



Administrative Office of the Courts
 Juvenile Justice Services Division
 Contract Years 2019-2024
 Juvenile Competency Restoration Services
 Service Codes: 263, 268, 180

Juvenile Competency Restoration Services: Mental Health Expert Service Codes 263, 268 & 180	
Category	Evaluation, Polygraph and Laboratory Services (Form F-2)
Setting	<ul style="list-style-type: none"> Professional office environment in a mental health center, in-home, or private practice appropriate to the provision of evaluation, assessment, and treatment services
Targeted Population	<ul style="list-style-type: none"> Juveniles who have been legally determined by the referring Court to be mentally incompetent to continue with felony and/or misdemeanor court proceedings, but for whom restoration to competency may be possible
Professional License	<ul style="list-style-type: none"> Psychologists must be licensed by the Arizona Board of Psychologists Examiners under Arizona Revised Statutes, Title 32, Chapter 19, and Articles 2 & 3. Contractor shall provide evaluation services only if it is within his/her scope of practice and be able to demonstrate experience and training if requested, including documented attendance at the Administrative Office of the Courts (AOC) Legal Competency Conference.
Service Description	<ul style="list-style-type: none"> “Incompetent means a juvenile who does not have sufficient present ability to consult with the juvenile’s lawyer with a reasonable degree of rational understanding or who does not have a rational and factual understanding of the proceedings against the juvenile. Age alone does not render a person incompetent” per ARS 8-291 (2). This Mental Health Expert service does not constitute or provide the initial evaluation of competency requested by the Court under ARS 8-291.02. Following an initial Court Evaluation which has found a juvenile not to be competent to continue with felony and/or misdemeanor court proceedings, but potentially restorable to competency, this service provides for the professional Mental Health Expert portion of Mental Competency Restoration Services. This service does not stand alone but occurs in collaboration with the Restoration Specialist services. Juvenile Competency Mental Health Experts provide initial and ongoing consultation and guidance to the Restoration Specialist throughout the restoration services. Experts will also conduct periodic clinical interviews and provide Juvenile Competency Evaluation services to the juvenile, including updates and recommendations to the court through formal written reports in accordance with ARS 8-291.07 and 8-291.10.
Service Tasks	Contract requirements set forth in the AOC <u>Standard Terms & Conditions</u> are applicable. Additionally: Mental Health Expert Consultation with the Restoration Specialist



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1. Schedule an initial consultation with the Restoration Specialist who is identified by the referring probation department.
2. Review with the Restoration Specialist the initial Court evaluator's report to the Court, which determined the need for Restoration services, and which outlines the initial mental competency findings and recommendations. (Contact the Clerk of the Court if you have not received the initial evaluator's report).
 - a. In the event the initial evaluator's report is inadequate to develop a Restoration Plan, this discussion may determine the need for additional information to be obtained.
 - b. In the event the initial Court evaluator's report includes recommendations for services which are *not* included within this AOC *Service Specification*, notify the referring Court by filing a letter with the Clerk of the Superior Court. This letter shall specify what services were suggested that are not currently covered under this AOC *Service Specification* and may make recommendations to the Court as to how those needs may be addressed. The Mental Health Expert shall not make referrals to his/her own services or provide a recommendation for a specific agency or individual. Recommendations shall only be for the actual service (i.e. mental health counseling, substance use disorder counseling, etc.)
3. Review and confirm the Restoration Specialist's understanding of the initial evaluator's competency findings and recommendations; the juvenile competency concepts and areas to be assessed related to competency for the juvenile; this state's competency standards and statutes; and guidelines for the educational components of mental competency restoration. This may include a review of the "**Juvenile Mental Competency Restoration**" handbook published by the Arizona Supreme Court, Administrative Office of the Courts (ASC/AOC), which is intended as a guide to the Restoration Specialist teaching these concepts.
4. Provide consultation to the Restoration Specialist in the development of a **Restoration Education Plan**; documentation of initial and all ongoing consultation is the responsibility of the Mental Health Expert and Restoration Specialist and shall be retained in their respective juvenile's file.
5. Assist the Restoration Specialist with the following tasks:
 - a. Complete a Restoration Plan that specifically details all additional services beyond those of the restoration education program (if any) needed by the juvenile to support competency restoration.
 - b. Completing the Restoration Education Plan within three (3) business days following the initial meeting with the juvenile.



