



MARIN COUNTY SUPERIOR COURT - UNIFORM LOCAL RULES

APPENDIX A

LOCAL FORMS ON WEBSITE (these forms are designated "Optional")	FORM #		ADOPT/ AMEND DATE
ADMINISTRATIVE			
REQUEST FOR JUDICIAL ADMINISTRATIVE RECORDS	ADM022		8/15
CIVIL			
ADMINISTRATIVE APPEAL - CDA - PROOF OF SERVICE	CV034		6/15
ADMINISTRATIVE APPEAL - GENERAL - PROOF OF SERVICE	CV033		6/15
ALTERNATIVE DISPUTE RESOLUTION INFORMATIONAL NOTICE	CV006		7/15
AMENDMENT TO COMPLAINT	CV025		7/07
APPLICATION TO SERVE AS JUDICIAL ARBITRATOR	CV058		11/15
APPLICATION TO SERVE AS VOLUNTEER CIVIL DISCOVERY FACILITATOR	CV056		11/15
APPLICATION TO SERVE AS VOLUNTEER SETTLEMENT CONFERENCE PANELIST FOR CIVIL & FAMILY LAW (Attorneys & MHP's) & QUALIFICATIONS	CV055/FL055		11/15
ATTORNEY'S FEE SCHEDULE - CIVIL CASES	CV044		6/15
BODY ATTACHMENT & WARRANT OF ARREST	CV016		5/15
BODY ATTACHMENT & WARRANT OF ARREST LETTER	CV026		5/15
CHANGE OF NAME & GENDER FILING INFORMATION	CV079W		1/17
CHANGE OF NAME FILING INFORMATION	CV078W		11/17
DECLARATION REGARDING NOTICE OF EX PARTE APPLICATION FOR ORDERS AND/OR ORDER SHORTENING TIME - CIVIL	CV065		6/15
LEGALLY ADJUDICATED NEWSPAPERS FOR PROBATE & NAME CHANGE PUBS	CV080/PR028		10/19
NOTICE OF ADMINISTRATIVE APPEAL - CDA	CV028		8/15
NOTICE OF ADMINISTRATIVE APPEAL - GENERAL	CV027		8/15
NOTICE OF APPEAL - PARKING	CV029		8/15
NOTICE OF DECISION - FOLLOWING DE NOVO HEARING ON PARKING APPEAL	CV030		8/15
PARKING APPEAL - PROOF OF SERVICE	CV031		6/15
STIPULATION & ORDER TO DISMISS ACTION & SUBMIT CAUSES OF ACTION TO SMALL CLAIMS JURISDICTION	CV032		5/15
STIPULATION TO USE OF ALTERNATIVE DISPUTE RESOLUTION PROCESS	CV002	(a)	7/15
COURT REPORTING			
REQUEST FOR COURT REPORTING SERVICES IN CIVIL, FAMILY LAW & PROBATE PROCEEDINGS	REP004		8/19
CRIMINAL			
CRIMINAL CALENDAR ADD-ON REQUEST - MANUAL SUBMISSION	CR099A		9/19
CRIMINAL CALENDAR ADD-ON REQUEST - OUTLOOK SUBMISSION	CR099B		9/19
PETITION FOR DISMISSAL (Penal Code Sections) - Instructions	CR112		9/17
PROOF OF SERVICE	CR047/TR047		10/17
FAMILY LAW			
APPLICATION TO SERVE AS VOLUNTEER SETTLEMENT CONFERENCE PANELIST FOR CIVIL & FAMILY LAW (Attorneys & MHP's) & QUALIFICATIONS	FL055/CV055		11/15
CASE PROGRESS CONFERENCE QUESTIONNAIRE	FL003/SP		9/13
CITATION TO APPEAR	FL023		3/16
DECLARATION OF PROPOSED GUARDIAN'S VIEWING OF FILM	FL033/PR033		1/15
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<i>FAMILY LAW cont'd</i>			
DECLARATION REGARDING ADDRESS VERIFICATION POST JUDGMENT	FL070		10/13
DECLARATION REGARDING NOTICE OF EX PARTE APPLICATION FOR ORDERS AND/OR ORDERS SHORTENING TIME - FAMILY LAW	FL048		10/13
DISSOLUTION OF MARRIAGE, LEGAL SEPARATION & NULLITY OF MARRIAGE FILING INFORMATION	FL069W	(b)	11/17
DOMESTIC VIOLENCE PACKET (WITH CHILDREN)	FL012	(d)	12/18
DOMESTIC VIOLENCE PACKET (WITHOUT CHILDREN)	FL012	(d)	12/18
DOMESTIC VIOLENCE (WITH / WITHOUT CHILDREN) RENEWAL PACKET	FL065	(d)	12/18
FAMILY COURT SERVICES CHILD CUSTODY RECOMMENDING COUNSELING PROGRAM	FL005/SP		9/13
FAMILY COURT SERVICES INTAKE SHEET	FL016/SP		10/13
FAMILY LAW AT ISSUE MEMORANDUM	FL018		9/18
FAMILY LAW JUDGMENT CHECKLIST	FL015		10/13
FAMILY LAW RESOURCES	FL063/SP	(b)	8/17
FAMILY LAW TENTATIVE RULINGS	FL 078/SP		11/17
HOW TO COMPLETE YOUR FAMILY LAW CASE - PETITIONER'S GUIDE	FL061/SP	(b)	9/13
HOW TO COMPLETE YOUR PARENTAGE CASE - PETITIONER'S GUIDE	FL059/SP	(c)	9/13
NOTICE TO PARTIES IN FAMILY LAW CASES	FL008/SP		3/18
PETITION TO DECLARE CHILD FREE FROM PARENTAL CUSTODY & CONTROL	FL022		7/15
STATEMENT OF AGREEMENT/DISAGREEMENT WITH FAMILY COURT SERVICES RECOMMENDATIONS	FL027		10/13
STIPULATION & ORDER REGARDING APPOINTING PARENTING COORDINATOR	FL041		8/19
STIPULATION & ORDER TO CONTINUE CASE PROGRESS CONFERENCE	FL007/SP		8/19
SUMMARY DISSOLUTION OF MARRIAGE FILING INFORMATION	FL068W	(b)	11/17
TRIAL READINESS CONFERENCE STATEMENT	FL064		10/13
YOU'VE BEEN SERVED - RESPONDENT'S GUIDE - PARENTAGE	FL060/SP	(c)	9/13
YOU'VE BEEN SERVED - RESPONDENT'S GUIDE - FAMILY LAW CASE	FL062/SP	(b)	9/13
<i>JURY SERVICES</i>			
FULL-TIME CHILDCARE / CARE PROVIDER REQUEST FOR EXCUSAL FROM JURY DUTY	JUR004		8/17
REQUEST FOR MEDICAL EXCUSE FROM JURY DUTY	JUR001		11/19
<i>JUVENILE</i>			
CONSENT TO ELECTRONIC SERVICE AND NOTICE OF ELECTRONIC SERVICE ADDRESS	JUV022		1/20
<i>MISCELLANEOUS</i>			
REQUEST FOR TELEPHONIC APPEARANCE	MISC001		2/18
<i>PROBATE</i>			
AFFIDAVIT UNDER CALIFORNIA PROBATE CODE § 13101	PR009		6/15
APPLICATION FOR ORDER TRANSFERRING VENUE	PR030		7/13
ATTORNEY FEE DECLARATION	PR035		1/14
CONFIDENTIAL CONTACT INFORMATION	PR015		6/15
CONSERVATORSHIP FILING INFORMATION	PR026W		5/15

