



Probation Service Definition

ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

SERVICE NAME	Competency to Stand Trial (CST) <input type="checkbox"/> Adult <input checked="" type="checkbox"/> Juvenile
Category	Evaluation
Setting	The CST evaluation should occur in a professional office environment, clinic, mental health center, private practice, teleservices or other setting appropriate to the provision of evaluation/assessment services. This evaluation should be completed in the least restrictive professional setting for the youth, this may include a detention facility.
Facility License	Facility licensure not required.
Service Description	<p>Per Nebraska Revised Statute § 43-258, pending adjudication, the court may order <u>a CST evaluation</u> of juveniles.</p> <p>A CST evaluation is a comprehensive examination by a licensed or certified physician, surgeon, psychiatrist, duly authorized community mental health service program with qualified staff, or psychologist. It should include assessments with special consideration of developmental level, maturity, and cognitive processes due to their age/developmental level to determine if the youth has the functional ability to understand legal proceedings, including a rational understanding of their legal situation and the consequences of their actions. The CST evaluation is to be completed prior to adjudication and shall include the following:</p> <p>(1) the nature and extent of the juvenile’s incompetency and the impact it may have on the juvenile’s meaningful exercise of other adjudicatory rights, (2) the evaluation report required by § 43-258 and any other competent evidence assessing the juvenile’s needs and making recommendations for the juvenile’s continuous and long-term care, (3) the juvenile’s statutory right to be competent while participating in adjudication proceedings, and (4) the future treatment and rehabilitation of the juvenile in the event of an adjudication.</p> <p>The National Center for State Courts defines CST as a defendant’s ability to understand and rationally engage with the court procedures happening to and around them, as well as assist their counsel. The Nebraska Supreme Court indicates that defendants are competent to stand trial when they have capacity to understand the nature and object of the proceedings against them, to comprehend their own condition in reference to the proceedings, to consult with their attorney with a reasonable degree of rational</p>

	understanding, and to assist their attorney in making a rational defense.
Service Expectations	The CST evaluation will be completed by a person with the above-identified qualifications, will be culturally sensitive, will be developmentally appropriate, and will assess for: <ul style="list-style-type: none"> • Nature and extent of incompetency and the limitations it may have on their ability to understand legal proceedings, • Evidence assessing the juvenile’s needs and recommendations for continuous and/or long-term care, • Statutory right to be competent while participating in adjudication proceedings, • Future treatment and rehabilitation needs should the youth be adjudicated, and remediation potential identified, and whether further testing as deemed appropriate, is necessary to determine the needs of the juvenile.
Service Frequency	The evaluation will require the completion of necessary testing, information via collateral resources, and review of submitted documentation.
Length of Service	The assessment is completed upon court order during pre-adjudication, the results will indicate the juvenile's competence to participate in the proceedings.

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Staffing	<p>To be provided by the contracted practitioner with one of the following qualifications:</p> <ul style="list-style-type: none"> • Licensed psychologist • Licensed physician, surgeon, or psychiatrist • Duly authorized community mental health service program • Licensed APRN, operating under the direct clinical supervision of a licensed physician, surgeon, or psychiatrist <p>All Providers must have:</p> <ul style="list-style-type: none"> ○ Knowledge and experience with adolescent development ○ An awareness of the impact of IQ, learning disabilities, and neuropsychological impairments impacting adolescent development ○ An understanding of mental health symptoms and how symptoms present in adolescence ○ An understanding of the comorbidity in adolescent cognitive and behavioral health and how this presents
Staff to Client Ratio	Staffing will be a 1:1 ratio
Hours of Operation	Services may occur during day, evening, or weekend hours, based on availability.
Service Desired Outcomes	<ul style="list-style-type: none"> • Provide the juvenile court information to assist it in determining whether pre-adjudication dismissal is in the best interests of a juvenile that has been determined to be legally incompetent • Provide additional information that may assist with court case filing • Clear indications that the juvenile is incompetent based upon their capability to understand legal proceedings, to consult with legal counsel, and to have a rational understanding of their legal situation and the consequences of their actions prior to adjudication • Recommendations, as appropriate, for long term care, future treatment needs, the potential for remediation, and/or recommendations for additional assessments
Unit and Rate	See rate sheet

