

(d) The State shall bear the burden of proving the child's competency beyond a reasonable doubt.

3-8A-17.5.

At a competency hearing, if the court determines that the child is competent, the court shall enter an order stating that the child is competent, lift the stay imposed under § 3-8A-17.1 of this subtitle, and proceed with the delinquency petition or violation of probation petition in accordance with the time periods specified in this subtitle and in the Maryland Rules.

[3-8A-17.6.

At a competency hearing, if the court determines that the child is unable to attain competency in the foreseeable future, the court may:

(1) Order that proceedings for involuntary admission under Title 10, Subtitle 6, Part III of the Health - General Article be instituted, if appropriate; or

(2) Dismiss the delinquency petition or violation of probation petition.]

3-8A-17.6.

(A) AT A COMPETENCY HEARING, IF THE COURT DETERMINES THAT THE CHILD IS INCOMPETENT TO PROCEED, BUT THAT THERE IS A SUBSTANTIAL PROBABILITY THAT THE CHILD MAY BE ABLE TO ATTAIN COMPETENCY IN THE FORESEEABLE FUTURE AND THAT SERVICES ARE NECESSARY TO ATTAIN COMPETENCY, THE COURT MAY ORDER THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO PROVIDE COMPETENCY ATTAINMENT SERVICES FOR THE CHILD FOR AN INITIAL PERIOD OF NOT MORE THAN 90 DAYS.

(B) ANY COMPETENCY ATTAINMENT SERVICES SHALL BE PROVIDED IN THE LEAST RESTRICTIVE ENVIRONMENT.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COURT MAY ORDER A CHILD TO BE PLACED IN A FACILITY FOR CHILDREN IF:

(1) THE CHILD IS DETAINED UNDER § 3-8A-15 OF THIS SUBTITLE AT THE TIME OF THE COMPETENCY HEARING; AND

(2) THE COURT FINDS AFTER A HEARING ON THE ISSUE THAT:

(I) PLACEMENT IN A FACILITY IS NECESSARY TO PROTECT THE CHILD OR OTHERS, OR THE CHILD IS LIKELY TO LEAVE THE JURISDICTION OF THE COURT; AND

(II) NO LESS RESTRICTIVE ALTERNATIVE PLACEMENT IS AVAILABLE THAT WILL PROTECT THE CHILD OR THE COMMUNITY; OR PREVENT THE CHILD IS LIKELY TO LEAVE FROM LEAVING THE JURISDICTION OF THE COURT.

(D) A CHILD MAY NOT BE: