

801 proceed, the juvenile court in which proceedings are pending shall stay all delinquency
802 proceedings.

803 (2) (a) If a motion for inquiry is opposed by either party, the court shall, prior to
804 granting or denying the motion, hold a limited hearing solely for the purpose of determining the
805 sufficiency of the motion.

806 (b) If the court finds that the allegations of incompetency raise a bona fide doubt as to
807 the minor's competency to proceed, it shall enter an order for an evaluation of the minor's
808 competency to proceed, and shall set a date for a hearing on the issue of the minor's
809 competency.

810 (3) After the granting of a motion, and prior to a full competency hearing, the court
811 may order the Department of Human Services to evaluate the minor and to report to the court
812 concerning the minor's mental condition.

813 (4) (a) The minor shall be evaluated by a [~~mental health examiner~~] forensic evaluator
814 with experience in juvenile forensic evaluations and juvenile brain development, who is not
815 involved in the current treatment of the minor.

816 (b) If it becomes apparent that the minor may be not competent due to an intellectual
817 disability or related condition, the [~~examiner~~] forensic evaluator shall be experienced in
818 intellectual disability or related condition evaluations of minors.

819 (5) The petitioner or other party, as directed by the court, shall provide all information
820 and materials [~~to the examiners relevant to a determination of the minor's competency~~
821 including relevant to a determination of the minor's competency to the department within
822 seven days of the court's order, including:

823 (a) the motion;

824 (b) the arrest or incident reports pertaining to the charged offense;

825 (c) the minor's known delinquency history information;

826 (d) the minor's probation record relevant to competency;

827 [~~(d)~~] (e) known prior mental health evaluations and treatments; and

828 [~~(e)~~] (f) consistent with 20 U.S.C. Sec. 1232g (b)(1)(E)(ii)(I), records pertaining to the
829 minor's education.

830 (6) ~~H→~~ (a) ~~←H~~ The minor's parents or guardian, the prosecutor, defense attorney, and
830a guardian ad
831 litem, shall cooperate, by executing releases of information when necessary, in providing the

832 relevant information and materials to the ~~[examiners:]~~ forensic evaluator, including:

833 ~~[(7) In conducting the evaluation and in the report determining if a minor is competent~~
834 ~~to proceed as defined in Subsection 78A-6-105(38), the examiner shall consider the impact of a~~
835 ~~mental disorder, intellectual disability, or related condition on a minor's present capacity to:]~~

836 ~~[(a) comprehend and appreciate the charges or allegations;]~~

837 ~~[(b) disclose to counsel pertinent facts, events, or states of mind;]~~

838 ~~[(c) comprehend and appreciate the range and nature of possible penalties, if~~
839 ~~applicable, that may be imposed in the proceedings against the minor;]~~

840 ~~[(d) engage in reasoned choice of legal strategies and options;]~~

841 ~~[(e) understand the adversarial nature of the proceedings;]~~

842 ~~[(f) manifest appropriate courtroom behavior; and]~~

843 ~~[(g) testify relevantly, if applicable.]~~

844 ~~[(8) In addition to the requirements of Subsection (7), the examiner's written report~~
845 ~~shall:]~~

846 ~~[(a) identify the specific matters referred for evaluation;]~~

847 ~~[(b) describe the procedures, techniques, and tests used in the evaluation and the~~
848 ~~purpose or purposes for each;]~~

849 ~~[(c) state the examiner's clinical observations, findings, and opinions on each issue~~
850 ~~referred for evaluation by the court, and indicate specifically those issues, if any, on which the~~
851 ~~examiner could not give an opinion;]~~

852 ~~[(d) state the likelihood that the minor will attain competency and the amount of time~~
853 ~~estimated to achieve it; and]~~

854 ~~[(e) identify the sources of information used by the examiner and present the basis for~~
855 ~~the examiner's clinical findings and opinions.]]~~

856 ~~Ĥ→ [(a)] (i) ←Ĥ~~ medical records;

857 ~~Ĥ→ [(b)] (ii) ←Ĥ~~ prior mental evaluations; or

858 ~~Ĥ→ [(c)] (iii) ←Ĥ~~ records of diagnosis or treatment of substance abuse disorders.

858a ~~Ĥ→ (b) The minor shall cooperate, by executing a release of information when necessary, in~~
858b ~~providing the relevant information and materials to the forensic evaluator regarding records~~
858c ~~of diagnosis or treatment of a substance abuse disorder. ←Ĥ~~

859 (7) (a) In conducting the evaluation and in the report determining if a minor is
860 competent to proceed, the forensic evaluator shall inform the court of the forensic evaluator's
861 opinion whether the minor has a present ability to consult with counsel with a reasonable
862 degree of rational understanding and whether the minor has a rational as well as factual