

322

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

Name _____, Juvenile Case No. _____
DOB xx /xx / ____ A male female

MOTION TO DETERMINE COMPETENCY

Pursuant to K.S.A. 38-2348 and 38-2349

COMES NOW the State of Kansas counsel for the juvenile and moves the Court for a determination of the competency of the juvenile named above.

Attending the proceedings relating to this motion would be injurious to the juvenile’s health, and the waiver of the presence of the juvenile is requested.

Dated this _____ day of _____, _____.

Movant

Authority

K.S.A. 38-2348; 38-2349 and 38-2350.

Notes on Use

K.S.A.38-2348 provides that a motion to determine competency (Form 322) may be made by any party, or by the court. Upon the filing of the motion, proceedings shall be suspended (Form 323) and a hearing conducted (Form 325). Prior to hearing, the court may order an evaluation (Form 323). Below is a restatement of the statute as a flowchart which may assist in understanding the process.

Revised Juvenile Offender Code Competency Hearing Flow Chart

