

## Testimony re Juvenile Adjudicative Competency

Committee on Judiciary  
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On behalf of the Michigan Psychological Association, I want to thank you for addressing the issue of juvenile adjudicative competence. The legal treatment of children and adolescents should be informed by the most accurate and current scientific evidence on the nature and process of psychological development. As psychologists, we recognize the importance of emotional, psychosocial and cognitive functioning when assessing competence.

There are three specific areas in which we would like to propose specific changes in the language of the bills: The definition of competency/incompetency; definition of a qualified examiner and the age of presumption of incompetency.

### Definition of "Qualified Examiner"

#### Proposed language:

*"Qualified examiner" means a psychiatrist or licensed mental health provider whose scope of practice, as defined by the Public Health Code, includes the rendering to individuals. . . services involving the application of principles, methods, and procedures of **understanding, predicting, and influencing behavior for the purposes of the diagnosis, assessment related to diagnosis. . . of mental or emotional disorders**, who the Court determines has the skills and training necessary to conduct the competency evaluation. The skills necessary to conduct the competency evaluation shall include, but are not limited to, knowledge, skill, training, and experience in all of the following:*

- *Forensic evaluation procedures for juveniles through formal instruction, professional supervision, or both*
- *The evaluation or treatment of children and adolescents with serious emotional **disorders**, mental illness, or developmental disabilities.*
- *Documented coursework in child and adolescent development.*
- *Demonstrated understanding of generally accepted competency standards and best practices as set forth in guidelines approved by the Department of Community Health.*
- *A minimum of five years of documented experience in administering tests of cognitive and psychological functioning.*

*The Department of Community Health shall annually provide the courts with a list of professionals who have completed a training program approved by the Department to perform evaluations.*

#### Rationale:

(Grisso, 2003) found that juveniles between the ages of 11 and 13 were over three times more likely than young adults (18-24) to demonstrate serious competency-relevant impairment. They also found that youth under age 15 differed from adults in their ability to recognize risks inherent in different choices, as well as their ability to consider long-term implications of choices they make. The age of presumption of incompetency must be based on clinical findings on the average functional maturity of youth rather than external factors.

Thank you for the opportunity to comment on these bills.

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