

## CLINICAL EVALUATION OF JUVENILES' COMPETENCE FOR LAWYERS AND JUDGES

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Having performed research on youths' capacities related to competence to stand trial (CST), the MacArthur ADJJ Research Network recognized the need for guidance for mental health professionals who are responsible for CST evaluations of youths on a case-by-case basis. Methods for performing CST evaluations with adults had been standardized for about 30 years, but there were no standards and guidelines for these evaluations with adolescents. Therefore, the Network commissioned a research study:

- To determine how CST evaluations of adolescents were being performed nationwide, and to learn the needs of clinicians for improving these evaluations
- To develop methods and tools to assist clinicians in CST evaluations, especially to address incompetence due to immature development of some youths

A national survey of 87 of the 100 largest juvenile court jurisdictions in the U.S. revealed that at that time (2002), requests for CST evaluations by juvenile courts and defense attorneys were steadily increasing in most states. Annual requests ranged from just a few in some jurisdictions to more than 100 in several others. Methods and the degree of time spent on juvenile CST evaluations varied widely, and clinicians performing the evaluations expressed growing frustration. They believed that special methods were needed to evaluate CST in adolescents, due to their differences in capacities from adults, yet neither they nor courts and attorneys had arrived at satisfactory procedures and criteria for applying competence to youths.

The Network, therefore, developed a guidebook and specialized interview tools that would assist clinicians to perform CST evaluations. The methods took into account developmental characteristics of youths that might influence their capacities as defendants, as well as the special needs of juvenile courts when trying to apply CST to very young offenders. Developing the concepts and methods in the guidebook involved more than a year of work with national panels of expert juvenile court clinicians, juvenile court judges, and juvenile court prosecutors and defense attorneys.

Having developed these methods based on a national legal and clinical consensus process, the Network then commissioned the publication of two guidebooks that outline the issues of juveniles' CST and the process for assessing it—one for clinical examiners (*Evaluating Juveniles' Adjudicative Competence*) and another for judges and lawyers (*Clinical Evaluations for Juveniles' Competence to Stand Trial: A Guide for Legal Professionals*). In 2005, the Network commissioned four regional workshops that were provided without cost to the chief mental health professionals providing juvenile CST evaluations to juvenile courts in the major juvenile court jurisdictions nationwide. These workshops trained over 130 juvenile court clinicians from around the U.S.