

# HOUSE BILL No. 5486

September 29, 2009, Introduced by Reps. Crawford, Haase, Segal, Lipton, Bauer, Byrnes,  
Liss and Kowall and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
(MCL 710.21 to 712A.32) by adding section 18q to chapter XIIIA.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER XIIIA

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 OR A FINDING THAT THERE IS A SUBSTANTIAL PROBABILITY THAT  
THE JUVENILE WILL REMAIN INCOMPETENT TO PROCEED FOR THE FORESEEABLE

1 FUTURE OR WITHIN THE PERIOD OF THE RESTORATION ORDER, THE COURT SHALL  
2 DISMISS THE CHARGES AGAINST THE JUVENILE AND MAY DETERMINE CUSTODY OF  
3 THE JUVENILE.

4 (3) THE QUALIFIED EXAMINER APPOINTED BY THE COURT TO DETERMINE  
5 THE JUVENILE'S MENTAL CONDITION SHALL BE ALLOWED REASONABLE FEES FOR  
6 SERVICES RENDERED. THE COURT SHALL DETERMINE WHO SHALL PAY THE COST  
7 OF THE COMPETENCY EVALUATION ORDERED BY THE COURT.

8 Enacting section 1. This amendatory act does not take effect  
9 unless all of the following bills of the 95th Legislature are  
10 enacted into law:

11 (a) Senate Bill No.\_\_\_\_ or House Bill No. 5485(request no.  
12 04134'09).

13 (b) Senate Bill No.\_\_\_\_ or House Bill No. 5487(request no.  
14 04135'09).

15 (c) Senate Bill No.\_\_\_\_ or House Bill No. 5488(request no.  
16 04136'09).

17 (d) Senate Bill No.\_\_\_\_ or House Bill No. 5489(request no.  
18 04137'09).

19 (e) Senate Bill No.\_\_\_\_ or House Bill No. 5484(request no.  
20 04139'09).