

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

DIRECTIVE

No.: 1380

Issued: 06/09/2015

Post Until: 07/09/2015

SUBJECT: JUVENILE – COMPETENCY PROCESS

The purpose of this directive is to reinforce the departmental policy and work performance expectations of Juvenile staff regarding the Competency process for minors in Juvenile Court. Minors whom are deemed **Incompetent to Stand Trial (IST)** during adjudicative proceedings may be referred by the Court to the Probation Department for delivery and coordination of services to assist in the attainment of competency. The issue of competency may also be raised following the filing of a Notice of Violation (777 WIC) or Change of Plan (778 WIC).

The **California Welfare and Institutions Code (WIC) Section 709(a)(b)(c)** mandates that if a minor is determined incompetent due to a mental disorder, developmental disability, developmental immaturity, or other condition, all proceedings will be suspended. A minor is incompetent to proceed if he or she: "lacks sufficient present ability to consult with counsel and assist in preparing his or her defense with a reasonable degree of rational understanding; or lacks a rational as well as factual understanding, of the nature of the charges or proceedings against him or her." During this time, the Court may make orders that it deems appropriate for services that may assist the minor in attaining competency.

The **Los Angeles County Juvenile Court's Protocol Regarding Juvenile Competency to Stand Trial** states that "if the Court finds the minor IST, all proceedings shall remain suspended for a period of time that is no longer than reasonably necessary to determine whether there is a substantial probability that the minor will attain competency in the foreseeable future, or until the court no longer retains jurisdiction. ...The Court shall order Probation...to evaluate the minor and submit an IST Planning Report to the Court." ...If Minor is likely to attain Competency in the Foreseeable Future..."the Court shall order Probation ...to begin immediate coordination of mental health and education services to help the minor attain competency." (Nash, 2012)

Juvenile Competency Unit:

The Juvenile Competency Unit has been established to act as a liaison between Probation Department staff and the Courts during competency proceedings. The primary goal of the unit is to assist minors in obtaining adjudicative competence which allows for meaningful participation during court proceedings. This goal may be reached by the coordination of treatment and services tailored to the minor's needs and abilities. The Juvenile Competency Unit Deputy Probation Officer (DPO) acts as a secondary DPO and assists with the development of a comprehensive case plan for each minor in collaboration with other agencies relative to their area of expertise.

Juvenile Competency Coordinator Responsibilities:

- Receives notification from the Court regarding minors found IST
- Alerts the minor's case in the Probation Case Management System (PCMS) using the identified Special Handling Alerts (Competency- "COMP" and To Be Housed at Central Juvenile Hall- "TBHCJH" [if detained])
- Documents case status in **PCMS>Case Notes>Competency>Detained or Non Detained** (as applicable)
- Assigns cases to the appropriate Juvenile Competency Unit DPO (Secondary DPO). Documents case assignment in **PCMS>Case Notes>Competency>Case Assignment**
- Notifies the applicable Developmentally Disabled Coordinator (Detention Services, Placement Services, or Field Services) via email if minor's incompetency finding is due to an eligible condition,

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which qualifies the minor for Regional Center services within 24 business hours of receiving the notification from Court. Refer to Directive 1283 (Rev. 4/12) and Directive 1349 (Rev. 7/14)

- Notifies the Detention Services Bureau Chief, Juvenile Hall Superintendents, Juvenile Hall Directors, Juvenile Hall Supervisors, Juvenile Hall Movement Coordinators and the Detention Services Competency Coordinator via email (EDL-PROB-DSB Competency) regarding detained minors within 24 hours of receiving the notification from Court
- Provides assistance to Juvenile staff regarding competency related matters

Court Officer Responsibilities:

- For all cases in which the Court has deemed a minor IST, complete the IST Packet and forward via email to the Juvenile Competency Coordinator (JuvCompetency@probation.lacounty.gov) by the end of the business day on the date of the minute order. The packet shall consist of the following:
 - IST Notice (**Attachment A** – Prob. 1620, Rev. 2/15)
 - IST Planning Report minute order
 - Evidence Code §730 Evaluation or the summary of the Juvenile Adjudicative Competency Interview (JACI). (If the report was used to establish incompetency, it should be a part of the court file)

If any of the required documents are missing, the Court Officer shall provide a written explanation regarding their efforts to secure the aforementioned documents to the Juvenile Competency Coordinator. Should the minute order and 730 Evaluation/JACI not be available by the end of the business day, the Court officer shall forward the minute order within 24 hours of receipt to the Juvenile Competency Coordinator.

- Forward a copy of all competency related minute orders via email, fax or county mail, following the determination of incompetency, to the Juvenile Competency Coordinator

Note: Staff without scan capability may fax documents to 562-658-2659, Attn.: Juvenile Competency Coordinator. Staff faxing documents must confirm via email or telephone that the fax was received. Court officers are to maintain verification of each IST packet submitted.

Detention Services Bureau Responsibilities:

The following DSB staff shall receive email notifications from the Juvenile Competency Coordinator regarding detained minors (under email group – EDL-PROB-DSB Competency):

- Bureau Chief
- Juvenile Hall Superintendents
- Juvenile Hall Directors
- Juvenile Hall Supervisors
- Juvenile Hall Movement Coordinators
- Competency Coordinator (DSB)

Detention Services Bureau Movement Coordinators Responsibilities:

- Ensure that all minors who have been ordered to participate in competency training remain at Central Juvenile Hall (CJH), unless ordered by the Court to be housed at an alternate location

Detention Services Competency Coordinator Responsibilities:

