

**PROBATE CODE OF 1939 (EXCERPT)**  
**Act 288 of 1939**

**712A.18q Competency hearing.**

Sec. 18q.

(1) Not later than 30 days after a report is filed under section 18p of this chapter, the court shall hold a hearing to determine if a juvenile is competent to proceed. At the hearing, the parties may introduce other evidence regarding the juvenile's mental condition or may submit the matter by written stipulation based on the filed report.

(2) Upon a finding by the court that a juvenile is incompetent to proceed and a finding that there is a substantial probability that the juvenile will remain incompetent to proceed for the foreseeable future or within the period of the restoration order, the court shall dismiss with prejudice the charges against the juvenile and may determine custody of the juvenile.

(3) The qualified juvenile forensic mental health examiner appointed by the court to determine the juvenile's mental condition shall be allowed reasonable fees for services rendered.

(4) The court shall report to the state court administrator the number of juveniles found to be incompetent to proceed.

**History:** Add. 2012, Act 541, Eff. Mar. 28, 2013

**Popular Name:** Probate Code

**Popular Name:** Juvenile Code