

Testimony re Juvenile Adjudicative Competency

Senate Judiciary Committee
May 22, 2012

Judith Kovach, Ph.D.
Public Policy Consultant
Michigan Psychological Association

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.

We would like to propose specific changes in the language of the bills regarding the definition of a qualified forensic mental health examiner.

Definition of "Qualified Forensic Mental Health Examiner"

Proposed language:

"Qualified forensic mental health examiner" means one of the following who performs forensic mental health examinations for the purposes of Section 1062 to 1074:

- (A) A psychiatrist who possesses experience or training in the following as demonstrated by completion of a fellowship in child psychiatry or are Board certified in child psychiatry, or**
- (B) A licensed psychologist who has completed an internship in which a significant component of the training involved the assessment or treatment of children or documentation of a post-doctoral fellowship or other training in the assessment of children.**

The psychiatrist or psychologist must also possess documented experience or training in the following:

- (i) Forensic evaluation procedures for juveniles
- (ii) Familiarity with competency standards in this state.

Beginning 18 months after the effective date of the amendatory act that added this section, a licensed Master's social worker or licensed professional counselor or limited license psychologist who:

- (A) Has documented academic training or a minimum of 5 years' experience in the following:

- (i) Evaluation or treatment of children or adolescents with emotional disturbance, mental illness or developmental disabilities
- (ii) Clinical understanding of child and adolescent development

(B) Has completed a juvenile competency training program for forensic mental health examiners that is endorsed by the department under Section 1072.

Addition to Section 1072:

The Department will convene a workgroup including mental health providers meeting the requirements for a qualified forensic mental health examiner to determine the basic format and content of the training program.

Notes regarding Section 1064 (5) B: a clinical assessment that **includes**, but is not limited to, the following:

(ii) The diagnosis and functional impact of mental illness, developmental disability or cognitive impairment...

The scope of practice of LPCs does not include the diagnosis of mental illness, developmental disability or cognitive impairment.

(iii): An assessment of the juvenile's intelligence

By Michigan law, LMSWs and LPCs cannot administer or interpret standardized intelligence tests.

Enactment of this bill would be in conflict with the Michigan Public Health Code.

Contact: Email: mpadpa@msn.com
Phone: 248-302-6774