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- c. The Restoration Plan and any modifications to the plan do not require participation and signatures of the parent/guardian or of the juvenile's probation officer; however, it must be signed by the Mental Health Expert, the Restoration Specialist, and the juvenile receiving services.
6. Provide ongoing consultation to the Restoration Specialist throughout the restoration services.
7. The Mental Health Expert must review case progress with the Restoration Specialist at least once every fourteen (14) calendar days throughout the service provision period. Discussion shall include the ongoing determination of whether there is a substantial probability that the juvenile will regain/achieve competency.
8. The Mental Health Expert should also be available to the Restoration Specialist for consultation/case review as needed for unique circumstances. Consultation/Case review is limited to 30 minutes (2 units) for each review and may occur via telephone or in-person; emails are not billable time.
9. Modifications shall be made to the Restoration Plan as deemed necessary by the Mental Health Expert and the Restoration Specialist.
10. Any modification made to the Restoration Plan must be documented in the Mental Health Experts consultation/case review notes.

Mental Health Expert Reporting to the Court

1. **Reports Group** - The Mental Health Expert shall submit written reports to the referring Superior Court as required by ARS 8-291.07 and 8-291.10, as follows:
 - a. The mental health expert shall submit a written report of the examination to the court within ten (10) working days after the examination. The mental health expert shall provide a copy of the report to the defense attorney for redaction. Additional written reports must be submitted to the court ten (10) days prior to the competency hearing or review in the court while the juvenile is in the restoration program.
 - b. The Competency Restoration **progress reports** shall include at least the following information:
 - i. The name of the mental health expert who examined the juvenile.
 - ii. A description of the nature, content, extent and results of the examination and any test that was conducted.
 - iii. The facts on which the findings are based.
 - iv. An opinion as to the competency of the juvenile.



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	<ul style="list-style-type: none">c. If the mental health expert determines that the juvenile remains incompetent to stand trial, the report shall also include the following information:<ul style="list-style-type: none">i. The nature of any mental disease, defect or disability that is the cause of the juvenile’s incompetency.ii. The juvenile’s prognosis.iii. If the mental health expert believes that the juvenile may be restored to competency, what in the expert’s opinion is needed to restore the juvenile to competency and whether restoration can be accomplished within the original one hundred eighty (180) days or if a request to the court of an extension of sixty (60) days is warranted.iv. If the juvenile is currently receiving medication, how the medication might affect the juvenile in the process.d. If the mental health expert determines that the juvenile is currently competent because of ongoing treatment with psychotropic medication, the report shall address the necessity of continuing that treatment and shall include a description of any limitations that the medication may have on competency.e. In accordance with ARS 8-291.06 “any statement that a juvenile makes during an examination, any statement that a juvenile makes to restoration personnel during the course and scope of a restoration program or any evidence resulting from that statement is not subject to disclosure pursuant to section 36-509” <p>2. Final Restoration Report - The Mental Health Expert shall submit a final written Competency Restoration Report in accordance with ARS 8-291.10 and 8-291.07 following clinical interview as follows:</p> <ul style="list-style-type: none">a. When:<ul style="list-style-type: none">i. The juvenile is determined to be competentii. The Mental Health Expert believes there is no substantial probability that the juvenile will regain/achieve competency before the expiration of the Court order for participation in the program; and/oriii. Fourteen (14) days before the restoration order from the Court expiresb. Content - Final Competency Restoration Report shall include the Mental Health Expert’s findings and all information required under ARS 8-291.07. Report shall not include any facts related to the alleged offense or the case pending against the juvenile.c. Clinical interview with the juvenile is required for the Final Competency Restoration Report and optional for progress report.
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- d. **Timeliness of Reports to the Court:** If at any time the Contractor is unable to meet the requirement of submitting the report ten (10) working days prior to the competency hearing, the Contractor shall contact the Juvenile Court Administrator of the referring Superior Court. Contractors will be notified by the Superior Court of all dates of hearings and reviews, and of any changes in hearing dates or reviews.
- e. **Submission of Reports to the Court:** All reports must be submitted with one original to the Clerk of the referring Superior Court. The Clerk shall seal and file the original. The Mental Health Expert shall provide a copy to the assigned defense counsel for redaction. Within twenty-four (24) hours after the defense attorney receives a copy of the report, the defense counsel shall provide copies of the redacted report to the state and the court.
- f. **Termination of services:** Once the referring Superior Court finds the juvenile to be competent, or to be incompetent/not restorable, the restoration services shall be terminated (unless further ordered by the Superior Court).
- g. **Unsuccessful services:** When the juvenile does not attend the scheduled appointments or cannot be located to provide restoration services or clinical interviews, the Contractor shall make at least three (3) documented attempts to locate the juvenile, and two (2) documented efforts to contact the juvenile's assigned probation officer to determine the juvenile's whereabouts. When these attempts have proved unsuccessful, the Contractor shall submit a letter to the referring Superior Court advising that the juvenile cannot be located to provide services.

