

Department of Human Services Juvenile Competency Process

Initiating Motion for Competency Evaluation:

- Initial petition for inquiry into competency in delinquency proceedings may be initiated by: minor alleged not competent to proceed; any person acting on the minor's behalf; prosecuting attorney; guardian ad litem; or any person having custody or supervision over the minor (DHS is not party to delinquency proceedings and will not have a role in initial inquiry). *Utah Code Annotated (UCA) 78A-6-1301 (3)*
- Court must order evaluation of competency.
- In order to expedite court order, the following supporting documents are required prior to determining minor's competency: 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 by prosecuting, defense and guardian ad litem attorneys, parents/guardian or others acting on minor's behalf.
- Court Clerks: Email court orders and supporting documentation 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.
- For orders to conduct competency evaluations the appropriate evaluator will be assigned within 48 hours upon receipt of the order and collateral information is gathered.
- For evaluations, at a minimum, an initial report will be submitted to the court, prosecuting attorney, defense attorney, and guardian ad litem 30 days from receipt of court order with the Court able to grant time extensions for reasonable circumstances.

Attainment Process:

- For orders on attainment plans (based on the Court finding the minor is incompetent to proceed and the Court has found the minor is likely to attain competency within 6 months), a juvenile competency coordinator will be assigned and during attainment period minor will remain in least restrictive appropriate setting.
- The Court is required to review the status of the minor's attainment of competency every 90 days. A report will be submitted to the Court 30 days from receipt of court order and 3 days prior to the competency review hearing.
- At the 6 month review, if minor has not attained competency, a report to the Court will be submitted addressing whether or not minor is showing reasonable progress toward competency attainment if reasonable progress is being made, the Court may order additional 6 months of attainment.
- 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 minors outside of the competency statute, DHS is offering a commitment for the two division's juvenile competency coordinators as well as Assistant Attorney General representatives to attend the District Bench meetings with juvenile competency orders on a regular basis.
- Internal DHS High level bi-weekly staffing on all juvenile competency orders, beginning in July and separate from the High Level Staffing.
 - DHS Deputy Director, Division Directors/clinical staff (DSAMH & DSPD), juvenile competency coordinators (DSAMH/DSPD), Assistant Attorney Generals.
- Data tracking and technology plans for the future.