



NH Department of Health & Human Services
Division for Children, Youth & Families

DCYF Standard Operating Procedure

1919.2 COMPETENCY EVALUATION SERVICES

Policy Directive: **21-24**

Effective Date: **April 2021**

Implements Policy: **1919**

Approved:

Joseph E. Ribsam, Jr., DCYF Director

This SOP defines how to access Competency Evaluation Services for youth involved Juvenile Justice Services.

Procedure

The following information is to support the implementation of the above referenced policy. This document shall not preclude staff from using their professional judgement based on individual circumstances, consistent with the requirements of the policy.

- I. When the Division is notified by a youth's legal representation that they have been referred for a competency evaluation, the Juvenile Probation and Parole Supervisor will notify the Community and Family Support Specialist.
- II. The Community and Family Support Specialist will:
 - A. Identify if the provider receiving the referral is certified with DCYF and if not:
 1. Send the provider:
 - (a) An Application For Certification And Enrollment Of Private Behavioral Health Service Providers (Form 2617);
 - (b) A State of New Hampshire Alternate W-9 Form; and
 - (c) A copy of He-C 6344 Certification Payment Standards for Community-Based Behavioral Health Service Providers; and
 2. Process the application within 60 days of return by the provider; and
 - B. Enter a Service Authorization Request (Form 1869) via e-mail.
- III. Provider Relations will request Administrator approval for any time billed in excess of 30 hours.

Applicable Forms

Form	Title
1869	Service Authorization Request

Frequently Asked Questions

Q1. What does a competency evaluation include?

- A** To comply with RSA 169-B:20, a competency evaluation must include the youth's capacity and ability to:
- i. Appreciate the allegations;
 - ii. Appreciate the nature of the process, including having a:
 1. Factual understanding of the participants in the proceeding; and
 2. Rational understanding of the role of each participant in the proceeding;
 - iii. Appreciate the range of possible dispositions that may be imposed in the proceedings and recognize how they will affect them;
 - iv. Appreciate the impact of their actions on others; and
 - v. Disclose to counsel facts pertinent to the proceedings including:
 1. Ability to articulate thoughts;
 2. Ability to articulate emotions;
 3. Ability to accurately and reliably relate to a sequence of events;
 4. Display logical and autonomous decision making;
 5. Display appropriate courtroom behavior;
 6. Testify relevantly at proceedings; and
 7. Demonstrate any other capacity or ability relevant to the court's determination.
- A** The report will include if the youth suffers from mental illness, developmental disability, or chronological immaturity.
- i. If the youth suffers from mental illness, developmental disability, or chronological immaturity, the severity of the impairment will be identified with its potential effect on the youth's competency.
 - ii. If the youth suffers from chronological immaturity, a comparison of the youth to the average juvenile defendant will be included.
 - iii. If the youth suffers from a mental illness, the prognosis of the mental illness will be identified as well as any pertinent medications.

Q2. When is the Competency Evaluation report due from providers?

- A** The JPPO should receive the Competency Evaluation report from the provider within 30 calendar days from the date of referral.

Glossary and Document Specific Definitions

A - B C - D E - F G - I J - L M - N O - Q R - S T - V W - Z

For the Purpose of this Document:

"Diagnostic Evaluation" means psychological testing and/or psychosocial assessment to determine the nature and cause of a youth and/or family's dysfunction including mental status, youth development, family history, and recommendations for treatment.

Document Change Log

PD	Modification Made	Approved	Date
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