SPECIAL CONDITIONS

Records – Confidentiality

The AOC Standard Terms & Conditions are modified for this service, in accordance with A.R.S. 8-291.07 as follows:

- All records relating to Competency Restoration shall be segregated from other client or juvenile records (even if pertaining to the same juvenile) and marked as Confidential.
- Release of these records is prohibited, except as provided for in this AOC *Service Specification*, as described above, or upon direct written order of the Superior Court.
- Staff of ASC/AOC may review the records for contract compliance. However, staff of the juvenile court are prohibited from examining, reviewing, or copying these records for the purpose of probation supervision, unless upon direct written order of the superior court.



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Professional Consultation	<ul style="list-style-type: none"> • Court Testimony by Mental Health Expert: The Mental Health Expert shall request direction from the court as to whether court testimony may be done telephonically or if in-person testimony will be required. In-person appearances shall be counted from the time of arrival at the court until dismissal following testimony, or at the time the court concludes the hearing or dismisses the Mental Health Expert, whichever is earlier. Telephonic appearances shall be counted from the time the phone call begins until it ends. Mental Health Expert testimony must be billed under the professional consultation service code (180). • Provide consultation service to the probation department and/or the court which has been authorized through a Service Authorization Form (SAF); billed in fifteen (15) minute increments under the appropriate service code; and may only be billed in conjunction with a contracted service. • Consultation provided to the Restoration Specialist as described in the Service Tasks may be provided in-person or telephonically but may not occur via email. • The juvenile’s file shall include a copy of a court’s order or written directive for testimony or the probation department’s written request for specific consultation outside of that provided to the Restoration Specialist. • Professional consultation shall be documented in the appropriate juvenile file and shall include a summary of consultation provided; location at which consultation occurred; persons participating in the consultation; date of consultation; duration of consultation; and name, dated signature, degree and title of person providing consultation. Consultation shall not be provided in lieu of a contracted or non-contracted service. Consultation is not case management.
Service Frequency	<ul style="list-style-type: none"> • As described in the Service Tasks; approved in the Service Authorization Form (SAF); and as court ordered.
Service Duration	<ul style="list-style-type: none"> • Service duration is driven by ARS 8-291.09 or at the directive of the referring Court; typically, service continues until the juvenile has regained competency or upon determination there is no substantial probability that the juvenile will regain competency
Staffing	<ul style="list-style-type: none"> • Mental Health Expert services may be provided by a psychiatrist or psychologist as described in Paragraph 36 (FP) or 34 (IP) of the AOC <u>Standard Terms & Conditions</u> • Psychologists must be licensed by the Arizona Board of Psychologists Examiners Psychiatrists must be licensed by the Arizona Board of Medical Examiners



