

[3-8A-17.7.

(a) Unless the case is dismissed under § 3-8A-17.6 of this subtitle, at a competency hearing, if the court determines that a child is incompetent to proceed in the foreseeable future, the court shall retain jurisdiction of the child for not more than 3 years after the date of the order of incompetency if the child is alleged to have committed an act that would be a felony if committed by an adult, and up to 1 year after the date of the order of incompetency if the child is alleged to have committed an act that would be a misdemeanor if committed by an adult or is alleged to have violated probation.

(b) At the end of any period specified in subsection (a) of this section, if the child has not attained competency, the court:

(1) Shall dismiss the delinquency petition or the violation of probation petition; and

(2) May order that proceedings for involuntary admission under Title 10, Subtitle 6, Part III of the Health - General Article be instituted, if appropriate.]

3-8A-17.7.

(A) AT A COMPETENCY HEARING, IF THE COURT DETERMINES THAT THE CHILD IS INCOMPETENT TO PROCEED, IS UNLIKELY TO ATTAIN COMPETENCY IN THE FORESEEABLE FUTURE, HAS A MENTAL DISORDER, AS DEFINED IN § 10-620 OF THE HEALTH - GENERAL ARTICLE, AND IS A DANGER TO THE LIFE OR SAFETY OF THE CHILD OR OTHERS, THE COURT MAY ORDER A PETITION FOR EMERGENCY EVALUATION UNDER § 10-622 OF THE HEALTH - GENERAL ARTICLE.

(B) AT A COMPETENCY HEARING, IF THE COURT DETERMINES THAT THE CHILD IS INCOMPETENT TO PROCEED, IS UNLIKELY TO ATTAIN COMPETENCY IN THE FORESEEABLE FUTURE, AND HAS A DEVELOPMENTAL DISABILITY, AS DEFINED IN § 7-101 OF THE HEALTH - GENERAL ARTICLE, THE COURT MAY ORDER THE DEVELOPMENTAL DISABILITIES ADMINISTRATION TO EVALUATE THE CHILD WITHIN 30 DAYS TO DETERMINE THE CHILD'S ELIGIBILITY FOR SERVICES UNDER TITLE 7 OF THE HEALTH - GENERAL ARTICLE.

(C) AT A COMPETENCY HEARING, IF THE COURT DETERMINES THAT THE CHILD IS INCOMPETENT TO PROCEED AND IS UNLIKELY TO ATTAIN COMPETENCY IN THE FORESEEABLE FUTURE, THE COURT:

(1) MAY DISMISS THE DELINQUENCY PETITION OR VIOLATION OF PROBATION PETITION; AND

(2) AFTER THE EXPIRATION OF THE TIME PERIODS FOR DISMISSAL SPECIFIED IN § 3-8A-17.9 OF THIS SUBTITLE, SHALL DISMISS THE DELINQUENCY PETITION OR VIOLATION OF PROBATION PETITION.

3-8A-17.8.

(A) IF THE COURT ORDERS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO PROVIDE COMPETENCY ATTAINMENT SERVICES UNDER § 3-8A-17.6 OF THIS SUBTITLE, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL FILE A