

Examples of State Juvenile Competence Cases Considering Immaturity

***Timothy J. v. Superior Court*, 58 Cal. Rptr. 3d 746 (Ct. App. 2007).**

Summary:

The Appellate Court held that minors could be found incompetent to stand trial on the basis of developmental immaturity alone. The juvenile court rejected the claims of incompetency to stand trial by two minors, age eleven and thirteen, in two separate juvenile delinquency proceedings. In both cases, the juvenile court decided the question of competency using a standard that required evidence of a mental disorder or developmental disability. The Appellate Court disagreed with this standard in both cases and directed the juvenile court to reconsider the requests under the California Rules of Court, rule 1498(d)(2) which directs that “[i]f the court finds that the child is not capable of understanding the proceedings or of cooperating with the attorney, the court shall proceed under [Welfare and Institutions Code] section 6550.” The Court notes that the Welfare and Institutions Code section 6550 specifically uses the terms “mental health or the mental condition of the person,” not “mental disorder or developmental disability.”¹ Based on this standard, the juvenile court should consider the juveniles age and maturity level when determining competency.

Notable Quotes:

“As a matter of law and logic, an adult's incompetence to stand trial must arise from a mental disorder or developmental disability that limits his or her ability to understand the nature of the proceedings and to assist counsel. (See Pen.Code, § 1367, subd. (a).) The same may not be said of a young child whose developmental immaturity may result in trial incompetence despite the absence of any underlying mental or developmental abnormality.”²

“Certainly no one would dispute that a three-year-old child would be incompetent to stand trial because of his or her cognitive inability to understand the proceedings or to assist his or her attorney in preparing a defense. Thus, for purposes of determining competency to stand trial, we see no significant difference between an incompetent adult who functions mentally at the level of a ten—or 11-year-old due to a developmental disability and that of a normal 11-year-old whose mental development and capacity is likewise not equal to that of a normal adult.”³

***In re Hyrum H.*, 131 P. 3d 1058 (Ariz. Ct. App. 2006).**

Summary:

The Court of Appeal affirmed the trial court's findings that the juveniles were incompetent to participate in proceedings and held that finding of underlying mental disease, defect, or disability was not required component of juvenile incompetency finding. The juvenile court determined that the juveniles, two ten-year-old twins accused of sexual assault, were incompetent because they did not have sufficient present ability to consult their attorneys with a reasonable degree of rational understanding and did not have a rational understanding of the proceedings against them. The court further found that there was no substantial probability that the juveniles could be

¹ *Timothy J.*, 58 Cal. Rptr. at 753.

² *Id.* at 754.

³ *Id.* at 755.

JTIP Handout: Lesson 15 – Competence to Stand Trial

restored to competency within the statutory period of 240 days. The State challenged the juvenile court’s finding that the juveniles were incompetent by arguing that the juvenile definition of “incompetent” required an underlying disease, defect, or disability. The Court rejected this argument based on the language of the statute and the legislative intent behind it.

Notable Quotes:

“[B]y comparing the juvenile incompetency definition to the adult competency statutes, see A.R.S. §§ 13-4501 to 4517 (2011 & Supp. 2005), we conclude that the legislature's desire to prohibit any incompetent child from participating in proceedings, regardless of the child's mental condition, is clear.”⁴

***Tate v. Florida*, 864 So. 2d 44 (Fla. Dist. Ct. App. 2003).**

Summary:

The Appellate Court found that the trial court erred when it failed to allow a competency evaluation for a twelve-year old boy. The juvenile was twelve years old at the time he was convicted of first-degree murder and received a mandatory sentence of life in prison. The defense failed to advise the court that the juvenile could not continue due to incompetency during the trial and the defense’s post-trial request for an evaluation was denied. The Court held that due to the juvenile’s extremely young age and lack of previous exposure to the judicial system, a competency evaluation was constitutionally mandated to determine whether the juvenile had sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he had a rational, as well as factual, understanding of the proceedings against him.

