



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Jennifer Warner
Director

MEMORANDUM

DATE: November 21, 2019

FROM: Rebecca A. Schnelz, Forms and Resources Analyst

RE: Notice of Revisions to MC 205, Finding and Order on Competency

Form MC 205 have been revised. A brief explanation of the changes and a copy of the form with the changes highlighted are provided below.

For questions, comments, or suggestions about these court forms, contact 517-373-5626 or CourtFormsInfo@courts.mi.gov.

[MC 205, Finding and Order on Competency](#)

Most recent update: (11/19)

Use of existing stock: Can be used until 6/30/20

- [Click here to see the highlighted changes.](#)

This form was modified to improve usability and to state more clearly the option of outpatient treatment.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	FINDING AND ORDER ON COMPETENCY	CASE NO. and JUDGE
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ORI _____ Court address _____ Court telephone no. _____
MI- _____

Reformatted to new format

THE PEOPLE OF

The State of Michigan

v

Defendant's name, address, and telephone no.

CTN _____ SID _____

Charge(s): _____

MCL/Ordinance citation(s): _____

Based upon a competency hearing with the defendant and defendant's counsel present,
THE COURT FINDS AND IT IS ORDERED:

- 1. The defendant is competent to stand trial. The case shall continue to the next stage of the criminal process.
 - The defendant is receiving medication to maintain competency. The defendant, in order to maintain competency to stand trial, shall be administered appropriate medication pending and during trial.

- 2. This defendant is incompetent to stand trial but restorable. There is a substantial probability that the defendant, if provided a course of treatment, will attain competence to stand trial within the time limit established by law. The defendant shall undergo treatment to render the defendant competent to stand trial.
 - a. MDHHS is appointed as the medical supervisor of treatment and the defendant shall be committed to the inpatient facility recommended by the Center for Forensic Psychiatry unless MDHHS determines that inpatient commitment is not necessary for the effective administration of the course of treatment. If inpatient commitment is not necessary and the defendant is not incarcerated, the Community Mental Health Services Program where the defendant resides is appointed as medical supervisor of treatment. MDHHS shall notify the court if a different medical supervisor should be appointed.
 - b. The court orders the disclosure of information necessary to facilitate treatment during the pendency of the criminal proceedings. Health information may be shared among the medical supervisor of treatment, the Center for Forensic Psychiatry, the county jail, mental health providers, regional state hospitals, the prepaid inpatient health plan, the Michigan Department of Corrections and others when necessary to coordinate care and treatment.
 - c. As a condition of release, the defendant shall comply with court-ordered treatment. An amended conditional release order shall be issued.

- 3. The defendant is incompetent to stand trial and not restorable. There is a substantial probability that the defendant, if provided a course of treatment, will not attain competence to stand trial within the time limit established by law.
 - It has been alleged that the defendant may be a person requiring treatment as defined by MCL 330.1401 or meet the criteria for judicial admission as defined by MCL 330.1515. The prosecuting attorney is directed to file a petition for mental health treatment with the probate court.

Judge's signature and date