STATE OF INDIANA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

In The Matter Of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A Delinquent Child

**ORDER [APPROVING/DENYING] COMPETENCY ATTAINMENT PLAN**

*(Choose Approve or Deny)*

The Court having reviewed the proposed competency attainment plan provided by \_\_\_\_\_\_\_\_\_\_\_\_\_ hereby APPROVES said plan.

*(optional)*Any objection to the competency attainment plan shall be submitted to the court in writing within seven (7) days of the plan distribution date.

*or*

The Court having reviewed the proposed competency attainment plan provided by \_\_\_\_\_\_\_\_\_\_\_ hereby DENIES said plan*. [Optional: insert explanation of reason for denial] (Recommendation: distribute a copy of the plan for review at the hearing.)* A hearing on the plan is set for \_\_\_\_\_\_\_\_\_\_\_. All parties and provider \_\_\_\_\_\_ are ordered to attend without further notice.

*(Use the language below* ***ONLY*** *if plan is approved)*

*Pursuant to I.C. 31-37-26-6(g) said competency attainment services provided to the child are subject to the following conditions and time periods measured from the date the court approves the plan:*

1. *Services shall be provided in the least restrictive setting that is consistent with the child's ability to attain competency, and the safety of both the child and the community. If the child has been released on a temporary or interim order and refuses or fails to cooperate with the provider, the court may reassess the order and amend it to require a more appropriate setting.*
2. *The child may not be required to participate in competency attainment services for longer than is required for the child to attain competency. In addition, if a child is:*

*(a) in a nonresidential setting, the child may not be required to participate for more than:*

*(i) ninety (90) days if the child is charged with an act that would not be a felony if committed by an adult; or*

*(ii) one hundred eighty (180) days if the child is charged with an act that would be a felony or murder if committed by an adult;*

*(b) in a residential setting that is operated solely or in part for the purpose of providing competency attainment services, the child may not be ordered to participate for more than:*

*(i) forty-five (45) days if the child is charged with an act that would not be a felony if committed by an adult;*

*(ii) ninety (90) days if the child is charged with an act that would be a Level 4, Level 5, or Level 6 felony if committed by an adult; or*

*(iii) one hundred eighty (180) days if the child is charged with an act that would be murder or a Level 1, Level 2, or Level 3 felony if committed by an adult; and*

*(c) in a residential, detention, or other secured setting where the child has been placed for reasons other than to participate in competency attainment services, but where the child is also ordered to participate in competency attainment services, the child may not be required to participate for more than:*

*(i) ninety (90) days if the child is charged with an act that would not be a felony if committed by an adult; or*

*(ii) one hundred eighty (180) days if the child is charged with an act that would be a felony or murder if committed by an adult.*

*Pursuant to I.C. 31-37-26-6(h) the provider that provides the child's competency attainment services shall submit reports to the court as follows:*

1. *The provider shall report on the child's progress every thirty (30) days, and upon the termination of services. The report may not include any details of the alleged offense as reported by the child.*
2. *If the provider determines that the current setting is no longer the least restrictive setting that is consistent with the child's ability to attain competency and the safety of both the child and the community, the provider shall report this to the court within three (3) days of the determination.*
3. *If the provider determines that the child has achieved the goals of the plan and is able to understand the nature and objectives of the proceeding against the child and to assist in the child's defense, with or without reasonable accommodations, the provider shall issue a report informing the court of that determination within three (3) days of the determination. If the provider believes that accommodations are necessary or desirable, the report shall include recommendations for accommodations.*
4. *If the provider determines that the child will not achieve the goals of the plan within the applicable period of time under this section, the provider shall issue a report informing the court of the determination within three (3) days of the determination. The report shall include recommendations for services for the child that would support the safety of the child or the community.*

*A review hearing is scheduled for the following date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.*

*All parties are ordered to appear without further notice.*

So ORDERED \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge