

## Juvenile Competency (Aid and Assist)

*HB 2836 represents a consensus among prosecutors, defense attorneys, judges, mental health professionals and others.*

Former Assistant District Attorney and now Judge Amy Holmes Hehn, submitted a request to the Oregon Law Commission in 2003, requesting that the OLC create legislation establishing competency requirements for juveniles in delinquency proceedings. The request explained:

*"Like an adult criminal defendant, a youth in a delinquency proceeding has a constitutional right to raise the question of fitness and must be fit to stand trial before he or she can be adjudicated in juvenile court. The Oregon Juvenile Code, however, is silent on the subject of fitness. No procedure is set forth in the Code for the determination of fitness, and no options for the court are specified for when a youth is found unfit. As a result, the court is left to fashion outcomes for the youth with no guidance in the law. Clear options are needed to help ensure that both the best interests of the youth and the best interests of victims and the community are protected in these cases."*

We urge you to fund and pass HB 2836 so that:

- Every Oregon court utilizes the same standards for determining a youth's competency in order to avoid the kind of costly and lengthy litigation that has occurred in the absence of statutory standards and authority.
- There is a uniform procedure for obtaining evaluations of youth by qualified clinicians.
- Methods for obtaining evaluations are both cost-effective and protect public safety.
- Services for youth who can be made competent for adjudication will be available so that court cases can proceed.
- Youth who are extremely disabled can receive services to protect public safety.

For such an important Constitutional issue, HB 2836 comes with a relatively small price tag. But the fiscal impact alone has prevented this consensus legislation from being enacted in 2007, 2009 and 2011. Let's address this need in 2013.

**Please Support HB 2836**