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house."

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MCL § 330.1208

§ 330.1208. Individuals to which service directed; priorities; denial of service prohibited.

Sec. 208. (1) Services provided by a community mental health services program shall be directed to individuals who have a serious mental illness, serious emotional disturbance, or developmental disability.

(2) Services may be directed to individuals who have other mental disorders that meet criteria specified in the most recent diagnostic and statistical manual of mental health disorders published by the American psychiatric association and may also be directed to the prevention of mental disability and the promotion of mental health. Resources that have been specifically designated to community mental health services programs for services to individuals with dementia, alcoholism, or substance abuse or for the prevention of mental disability and the promotion of mental health shall be utilized for those specific purposes.

(3) Priority shall be given to the provision of services to individuals with the most severe forms of serious mental illness, serious emotional disturbance, and developmental disability. Priority shall also be given to the provision of services to individuals with a serious mental illness, serious emotional disturbance, or developmental disability in urgent or emergency situations.

(4) An individual shall not be denied a service because an individual who is financially liable is unable to pay for the service.

HISTORY: Act 258, 1974, p 911; imd eff August 6, 1974 (see 1974 note below).

Pub Acts 1974, No. 258, Ch. 2, § 208, imd eff August 6, 1974, by § 1102(1) eff August 6, 1975; amended by Pub Acts 1978, No. 166, imd eff May 26, 1978; 1995, No. 290, eff March 28, 1996 (see Mich. Const. note below).

Former Acts.

Former § 330.601 outlined the services that might be provided.

Additionally, a portion of former § 330.602 authorized the establishment and administration of new, additional and existing child guidance clinics, all purpose psychiatric clinics and adult psychiatric clinics as well as other services provided for in former § 330.601 to assure continuity of care, and staff them with specially trained personnel. The services of psychiatrists and other persons trained in mental health disciplines in private practice could be engaged in such programs and clinics.

NOTES:

Editor's notes:

[Michigan Constitution of 1963, Art. IV, § 27](#), provides:

"No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house."

Effect of amendment notes:

The 1995 amendment re-designated and former opening paragraph as subsections (1) and (3); deleted former paragraphs (a)-(i); added subsections (2) and (4); and made substantive changes

MCL § 330.1209

§ 330.1209 (Repealed)

HISTORY: Act 258, 1974, p 911; imd eff August 6, 1974 (see 1974 note below).

Pub Acts 1974, No. 258, Ch. 2, § 209, as added by Pub Acts 1980, No. 409, imd eff January 8, 1981; repealed by Pub Acts 1995, No. 290, eff March 28, 1996 (see Mich. Const. note below).

NOTES:

Editor's notes:

Former § [330.1209](#) pertained to notifying county program of admittance of individual to state facility.

[Michigan Constitution of 1963, Art. IV, § 27](#), provides:

"No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house."

CASE NOTES

A county is not eligible for state reimbursement for the cost of services of peace officers in transporting patients to and from state mental institutions. Op Atty Gen, November 5, 1980, No. 5811.

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**MCL § 330.1209a**

§ 330.1209a. Prerelease plan for community placement and aftercare services; development; contracting for services; advance notice of patient release; release plan; postrelease plan; disclosure of information.

Sec. 209a. (1) The appropriate community mental health services program, with the assistance of the state facility or licensed hospital under contract with a community mental health services program, or the state facility shall develop an individualized prerelease plan for appropriate community placement and a prerelease plan for aftercare services appropriate for each resident. If possible, the resident shall participate in the development of a prerelease plan. In developing a prerelease plan for a minor, the community mental health services program shall include all of the following in the planning process if possible:

- (a) The minor, if the minor is 14 years of age or older.
- (b) The parent or guardian of the minor.
- (c) Personnel from the school and other agencies.

(2) If the responsible community mental health services program cannot locate suitable aftercare service with a residential component or an alternative to hospitalization in its service area, but the service is available from another service provider, the responsible community mental health service program may contract for the provision of services. The service shall be located as close to the individual's place of residence as possible.

(3) If a recipient of inpatient services provided through a community mental health services program is to be released, the licensed hospital under contract with a community mental health services program or a state facility shall provide the responsible community mental health services program with advance notice of an individual's anticipated release from patient care. The community mental health services program shall offer prerelease planning services and develop a release plan in cooperation with the individual unless the individual refuses this service.

(4) If a recipient of inpatient services provided through a community mental health services program is released before a prerelease plan can be completed, the community mental health services program shall offer to assist the recipient in the development of a post-release plan within 10 days after release.

(5) Unless covered by contractual agreement, disclosure of information about the individual by the state facility or licensed hospital shall be made to those individuals involved in the development of the prerelease or post-release plan or current individual plan of services, but shall be limited to the following:

- (a) Home address, gender, date of discharge or planned date of discharge, any transfer, and medication record.
- (b) Other information necessary to determine financial and social service needs, program needs, residential needs, and medication needs.

**HISTORY:** Act 258, 1974, p 911; imd eff August 6, 1974 (see 1974 note below).

Pub Acts 1974, No. 258, Ch. 2, § 209a, as added by Pub Acts 1980, No. 409, imd eff January 8, 1981; amended by Pub Acts 1984, No. 186, imd eff July 3, 1984; 1995, No. 290, eff March 28, 1996 (see Mich. Const. note below).

**NOTES:**

Editor's notes:

[Michigan Constitution of 1963, Art. IV, § 27](#), provides:

"No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house."

Effect of amendment notes:

The 1995 amendment made changes throughout the section.

Legal periodicals:

Hakola & Lavey, Forty-three million strong: An overview of civil rights protections for persons with disabilities, 70 Mich BJ 548 (1991).