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LOCAL FORMS ON WEBSITE <i>(these forms are designated "Optional")</i>	FORM #		ADOPT/ AMEND DATE
<i>PROBATE cont'd</i>			
CONSERVATORSHIP GENERAL PLAN	PR017		1/14
COURT INVESTIGATOR SCHEDULE OF FEES	PR019		7/12
DECLARATION OF PROPOSED CONSERVATOR'S VIEWING OF FILM	PR034		1/15
DECLARATION OF PROPOSED GUARDIAN'S VIEWING OF FILM	FL033/PR033		1/15
FIDUCIARY FEE DECLARATION	PR036		1/14
GUARDIANSHIP FILING INFORMATION	PR027W		7/16
INSTRUCTIONS FOR APPLYING FOR TRANSFER OF VENUE	PR029		5/18
LEGALLY ADJUDICATED NEWSPAPERS FOR PROBATE & NAME CHANGE PUBS	PR028/CV080		10/19
NOTICE OF TRANSFER OF ESTATE PLANNING DOCUMENTS	PR014		8/15
ORDER APPOINTING REFEREE	PR010		6/15
ORDER FOR TRANSFER OF VENUE	PR031		7/13
PROPOSED GUARDIAN INFORMATION FORM	PR007		6/15
STEPARENT ADOPTION QUESTIONNAIRE	PR021		6/18
<i>SMALL CLAIMS</i>			
DECLARATION OF JUDGMENT DEBTOR REGARDING SATISFACTION OF JUDGMENT	SC012		8/15
IMPORTANT INFORMATION FOR SMALL CLAIMS PARTIES	SC008		4/19
LOCAL POLICY INFORMATION FOR THE SMALL CLAIMS PLAINTIFF	SC001		6/15
NAMING PLAINTIFFS AND DEFENDANTS	SC004		9/10
REQUEST FOR DISMISSAL	SC005		12/16
SMALL CLAIMS FILING INFORMATION	SC013W		7/18
SMALL CLAIMS SUBPOENA & DECLARATION INFORMATION SHEET	SC003		4/19
<i>TRAFFIC</i>			
PLEA FORM - INFRACTIONS	TR048		10/17