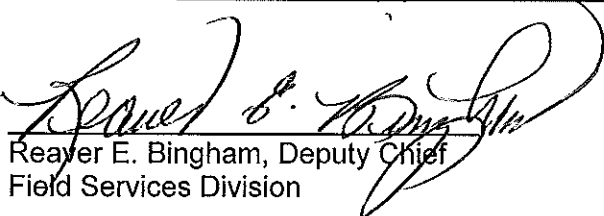
- Maintain the Education Remediation Services (ERS) – Agency Check In/Out Log for Juvenile Hall (**Attachment B** – Prob. 1619, Rev. 2/15) indicating that the Juvenile Competency Unit or a designated vendor rendered services at the facility. The ERS Sign-In Log shall indicate time/date, name of the minor who received services and the name of the provider
- Submit the ERS Sign-In Log to the Detention Services Bureau Consultant weekly (due each Monday, by Noon)

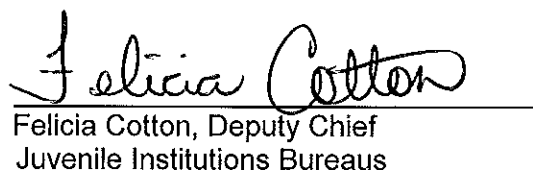
DPO of Record Responsibilities:

DPOs shall:

- Receive notice from the Court and/or the Juvenile Competency Coordinator if an IST Planning Report has been ordered for a minor
 - If the court deems the minor incompetent, the DPO shall submit the Remediation Services packet within 72 hours of receiving the minute order to the Juvenile Competency Coordinator via e-mail (JuvCompetency@probation.lacounty.gov). The packet is to consist of:
 - Competency Remediation Services Referral (**Attachment C** – Prob. 1621, Rev. 2/15)
 - District Attorney's petition (related to the instant matter)
 - Most recent Pre-plea Report
- Maintain responsibility of the case and should continue to supervise the minor according to applicable program mandates (Note: Competency DPO is a secondary DPO, not to be considered the DPO of record)
- Complete all court reports for non-competency related hearings, including but not limited to Pre-plea reports, Progress Reports, Notice of Violation (777 WIC) or Disposition reports
- Contact the Juvenile Competency Coordinator for minor's progress with education remediation services if needed
- Send all competency related correspondence (inquiries, questions or minute orders) to JuvCompetency@probation.lacounty.gov

All questions and inquiries regarding this Directive may be directed to the Juvenile Competency Coordinator (JuvCompetency@probation.lacounty.gov) or the applicable Bureau Consultant.


Reayer E. Bingham, Deputy Chief
Field Services Division


Felicia Cotton, Deputy Chief
Juvenile Institutions Bureau

County of Los Angeles – Probation Department

INCOMPETENT TO STAND TRIAL (IST) NOTICE
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IN THE MATTER OF:

Court Department: _____

Minor: _____

Court Number: _____

Court Date: _____

DPO Name: _____

DOB: _____

Area Office: _____

PDJ Number: _____

Reason for Incompetency finding: ☐ Developmental Disability ☐ Developmental Immaturity
☐ Mental Health

DETAINED:

☐ YES ☐ NO**RELEASED TO:** _____

Name

Relationship

ATTAINMENT SERVICES ORDERED:

☐ YES☐ NO

Next Court Date: _____

Documents Faxed/Scanned to Competency Liaison:
(✓ Each item attached)

- ☐ Order to Detain/Release Minor (If detained)
- ☐ Psychological Eval. (Evid. Code 730)/
Juvenile Adjudicative Competency Interview
- ☐ IST Minute Order

Court Officer: _____

COURT OFFICER COMMENTS:

ON THE DAY OF THE COURT HEARING:

IST NOTICE, IST PLANNING REPORT MINUTE ORDER, 730 EVALUATION (IF PUBLISHED) OR/AND JUVENILE ADJUDICATIVE COMPETENCY INTERVIEW SHOULD BE FORWARDED TO THE JUVENILE COMPETENCY LIAISON VIA E-MAIL/SCAN (JUVCOMPETENCY@PROBATION.LACOUNTY.GOV) OR FAX (562) 658-2659.

COURT OFFICER TO RETAIN A COPY OF IST NOTICE AND VERIFICATION OF SUBMISSION

Detention Services Bureau
Education Attainment Services (EAS) - Agency Check In-Out Log for Juvenile Hall

Minor Information			Competency Services								Probation Staff at Key Center(Print Name)
Juvenile Hall	Minor Last Name	Minor First Name	DOB	PD	JH Unit	Date	Time In	Time Out	Name of Agency	Agency Employee Name (Print)	Probation Staff at Key Center(Print Name)
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2											
3											
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COUNTY OF LOS ANGELES- PROBATION DEPARTMENT

COMPETENCY REMEDIATION SERVICES REFERRAL

MINOR'S INFORMATION		
Name:	Date of Birth:	
Court No.:	Court Dept.:	Bench Officer Name:
Date Services Ordered:	Referral Completed By:	
DPO Name/Caseload No.:	DPO Telephone No.:	
Assigned Area Office:	Next Court Date:	
CASE DETAILS		
Current Charges (Instant Matter): Regional Center Status (i.e. Consumer, Pending Referral or Not Applicable): Current Location (i.e. Home): Parent/Guardians Name: Minor's Address: Contact Telephone Number:		
FOR JUVENILE COMPETENCY UNIT (JCU) USE ONLY		
Date Referral received: _____		
Minor Accepted :	Yes ☐ No ☐	Service Start Date:
Administrator Signature:	Printed Name:	Date:
Agency Name:	Agency Telephone No.:	
Comments:		
PCMS Alert Added? ☐ Yes ☐ No Joint report ordered? ☐ Yes ☐ No Added to Detention List? ☐ Yes ☐ No	JCU decision noted in PCMS?	☐ Yes ☐ No

Juvenile Competency Unit Contact Information:

JuvCompetency@probation.lacounty.gov or (Fax) 562-658-2659