

Competency/Restoration Protocol

- A. Once a competency examination order is signed, either the JPO or the Clerk's office will notify the Clinical Coordinator. In the event that the Clinical Coordinator is unavailable, the Court may call the covering Clinical Coordinator, or the Administrative Supervisor, John Torello at (860)721-2157.
- B. Upon receipt of the signed order, the Clinical Coordinator will contact Charter Oak Forensic Consultants at (203) 298-9005 to make the referral for examination. The Clinical Coordinator will fax the order and completed Referral for Competency Evaluation form to Charter Oak Forensic Consultants at Fax # 203-298-9006 (form attached).
- C. Within two business days of receipt of the signed Competency to Stand Trial Finding and Order or Examination, the Clinical Coordinator will request from the JPO a signed Authorization for Information for the Department of Children and Families. This release of information will allow DCF to access all the information needed for service and/or restoration planning, if necessary. The Clinical Coordinator will recommend to the JPO which approved collateral information should be provided to Charter Oak Forensic Consultants. **(Note: The Clinical Coordinator should have a discussion with both attorneys and seek agreement on approved collateral information. If there is a disagreement, the Court will need to make the final decision of what collateral information is to be provided).** If there is no collateral information available, the Clinical Coordinator will notify Charter Oak Forensic Consultants.
- D. Upon receipt of the signed Competency to Stand Trial Finding and Order for Examination, the Clinical Coordinator will request that the defense counsel complete the Respondent's Attorney Competency Questionnaire (at their discretion), as soon as possible. Upon receipt of the completed Respondent's Attorney Competency Questionnaire, the Clinical Coordinator will fax it to Charter Oak Forensic Consultants (form attached).
- E. Charter Oak Forensic Consultants will have 15 business days from day of the order to complete the examination, and 21 business days from the day of the order to submit the report. The Clinical Coordinator is responsible for tracking completion of the competency examination to ensure that the report is completed and submitted within the timeline defined by statute. The report will be submitted to the Clinical Coordinator. In addition to the report, Charter Oak Forensic Consultants will submit the completed second page of the Referral for Competency Evaluation form at this time.

- F. Upon receipt of the report, the Clinical Coordinator will provide copies of the report to the Clerk, the State's Attorney, Defense Counsel, JPO, and GAL (if applicable), as soon as possible or at least two business days before the scheduled competency hearing.
- G. If Charter Oak Forensic Consultants examination team recommends that the juvenile is **NOT competent** (restorable or not restorable), the Clinical Coordinator will forward the first page of the Referral for Competency Evaluation and the second page completed by Charter Oak Forensic Consultants to the DCF Court Liaison. If there is no release of information form signed, the Clinical Coordinator will fill out the DCF Notification form and send that in place of the referral form (form attached). If the DCF Court Liaison is not available, the Clinical Coordinator should contact the supervisor, Maria Allegro at 860-550-6392.
- H. The competency report may be sent to the DCF Court Liaison only if permission is granted by the parties. (This should happen sooner than later to allow DCF appropriate time to plan for the juvenile. In most cases the attorneys may want to wait for the competency hearing but the Clinical Coordinator should encourage them to release the report sooner as it will help in planning for their client).
- I. A Competency Hearing will be scheduled within 10 business days of receipt of the report unless waived by Court. If the competency report is introduced into evidence, at least one member of the competency examination team shall be present to testify as to the determinations in the report, unless their presence is waived by the juvenile or State. If the competency examination team recommends that the juvenile is **not competent** and the parties request testimony, the Clinical Coordinator will notify Charter Oak Forensic Consultants of the hearing date and time as soon as possible. At least one member of the forensic clinical team will need to testify. In most cases, it will be the social worker. With the permission from all parties, the DCF Court Liaison can attend this hearing.
- J. If the Court finds the juvenile **competent**, the Court shall continue with the prosecution of the juvenile matter.
- K. If the Court finds the juvenile **not competent, but restorable**, there will be a scheduled hearing within 5 business days (DCF must attend this hearing) so DCF can notify the Court of the proposed intervention plan (up to 90 days in either inpatient/outpatient setting or a least restrictive setting). This hearing cannot be waived per statute. The DCF Court Liaison will notify the DCF representative of the hearing date and time. Once the Court orders a period of restoration, the DCF Court Liaison will fax the competency to Stand Trial Finding and Order of Placement to the identified restoration team.

- L. Once the juvenile is ordered for a period of restoration, the Court will schedule a follow-up hearing within 90 days. The restoration team will send progress reports to the DCF Court Liaison who will then forward them to the Clinical Coordinator to distribute to all parties. The final progress report, which includes the restoration team findings/recommendations, will be submitted to the Clinical Coordinator at least ten business days prior to the scheduled court hearing (or earlier if applicable). The parties will not be expected to attend the restoration evaluation conference. If the restoration team decides that the juvenile requires a different setting for the restoration (i.e. moving inpatient to outpatient vice versa), the Clinical Coordinator will be informed and will notify the Court. Upon receipt of the final progress report, the Clinical Coordinator will contact Charter Oak Forensic Consultants to schedule a reassessment. The reassessment report will be returned to the Clinical Coordinator at least two business days prior to the scheduled hearing. The reassessment report will be distributed to the Clerk, State's Attorney, Defense Counsel, JPO and GAL, if applicable.
- M. If the court finds the juvenile **not competent, not restorable**, there will be a hearing scheduled within 5 business days (DCF must attend this hearing) as the Court shall (a) dismiss the petition if it is a delinquency or family with service needs petition; (b) vest temporary custody of the juvenile in the Commissioner of Children and Families and notify the Office of the Public Defender, which shall assign an attorney to serve as guardian ad litem; or (c) order that the Department of Children and Families or some other agency, mental health facility or treatment program, or such juvenile's probation officer, to conduct or obtain an appropriate assessment and where appropriate, propose a plan for services that can appropriately address the juvenile's needs in the least restrictive setting available and appropriate. This hearing cannot be waived per statute.