 LEGEND - LOCAL FORMS CAN BE FOUND UNDER THE FOLLOWING HEADINGS:	
(a)	Forms Related to Alternative Dispute Resolution
(b)	Forms Related to Dissolution (Divorce)
(c)	Forms Related to Parentage
(d)	Forms Packets
NOTES REGARDING FORM NAMES & NUMBERS:	
INST	Instructions Only - Form is Separate
incl. INST	Instructions Included
SP	Form is either bilingual or available on a separate form in Spanish
W	Form duplicated specifically for Website - contains hyperlinks to Judicial Council Forms & Local Forms

APPENDIX A

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**Marin County
Competency
Protocol for
Juvenile Court
2020**

APPENDIX B

MARIN COUNTY SUPERIOR COURT - UNIFORM LOCAL RULES

MARIN COUNTY COMPETENCY PROTOCOL FOR JUVENILE COURT JANUARY 1, 2020

I. INTRODUCTION

A. This protocol shall apply when it appears that there is a doubt as to the competency of a minor to stand trial or to participate in Juvenile proceedings in a delinquency case.

B. This protocol is intended to supplement the provisions of Welfare & Institutions Code §709, California Rule of Court 5.645, as well as relevant case law. In the event that a conflict arises between this protocol and the statute or rule, the statutory and rule provisions control.

C. This protocol is created to further the goals and obligations of Welfare & Institutions Code §202 and to enable a collaborative approach toward issues of competency. The Court should always consider the rehabilitative needs and best interests of the minor as well as the interests of public safety and protection of the community.

II. INFORMAL RESOLUTION

A. Formal competency proceedings in some cases may be contrary either to the goals of protecting public safety or rehabilitating the minor. Where substantial evidence exists that a minor may be incompetent to stand trial, the Court may consider resolving the matter without initiating formal competency proceedings.

B. In determining whether informal resolution is appropriate the Court may:

1. Consider dismissal of the action pursuant to Welfare and Institutions Code §782.
2. Work with the parties to establish a voluntary service plan
3. Consider WIC 654 or 654.2 alternatives
4. Refer the minor for evaluation under WIC§705, or (Parents/Guardians may seek under Lanterman-Petris – Act.)
5. Refer minor to a local social service provider to develop and implement a service plan
6. Enlist assistance of Probation and Defense Counsel or others to:
 - a. Assist family to enroll in Medi-Cal and/or SSI,
 - b. Obtain services of local regional center
 - c. Obtain services through individuals with Disabilities Education Act
 - d. Obtain services through the Mental Health Services Act or Title IV-E
 - f. If the minor’s parents are not available to authorize treatment, order that needed medical and mental care be provided pursuant to WIC §739
 - g. Use the joinder provisions of WIC §727 subdivision (b)(1) to join as a party an agency that has failed to meet a legal obligation to the minor,

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provided that the Juvenile Court may not impose duties on the agency beyond those mandated by law.

