

Article - Courts and Judicial Proceedings

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§3-8A-17.1.

(a) (1) At any time after a petition alleging that a child has committed a delinquent act is filed with the court under this subtitle, the court on its own motion, or on motion of the child's counsel or the State's Attorney, shall stay all proceedings and order that the Department of Health and Mental Hygiene or any other qualified expert conduct an evaluation of the child's competency to proceed if the court finds that:

(i) There is probable cause to believe that the child has committed the delinquent act; and

(ii) There is reason to believe that the child may be incompetent to proceed with a waiver hearing under § 3-8A-06 of this subtitle, an adjudicatory hearing under § 3-8A-18 of this subtitle, a disposition hearing under § 3-8A-19 of this subtitle, or a violation of probation hearing.

(2) An evaluation ordered under paragraph (1) of this subsection shall be performed by a qualified expert.

(3) This subsection may not be construed to prohibit the State or the child from calling other expert witnesses to testify at a competency hearing.

(b) Any motion questioning the child's competency to proceed, and any subsequent legal pleading relating to the child's competency to proceed, shall be served on the child's counsel, the State's Attorney, the Department of Juvenile Services, and the Department of Health and Mental Hygiene.

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