

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 2-42.0

**IN RE: COMPETENCY TO PROCEED ISSUES REGARDING
MENTALLY ILL AND MENTALLY RETARDED DEFENDANTS**

WHEREAS it is necessary for the Department of Children and Families to be informed as soon as possible when the issue of the competency of a criminal defendant to proceed is raised or when the defense of insanity is raised; and

WHEREAS it is necessary for all the divisions of the Tenth Judicial Circuit to treat such matters uniformly; and

WHEREAS changes in §39.0517, Fla. Stat. (1996), provide for mentally ill and mentally retarded juveniles to be found incompetent to proceed, also, it is accordingly

ORDERED that:

1) when an attorney raises the issue of the competency of their client in any felony, misdemeanor, traffic, or juvenile proceeding, or raises the defense of insanity to any offense, notice shall be given to the Department of Children and Families by copy of such motion; and

2) the Department of Children and Families shall be notified by the Court when a competency evaluation is ordered by copy of that order.

DONE AND ORDERED on this 12th day of March, 1997.

CHARLES A. DAVIS, JR.

Chief Judge

Attachments:

Department of Children and Families Contact List

