

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
JUVENILE DIVISION “ “

CASE NO.:

IN THE INTEREST OF:

A child  
\_\_\_\_\_ /

**ORDER GRANTING EXAMINATION OF DEFENDANT’S COMPETENCY**  
**AND**  
**ORDER SETTING HEARING RE: COMPETENCY STATUS CHECK**

**THIS CAUSE** having come to be heard upon the defense’s written motion and good faith affidavit in the above styled cause, requesting a Determination of the Competency of the Juvenile to Stand Trial, and the Court being otherwise fully advised, it is

**ORDERED and ADJUDGED** that:

1. That said motion is hereby granted.
2. Court Psychology whose business address is Palm Beach County Courthouse, Main Courthouse, 205 N. Dixie Highway, Suite 5.1130, West Palm Beach, FL 33401 whose telephone number is 561-355-2108 is appointed to examine the juvenile.

Dr. \* is also appointed to examine the juvenile whose business address is \* and whose telephone number is \* .

3. If the child is in custody, the Sheriff of Palm Beach County or the Department of Juvenile Justice shall permit the above-named experts to enter the Palm Beach County Jail or the Palm Beach Regional Detention Center to conduct the foregoing evaluation of the child upon presentment of this Order. If the child is not in custody, the Expert is to contact defense counsel, or the parent/legal guardian of a pro se defendant, for scheduling.
4. **The Expert is to give timely notice to the parties of the date and place of the examination.**
5. A copy of this Order serves as authorization for the expert to review any and all school records in the custody of the Palm Beach County School Board, its agents or employees. This information shall not be disclosed to any other entities without a court order. **All parties who desire the doctor to consider documents shall provide said documents to the doctor within five (5) days of this Order. The Doctor shall record the date of receipt of any of these documents for review past the five (5) day period.**

6. This cause is scheduled for a status check on the issue of the Juvenile's competency to proceed at        on the        day of                                 , 20   in Division     , Courtroom, 205 N. Dixie Highway, West Palm Beach, Florida 33401.

7. The expert shall submit a written evaluation of the child's mental condition to this Court, with **copies** to the Assistant State Attorney, the Attorney for the child, and Paulina Pasquarelli, Court Administration Mental Health Case Manager, on or before the        day of                                 , 20  , **stating whether or not the expert believes the child to be competent. If the expert believes child is not competent, the report shall state whether the lack of competency is a result of mental illness, intellectual disability or autism, or mental age and which shall include but is not limited to:**

a. **Competence to Proceed** (See Fla. R. Juv. P. 8.095(d)(1)(A)(B)(C), Florida Statutes §985.19). The experts first shall consider factors related to whether the child meets the criteria for competence to proceed; that is, whether the child has sufficient present ability to consult with counsel with a reasonable degree of rational understanding and whether the child has a rational and factual understanding of the present proceedings. In considering the competence of the child to proceed, the examining experts shall consider and include in their reports the child's capacity to:

- 1) Appreciate the charges or allegations against the child;
- 2) Appreciate the range and nature of possible penalties which may be imposed in the proceedings against the child, if applicable;
- 3) Understand the adversary nature of the legal process;
- 4) Disclose to counsel facts pertinent to the proceedings at issue;
- 5) Display appropriate courtroom behavior;
- 6) Testify relevantly;

The experts also may consider any other factors they deem to be relevant.

**Any report concluding that a child is not competent must include the basis for the competency determination.**

b. **Recommended Treatment** (See Fla. R. Juv. P. 8.095(d)(2)). If the experts find that the child is incompetent to proceed, they shall report on any recommended treatment for the child to attain competence to proceed. A recommendation as to whether residential or nonresidential treatment or training is required must be included. In considering issues related to treatment, the experts shall report on the following:

- 1) The mental illness, intellectual disability, autism, or mental age causing the incompetence;
- 2) The treatment or education appropriate for the mental illness or intellectual disability of the child and an

explanation of each of the possible treatment or education alternatives in order of recommendation;

- 3) The availability of acceptable treatment or education. If treatment or education is available in the community, the experts shall so state in the report;
- 4) The likelihood of the child attaining competence under the treatment or education recommended, an assessment of the probable duration of the treatment required to restore competence, and the probability that the child will attain competence to proceed in the foreseeable future;
- 5) Whether the child meets the criteria for involuntary hospitalization or involuntary admissions to residential services under chapter 985, Florida Statutes.

8. Any written report submitted by the expert shall:

- a. Identify the specific matters referred for evaluation;
- b. Describe the procedures, techniques, and tests used in the examination and the purposes of each;
- c. State the expert's clinical observations, findings, and opinions on each issue referred for evaluation by the court, and indicate specifically those issues, if any, on which the expert could not give an opinion; and
- d. Identify the sources of information used by the expert and present the factual basis for the expert's clinical findings and opinions.

The information contained in any motion by the child for determination of competency to proceed or in any report filed under this rule as it relates solely to the issues of competency to proceed and commitment, and any information elicited during a hearing on competency to proceed or commitment held under this rule, shall be used only in determining the mental competency to proceed, the commitment of the child, or other treatment of the child.

9. If an order is entered for the determination of competency, the appointed expert shall be paid in accordance with his or her current contract with the responsible party, or in the absence of a contract, the current Administrative Order regarding payment of appointed experts.
10. Payment for competency evaluations to determine competence to proceed or to determine recommended treatment for competence to proceed shall be made by the Court in accordance with the contract between the Court and the expert, or if no contract exists, then in accordance with the current Administrative Order regarding payment of appointed experts. The Expert shall submit the bill and appropriate invoice with an attached copy of this Order Directing Examination of the Juvenile's Competency to the Court at:

Court Administration, Attention Finance Department  
Administrative Office of the Courts  
205 North Dixie Highway, 5<sup>th</sup> Floor  
West Palm Beach, Florida 33401

When a request is made for an evaluation of the child to determine the child's sanity or as an aid for sentencing, the requesting party shall pay. Payment shall be made in accordance with the contract between responsible party and the expert, or if no contract exists, then in accordance with the current Administrative Order regarding payment of appointed experts.

**DONE AND ORDERED** in Chambers, West Palm Beach, Palm Beach County, Florida,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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Circuit Judge

cc:

Experts:

Court Psychology, Palm Beach County Courthouse, 205 N. Dixie Highway, Suite 5.1130, West Palm Beach, FL 33401

Dr. \*

Office of the State Attorney:

Counsel for the Defendant:

Attorney ad Litem

Court Administration, Finance

Court Administration Mental Health Case Manager, Paulina Pasquarelli

Colleen Farnsworth, DCF

Rhonda Nelson, DJJ

DJJ Court Liaison:

Revised 02.15

**“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Tammy Anton, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”**

**“Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con Tammy Anton, 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacidad del oído o de la voz, llame al 711.”**

**“Si ou se yon moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedè sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk èd. Tanpri kontakte Tammy Anton, kòdonatè pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn li se (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711.”**