

STATEMENT OF PURPOSE

RS20312

This legislation seeks to establish standards for the evaluation of a juvenile’s competency to proceed in Juvenile Competency Act ("JCA") proceedings. At the present time, any time a juvenile is alleged to come within the jurisdiction of the JCA and is believed to be incompetent to assist in their defense, the juvenile is evaluated and treated based on Idaho’s adult competency statute, sections 18-210 – 18-212, Idaho Code. Questions of juvenile competency are complicated by issues relating to a youth’s developmental, mental and emotional maturity which are not present in adult cases. Further, the adult statute mandates that the defendant be committed and restoration services be provided in an inpatient facility. Costly restrictive confinement is often unnecessary in the provision of restoration services for juveniles. This legislation maintains the United States Supreme Court’s constitutional standards for determining competency that have been set out for adults but adds factors for the court to consider when applying these constitutional standards to juveniles. Unlike the adult statute, the legislation takes into consideration the unique issues that arise when a juvenile’s alleged incompetency may be the result of a developmental disability and requires that evaluators with specialized expertise perform those evaluations. The legislation also provides greater flexibility in the provision of restoration services for those juveniles determined to be incompetent but restorable allowing for community based restoration services when appropriate which may result in substantial savings as compared with inpatient services.

FISCAL NOTE

There is no anticipated increase to the general fund. It is anticipated that most restoration services can be provided in a less restrictive, less expensive, community based setting and may actually result in cost-savings. The legislation also provides greater flexibility in the provision of restoration services for those juveniles determined to be incompetent but restorable allowing for community based restoration services when appropriate which may result in substantial savings as compared with inpatient services.

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