C. The court may, with the consent of the parties, conduct progress review hearings and continue the case until the court is satisfied that the situation that brought the minor to the attention of the juvenile court has been addressed, or that the matter cannot be addressed by the juvenile court intervention. At that time, the court shall dismiss the petition under WIC §782 on the grounds that “the interests of justice and the welfare of the minor require such dismissal.” Or the “minor is not in need of treatment and rehabilitation.”

III. LEGAL STANDARD FOR JUVENILE COMPETENCE

A minor is incompetent if the minor lacks sufficient present ability to consult with counsel and assist in preparing his or her defense with a reasonable degree of rational understanding, or lacks a rational as well as a factual understanding of the nature of the charges or proceedings against the minor. Incompetency may result from the presence of any condition or conditions, including, but not limited to, mental illness, mental disorder, developmental disability or developmental immaturity. WIC §709(a).

IV. INVITATION OF FORMAL COMPETENCY PROCEEDINGS

A. During the pendency of any juvenile proceeding, the court may receive information from any source regarding the minor’s ability to understand the proceedings. The minor’s counsel or the court may express a doubt as to the minor’s competency. WIC §709(a). The Court may allow defense counsel to present his/her opinion regarding the minor’s competence *in camera* if the court finds there is reason to believe that the attorney-client privileged information would be inappropriately revealed in open court. (California Rules of Court, Rule 4.130(b)(2))

B. If the Court finds substantial evidence that raises a doubt as to the minor’s competency, the proceedings shall be suspended. The Court and parties are referred to Appendix 3, for summary of various findings on the issue of substantial evidence.

C. Unless the parties stipulate to a finding that the minor lacks competency, or the parties are willing to submit on the issue of the minor’s lack of competency, the court shall appoint an expert to evaluate the minor and determine whether the minor suffers from a mental illness, mental disorder, developmental disability, developmental immaturity, or other condition affecting competency and, if so, whether the minor is incompetent as defined. (WIC§709)(b)(1)).

V. QUALIFICATIONS, APPOINTMENT OF EXPERT PSYCHOLOGIST

A. Qualifications of Expert Psychologist. The expert shall have expertise in child and adolescent development and forensic evaluation of juveniles for purposes of adjudicating competency, shall be familiar with the competency standards and accepted criteria used

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in evaluating juvenile competency, shall have received training in conducting juvenile competency evaluations, and shall be familiar with competency remediation for the condition or conditions affecting competence in the particular case. WIC§ 709(b)(2)

B. Court Psychologist Panel. The Court shall maintain a panel of Psychologists doing competency evaluations for the juvenile Court who meet the above criteria. Panel members shall have met the requirements of CRC 5.645(d)(1)(B).

C. Assignment of Psychologist from Court Panel. The Court or Probation shall appoint a Psychologist from the Court panel to evaluate the minor. Court approval must be obtained to retain a Psychologist outside the approved panel.

D. Payment of Psychologist. The Court will contribute \$750 towards payment of the psychologist evaluation.

E. Retention of Expert by Parties. The Prosecuting Attorney or the minor may retain an expert witness to testify at a competency hearing. Said experts must meet the requirements of CRC 5.645. Any costs incurred as a result of contracting with expert witnesses in this manner shall be borne by the requesting party or agency. The Court does not pay for separately retained defense or prosecution experts. Experts must be disclosed at least five court days prior to the hearing.

