

322

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

IN THE MATTER OF

Name \_\_\_\_\_, Juvenile Case No. \_\_\_\_\_  
Year of Birth \_\_\_\_\_ A  male  female

**MOTION TO DETERMINE COMPETENCY**

Pursuant to K.S.A. 38-2348 and 38-2349

COMES NOW  the State of Kansas  counsel for the juvenile and moves the Court for a determination of the competency of the juvenile named above.

Attending the proceedings relating to this motion would be injurious to the juvenile's health, and the waiver of the presence of the juvenile is requested.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Movant  
Name  
Supreme Court Number  
Address  
Telephone Number  
[Fax Number]  
[E-mail Address]

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). Below is a restatement of the statute as a flowchart which may assist in understanding the process.

## Revised Juvenile Offender Code Competency Hearing Flow Chart