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	<ul style="list-style-type: none"> • Must have relevant training and expertise to conduct mental competency evaluations and have documentation reflecting successful completion of the AOC Legal Competency Conference • Must have knowledge of Arizona’s juvenile competency standards and statutes and be able to demonstrate familiarity with the requirements of AOC Service Code 260, <i>Juvenile Competency Restoration Services / Restoration Specialist</i> • Must be proficient in the juvenile’s’s primary language or utilize a certified interpreter or language line • Psychometric testing may be performed by qualified Psychometrists, as outlined in the AOC <u>Standard Terms & Conditions</u>; psychometrists require AOC approval prior to working with AOC funded juveniles • Clinical interview, analysis, interpretations, report writing, and recommendations may be conducted only by the licensed psychologist or psychiatrist • The Mental Health Expert for Competency Restoration Services should not be the same as the initial Court evaluator of competency unless approval is provided by the referring court
Staff to Client Ratio	<ul style="list-style-type: none"> • 1 staff to 1 juvenile
Hours of Operation	<ul style="list-style-type: none"> • Day, evening hours and may include weekends • Ideally, the hours of service should not conflict with the juvenile’s academic day
Desired Service Outcomes	<ul style="list-style-type: none"> • Collaboration with the assigned Restoration Specialist • Progress Reports and Evaluations as directed by the Court or by statute
Unit of Service	<ul style="list-style-type: none"> • Clinical Interview / Report: One unit = Hourly rate, inclusive of clinical interview, testing, and report writing, maximum five (5) hours • Report without Clinical Interview: One Report without Clinical Interview to the Court • Professional Consultation or Court Testimony: One unit = One 15-minute increment and only as authorized on SAF



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Proposed Services & Service Rates:

<u>Juvenile Competency Restoration Services / Mental Health Expert:</u>		
<u>Office Based:</u>		<u>Contracted Rate:</u>
AOC does not wish to pay more than the stated rate(s) below:		
Clinical Interview/Report (sc 263) In-County	Mental Health Expert only	\$ <u>130.00</u> / hour
Other Proposed Service Rate: Clinical Interview/Report (sc 263) In-County	Mental Health Expert only	\$ _____ / hour
Report without Clinical Interview (sc 268) In-County	Mental Health Expert only	\$ <u>260.00</u> / Report
Other Proposed Service Rate: Report without Clinical Interview (sc 268) In-County	Mental Health Expert only	\$ _____ / Report
Clinical Interview/Report (sc 263) Out-of-County	Mental Health Expert only	\$ <u>180.00</u> / hour
Other Proposed Service Rate: Clinical Interview/Report (sc 263) Out-of-County	Mental Health Expert only	\$ _____ / hour
Professional Consultation / Testimony (sc 180)	Mental Health Expert only	\$ <u>35.00</u> / 15 min.
Other Proposed Service Rate: Professional Consultation / Testimony (sc 180)	Mental Health Expert only	\$ _____ / 15 min.



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Other agreement:

All contracts and services must be in compliance with the AOC Standard Terms & Conditions, applicable service specifications & special contract conditions.

By signing below, I confirm that I have read and fully understand the requirements necessary to provide the Juvenile Competency Restoration services and I agree to all requirements, restrictions, service tasks, and contract rate(s):

Contractor Signature / Date



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AOC USE ONLY: DO NOT FILL IN BEYOND THIS LINE

Contracted Services & Service Rates:

<u>Juvenile Competency Restoration Services / Mental Health Expert:</u>		
<u>Office Based:</u>		<u>Contracted Rate:</u>
Clinical Interview/Report (sc 263) In-County	Mental Health Expert only	\$_____/ hour
Report without Clinical Interview (sc 268)	Mental Health Expert only	\$_____/ Report
Clinical Interview/Report (sc 263) Out-of-County	Mental Health Expert Only	\$_____/ hour
Professional Consultation / Testimony (sc 180)	Mental Health Expert only	\$_____/ 15 min.

Other agreement:

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AOC Signature / Date