

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

712A.18n Competency of juvenile; presumption; order to determine competency during proceeding; record.

Sec. 18n. (1) A juvenile 10 years of age or older is presumed competent to proceed unless the issue of competency is raised by a party. A juvenile less than 10 years of age is presumed incompetent to proceed.

(2) The court may order on its own motion, or at the request of the juvenile, the juvenile's attorney, or the prosecuting attorney, a competency evaluation to determine whether the juvenile is incompetent to proceed if the juvenile is the subject of a delinquency petition in the court or if the juvenile is under the court's jurisdiction under section 2(a)(2) to (4) of this chapter. The issue of the juvenile's competency may be raised by the court before which the proceedings are pending or being held, or by motion of a party, at any time during the proceeding.

(3) At the time an issue of the juvenile's competency is raised, the delinquency proceeding shall temporarily cease until determination is made on the competence of the juvenile according to this act.

(4) The court shall maintain a record of how many competency evaluations are requested under this section.

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

Popular name: Probate Code

Popular name: Juvenile Code