STATE OF INDIANA

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

In The Matter Of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A Delinquent Child

**ORDER FOR COMPETENCY EVALUATION**

The Court, having reasonable grounds to believe that the alleged delinquent child is not competent, now orders the child to undergo a competency evaluation.

The Court appoints \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a [disinterested psychiatrist] or [psychologist endorsed as a health service provider], who has expertise in determining competency in juveniles, to evaluate the child's competency. *(It is recommended that the Court reach out to the individual appointed via telephone/email prior to appointment to discuss availability and time frames.)*

The competency evaluation shall take place at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Not later than seven (7) days from the date of this order, the juvenile probation department shall provide the person appointed to conduct the competency evaluation with all relevant files in the possession of the probation department, including any preliminary investigatory records and a copy of the delinquency allegations.

*(optional)* The State of Indiana, including the Prosecutor’s Office, any law enforcement agencies, DCS, and any service or treatment providers, shall provide the person appointed to conduct the competency evaluation any and all investigative and/or services and treatment information and documentation in their possession or obtainable by them related to the juvenile’s charges and/or mental status.

*(optional)* The Defense shall provide any information the Defense desires and/or feels necessary and appropriate even if said production may be duplicative.

The person appointed to conduct the competency evaluation may consider any relevant information. However, the competency report may not contain any statement from the child relating to the alleged delinquent act.

The competency evaluation shall be completed within \_\_\_\_\_ days of this Order. *(Recommendation is not less than thirty (30) days)*

Not later than fourteen (14) days upon completion of the competency evaluation, the person who conducted the evaluation shall provide a written report to the court at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(insert who at the court it should be sent to and the address)* and to all attorneys of record. The competency report shall include the following:

(1) The opinion of the person who conducted the competency evaluation as to the child's ability to understand the nature and objectives of the proceeding against the child.

(2) The opinion of the person who conducted the competency evaluation as to the child's ability to assist in the child's defense.

(3) If a person who conducted the competency evaluation determined that the child is not competent, a:

(A) description of the child's need for services; and

(B) recommendation concerning the least restrictive setting and treatment that would assist in restoring the child's competency.

The county shall be responsible for the payment of a competency evaluation.

So ORDERED \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge