

## The Format and Required Elements of a Juvenile Mental Competency Evaluation

The **Format** and **Elements** described represent the minimal requirements required of a Juvenile Mental Competency Evaluation. The required “Elements” describes the information that should be addressed under each heading/section of the report. If an element is not included in the report, it is necessary to provide a valid reason. Additional relevant information may be included in the evaluation report.

Reports should be submitted with a professional letterhead on the first page of the report that includes contact information including the provider’s office/ mailing address and phone number. Please be advised that an attorney may release the evaluation report directly to the client or the parents/guardians of the client.

**Name:**

**Date of Birth:**

**Age:** \_\_\_\_ years, \_\_\_\_ month

**Gender:**

**Race/Ethnicity:**

**Primary Language:**

**Court Number:**

**Requested By:**

**Minor’s Attorney’s Name:**

**Minor’s Attorney’s Phone Number:**

**Minor’s Attorney’s Fax Number:**

**Date of Evaluation:**

**Location of Evaluation:**

**Date of Report:**

**Confidentiality Advisement:** Confirm that the client has been advised that this evaluation is for purposes of writing a report for the Court and that any information obtained during this evaluation may appear in such a report. Indicate that the minor understood/did not understand the nature of the evaluation and limits of confidentiality. The reader of the report should also be advised that the report contains sensitive information subject to misinterpretation by those untrained in interpreting psychological assessment data.

**Reason for Referral:** Indicate the reason for referral specified by the referral source. Provide a factual summary of the circumstances that led to the minor’s referral to Juvenile Court (i.e., date of arrest, specific charges).

**Tests Administered:** List each psychological test and mental competency interview/assessment that was administered. All psychological tests utilized should be standardized, empirically supported for the minor’s population, and directly relevant to the assessment of competency.

**Collateral Records Reviewed:** List each document that was reviewed, including the title, author, and date of each document. Make note of any data that was not available for review.

**Persons Interviewed:** List all of the interviews that were conducted, including the name of the interviewee, relationship to the minor, and date of the interview. If no collateral interview was obtained, list the extenuating circumstances that prevented this from occurring and attempts that were made even if unsuccessful. Note: Collateral informants must be advised of limitations to confidentiality.

**Relevant Background Information:** Describe pertinent background information obtained from interviews and records and indicate source(s) of information. In general, this background information should be focused and relevant to adjudicative competency. Describe contradictions in the information when relevant.

**Past Legal History:**

**Developmental/Medical History:**

**Family History:**

**Mental Health History:** Include any legal psychiatric findings, such as past evaluations of competency.

**Substance Abuse History:**

**Academic History:**

**Psychosocial History/Peer Relationships:**

**Mental Status/Behavioral Observations:** Describe findings of the mental status examination and behavioral observations during testing and interview. Describe client's approach to the evaluation and any barriers to the client's ability to engage and overall performance, along with consequent limitations to the validity of the evaluation. Include client's orientation, appearance, motivation, mood, thought content/process, communication, motor functioning, mental capacities (i.e., memory, concentration, abstraction, fund of information).

**Tests Results/Interpretation of Findings:** Please evaluate whether the minor suffers from a mental disorder, developmental disability, developmental immaturity, or other condition and, if so, whether the condition or conditions impair the minor's competency (Welf. & Inst. Code, § 709).

**Psychological Test Data:** A brief explanation of the nature and purpose of each test administered should be provided, and results should be explained in a straightforward manner avoiding (or defining) clinical jargon.

**Competency Abilities:** Describe results from the Juvenile Adjudicative Competence Interview (JACI), including relevant functional strengths and deficits; inclusion of quotes offered by the minor or specific behaviors observed is helpful to the reader. Information about competency functioning obtained from other sources should also be discussed (i.e., relating test findings, collateral data, and mental status results to competency abilities to provide insight into how minor will interact with attorney and in court hearings). Explain how any identified deficits can be expected to impact the minor's functioning in the actual case.

**Diagnostic Impressions Relevant to Competency:** Provide diagnostic impressions relevant to adjudicative competency according to the Diagnostic and Statistical Manual of Mental Disorders-5-TR (DSM-5-TR). Corresponding diagnostic codes from the ICD-10 (International Classification of Diseases) are required. Justification for all diagnostic impressions should be provided (e.g., criteria from the DSM-5-TR). Diagnostic rule-outs should be used sparingly and only when there is insufficient information in the available data to clearly identify a diagnosis.

**Response to Referral Questions:** List each referral question followed by your response (either "yes" or "no" is required, along with a more detailed response that synthesizes history, mental status, collateral data, and testing results). If a referral question could not be answered, please indicate and explain the reason(s). This could be a qualified response to the question and/or a description of what information would be needed to answer the referral question(s) adequately.

- 1) In the opinion of the evaluator, does the minor have a mental disorder? Is there a DSM disorder that affects the minor's competency?
- 2) In the opinion of the evaluator, does the minor have a developmental disability? Is there a developmental disability that affects the minor's competency ("Developmental disability" means a disability which originates before an individual attains age 18; continues or can be expected to continue indefinitely and constitutes a substantial disability for that individual. The term includes autism, mental retardation, cerebral palsy, epilepsy, and disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation)?
- 3) In the opinion of the evaluator, is the minor developmentally immature? Is the minor incompetent due to developmental immaturity (See Timothy J. v. Superior Ct. (2007) 58 Cal. Rptr. 3d 746)?
- 4) Is the minor able to understand the nature of the proceedings? Does the minor lack a rational as well as factual understanding of the nature of the charges or proceedings against him or her?
- 5) Is the minor able to assist his/her attorney in the conduct of a defense in a rational manner? Does the minor lack sufficient present ability to consult with counsel and assist in preparing his or her defense with a reasonable degree of rational understanding?
- 6) In the opinion of the evaluator, is the minor competent to stand trial? If no, is the minor likely to benefit from attempts at restoration? If the minor is not found to be competent, is the minor likely to benefit from remediation? What modalities of intervention are recommended for remediation; are there any relevant treatment recommendations?
- 7) Does the evaluator have any information to suggest the minor is a danger to himself/ herself or to others or is gravely disabled?

Careful discussion of the reasons supporting your conclusions is critical. For example, if you conclude that the minor is not competent your report must clearly state the reasons for your conclusion along with discussion of the supporting data. Note: Competency evaluations for juveniles should be made in light of juvenile rather than adult norms. With regard to the question of developmental immaturity, you should describe the minor being examined in comparison to average children of the same age.

**Signature and Date:** Please sign and date the report. Please do not use a computer-generated signature.