

 <p style="text-align: center;">County of Sacramento Department of Health Services Division of Behavioral Health Services Policy and Procedure</p>	Policy Issuer (Unit/Program)	Mental Health Services
	Policy Number	04-15
	Effective Date	01-04-22
	Revision Date	11-05-21
Title:	Functional Area:	
Juvenile Justice Competency Remediation	Program	
Approved By:		
Melissa Jacobs, LCSW Division Manager, Behavioral Health Services		

BACKGROUND/CONTEXT:

Minors who fall under the jurisdiction of the Sacramento County Juvenile Court may be declared “incompetent to stand trial” if the minor lacks sufficient present ability to consult with counsel and assist in preparing the minor’s 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 them. Incompetency may result from the presence of any condition or conditions, including, but not limited to, mental illness, mental disorder, developmental disability, and developmental immaturity (Welfare and Institutions Code (WIC) § 709(2)). Once doubt is declared, the court orders a competency evaluation (WIC § 709(b)(1)). A psychologist or psychiatrist from an approved panel of evaluators is selected to complete the evaluation and report back to the court. If a minor is determined to be incompetent to stand trial due to a mental health condition, the juvenile court can call upon Sacramento County Behavioral Health Services (BHS) to provide competency remediation services (WIC § 709(g)).

Assembly Bill (AB) 1214, known as *Juvenile Proceedings: Competency*, was implemented to help address gaps in the juvenile competency proceedings by promoting appropriate settings for the minor deemed incompetent and creating clear processes and timelines for remediation of competency. When a minor is found to be incompetent, the county is required to provide services designed to help attain competency, unless the court finds that competency cannot be achieved within the foreseeable future.

PURPOSE:

To clarify the roles and responsibilities of BHS in providing competency remediation services after minors are deemed incompetent to stand trial and competency remediation services are ordered by Sacramento County Juvenile Court.

DEFINITIONS

Minors: Any youth under the jurisdiction of Sacramento County Juvenile Court.

Competency: A minor's capacity to understand the factual and rational nature of their roles and responsibilities as it applies to their own situation, the preparation of their defense, charges, and court proceedings.

Incompetent: WIC §709(2) states, "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 or rational understanding, or lacks a rational as well as factual understanding, of the nature of the charges or proceedings against him or her."

Charge: Formal accusation or indictment of an individual for an alleged crime.

DETAILS:

Minors who fall under the jurisdiction of the Sacramento County Juvenile Court and are declared "incompetent to stand trial" due to the presence of any condition or conditions, including, but not limited to, mental illness, mental disorder, developmental disability, and developmental immaturity are eligible to receive juvenile justice competency remediation services through County Mental Health (WIC § 709(g)). The purpose of competency remediation is to provide education and training with the goal of the minor being able to fully participate in the pending legal proceedings.

Eligibility

Minors eligible to receive competency remediation services must be:

1. Under the jurisdiction of the Sacramento County Juvenile Court
2. Declared incompetent due to the presence of a mental illness or mental disorder

3. Ordered to receive competency remediation

Services

At the direction of Sacramento County Juvenile Court, juvenile competency remediation will be provided to minors in custody (WIC § 709(h)) and out of custody. Minors will:

1. Minors will receive competency remediation from a BHS contracted provider.
2. BHS contracted provider will determine competency curriculum. At minimum the curriculum should include the items indicated below for the purposes of increasing the minor's:
 - a. Knowledge of the charge;
 - b. Knowledge of the possible consequences of the charge;
 - c. Ability to communicate rationally with counsel;
 - d. Knowledge of courtroom procedures; and
 - e. Capacity to integrate and efficiently use knowledge and ability at trial or in a plea bargain.
3. Duration and timelines of curriculum will be determined by the BHS contracted provider and client's progress in collaboration with Sacramento County Juvenile Court.

Reports

Reports related to the minor's competency remediation will be provided as requested by Sacramento County Juvenile Court or County staff and in compliance with AB 1214. This may include but is not limited to minor's participation, progress to obtaining competency, recommendations for linkage to mental health services, etc.

Reference(s)/Attachments:

[AB 1214](#)

[WIC § 709](#)

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Contact Information:

BHS-DHS@saccounty.net