

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN THE INTEREST OF

**Order Concerning Competency
or Mental Responsibility Determination**

Name _____

Case No. _____

Date of Birth _____

THE COURT FINDS AND ORDERS:

1. **Competent to Proceed:**

The juvenile has the present mental capacity to understand the proceedings and assist in his or her defense.

2. **Not Competent to Proceed:**

A. There is probable cause to believe that the juvenile

- has committed the offense(s) alleged in the petition; and
- is not competent to proceed at this time.

B. The juvenile proceedings shall be suspended.

C. A new petition shall be filed alleging the juvenile

is in need of protection or services under §938.13(14), Wisconsin Statutes.

to be mentally ill under Chapter 51, Wisconsin Statutes.

D. Pending the filing of a new petition, the juvenile shall be

released from custody.

held in custody: _____

E. If provided with the appropriate treatment, the juvenile is likely to become competent to proceed within the lesser of 12 months or the maximum sentence that may be imposed on an adult for the most serious delinquent act with which the juvenile is charged.

- The agency/department responsible for providing services to the juvenile shall obtain the necessary reexamination and report to the court on the juvenile's condition every 3 months and within 30 days before the expiration of the juvenile's commitment or dispositional order.

3. **Competent Now:**

A. The juvenile has been provided appropriate treatment and, upon reexamination, has been determined to have the present mental capacity to understand the proceedings and assist in his or her defense.

B. Medications are Needed to Maintain Competency.

- The juvenile is competent now because of the medications being administered, but if the medications were discontinued, it is likely the juvenile would become incompetent. The juvenile shall continue to be administered medications so as to maintain competency for the duration of the proceedings.

4. **Not Responsible by Reason of Mental Disease or Defect:**

The juvenile is not responsible for the acts alleged in the petition by reason of mental disease or defect. The petition is dismissed and a new petition shall be filed alleging the juvenile

is in need of protection or services under §938.13(14), Wisconsin Statutes.

to be mentally ill under Chapter 51, Wisconsin Statutes.

DISTRIBUTION:

1. Court

2. Juvenile's Guardian ad Litem/Adversary Counsel

3. Parents

4. Juvenile's Guardian/Legal Custodian

5. District Attorney/Corporation Counsel

6. Caseworker