

ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
JUVENILE JUSTICE SERVICES DIVISION
Contract Year 2014 - 2019
SERVICE SPECIFICATIONS
Independent Practitioner or Full Procurement (Agencies)
MENTAL COMPETENCY RESTORATION SERVICES
Service Codes 260, 263 and 180

SERVICE DEFINITION:

To provide Mental Competency Restoration services to persons less than eighteen (18) years of age in order to attempt to restore the juvenile to competency.

OVERVIEW:

Restoration Plan: Upon referral from a Superior Court, utilize the Court Mental Health Expert's competency examination report to assess the juvenile and develop an individual Restoration Plan.

Educational Program: Provide education using the *Juvenile Competency Training Handbook*, published by the Arizona Supreme Court (ASC), Administrative Office of the Court (AOC) as a guideline, and will be made upon contract award, or any modified/amended training materials provided by the ASC.

Reporting By Mental Health Expert: Preparation of a post-treatment/education report to the court as defined in A.R.S. §8-291.07 (A), (B), (C) and (D), provided by a mental health expert as defined in A.R.S. §8-291.

Consultation By Mental Health Expert: The Mental Health Expert shall provide initial consultation to the Restoration Specialist in order to confirm the Restoration Specialist's understanding regarding juvenile competency concepts and areas to be assessed related to competency for the juvenile, this state's competency standards and statutes, and educational components of mental competency restoration, as outlined in the service tasks.

The Mental Health Expert shall also provide consultation to the Restoration Specialist in the development of the restoration education plan, and on-going consultation throughout the restoration services, including any restoration plan updates.

EDUCATIONAL/LICENSURE/TRAINING REQUIREMENTS:

Restoration Specialist - Education Program: Preferably the Contractor will provide services through instructors certified by the Arizona Department of Education to teach elementary school (grades K through 8). However, the Administrative Office of the Courts (AOC) will accept persons who hold a Masters degree in education or a Masters degree in a human services field. If applicable, services should be provided by instructors certified to teach learning disabled (LD) and emotionally disabled (ED). Restoration Specialist must be proficient in the youth's primary language and services must be provided in the youth's primary language. The Contractor may utilize a certified interpreter or language line. It is preferable for instructors to have experience in teaching at-risk learners and to have work experience in alternative schools or in secure care settings.

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All providers contracting with the ASC to provide the Educational Program must ensure that all employees and/or contractors providing or supervising services in connection with the Educational Program, receive competency restoration training. All training relative to competency restoration shall be documented in each personnel file. Restoration Specialist must be proficient in the youth's primary language or utilize a certified interpreter or language line.

Mental Health Expert: Services will be provided by a psychiatrist or psychologist as described in Section V, *Minimum Personnel Qualifications to Provide Services to Clients*, paragraph 36 (FP), or 34 (IP), subsections (a) (i) and (a) (ii) contained in the *Standard Terms & Conditions* AND who is familiar with this state's juvenile competency standards and statutes; knowledgeable about the treatment, training and restoration programs that are available in this state. The Mental Health Expert must complete the AOC's Mental Competency Restoration Conference. One mental health expert for each youth shall be utilized to supervise restoration services, unless extenuating circumstances arise or unless otherwise ordered by the referring Superior Court. The Mental Health Expert must be proficient in the youth's primary language or utilize a certified interpreter or language line.

UNITS OF SERVICE:

Restoration Plan development: One unit equals one hour.

Education Program service delivery: One unit equals one hour, (50 minutes for instruction and 10 minutes for records documentation).

Reporting by Mental Health Expert: One unit equals one hour, maximum three hours per report. The three hour limit includes any clinical interviews with the youth.

Consultation by Mental Health Expert: One unit equals 15 minutes. Services must be billed in 15 minute increments.

Court Testimony by Mental Health Expert: One unit equals 15 minutes. Services must be billed in 15 minute increments. The Mental Health Expert shall request of the court if there is a need to testify telephonically in each case. 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).

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SERVICE GOAL:

To provide restoration education services to persons less than eighteen (18) years of age in order to attempt to restore the youth to competency.

SERVICE TASKS: MENTAL COMPETENCY RESTORATION SPECIALIST

Restoration Plan:

1. Upon referral from a Superior Court and receipt of a Service Authorization Form, review a copy of the initial Mental Health Expert's Report to the Court, determining the need of restoration services for the youth. The initial Mental Health Expert's Court Report is to be included in the juvenile probation referral for services and should specifically outline the services necessary to restore the youth to competency.

Based on this report, and in consultation with the Mental Health Expert who is assigned for the purpose of competency restoration, develop a Restoration Plan that incorporates all the findings and recommendations in the initial report by the Court Mental Health Expert. In the event the report is inadequate to develop a Restoration Plan, consult with the Court Mental Health Expert and supplement with additional information and recommendations, as necessary.

2. In the event the Court Mental Health Expert's initial report includes recommendations for services which are *not* included within this Service Specification, notify the referring court by filing a letter with the Clerk of the referring court.

