

*Family Court Order following Blair Hearing on Juvenile's Competence To Stand Trial
Finding Juvenile Not Competent, and Not Likely to Become Competent §44-23-430(2) due to
Mental Illness*

Optional language for use if §44-23-430(3) hospitalization to restore competence is unsuccessful

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
)
)
A JUVENILE)
_____)
)
)
A Child under Eighteen (18) Years of Age)

IN THE FAMILY COURT
____ JUDICIAL CIRCUIT

**FINDING OF LACK OF COMPETENCE
TO STAND TRIAL
FOR THE FORESEEABLE FUTURE
AND ORDERING PROBATE
COMMITMENT PROCEEDINGS**

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 and is unlikely 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.

Check here if the underlined paragraph applies to this order:

This report was rendered after the juvenile was previously found by the Court to lack the competence to stand trial but was likely to become competent with appropriate treatment.

Thereafter, the juvenile was hospitalized through the facilities of the South Carolina Department of Mental Health (SCDMH), pursuant to S.C. Code Ann. §44-23-430(3), for observation and treatment in an effort to restore the juvenile's competence to stand trial. This restoration effort was unsuccessful, and thus this Court has determined that the juvenile is now unlikely to become competent in the foreseeable future.

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, and unlikely 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(2). 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 bed is available.

IT IS FURTHER ORDERED, pursuant to S.C. Code Ann. §44-23-430(2), the Solicitor shall initiate judicial admission proceedings in the County Probate Court pursuant to S.C. Code Ann. §44-24-90 through §44-24-140, within fourteen (14) business days from the date of this Order.

IT IS SO ORDERED.

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

Family Court Judge