**IN THE CIRCUIT COURT OF \_\_\_\_\_\_\_\_ COUNTY, WEST VIRGINIA
SITTING AS A JUVENILE COURT**

**THE STATE OF WEST VIRGINIA,**

 ***Petitioner,***

**v. Case No:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, *Child*,**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, *Mother,***

 ***Respondents.***

**MOTION FOR AN EVALUATION TO DETERMINE COMPETENCY**

Comes now the Child’s Counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_, Esq., of the Public Defender Corporation, requesting that this Court order a forensic evaluation of the Child, \_\_\_\_\_\_, by a psychiatrist to determine if he is competent to stand trial, pursuant to Rule 26 of the West Virginia Rules of Juvenile Procedure and West Virginia Code § 27-6A-2 and 4, with costs for this evaluation to be paid for by the West Virginia Department of Health and Human Resources. Child’s Counsel has cause to believe that \_\_\_\_\_\_ cannot aid in his own defense due to his young age of eleven (11) years old and the allegations listed in the petition for Incorrigibility. Child’s Counsel understands that the filing of this motion and granting of it by the Court tolls the time period for all further hearings until the evaluation is completed.

WHEREFORE Counsel for the Child respectfully requests this Honorable Court order a forensic evaluation of \_\_\_\_\_\_\_ by a psychiatrist to determine if he is competent to stand trial, pursuant to Rule 26 of the West Virginia Rules of Juvenile Procedure and West Virginia Code § 27-6A-2 and 4, with costs for this evaluation to be paid for by the West Virginia Department of Health and Human Resources.

Respectfully Submitted,

/S/ \_\_\_\_\_\_\_\_\_\_\_

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WV STATE BAR # \_\_\_\_\_\_

Public Defender Corporation

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