

326

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

IN THE MATTER OF

Name \_\_\_\_\_, Juvenile Case No. \_\_\_\_\_
DOB xx /xx / \_\_\_\_ A  male  female

JOURNAL ENTRY OF HEARING RELATING TO COMPETENCY
UPON REPORT OF CHIEF MEDICAL OFFICER

Pursuant to K.S.A. 38-2348, 38-2349 and 38-2350

Now, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the Court considers the report relating to the juvenile's competency from the chief medical officer, Judge \_\_\_\_\_ presiding.

- The State appears by \_\_\_\_\_ County/District Attorney or designee.
 The juvenile appears  in person and  not in person, but by the juvenile's attorney, \_\_\_\_\_.  Attending the proceedings relating to this motion would be injurious to the juvenile's health, and the presence of the juvenile is waived.
 The mother  is present  is not present.
 The father  is present  is not present.
 The CSO is present through \_\_\_\_\_.
 The Commissioner is present through \_\_\_\_\_.
 Also present is/are: \_\_\_\_\_

The Court, having reviewed the file, received the evidence, and heard statements of counsel, makes the following findings and enters the following orders:

- The juvenile is competent, the suspension of proceedings should be lifted and prosecution reinstated.
or
 The chief medical officer of \_\_\_\_\_ has certified that a probability of attaining competency does exist. The juvenile shall remain placed in an appropriate institution until the juvenile attains competency or for a period of no longer than six months from the date of the original commitment, whichever occurs first.
or
 The chief medical officer of \_\_\_\_\_ has certified that a probability

of attaining competency does not exist and the County/District Attorney shall commence proceedings pursuant to K.S.A. 59-2901 *et seq.*

or

The juvenile has previously been determined to be incompetent and previously committed for treatment for a period not to exceed six months. The chief medical officer of \_\_\_\_\_ has now certified that a probability of attaining competency does not exist and the County/District Attorney shall commence proceedings pursuant to K.S.A. 59-2901 *et seq.*

It is so ordered, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge of the District Court

#### Authority

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

#### Notes on Use

K.S.A. 38-2349 provides that upon the court finding the juvenile incompetent, then the juvenile shall be committed for evaluation and treatment for up to 90 days (Form 325). At the end of that period the chief medical officer shall report to the court whether there is a substantial probability of the juvenile attaining competency. If the chief medical officer certifies that a probability of attaining competency does not exist, the court shall order the state to commence chapter 59 mental illness proceedings (Form 326). If the chief medical officer certifies that there is a probability, then the juvenile shall remain for further treatment for up to 6 months (Form 326). If at the end of that treatment period competency appears to have been attained, then the court shall conduct a hearing to determine if competency has been attained, and lift the suspension of proceedings if that is so determined (Form 326). If at the end of that treatment period competency has not been attained, then the court shall order the state to file Chapter 59 mental illness proceedings on the juvenile (Form 326). A restatement of the statute as a flowchart which may assist in understanding the process is included in the Notes on Use accompanying Form 322.