STATE OF INDIANA

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

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

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

A Delinquent Child

**ORDER FINDING CHILD INCOMPETENT**

**(Child will not attain competency)**

This matter has come before the Court for hearing concerning the matter of the competency of the juvenile, and the Court, having received evidence and heard the arguments of counsel, now finds as follows:

The child lacks the ability to understand the nature and objectives of the delinquency proceeding pending against the child, and/or the ability to assist in the child’s defense.

The juvenile is not currently competent and will not attain competency within *(choose one)*:

[ ] one hundred eighty (180) days (if the child is alleged to have committed an act that would be a felony if committed by an adult);

*or*

[ ] ninety (90) days (if the child is alleged to have committed an act that would not be a felony if committed by an adult).

The Court, therefore:

 [ ] dismisses the allegations without prejudice.

[ ] delays dismissing the allegations for not more than ninety (90) days and:

[ ] refers the matter to the department and requests that the department determine whether the child may be a child in need of services; or

[ ] orders the following named probation officer, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to: refer the child or the child's family to an entity certified or licensed by the division of mental health and addiction, or the bureau of developmental disabilities services; or otherwise secure services to reduce the potential that the child will engage in behavior that could result in delinquent child or other criminal charges. *(Note: None of the above entities are required to accept a referral.)*

[ ] determines that the preceding two options are not in the best interests of the child, who appears to the court to be mentally ill, and the Court therefore refers the matter to the court having probate jurisdiction for civil commitment proceedings under IC 12-26 or to initiate a civil commitment proceeding under IC 12-26.

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

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

Judge