Notable Quotes:

“Even if a child of Tate's age is deemed to have the capacity to understand less serious charges, or common place juvenile court proceedings, it cannot be determined, absent a hearing, whether Tate could meet competency standards incident to facing a first-degree murder charge involving profound decisions regarding strategy, whether to make disclosures, intelligently analyze plea offers, and consider waiving important rights.”⁵

“At a minimum, under the circumstances of this case, the court had an obligation to ensure that the juvenile defendant, who was less than the age of fourteen, with known disabilities raised in his defense and who faced mandatory life imprisonment, was competent to understand the plea offer and the ramifications thereof, and understood the defense being raised and the state's evidence to refute the defense position, so as to ensure that Tate could effectively assist in his defense.”⁶

⁴ *In re Hyrum*, 131 P. 3d at 1062.

⁵ *Tate*, 864 So. 2d at 50.

⁶ *Id.* At 51.

JTIP Handout: Lesson 15 – Competence to Stand Trial

***In re W.A.F.*, 573 A.2d 1264 (D.C. 1990)**

Summary:

The Appellate Court reversed the trial court decision and held that procedure followed in adult criminal proceedings had to be applied to determination of whether a juvenile was competent to stand trial in delinquency proceedings. The trial court judge ruled that the juvenile, who suffered from a mild mental disability, did not have to be competent under the adult standard provided in *Dusky*, but that the standard for juvenile incompetency was intended to be identical to the standard for commitment of mentally disabled juveniles. The Court disagreed with this and held that the right not to be tried or convicted while incompetent is a fundamental right of a juvenile in juvenile delinquency proceedings.

Notable Quotes:

“The first function served by the adult competency requirement and the *Dusky* standard is to assure that the person charged with violating the law is able to prepare a defense, in order to increase the accuracy of the factual and guilt determinations. No less a need exists for a youth in juvenile delinquency proceedings.”⁷

“The right not to be tried or convicted while incompetent is a fundamental right of a juvenile in juvenile delinquency proceedings.”⁸

OTHER CALIFORNIA CASES AFTER TIMOTHY J.

People v. Nash, 2015 WL 4041718 (Cal. Ct. App. July 1, 2015)

Summary:

The Court of Appeals upheld the reasoning expressed in *Timothy J.* but found the reasoning did not support the claim of the juvenile in this case. The Court held that her age alone was not sufficient to find incompetency and differentiates this case as the juvenile was seventeen, not eleven.

Notable Quotes:

“As we have discussed, the *Timothy J.* court presumed that a normal adult would be competent to stand trial, but concluded that this presumption may not be appropriate for “a young child whose developmental immaturity may result in trial incompetence despite the absence of any underlying mental or developmental abnormality.”⁹

“The court cited expert evidence that significant development occurs in the brain at puberty around the ages of 11 to 13.... Thus, the court focused on the limited brain development and cognitive ability of young children up to around ages 11 to 13.”

“Arguably, *Timothy J.* might be helpful to *Nash* if she had been a young child at the time of the competency evaluation and trial, but she was not.”

⁷ *In re W.A.F.*, 573 A.2d at 1267.

⁸ *Id.*

⁹ *People v Nash*, *17.

JTIP Handout: Lesson 15 – Competence to Stand Trial

Bryan E. v. Superior Court, 231 Cal. App. 4th (2014)

Summary:

The Court of Appeal held that remand was required for new juvenile competency hearing, as it was unclear whether court applied the standard of competency applicable to adults or to minors. The Court noted that unlike an adult, a minor alleging incompetency to stand trial does not need to show that his or her inability to understand or assist arises as a result of mental disorder or developmental disability.

In re Jesus G., 218 Cal. App. 4th (2013).

Notable Quotes:

“Juvenile incompetency is not defined solely ‘in terms of mental illness or disability,’ but also encompasses developmental immaturity, because minors' brains are still developing.”

In re Ricky S., 82 Cal. Rptr. 3d 432 (Ct. App. 2008).

Summary:

The Court of Appeal held that trial court's finding that, over time, minor could be made to understand charges against him did not support finding that minor was competent for jurisdictional hearing. The trial court applied a standard that claimed that since the juvenile could distinguish right from wrong, he was competent to stand trial. The Court rejected this statement and ordered a new trial.