

(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:

(4) MAY:

(4) (1) ORDER THAT PROCEEDINGS FOR INVOLUNTARY ADMISSION UNDER TITLE 10, SUBTITLE 6, PART III OF THE HEALTH - GENERAL ARTICLE BE INSTITUTED, IF APPROPRIATE; OR

(4) (2) DISMISS THE DELINQUENCY PETITION OR VIOLATION OF PROBATION PETITION; AND

~~(2) UNLESS THE COURT FINDS THAT THE CHILD IS A DANGER TO THE CHILD OR THE PERSON OR PROPERTY OF OTHERS, SHALL RELEASE THE CHILD FROM ANY FACILITY.~~

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.