This letter shall specify what services were suggested that are not currently covered in this service specification or covered under the Contractor's contract with the Arizona Supreme Court, and shall provide recommendations for those uncovered services. If there is no contracted service available, make specific reference to the service in the letter and wait for further instructions from the referring court. Fax and mail a copy of the letter to the assigned judge and the prosecuting and defense attorneys. Under no circumstances should a service be performed which is not covered in this Service Specification or covered under a Contractor's current contract with the Arizona Supreme Court *and* authorized by the referring court in the Service Authorization Form.

In the event the referring court requests services which are not covered in this Service Specification or covered under a Contractor's contract with the Arizona Supreme Court, the referring court must make arrangements to pay for these services. The uncovered services will not be paid for by the Arizona Supreme Court, Administrative Office of the Courts.

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3. Unsuccessful attempts by the Restoration Specialist to locate the youth must be documented and communicated to the assigned Mental Health Expert, in preparation for the Mental Health Expert's letter to the Court, detailing that the youth was unable to be located for services.
4. The requirements of Section IX, Paragraph 45(FP) and 40 (IP), (a) are not applicable.
5. The requirements of Section X, Paragraph 46(FP) and 41 (IP), (b) and (c) are not applicable.
6. The requirements of Section XI, Paragraph 48 (FP) and 43 (IP), (d) and (e) are not applicable.
7. The Restoration Specialist must contact the referring Juvenile Probation Department to identify the Mental Health Expert assigned for the purpose of the restoration services. The Mental Health Expert must initiate contact with the Mental Competency Restoration Specialist regarding the youth's Restoration plan.
8. The **Restoration Plan** must specifically detail all additional services needed beyond those of the educational program, (if any) necessary to restore the youth to competency. The Restoration Plan should also note what referrals were made for such services (See Task #2 above).
9. The **Restoration Plan** must be completed within three (3) business days following receipt of the referral, including the Service Authorization Form and the initial Report of the Court Mental Health Expert.
10. The Restoration Plan and modifications to the Restoration Plan do not require participation and signatures of the parent/guardian or of the youth's juvenile probation officer, but must be signed by both the assigned Mental Health Expert and the youth receiving services.

Education Program:

1. Provide instruction using the training material provided in the "Juvenile Competency Training Handbook" published by the Arizona Supreme Court, Administrative Office of the Courts to guide this process. The handbook is to be utilized to engage the youth in understanding court procedure and is not intended to be solely a homework study guide.

At a minimum, instruction will occur twice a week. The need for an increase in the frequency of instruction should be established after consideration of the youth's individual needs.
2. The training material and instruction methods must be modified as necessary to meet the individualized needs for youth and to consider their cultural, educational, behavioral and mental health needs.

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3. In addition to the records requirements specified in the AOC Standard Terms & Conditions, all progress notes shall be prepared on the day of the event, and shall include the degree and title of the staff providing the services. Subparagraphs referencing required progress reports and evaluation reports of the AOC Standard Terms & Conditions do not apply.
4. Discussion with the youth regarding the purported offense or of the pending case is prohibited, and shall not be reflected in the Restoration Specialist's documentation.
5. The Mental Competency Restoration Specialist shall initiate contact and consult with the assigned Mental Health Expert at least one time within each fourteen (14) calendar day period to discuss and review the youth's competency restoration progress and planning.
6. Expert consultation between the Restoration Specialist and the assigned Mental Health Expert at minimum must be conducted via telephone and preferably in person, with documentation of the consultation being the responsibility of the Mental Health Expert.

Exchange of documentation may occur via secured email or facsimile correspondence, but must be accompanied by telephonic or in-person discussion. Consultation cannot be completed solely via email correspondence.

SERVICE TASKS: MENTAL HEALTH EXPERT

Mental Health Expert Consultation with the Restoration Specialist:

1. Upon contact from the Restoration Specialist, the Mental Health Expert shall schedule an initial consultation with the assigned Restoration Specialist.
2. The Mental Health Expert shall confirm the Restoration Specialist's understanding regarding juvenile competency concepts and areas to be assessed related to competency for the juvenile; this state's competency standards and statutes; and guidelines for educational components of mental competency restoration, as outlined in the service tasks;
3. The Mental Health Expert shall provide consultation to the Restoration Specialist in the development of the restoration education plan, and shall provide on-going consultation throughout restoration services. Documentation of case consultation is the responsibility of the Mental Health Expert and shall be retained by the Mental Health Expert in the client's file.

The mental health expert must review case progress with the Restoration Specialist at least one time within each fourteen (14) calendar days throughout the service provision period. Discussion shall include the ongoing determination of whether or not there is a substantial probability that the youth will regain competency.

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4. Modifications shall be made to the Restoration Plan as deemed necessary by the Mental Health Expert and the Restoration Specialist. The document shall be maintained in the Restoration Specialist's file for the youth. Consultation case review services are limited to 30 minutes for each review period.

