

Department of Human Services Juvenile Competency Process
Send All Orders and Documents to jvcompcor@utah.gov

Juvenile Competency Evaluation Court Order

- Juvenile Competency Evaluation Orders should be a separate order.
- While in court, the Judge may include in the order a request for prosecuting, defense and guardian ad litem attorneys, parents/guardian or others acting on the minor's behalf to submit the following supporting documents to expedite the process: the motion, arrest or incident reports, delinquency history, prior mental health and intellectual disability evaluations and treatment records, education records, or other important documents. These documents shall be submitted to jvcompcor@utah.gov.
- Clerks: Email all court orders and supporting documentation pertaining to juvenile competency to: jvcompcor@utah.gov.
- DHS, by statute, is required to respond to Court order and assign an evaluator.

Assigning Examiner

- The email account will be checked daily.
- Upon receipt of the order, DHS creates a file and record gathering occurs.
- Competency Evaluation Orders are received and an evaluator will be assigned within 48 hours upon receipt of the order and upon receipt of supporting documentation.
- For evaluations, an initial report will be submitted to the court, prosecuting attorney, defense attorney, and guardian ad litem 30 days from receipt of court order by appointed examiner. Court may grant time extensions for reasonable circumstances.

Attainment Process

- Attainment orders are made when the Court finds the minor is incompetent to proceed and the minor is likely to attain competency within 6 months.
- According to Utah Code §78A-6-1303(4)(b), during the attainment period the minor will remain in least restrictive appropriate setting.
- Clerks: Email all Attainment Orders pertaining to juvenile competency to jvcompcor@utah.gov.
- A Juvenile Competency Coordinator will be assigned and attainment plan will be developed and attainment services provided.
- The Court is required to review the status of the minor's attainment of competency every 90 days. Attainment plan will be submitted to the Court 30 days from receipt of court order and progress reports shall be submitted 3 days prior to the competency review hearing. The competency coordinator will not appear, but will make sure that reports are submitted prior to the hearing.
- At the 6 month review, if the minor has not attained competency, a report to the Court will be submitted addressing whether or not the minor is showing reasonable progress towards attaining competency. If reasonable progress is being made, the Court may order additional 6 months of attainment.
- If it becomes evident there is not a substantial probability the minor will attain competency prior to the one year review, a staffing with parties involved in the case may be held to determine what is in the best interest of the minor and society.
- If the minor has not attained competency at the one year review, the Court is obligated to terminate competency proceedings and dismiss the charges without prejudice.

DHS Improvement Strategies:

- For ongoing collaboration and communication and in order to problem solve collateral issues that may arise with some of the minors outside of the competency statute, DHS will send the two juvenile competency coordinators, as well as Assistant Attorney General representatives to attend the District Bench meetings on a regular basis.
- DHS will convene an internal DHS High level bi-weekly staffing on all juvenile competency orders, beginning in July (this is separate from the "High Level Staffing" process coordinated by the Office of Services Review).
 - The competency staffing will be attended by DHS Deputy Director, Division Directors/clinical staff (DSAMH & DSPD), juvenile competency coordinators (DSAMH/DSPD), and Assistant Attorney Generals.
- Data tracking and technology plans for the future.