F. Evaluation/Report by Court Appointed Psychologist.

1. The Psychologist shall conduct an examination in conformance with the requirements of WIC §709(b)(3) which include:
 - a. personal interview of minor,
 - b. review of available records,
 - c. consult with minor's counsel and any other person who has provided information to the court regarding the minor's lack of competency,
 - c. gather a developmental history of the minor,
 - e. administer age appropriate testing specific to the issue of competency,
 - f. be proficient in the language preferred by the minor or employ the services of a certified interpreter and use assessment tools that are linguistically and culturally appropriate for the minor
2. The Psychologist shall prepare a written report which will
 - a. opine whether the minor has sufficient present ability to consult with his or her counsel with a reasonable degree of rational understanding.
 - b. opine whether the minor has a rational and factual understanding of the proceedings against the minor.
 - c. state the basis for these conclusions.
 - d. give the expert's opinion on whether the minor is likely to attain competency in the foreseeable future (assuming finding of incompetency),
 - e. make recommendations regarding the type of remediation services that would be effective in assisting the minor in attaining competency.

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G. Setting Date for Receipt of Competency Report. A psychologist should be afforded at least 15 court days to complete the evaluation. The 15 day time frame balances the need for speedy resolution of the competency issues, and adequate time to complete an evaluation. In the Court's discretion the psychologist may be given additional time to complete the evaluation.

The scheduled for Receipt of the Competency Evaluation shall be set 17 court days after the Court initially suspends criminal proceedings and appoints an expert to evaluate the minor's competency. (Receipts for Competency Evaluations for out of custody minors shall be set within 30 days) The Competency Evaluation Report shall be delivered to the Judge, Probation Officer, District Attorney and Defense Counsel two court days before the Competency Hearing. This will allow all parties to review the report prior to the hearing.

H. Proceedings at Receipt of Competency Report

On the date of Receipt of the Competency Evaluation Report, three things can happen:

1. The parties can stipulate to the findings of the Competency Evaluation Report. If Petitioner and Defense Counsel stipulate that the minor is competent and the Court accepts this stipulation, then criminal proceedings are reinstated. If Petitioner and Defense Counsel stipulate that the minor is incompetent and the Court accepts this stipulation, then criminal proceedings remain suspended (or are dismissed, see Section VII B below). The Court need not accept the stipulation. If the Court does not accept the stipulation of the parties, the Court should set a Competency Trial. At the trial, the parties could still stipulate to the Competency Evaluation Report and the Court would make whatever findings the Court deems appropriate at the hearing;
2. The parties can submit the matter for a court determination based on the Competency Evaluation Report. The parties would not take a position and leave it up to the Court to decide. If the Court finds that the minor is competent, then criminal proceedings are reinstated. If the Court finds that the minor is incompetent, then criminal proceedings remain suspended (or dismissed see Section VII B below); or
3. The parties can contest the opinion and set the matter for a Competency Hearing.

If the Court appointed expert opines that the minor is developmentally disabled, the Court shall order the Probation Department to refer the minor to the Director of the Golden Gate Regional Center to further evaluate the minor for eligibility for services.

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VI. COMPETENCY HEARING

A. Timing of Competency Hearing. If the minor is in custody, a Competency Hearing should be set within 15 court days from the Receipt of Competency Evaluation Report, unless there is good cause to extend the time for a short period to accommodate the availability of expert witnesses or to allow for completion of additional evaluations. If the minor is out of custody, a Competency Hearing shall be set within 45 days from the Receipt of Competency Evaluation Report date. De facto good cause would exist for a reasonable continuance if an attorney needs further time to prepare for trial, or to secure his/her own expert to render a second opinion.

B. Trial Judge. There is no requirement that the Competency Hearing be held before the same judge who declared a doubt about the minor's competence to stand trial. (*People v. Hill* (1967) 62 Cal. 2d 105, 113, fn. 2; *People v. Lawley* (2002) 27 Cal.4th 102, 133-134 [Adult cases].)

C. Presumption of Competence; Burden of Proof. The minor is presumed competent. The party asserting the Minor's incompetency bears the burden of proof. (Welfare and Institutions Code §709; *In Re R.V.* (2015) 61 Cal. 4th 181; *Bryan E. v. Superior Court* (2014) 231 Cal.App.4th 385.). However, for minor's under the age of 14 at the time of the commission of the alleged offense, the court shall first make a determination as to the minor's capacity pursuant to Penal Code§26. WIC§709(c). The burden of proof is by a preponderance of evidence. WIC §709(h)(1)

D. Competency Hearing Procedure:

1. Either counsel may offer an opening statement.
2. Defense Counsel presents evidence of the minor's incompetence.
3. Petitioner presents evidence of the minor's competence.
4. Each party may offer rebuttal testimony.
5. Defense Counsel makes final argument, followed by Petitioner.

E. Minor's Statements in Subsequent Proceedings. Neither statements made by a minor to any evaluator, nor any evidence derived from these statements may be used by the Petitioner to prove its case-in-chief as to the minor's guilt. (California Rules of Court 4.130(d)(3); *People v. Jablonski* (2006) 37 Cal.App.4th 774, 802-804; *People v. Arcega* (1982) 32 Cal.3d 504,520. Statements made during competency examinations may not be used to impeach the minor if he or she testifies at a regular trial. *People v. Pokovich* (2006) 39 Cal. 4th 1240, 1246-1253.)

F. Express Finding After Competency Trial. The Court must expressly state on the record, either orally or in writing, its determination whether the minor is competent or incompetent to stand trial, as well as the evidence considered and the reasons in support of its finding. (California Rules of Court 4.130(e)(4)(B)).

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VII. PROCEDURE FOLLOWING FINDING OF COMPETENCY/INCOMPETENCY AT COMPETENCY HEARING

A. If the court finds the minor to be competent, the court shall reinstate the proceedings.

B. If the court finds the minor to be incompetent and the petition contains only misdemeanor offenses, the petition shall be dismissed. WIC §709(f)

C. If the court finds the minor to be incompetent and the petition contains felony offenses:

1. All offenses shall remain suspended for a period of time that is no longer than reasonably necessary to determine whether there is a substantial probability that the minor will attain competency in the foreseeable future, or the court no longer retains jurisdiction and the case must be dismissed.
2. The court may make orders that it deems appropriate for services and rule on motions that do not require the participation of the minor. WIC§709(e).
3. The court shall refer the minor to services to help the minor attain competency in accordance with WIC §709(g)(1). Services shall be provided in the least restrictive environment consistent with public safety. The goal should be to assist the improvement of the overall functioning of the minor in addition to answering the narrow issue of competency.

D. New Offenses. Where the minor is alleged to have committed a new offense or violation of probation, the deputy probation officer should not avoid filing a new notice or petition merely because there is a pending competency process. The Probation Department should proceed as if there were no competency process under way, and should not wait until the next scheduled court hearing. For wards of the court whom have violated conditions of their probation, the deputy probation officer may make the decision to immediately bring the minor into custody, which would trigger a detention. The Probation Department can also choose to leave the minor out of custody and set an immediate hearing if they believe there is no threat to either the child or public safety.

The minor is presumed to be competent. The minor's attorney would have to petition the court for a review of the minor's current competency. Starting anew by applying this Protocol to the new petition/notice, the court must make findings. A new Competency Evaluation may be ordered after consideration of the timing and nature of the alleged violations. If there is substantial evidence the minor may be incompetent, the new case will be suspended and the court will order the minor's treatment for the new alleged offense to be added to the pending attempt to restore competency. If the court determines there is not substantial evidence the minor is incompetent, the new case will not be suspended and the court will proceed with the new underlying juvenile proceedings. The issue of the minor's competence on the previously suspended petition/notice will remain as is, until the court makes a finding regarding competence on that matter.

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Of course a determination by the court on the new case can significantly affect the competency issue on the formerly suspended case because the standard for competency is “current” status of the minor. If the minor is competent on the new case, it is a factor to be considered on the pending competency issue.