Mental Health Expert Reporting:

1. The Mental Health Expert shall submit written reports to the referring Superior Court as required by A.R.S. §8-291.07 (A), (B), and (C) as follows:
 - a. Competency restoration progress reports shall be submitted by the Mental Health Expert five (5) days prior to every competency hearing or review or every 60 days while the youth is in the restoration program. Competency restoration progress reports should address the following:
 - i. Opinion as to the likelihood that the youth will regain competency;
 - ii. Estimated additional time needed for restoration;
 - iii. Recommendation for modification of treatment, if any.
 - b. Final written competency restoration progress reports and information as follows:
 - i. When the youth is believed to be competent; or
 - ii. When there is no reasonable basis to believe restoration will be successful; and
 - iii. Fourteen days before the restoration order expires.
 - c. Final reports shall include the mental health expert's findings and all information required under section A.R.S. §8-291.07.
 - d. A report shall be submitted whenever the mental health expert believes that there is no substantial probability that the youth will regain competency before the expiration of the order for participation in a competency restoration program.
2. Prior to submission of any report, the Mental Health Expert may conduct a clinical interview with the youth. Adequate time-frames must be considered when scheduling interviews to ensure all reports meet the request of the referring superior court. The client interview should be scheduled in a time frame which allows for rescheduling in the event the youth does not make the initial appointment.

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3. All reports must be submitted no later than five (5) days before the dates set for the court hearing or review. If Contractor determines that they are unable to meet this requirement they are to contact Juvenile Court Administration at the referring Superior Court. Providers will be notified by the referring Superior Court in writing of all the dates for hearings and reviews. Providers will be notified by the referring Superior Court by telephone of all changes in hearing dates or location.
4. 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 by fax for redaction. Within twenty-four hours after the defense attorney receives a copy of the report, the defense attorney shall provide copies of the redacted report to the state and the court.
5. No report shall contain any facts related to the purported offense or the case pending against the youth.
6. Once the referring Superior Court finds the youth competent or incompetent, not restorable, restoration services shall be terminated (unless further ordered by the referring Superior court.)
7. A letter shall be submitted by the Mental Health Expert to the referring Superior Court when at least three or more unsuccessful attempts have been made to locate the youth to provide restoration services, or when the youth does not attend scheduled restoration services. Prior to the submission of this report, at least two documented efforts shall be made to contact the youth's assigned probation officer to determine the youth's whereabouts.

SPECIAL CONDITIONS:

Records-Confidentiality

1. Any record maintained in connection with any service associated with this Service Specification shall be kept confidential. The records should be clearly segregated from other client records (even if pertaining to the same youth) and marked confidential. The Arizona Supreme Court, Administrative Office of the Court may review the records for contract compliance.
2. The AOC Standard Terms & Conditions, are modified to prohibit release of records or information contained in records to the referring Superior Court, except as provided for in this Service Specification or upon direct written order of the Superior Court.

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3. The AOC Standard Terms & Conditions is modified to prohibit the staff of the appropriate Juvenile Superior Court from examining or reviewing or copying client records for the purpose of probation enforcement, unless upon direct written order of the superior court.
4. The Mental Health Expert shall provide a copy of any report to the assigned defense counsel for redaction. Within 24 hours after the defense attorney receives a copy of the report, the defense attorney shall provide copies of the redacted report to the state and the court.

Referral and Service Authorization /Travel

No services shall be performed without first receiving a Service Authorization Form from the referring superior court probation department. In the instance that either the Restoration Specialist or the Mental Health Expert is contracted separately, each Contractor must be authorized to provide services prior to conducting services with the youth.

Each Contractor shall be provided by the referring juvenile probation department with both their unique Service Authorization Form, accompanied by the referral paperwork, to include the initial report by the Court Mental Health Expert.

Reimbursement for travel conducted to provide restoration services must be approved on the Service Authorization Form provided by the referring Superior Court probation department.

REPORTING

Prepare and provide all required reports in accordance with AOC Standard Terms & Conditions.

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By signing this Service Specification, the Contractor agrees to attend any upcoming competency training that is provided by the AOC.

I have read and fully understand the requirements to provide Mental Competency Restoration services, agree to all requirements and restrictions and propose the following rate:

Proposed Contract Rate:

Restoration Specialist:

Restoration Plan (service code 260) \$ _____ / Hour
Individual Education Service (service code 260) \$ _____ / Hour

Mental Health Expert:

Professional Consultation/Testimony (service code 180) \$ _____ / 15 Minutes
Clinical Interview/Reporting (service code 263) \$ _____ / Hour

Other Proposed Agreement _____

Contractor Signature / Date

AOC USE ONLY: DO NOT FILL IN BEYOND THIS LINE

Final Contract Rate:

Restoration Specialist:

Restoration Plan (service code 260) \$ _____ / Hour
Individual Education Service (service code 260) \$ _____ / Hour

Mental Health Expert:

Professional Consultation/Testimony (service code 180) \$ _____ / 15 Minutes
Clinical Interview/Reporting (service code 263) \$ _____ / Hour

Other Agreement _____

Contractor Signature / Date

AOC Signature / Date