**§3318-C. Competency orders**

**1. Contents of competency order.**  Competency orders issued by the court may include only the following information.

A. The order must include a finding of whether the juvenile is competent to proceed based on whether the juvenile has a rational, as well as factual, understanding of the proceedings and a sufficient present ability to consult with legal counsel with a reasonable degree of rational understanding. [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

B. If the court finds that the juvenile is competent to proceed, the order must specify the day on which the proceedings on the juvenile petition will resume. [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

C. If the court finds that the juvenile is not competent but there is a substantial probability that the juvenile may be competent in the foreseeable future, the order must direct compliance with section 3318‑B, subsection 1, paragraph A. [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

D. If the court finds that the juvenile is not competent to proceed and there is no substantial probability that the juvenile will be competent in the foreseeable future, the order must set a date for a further hearing pursuant to section 3318‑B, subsection 2. [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

All findings of fact made by the court in association with the issuance of a competency order are confidential and may not be included in the order.

[PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

**2. Access to competency orders.**  Competency orders may be inspected by the following persons:

A. The victim of the juvenile crime or, if the victim is a minor, the victim's parent or parents, guardian or legal custodian; [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

B. If the victim cannot act on the victim's own behalf due to death, age, physical or mental disease or disorder or intellectual disability or autism or other reason, an immediate family member, guardian, legal custodian or attorney representing the victim; and [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

C. The public, but only if the juvenile proceeding to which the order relates is publicly accessible pursuant to section 3308‑C, subsection 2. [PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

[PL 2021, c. 365, §23 (NEW); PL 2021, c. 365, §37 (AFF).]

SECTION HISTORY

PL 2021, c. 365, §23 (NEW). PL 2021, c. 365, §37 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025
 . The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.