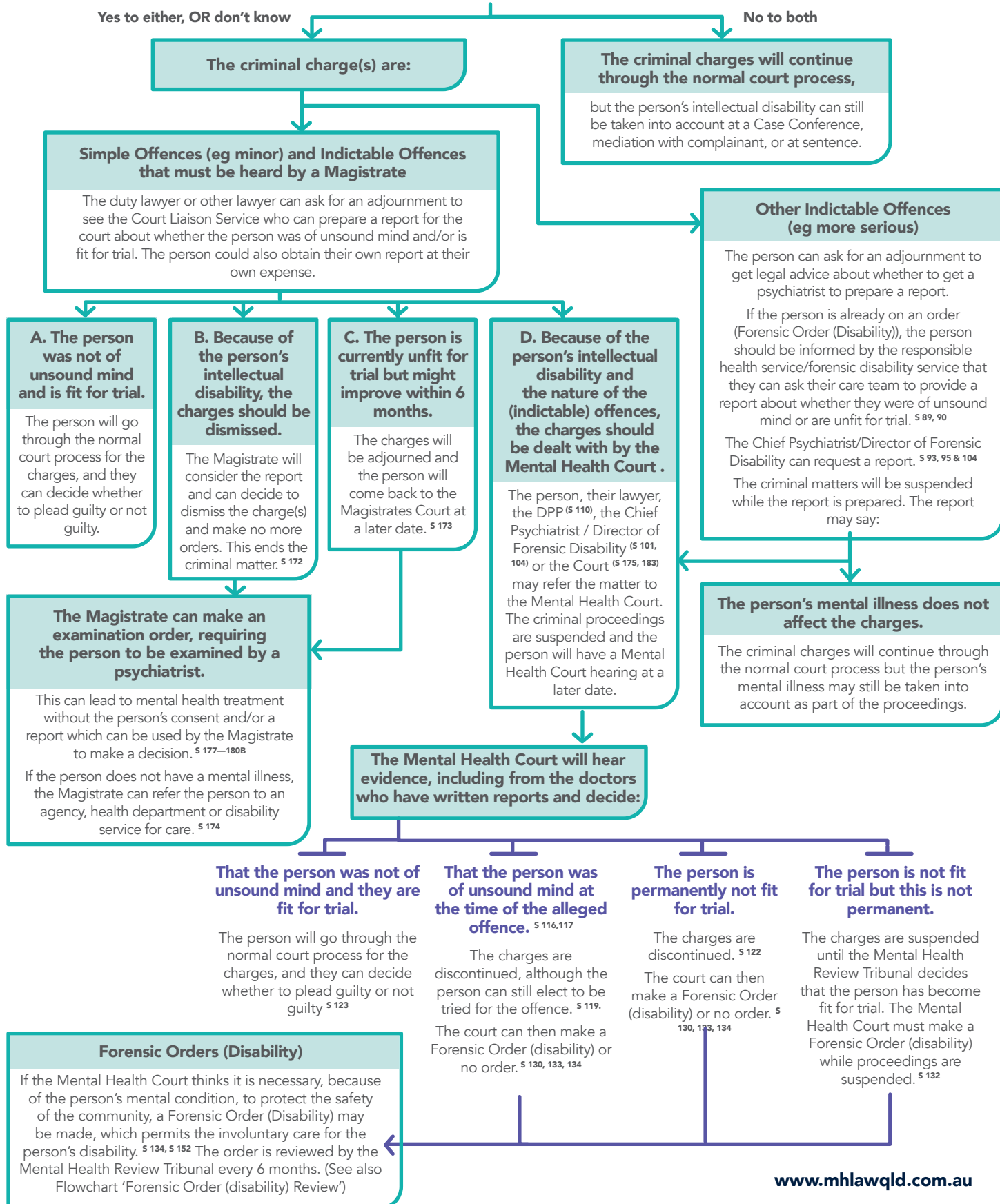


Does the Person, their Doctors, their Lawyer, the Court or the Police think that:

1. The person's intellectual disability affected them to the extent that they were of 'unsound mind' at the time of the alleged offence(s)? ^{s 109}
2. Because of their intellectual disability, the person may be unable to follow court proceedings? (unfit for trial)



In Queensland, a person's criminal charges can be dismissed or discontinued if the Court agrees that the person was of unsound mind at the time of the offences or is currently unfit for trial.

In this flowchart, "intellectual disability" refers to intellectual or cognitive disability, but not mental illness.

Representation in Court

When a person first appears in court they can represent themselves, see the duty lawyer, apply for legal aid or pay for a lawyer. **If intellectual disability is relevant to the charges, they should speak to a lawyer.**

Mental Illness

If the person also has a mental illness which affects their criminal responsibility for the charges or requires involuntary treatment and care, please refer to the **flowchart 'What happens to criminal charge(s) if a person has a mental illness'**

Intellectual Disability

If the person does not have mental illness but has intellectual or cognitive disability which affects their criminal responsibility for the charges, **see flowchart 'What happens to criminal charge(s) if a person has an intellectual or cognitive disability'**.

Simple Offences and Indictable Offences

See <https://queenslandlawhandbook.org.au/the-queensland-law-handbook/offenders-and-victims/introduction-to-criminal-law/types-of-criminal-offences/>

Unless otherwise specified, references to sections (s) are from the *Mental Health Act 2016* (Qld)