

(3) IN DETERMINING WHETHER THE CHILD IS INCOMPETENT TO PROCEED, THE QUALIFIED EXPERT SHALL CONSIDER THE FOLLOWING FACTORS:

(I) THE CHILD'S AGE, MATURITY LEVEL, DEVELOPMENTAL STAGE, AND DECISION-MAKING ABILITIES;

(II) THE CAPACITY OF THE CHILD TO:

1. APPRECIATE THE ALLEGATIONS AGAINST THE CHILD;
2. APPRECIATE THE RANGE AND NATURE OF ALLOWABLE DISPOSITIONS THAT MAY BE IMPOSED IN THE PROCEEDINGS AGAINST THE CHILD;
3. UNDERSTAND THE ROLES OF THE PARTICIPANTS AND THE ADVERSARY NATURE OF THE LEGAL PROCESS;
4. DISCLOSE TO COUNSEL FACTS PERTINENT TO THE PROCEEDINGS AT ISSUE;
5. DISPLAY APPROPRIATE COURTROOM BEHAVIOR; AND
6. TESTIFY RELEVANTLY; AND

(III) ANY OTHER FACTORS THAT THE QUALIFIED EXPERT DEEMS TO BE RELEVANT.

(4) THE WRITTEN REPORT SUBMITTED BY THE QUALIFIED EXPERT SHALL:

(I) IDENTIFY THE SPECIFIC MATTERS REFERRED FOR EVALUATION;

(II) DESCRIBE THE PROCEDURES, TECHNIQUES, AND TESTS USED IN THE EXAMINATION AND THE PURPOSES OF EACH;

(III) STATE THE QUALIFIED EXPERT'S CLINICAL OBSERVATIONS, FINDINGS, AND OPINIONS ON EACH FACTOR SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION, AND IDENTIFY THOSE FACTORS, IF ANY, ON WHICH THE QUALIFIED EXPERT COULD NOT GIVE AN OPINION; AND

(IV) IDENTIFY THE SOURCES OF INFORMATION USED BY THE QUALIFIED EXPERT AND PRESENT THE FACTUAL BASIS FOR THE QUALIFIED EXPERT'S CLINICAL FINDINGS AND OPINIONS.

(B) (1) IF THE QUALIFIED EXPERT BELIEVES THAT THE CHILD IS INCOMPETENT TO PROCEED, THE REPORT SHALL DESCRIBE THE TREATMENT THAT THE QUALIFIED EXPERT BELIEVES IS NECESSARY FOR THE CHILD TO ATTAIN COMPETENCY TO PROCEED, AND, IN A SEPARATE REPORT, SHALL STATE WHETHER THE CHILD POSES A DANGER TO THE CHILD OR TO THE PERSON OR PROPERTY OF OTHERS.

(2) IN DETERMINING THE TREATMENT THAT IS NECESSARY FOR THE CHILD TO ATTAIN COMPETENCY TO PROCEED, THE QUALIFIED EXPERT SHALL CONSIDER AND REPORT ON THE FOLLOWING: