



# Competency to Proceed in Juvenile Court

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# Fundamentals of Trial Competency

## I. Purpose of Competency Requirement

- Fairness
- Accuracy
- Dignity

## II. Constitutional Standard

- Defendant must have “sufficient present ability to consult with attorney with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings” (Dusky v. US)
- Defendant must have “capacity to assist in preparing the defense” (Drope v. Missouri)



## Fundamentals, Cont.

### III. Fluid Construct, Context Dependent

- Complexity of the case
- Seriousness of the charge
- Involvement of an attorney (*Indiana v Edwards*)
- Medication, hearing aid, other accommodation

### IV. Commitment to Restore Competency Permissible Only So Long As Defendant Substantially Likely to Become Competent in the Foreseeable Future (*Jackson v. Indiana*)



# Juvenile Competency

## I. Pre-Juvenile Court (pre-1900)

- Juveniles treated same as adults
- Infancy defense exempts younger/immature children

## II. Early Juvenile Court

- Infancy defense abolished (supplanted)
- “Best interests of the child”
- Procedures relaxed
- Trial competency recedes



### III. “Recent” Developments

- 1960’s-1970’s: Rights accorded and procedures reformed, nearly mirroring criminal court (Kent, Gault, Winship, Breed)
- 1980’s-1990’s: “Accountability,” retribution acknowledged
- Competency re-emerges-- recognized in most states

### IV. Meaning of Competency in Juvenile Court Context

- Grisso: “Normal” younger children incompetent by adult measure
- May normal younger children be tried?



V. Possible Operational Standards in Juvenile Court  
(Degrees of Ability to Understand and Assist)

- Capacity of 7 year old (typical age for adjudication)
- Capacity of typical child age of respondent
- Variable, depending on complexity of the case and seriousness of the possible consequences (context)

VI. Proposed Standard: A child facing delinquency proceedings in juvenile court is incompetent to proceed if the child's ability to understand the proceedings or assist in the defense is so substantially impaired that, even with accommodations provided by the court, a fair proceeding cannot be conducted



## VII. Proper Role of the Expert

- Provide information, within the bounds of expertise (beyond the ken of the lay person), to help the court understand difficulties the child may have participating meaningfully (understanding the proceedings or assisting in the defense)
- Provide recommendations re accommodations the court might make to compensate for the child's difficulties or services that might enhance the child's competency ("attainment" services)
- Ultimate issue opinion?



## VIII. Competency Restoration/ Attainment

- Adults typically incompetent because of serious MI or MR
- Children typically incompetent because of developmental delay and associated difficulties
- Target services at the relevant impairment—hospitalization rarely necessary
- Resist efforts to misuse competency procedures to accomplish other purposes (e.g., transfer to a MH facility, disposition without adjudication)



## IX. Competency Restoration Models (FL Survey, 2009)

- Commitment to DMH Facility: KS, TX
- Mostly in DMH Facility: WA
- Mostly in the Community: VA, MD, CO, FL
- Secure Placement in DMH Facility (whether or not for clinical reasons): FL, MD, WA
- Secure Placement in Juvenile Detention Facility (if no need for inpatient services): VA, CO