323

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

IN THE MATTER OF

Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Juvenile Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_

**Year of Birth \_\_\_\_\_\_\_\_\_\_\_\_ A □ male □ female**

**ORDER FOR HEARING TO DETERMINE COMPETENCY**

**AND ORDER FOR EXAMINATION**

Pursuant to K.S.A. 38-2348

TO:

Name Address Relationship

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Juvenile\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 **□ A Motion to Determine Competency has been filed in this Court and** **□ On the Court’s own motion** a hearing to determine if the juvenile named above is competent for adjudication as a juvenile offender is scheduled before this Court on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_, at \_\_\_\_\_\_\_ □ a.m. □ p.m. The hearing may be continued upon a showing of good cause. If the juvenile does not appear for the hearing the Court may enter orders relating to the juvenile. Further proceedings shall be suspended pending the Court’s determination of the motion.

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

 Pending the hearing:

**□** A psychiatrist or psychologist, \_\_\_\_\_\_(*Name*)\_\_\_\_\_\_\_\_, is appointed to examine the juvenile and report to the Court on or before \_\_\_\_\_\_\_\_\_\_\_\_\_.

or

**□** A mental health facility, \_\_\_\_\_\_(*Name*)\_\_\_\_\_\_\_\_, is appointed to conduct a psychiatric or psychological examination of the juvenile and report to the Court on or before \_\_\_\_\_\_\_\_\_\_\_\_\_.

 IT IS SO ORDERED this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Judge of the District Court

CERTIFICATE OF SERVICE

 The undersigned certifies that the service was accomplished as follows:

Name Manner of Service Date/Time

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 Clerk of the Court

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). 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.