

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.6124 Court determination; petition; appointment of guardian ad litem; notice of hearing; right to independent diagnostic evaluation; time of hearing; placement for minor; examination of evaluations; prohibitions; court records confidential.

Sec. 6124. (1) A minor's parent or person in loco parentis to a minor may petition the court requesting the court's determination as to whether treatment and rehabilitation services are necessary for the minor.

(2) Upon receipt of a petition under subsection (1), the court shall appoint a guardian ad litem to represent the minor for the purposes of this section and sections 6125 and 6126 and shall notify all of the following persons of the time and place for the hearing:

- (a) The minor's parents or person in loco parentis to the minor.
- (b) The minor.
- (c) The program director.
- (d) The guardian ad litem for the minor.

(3) A minor shall have the right to an independent diagnostic evaluation by a substance abuse program licensed in this state under this section.

(4) A hearing on a petition under subsection (1) shall be held within 7 days of the court's receipt of the petition.

(5) At a hearing under this section, the court shall determine whether substance abuse treatment and rehabilitation services are necessary. If the court determines that substance abuse treatment and rehabilitation services are necessary, then the court shall determine a suitable placement for the minor in the least restrictive setting available.

(6) In making the determinations under subsection (5), the court shall obtain and examine the diagnostic evaluation and treatment plan prepared for the minor under section 6123. If an independent diagnostic evaluation was prepared, the court shall examine that evaluation. Information obtained under this section shall not be used to authorize a petition under section 2(a) of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws.

(7) The court shall not order substance abuse treatment and rehabilitation services under this section on the grounds that the minor's parent or person in loco parentis to the minor is unwilling or unable to provide or arrange for the management, care, or residence of the minor.

(8) Court records maintained under this section shall be confidential and shall be open only by order of the court to persons having a legitimate interest.

History: Add. 1987, Act 224, Imd. Eff. Dec. 28, 1987.

Popular name: Act 368