

*Family Court Order following Blair Hearing on Juvenile's Competency To Stand Trial
Finding Juvenile Not Competent due to Mental Illness, but Likely to Become Competent
§44-23-430(3)*

STATE OF SOUTH CAROLINA)	IN THE FAMILY COURT
)	_____ JUDICIAL CIRCUIT
COUNTY OF _____)	
)	FINDING OF PRESENT LACK OF
)	COMPETENCE TO STAND TRIAL
)	BUT LIKELY TO BECOME
A JUVENILE)	COMPETENT WITH TREATMENT
)	
_____)	ORDER OF COMMITMENT UP TO
)	SIXTY DAYS
)	
A Child under Eighteen (18) Years of Age)	Docket No. _____

Plaintiff Attorney: _____	Hearing Date: _____
Defendant Attorney: _____	Judge: _____
Guardian ad Litem: _____	Court Reporter: _____

This matter is before me pursuant to S.C. Code Ann. §44-23-430 (1976) for a hearing on the issue of the juvenile's competence to stand trial.

The juvenile, _____, is charged with _____

_____.

Pursuant to a previous Court order, the juvenile's competence to stand trial has been evaluated. In a report dated (/ /), the examiners found that the juvenile is not currently competent to stand trial, but is likely with treatment to become competent in the foreseeable future. The report was statutorily admitted into evidence pursuant to S.C. Code Ann. §44-23-420(C) and a copy of the report is attached hereto.

Based upon the examiner's report, I find that the juvenile is currently incompetent to stand trial for the reasons set forth in S.C. Code Ann. §44-23-410, but likely to become competent in the foreseeable future.

THEREFORE IT IS ORDERED that the juvenile be hospitalized through the South Carolina Department of Mental Health (SCDMH) pursuant to S.C. Code Ann. §44-23-430(3) for up to sixty (60) days for observation and treatment in an effort to restore the juvenile's competence to stand trial. The juvenile shall be detained, and the Sheriff's office is hereby authorized and required to transport the juvenile to the facility designated by SCDMH following confirmation that a treatment bed is available.

IT IS FURTHER ORDERED that examiners shall re-examine the juvenile's capacity to stand trial following the period of hospitalization and treatment and subsequently render a report to the Court, solicitor, and defense counsel. Thereafter, upon motion by a party, this Court shall determine whether the juvenile is at that time competent to stand trial, or whether final judicial commitment proceedings commenced by the Solicitor pursuant to S. C. Code Ann. §44-24-90 et seq. are appropriate.

IT IS SO ORDERED.

Date: _____, 20____
_____, S.C.

Family Court Judge