

§3318-C. Competency orders

1. Contents of competency order. Competency orders issued by the court may include only the following information.

A. The order must include a finding of whether the juvenile is competent to proceed based on whether the juvenile has a rational, as well as factual, understanding of the proceedings and a sufficient present ability to consult with legal counsel with a reasonable degree of rational understanding. [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

B. If the court finds that the juvenile is competent to proceed, the order must specify the day on which the proceedings on the juvenile petition will resume. [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

C. If the court finds that the juvenile is not competent but there is a substantial probability that the juvenile may be competent in the foreseeable future, the order must direct compliance with section 3318-B, subsection 1, paragraph A. [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

D. If the court finds that the juvenile is not competent to proceed and there is no substantial probability that the juvenile will be competent in the foreseeable future, the order must set a date for a further hearing pursuant to section 3318-B, subsection 2. [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

All findings of fact made by the court in association with the issuance of a competency order are confidential and may not be included in the order.

[PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

2. Access to competency orders. Competency orders may be inspected by the following persons:

A. The victim of the juvenile crime or, if the victim is a minor, the victim's parent or parents, guardian or legal custodian; [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

B. If the victim cannot act on the victim's own behalf due to death, age, physical or mental disease or disorder or intellectual disability or autism or other reason, an immediate family member, guardian, legal custodian or attorney representing the victim; and [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

C. The public, but only if the juvenile proceeding to which the order relates is publicly accessible pursuant to section 3308-C, subsection 2. [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

[PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

SECTION HISTORY

PL 2021, c. 365, §23 (NEW). PL 2021, c. 365, §37 (AFF).

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