



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 15-436, **Version:** 1

Title

Judicial Council-Sponsored Legislation: Juvenile Competency (Action Required)

Summary

The Policy Coordination and Liaison Committee, Family and Juvenile Law Advisory Committee, Collaborative Justice Advisory Committee, and Mental Health Issues Implementation Task Force recommend amending Welfare and Institutions Code section 709 to clarify the legal process and procedures in proceedings that determine the legal competency of juveniles.

Recommendation

The Policy Coordination and Liaison Committee, Family and Juvenile Law Advisory Committee, Collaborative Justice Advisory Committee, and Mental Health Issues Implementation Task Force recommend that the Judicial Council sponsor legislation to amend Welfare and Institutions Code section 709. The amendments will address the issues that arise when a doubt is expressed regarding a minor's competency, including the following:

- Who may express doubt regarding competency in minors?
- Who has the burden of establishing incompetency?
- What is the role of the forensic expert in assessment and reporting on competency in minors?
- What is the process for determining competency in minors?
- What is the process for determining whether competency has been remediated?
- What is the process for ensuring that proceedings are not unduly delayed?
- What is the process for ensuring due process and confidentiality protections for minors during the proceedings?