

**JUVENILE COMPETENCY AND CHILDREN WITH  
SERIOUS EMOTIONAL DISTURBANCE (SED)**

Michigan Department of Health and Human Services

**MENTAL HEALTH CODE (EXCERPT)**

**1974 PA 258**

**MCL 330.1100d Definitions; S to W.**

(2) "Serious emotional disturbance" (SED) means a diagnosable mental, behavioral, or emotional disorder affecting a minor that exists or has existed during the past year for a period of time sufficient to meet diagnostic criteria specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association and approved by the department and that has resulted in functional impairment that substantially interferes with or limits the minor's role or functioning in family, school, or community activities. The following disorders are included only if they occur in conjunction with another diagnosable serious emotional disturbance:

- (a) A substance use disorder.
- (b) A developmental disorder.
- (c) "V" codes in the Diagnostic and Statistical Manual of Mental Disorders.

**MCL 330.2074 Court finding that juvenile may be restored to competency in foreseeable future; restoration order; renewal; report that substantial probability that juvenile will remain incompetent; actions of court; order to provide treatment; report from entity providing services; duties of court.**

(5) Upon receipt of a report from a qualified forensic mental health examiner that there is a substantial probability that the juvenile is unable to be restored due to serious emotional disturbance, the court may in its discretion, except as provided under the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, order that mental health services be provided to the juvenile by the department, subject to the availability of inpatient care, a community mental health services program, the department of human services, a county department of human services, or another appropriate mental health services provider for a period not to exceed 60 days. The court shall retain jurisdiction over the juvenile throughout the duration of the order. The entity ordered to provide services under this subsection shall continue to provide services for the duration of the period of treatment ordered by the court.

The Michigan Department of Health and Human Services (MDHHS) does not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, genetic information, sex, sexual orientation, gender identity or expression, political beliefs or disability.

Qualified Juvenile Forensic Mental Health Examiner reports to court there is substantial probability that the juvenile is unable to be restored due to Serious Emotional Disturbance (SED) based on the MCL 300.1100d definition



**Outcome 3:**  
Court finds Juvenile Defendant is Incompetent and there is a substantial probability that the juvenile will be unable to be restored in the foreseeable future or restoration period due to SED  
**Court Order for Mental Services**



Court Order for Mental Health Services, Subject to the Availability of Inpatient Care,  
**Option 1:** Community Mental Health (CMH) Service Providers, for up to 60 Days  
*See page 3*

Court Order for Mental Health Services, Subject to the Availability of Inpatient Care, **Option 2:** Michigan Department of Health and Human Services for up to 60 Days  
*See page 4*

Court Order for Mental Health Services, Subject to the Availability of Inpatient Care,  
**Option 3:** Other Mental Health Provider for up to 60 Days  
*See page 5*





