

**CHECKLIST FOR EVALUATORS )  
COMPETENCY TO STAND TRIAL )**

- " Defendant's name and date of birth
- " Court of jurisdiction and case number
- " Type of evaluation with statute noted
- Limits of confidentiality
- " Background information
  - " Educational history
  - " Relevant medical history
  - Psychiatric history
  - " Explanation of request for competency to stand trial (if provided)
  - " Explanation of reason for finding of incompetency, restoration treatment provided (if evaluation is post-restoration)
- " Mental status examination
- Competency to stand trial examination
  - " Factual information (not all-inclusive)
    - Name of charges and if misdemeanor or felony
    - Misdemeanor v. felony
    - Roles of judge, jury (if felony), defense attorney, prosecutor, witness
    - Guilty and not guilty plea and their consequences
    - Not guilty by reason of insanity defense and its consequences
    - Plea bargaining
    - Rights of defendant
  - " Rational information (not all-inclusive)
    - Explanation of allegations, whether understanding is rational or irrational
    - Understanding of potential sentences/consequences if convicted
    - Intended plea and reasoning for it
    - Understanding potential witnesses and evidence in the case; ideas for attorney to present on his/her behalf
    - Thoughts about plea bargaining
    - Thoughts about ngri defense
- Capacity to assist counsel (not all-inclusive)
  - Trust issues regarding attorney (mere cynicism okay)
  - Thoughts about working with attorney and sharing information

- \_\_\_ Willingness to discuss legal decisions with counsel
- \_\_\_ Attention and concentration sufficient to attend legal proceedings
- \_\_\_ Impact of mood or thought disorder on defendant's ability to discuss case rationally with defense attorney

\_\_\_ Conclusion

- \_\_\_ Brief summary of primary issues related to defendant's competency to stand trial such as past psychiatric/medical/educational history, reason for evaluation, treatment summary if post restoration
- \_\_\_ Brief summary of understanding of factual and rational aspects of his/her legal proceedings "
- \_\_\_ Brief summary of defendant's capacity to assist counsel "
- \_\_\_ Opinion linking your assessment to psycho-legal criteria "
- \_\_\_ Other (may or not be relevant) "
- \_\_\_ Any recommendations to court regarding accommodations a competent defendant may need to remain competent, or recommendation to attorney on how to relate/interact with the defendant to improve collaboration
- \_\_\_ If incompetent, but restorable, recommendation regarding inpatient or outpatient restoration
- \_\_\_ If unrestorable, recommend civil commitment, discharge or other