




JUVENILE: INCOMPETENT TO STAND TRIAL



County of Los Angeles
Probation Department





A child's ability to participate meaningfully in court proceedings. Requires that they have sufficient **present** ability to consult with counsel, assist in the preparation of their defense, understand the nature of the charges against them and have a factual understanding of the proceedings.

- 653.5 (Subsequent) & 777 WIC

ADJUDICATIVE COMPETENCE

COMPETENCY: HISTORICAL ROOTS

- 5th, 6th and 14th Amendments of the Constitution
 - Cornerstones of the Criminal Justice System
- Case law:
 - Dusky v. United States (1960)
[U.S. Constitutional Standard for Competence](#)

Whether the defendant “has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding - and whether he has a rational as well as factual understanding of the proceedings against him.”

- In Re Gault (1967)
- Drope v. Missouri (1975)

Mental Health Disorder Developmental Disability Developmental Immaturity (2010)



CALIFORNIA: JUVENILE COMPETENCY TO STAND TRIAL



- James H. v. Superior Court (1978)
- Timothy J. v. Superior Court (2007)
- Assembly Bill 2212 (2010)
- § 709 WIC (2010)
- California Rules of Court 5.645 (Amended January 2012)
- LA County Juvenile Court's Protocol (January 2012, June 2015)

Capacity for Factual and Rational Understanding of.....

- Nature of trial process
- Accused of a crime
- Court will decide guilt
- Could be punished
- Possible sentences
- Meaning of possible plea
- Roles of Functions of Trial Participants
- Trial process involves
- Understand role

Capacity for Factual and Rational Understanding of.....

- Ability to assist counsel
 - ▣ Coherent
 - ▣ Capable of comprehending inquiries
 - ▣ Capable of responding
- Handle the demands of the trial process
 - Testify relevantly
 - Demeanor does jeopardize fairness
 - Decompensate under stress



Competency Process

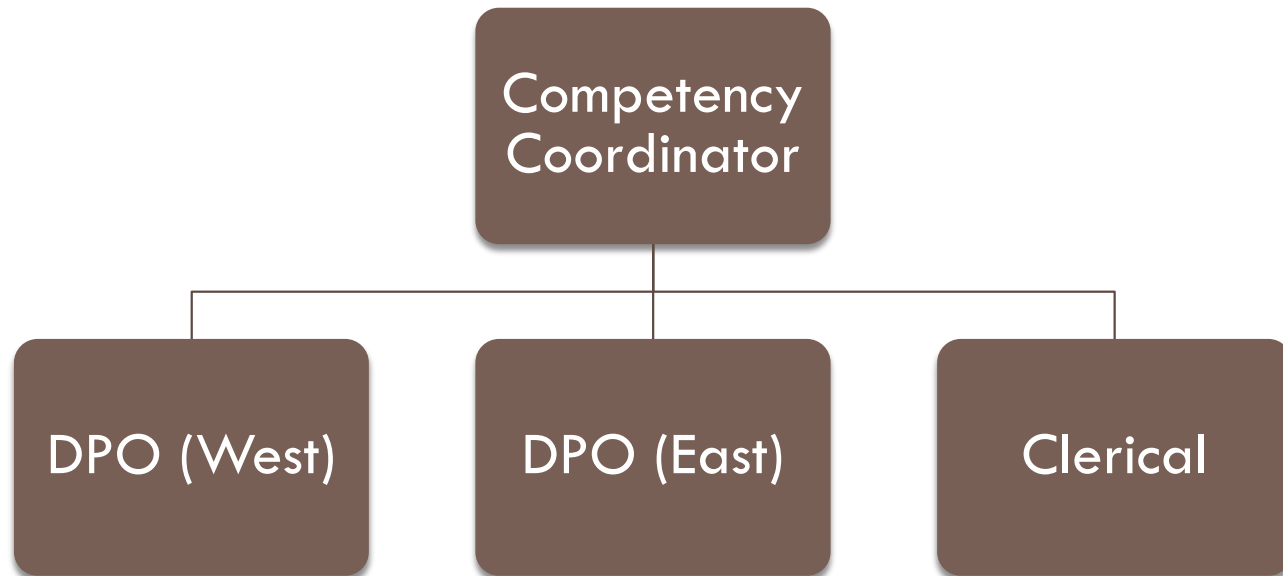


Juvenile Competency Unit (JCU)

Purpose and Mission

- 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 Deputy Probation Officer 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 Unit (JCU)



Competency Unit DPO Duties

- Education Remediation Course
 - ▣ (Kids Court) Dr. Rebecca Nathanson, UNLV and Dr. Kim Larson, William James School of Professional Psychology
 - ▣ 8 Week Program (Community and Juvenile Hall)
 - ▣ Learning Objectives: Knowledge, Rational Understanding, Decision Making, Communication and Emotion
 - ▣ Graduated Practice, Multiple Exemplars
 - ▣ In conjunction with UCLA

Kids' Court School – UNLV



- ❑ Established in 2002 by Dr. Rebecca Nathanson
- ❑ 2012 Bright Ideas Award from Harvard University
- ❑ Dependency Court Cases
- ❑ UNLV Law School Clinic
 - ▣ Two Sessions

Juvenile Competency Unit (JCU)

Service Areas

□ DPO (West)

- ▣ **Antelope Valley – Adult Court House (PTS Office):** Antelope Valley
- ▣ **Centinela Area Office:** South Central Los Angeles and Torrance
- ▣ **Van Nuys Juvenile Day Reporting Center:** Santa Clarita, San Fernando Valley, Pasadena, Burbank and Santa Monica

□ DPO (East)

- ▣ **East Los Angeles Area Office :** East Los Angeles
- ▣ **Central Juvenile Hall:** Detained Youth
- ▣ **Rio Hondo Area Office :** Pomona, San Gabriel Valley, Long Beach, Whittier, Over flow from South Central Los Angeles



Competency Unit DPO Duties

- Case Management
- Functions as a Secondary DPO
- Competency Court Reports
 - ▣ Planning Report
 - ▣ Progress Report



Department of Mental Health

- Education Remediation Services
- Mental Health Services- Detained Youth
 - ▣ Central Juvenile Hall
 - ▣ Review of §730 Evaluation
 - ▣ Report
 - Diagnosis
 - Psychotropic Medication
 - Treatment Goals
 - Appropriate Setting
 - Progress

Regional Center



- Forensic Liaison
 - ▣ Intake
 - ▣ Consumer
- Intake Process
- Regional Center Services
 - ▣ Competency Education Services
 - ▣ Supportive Services



Questions?