VIII. COMPETENCY ATTAINMENT PROGRAM

Where incompetency has been found and services ordered, the Probation Officer will collect and provide Department of Health and Human Services with the following information:

1. Competency Evaluation;
2. All psychiatric and psychological evaluations;
3. All behavioral health records;
4. Relevant educational records, including Individualized Education Plans, if applicable;
5. Available health and medical information (including medication);
6. All Delinquency and Dependency petitions or notices;
7. A list of all previous referrals to Probation, Human Services Agency and/or Child Protective Services, and reports generated;
8. Name, phone number and email of the Probation Officer, Minor’s attorney and Assistant District Attorney;
9. Location, phone number and address of the minor; and
10. Names, phone numbers, addresses and emails for the parents or guardians for the minor.

A. Initiating Competency Attainment Service:

The court may make orders that it deems appropriate for services to “assist the minor I attaining competency” based on the expert report or other relevant testimony. The court shall order a deputy probation officer to initiate services for the attainment of competence by referring the matter to Golden Gate Regional Center (If the competency assessment indicates it is related to a developmental delay see below) or to Health and Human Services (if competency assessment indicates it is related to another issue). The court may order the responsible person or entity to do specific things, including but not limited to seeking evaluation for eligibility for particular programs or services, or arranging for those services to be provided.

B. Placement of the Minor. Many minors can successfully participate in restoration services while they are living in their homes, attending their regular schools, and participating in their normal activities. Community-based wraparound services may assist in the minor’s progress in attaining competency. The minor may be placed at home or in a §709 placement with Home Detention Orders.

C. Developmentally Disabled Minors. If the minor is developmentally disabled he or she shall be referred to the Golden Gate Regional Center for services. In order for a minor to

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qualify for these services, the Golden Gate Regional Center must examine and accept the client.

1. If the minor is already a Golden Gate Regional Center client, the assigned Probation Officer will submit a plan to work collaboratively with Golden Gate Regional Center staff in order to obtain appropriate community supports and services.
2. If the minor is not already a Golden Gate Regional Center client, the assigned Probation Officer will work with the minor's family to facilitate the completion of a Golden Gate Regional Center evaluation within the 120 days allowed through the application process. If the minor's parent or guardian is unable or unwilling to participate in this process, the Court will order the evaluation but designate the minor's attorney or the assigned Probation Officer to facilitate the arrangements.
3. The assigned Probation Officer will request that the Golden Gate Regional Center provide progress reports at each court hearing for the minor.

IX. PERIODIC REVIEWS OF REMEDIAL STATUS

A. The court shall review remediation services at least every 30 calendar days for minors in custody and every 45 days for minors out of custody during the remediation period. WIC §709 (g)(1).

B. For minors in custody, the County Mental Health Department shall provide the court with suitable alternatives for the continued delivery of remediation services as part of the Court's review of remediation services. The court shall consider appropriate alternatives to juvenile hall confinement and make orders necessary to assist with the delivery of remediation services in an alternate setting. WIC §709(g)(1) (A-G) and WIC §709(g)(2).

C. Within six months of the initial finding of incompetency, the court shall hold an evidentiary hearing on whether the minor is remediated or is able to be remediated (absent stipulation to the recommendation of the remediation program). See WIC§709(h)(1) for burdens of proof and presumptions.

D. The court shall consider the factors outlined in WIC §709(h)(5)(A) (B) (C) whenever confinement over six months is being considered.

E. If the court finds the minor has been remediated, the court shall reinstate the proceedings. WIC§709(h)(2)

F. If the court finds the minor has not yet been remediated, but is likely to be remediated within six months, the court shall order the minor returned to the remediation program. The total remediation period shall not exceed one year. WIC§709(h)(3).

G. If the court finds the minor will not achieve competency within six months, the court shall dismiss the petition. The court shall invite persons and agencies to the dismissal

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hearing (or other agreed upon forum) the following issues and to discuss any services that may be available to the minor.

1. Possible danger the minor presents to himself/herself or the community;
2. A short time to bridge the minor's return to the community/home and make sure appropriate mental health services are in place;
3. Conservatorship, with an assessment that needs to be completed before dismissal;
4. Civil Commitment, with an assessment that needs to be completed before dismissal;
5. Educational needs before dismissal;
6. Referral to other agencies.