

<p align="center">GEORGIA DEPARTMENT OF JUVENILE JUSTICE</p>	<p align="center">Transmittal # 18-6</p>	<p align="center">Policy # 20.17</p>
<p>Applicability: {x} All DJJ Staff { } Administration { } Community Services { } Secure Facilities</p>	<p>Related Standards & References: O.C.G.A. §§15-11-381, 15-11-656, 15-11-650, 15-11-651, 15-11-660 DJJ 20.2 ACA Standards: 3-JDF-4C-39, 4-JCF-4D-01</p>	
<p>Chapter 20: CASE MANAGEMENT</p>	<p>Effective Date: 3/26/18 Scheduled Review Date: 3/26/19</p>	
<p>Subject: INCOMPETENT YOUTH</p>	<p>New Policy Community Services Division</p>	
<p>Attachments: A – Placement Checklist</p>	<p>APPROVED:  _____ Avery D. Niles, Commissioner</p>	

I. POLICY:

The Department of Juvenile Justice shall work cooperatively with other agencies and service providers to ensure that youth adjudicated as incompetent receive services in an environment specified by the court and approved by the Department of Behavioral Health and Developmental Disabilities (DBHDD).

II. DEFINITIONS:

Competency Remediation Services: Interventions directed only at facilitating the attainment of competence to proceed for a child adjudicated to be incompetent to proceed. Such term may include mental health treatment to reduce interfering symptoms, specialized psychoeducational programming, or a combination of these interventions.

Comprehensive Service Plan: An interagency treatment, rehabilitation, support, or supervision plan developed collaboratively by state or local agency representatives, parties, and other interested person following a court’s finding that a child is unrestorably incompetent to proceed.

Forensic Residential Provider: Provider designated to provide residential services for youth adjudicated to be incompetent.

Incompetent to Proceed: Lacking sufficient present ability to understand the nature and object of the proceedings, to comprehend his or her own situation in relation to the proceedings, and to assist his or her attorney in the preparation and presentation of his or her case in all adjudication, disposition, or transfer hearings. Such term shall include consideration of a child’s age or immaturity.

Chapter	Subject	Policy #	Page
CASE MANAGEMENT	INCOMPETENT YOUTH	20.17	2 of 5

Restorably Incompetent: Youth determined by the courts to be incompetent to proceed, but his/her incompetence may be remediated.

Unrestorably Incompetent: Youth adjudicated by the courts to be incompetent to proceed and their incompetence is unable to be remediated.

Plan Manager: Person who is under the supervision of the Court and who is appointed by the court to convene a meeting of all relevant parties for the purpose of developing a comprehensive service plan.

Local Case Expeditor: Individual responsible for monitoring and tracking the RYDC population and youth receiving alternative to detention services for an assigned catchment area.

Statewide Case Expeditor: Individual responsible for monitoring and tracking statewide RYDC population and youth placed in alternative detention.

III. PROCEDURES:

- A. The local Case Expeditor will track youth who are detained and whose competency is being considered by the court.
- B. The local Case Expeditor will notify the facility mental health staff whenever there is a court order for evaluation of a youth's competency or an adjudication deems the youth to be incompetent to proceed. Mental health staff will then refer the youth to the OBHS Behavioral Health Placement Review Panel in accordance with DJJ 12.6, Behavioral Health Placement Review Panel.
- C. Upon receiving notification from the court that the youth is found to be incompetent, but restorable and is continued in detention, the local Case Expeditor will notify the Statewide Case Expeditor as soon as possible but no later than by the close of business.
 1. If the youth is ordered to receive remediation services while in secure detention the Statewide Case Expeditor will notify the DJJ Chief of Psychology.
 2. If a youth is ordered to receive remediation services at a Forensic Residential Placement, the Case Expeditor will gather all placement documents using the Placement Checklist (Attachment A) and forward the packet to the Statewide Case Expeditor within 10 days of the court findings. Upon receipt of the signed order the Case Expeditor will forward the complete packet to the Statewide Case Expeditor.
- D. Within 2 business days of receipt of the packet the Statewide Case Expeditor will forward the documents to the designated Forensic Residential Provider.

