

Article - Courts and Judicial Proceedings

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§3-8A-17.8.

(a) If the court orders the Department of Health and Mental Hygiene to provide competency attainment services under § 3-8A-17.6 of this subtitle, the Department of Health and Mental Hygiene shall file a written report with the court, with notice to counsel of the submission of the report, within 90 days after the court order, stating whether, in the opinion of the Department, the child:

(1) Has attained competency;

(2) Remains incompetent to proceed, but may be able to attain competency in the foreseeable future; or

(3) Remains incompetent to proceed, and is unlikely to attain competency in the foreseeable future.

(b) (1) The court shall hold a competency hearing in accordance with § 3-8A-17.4 of this subtitle within 15 days after the court receives the report described in subsection (a) of this section.

(2) For good cause shown, the hearing date may be continued for a reasonable period of time.

(c) (1) At the competency hearing, if the court determines that the child is competent, the court shall proceed in accordance with § 3-8A-17.5 of this subtitle.

(2) Case management and supervision of the child shall be transferred to the Department of Juvenile Services to continue proceedings under this subtitle.

(3) (i) Subject to the time periods for dismissal of the case specified in § 3-8A-17.9 of this subtitle, if the court determines that the child remains incompetent to proceed, but may be able to attain competency in the foreseeable future, the court may order that services be continued in increments of not more than 6 months.

(ii) Within 6 months after the court orders additional services under subparagraph (i) of this paragraph, the Department of Health and Mental Hygiene shall file a written report as described in subsection (a) of this section.

(iii) 1. The court shall hold a competency hearing in accordance with § 3-8A-17.4 of this subtitle within 15 days after the court receives the report described in subparagraph (ii) of this paragraph.

2. For good cause shown, the hearing date may be continued for a reasonable period of time.

(4) If the court determines that the child remains incompetent to proceed and is unlikely to attain competency in the foreseeable future, the court shall proceed in accordance with § 3-8A-17.7 of this subtitle.

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