

3-8A-17.9.

THE COURT SHALL DISMISS THE DELINQUENCY PETITION OR THE VIOLATION OF PROBATION PETITION IF THE CHILD HAS NOT ATTAINED COMPETENCY WITHIN:

(1) 18 MONTHS AFTER THE DATE OF THE FINDING OF INCOMPETENCY IF THE CHILD IS ALLEGED TO HAVE:

(I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SECTION, COMMITTED AN ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT; OR

(II) COMMITTED AN ACT IN VIOLATION OF § 5-133, § 5-134, § 5-138, OR § 5-203 OF THE PUBLIC SAFETY ARTICLE OR § 4-203, § 4-204, OR § 4-205 OF THE CRIMINAL LAW ARTICLE; OR

(2) 6 MONTHS AFTER THE DATE OF THE FINDING OF INCOMPETENCY IF THE CHILD IS ALLEGED TO HAVE:

(I) COMMITTED AN ACT OTHER THAN AN ACT SPECIFIED IN PARAGRAPH (1)(II) OF THIS SECTION THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT; OR

(II) COMMITTED AN ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT OVER WHICH THE DISTRICT COURT HAS EXCLUSIVE ORIGINAL JURISDICTION UNDER TITLE 4, SUBTITLE 3 OF THE COURTS ARTICLE.

[3-8A-17.8.] 3-8A-17.10.

(a) At any time before an adjudication under this subtitle, a hearing on a preliminary motion on another issue, including an objection to the sufficiency of the petition, may be conducted without the child being present if the child's testimony is not required.

(b) (1) Except as provided in paragraph (2) of this subsection, any statement made by the child or information elicited during a competency hearing [or], in connection with the determination of competency, OR WHILE SERVICES ARE BEING PROVIDED under this subtitle, and any report prepared by a qualified expert, may not be admitted in evidence in any proceeding except a proceeding relating to the child's competency to proceed.

(2) Paragraph (1) of this subsection does not apply if the counsel for the child introduces the report of the qualified expert, or any part of it, in any hearing other than a competency hearing.

3-8A-17.11.

IN ANY COMPETENCY HEARING UNDER THIS SUBTITLE, IT IS PRESUMED THAT THE CHILD DID NOT COMMIT THE ACT ALLEGED IN THE PETITION.

[3-8A-17.9.] 3-8A-17.12.

The [Secretary] SECRETARIES of Health and Mental Hygiene, HUMAN RESOURCES, and [the Secretary of] Juvenile Services, AND THE STATE