

78A-6-1301 Competency to proceed.

- (1) Whenever a petition is filed alleging that a minor has committed an act that would be a crime if committed by an adult, a motion for an inquiry into the minor's competency may be filed. The motion shall be filed in the juvenile court where the petition is pending.
- (2) The motion shall contain:
 - (a) a certificate that it is filed in good faith and on reasonable grounds to believe the minor is not competent to proceed;
 - (b) a recital of the facts, observations, and conversations with the minor that have formed the basis for the motion; and
 - (c) if filed by defense counsel, the motion shall contain information that can be revealed without invading the lawyer-client privilege.
- (3) The motion may be based upon knowledge or information and belief and may be filed by:
 - (a) the minor alleged not competent to proceed;
 - (b) any person acting on the minor's behalf;
 - (c) the prosecuting attorney;
 - (d) the guardian ad litem; or
 - (e) any person having custody or supervision over the minor.
- (4) The court in which a petition is pending may raise the issue of a minor's competency at any time. If raised by the court, counsel for each party shall be permitted to address the issue of competency.

Enacted by Chapter 316, 2012 General Session