Chapter	Subject	Policy #	Page
CASE MANAGEMENT	INCOMPETENT YOUTH	20.17	3 of 5

- E. The Statewide Case Expeditor will notify the local Case Expeditor of the youth's acceptance or denial within 2 business days of receiving a response. The local Case Expeditor will inform the court of the decision.
- F. The local Case Expeditor in consultation with the Statewide Case Expeditor will communicate with the court regarding the admission process.
- G. The Statewide Case Expeditor in consultation with the DJJ Transportation Unit will coordinate youth's transportation to placement. The Statewide Case Expeditor will be present at the placement upon youth's arrival.
- H. The local Case Expeditor will ensure that the placement intake packet is reviewed, signed by the parent/guardian, and returned to the placement prior to youth's scheduled admission.
- I. Once youth is admitted, the Statewide Case Expeditor is responsible for updating youth's placement information and services in JTS.
- J. The local Case Expeditor will maintain communication with and provide any required documentation to the court and the Plan Manager (for CHINS cases).
- K. Denials:
 - 1. The local Case Expeditor will inform the court if a youth is denied by the Forensic Residential Provider.
 - 2. The Statewide Case Expeditor will notify the DJJ Chief of Psychology if youth is denied placement. The DJJ Chief of Psychology is responsible for notifying DBHDD of the denial and helping facilitate timely arrangements for implementation of DBHDD competency remediation services while the youth remains in detention.
 - 3. The local Case Expeditor will notify the RYDC that the youth will remain in detention and receive services from a competency remediation service provider.
- L. Reviews:
 - 1. The Statewide Case Expeditor will attend all Utilization Reviews, scheduled provider reviews, and provide documentation in JTS case notes within 72 hours of the review. All documentation will be uploaded into JTS Correspondence module.
 - 2. DJJ Chief of Psychology will receive and review the monthly reports from DBHDD and upload the reports in JTS Correspondence module.

Chapter	Subject	Policy #	Page
CASE MANAGEMENT	INCOMPETENT YOUTH	20.17	4 of 5

3. The local Case Expeditor will keep the court informed about youth's progress and monitor the status of youth's court case to be reviewed by the judge every six months until competency status changes or up to 2 years after the date of the order of incompetency.
4. The DJJ Chief of Psychology will inform the Statewide Case Expeditor of DBHDD's intention to file a report whenever DBHDD deems that the youth's competency status has changed.

M. Youth remaining in detention:

1. If the court determines that a youth will receive remediation services while detained, the local Case Expeditor will inform the Statewide Case Expeditor. The Statewide Case Expeditor will ensure the DJJ Chief of Psychology is informed.
2. The local Case Expeditor will notify the RYDC that the youth will remain in detention and receive services from a competency remediation service provider.
3. The DJJ Chief of Psychology will maintain communication with DBHDD to ensure timely delivery of competency remediation services,
4. The local Case Expeditor will monitor the status of youth's court case in accordance with DJJ 20.2, Detention Monitoring.
5. DJJ staff members will report any concerns about a youth's remediation services to the Case Expeditor and/or Statewide Case Expeditor, who will inform the DJJ Chief of Psychology.

N. Unrestorable Youth:

1. The local Case Expeditor will inform the Statewide Case Expeditor and facility mental health staff, as soon as possible but within 8 hours, if a youth is adjudicated unrestorable and ordered to be detained or remain in detention pending the Court's approval of the comprehensive service plan.
2. The Statewide Case Expeditor will notify the DJJ Chief of Psychology who will notify DBHDD if a youth is found to be incompetent and unrestorable after receiving remediation services at a Forensic Residential Placement and the court returns the youth to detention.
3. The local Case Expeditor will monitor the status of the youth's case while the youth awaits in detention. The delinquency petition will be dismissed and a CHINS petition filed within 5 days. A Plan Manager will be assigned by the court to initiate a Comprehensive Service Plan for the youth.

Chapter	Subject	Policy #	Page
CASE MANAGEMENT	INCOMPETENT YOUTH	20.17	5 of 5

4. Unless a time extension is granted by the court, an adjudication hearing will be scheduled within 10 days and a disposition hearing held within 30 days. The Plan Manager shall submit the comprehensive services plan to the court within 30 days of the disposition hearing and the comprehensive service plan hearing shall be held within 30 days from the filing of the plan.
5. Upon the adoption of the Comprehensive Service Plan by the Court that outlines specific provisions for supervision of the youth to provide safety to the community and such youth., the youth shall be released from secure detention.

IV. LOCAL OPERATING PROCEDURES REQUIRED: NO