

Competency Referral Checklist for Defense Counsel

Ogeechee Judicial Circuit

1. Determine if your client should be evaluated for competency to stand trial or criminal responsibility (competency at the time of the act) or BOTH.
2. Acquire the indictment/accusation, police reports, past psychiatric records (if available), and criminal history (if available) of your client.
3. Complete the DBHDD Referral Form.
 - a. Include personal observations that explain your competency concerns.
 - b. Be as detailed as possible. Include any specific behavior your client exhibited in court, meetings, etc.
 - c. Include your observations, if any, that your client may not understand his surroundings or the legal process.
 - d. Attach an addendum, if necessary.
4. Prepare an Order for Competency Evaluation (Competency to Stand Trial or Criminal Responsibility (Competency at the Time of The Act)) or both. Include all your client's pending case numbers, even if they are not all indicted. You can supplement the referral later down the road, if necessary.
5. Submit the proposed order to the Court for signature- WITH the accompanying documents.
6. Within 10 days of the signing of the Order, you must submit the entire packet to the Department of Behavioral Health and Developmental Disabilities. You

may submit the packet by fax to 770.359.5238 or by email to courtservices@dbhdd.ga.gov.

7. File a Certification of Counsel showing that you submitted the documents to DBHDD.
8. When the report is complete, it will be sent to the Court- not directly to you. You may have to ask for it.

Don't forget the legal standard for determining competency to stand trial:

Whether the defendant is capable of understanding the nature and object of the proceedings; whether the defendant comprehends his or her own condition in reference to such proceedings; and, whether the defendant is capable of rendering to counsel assistance in providing a proper defense.

Ga. R. Super. Ct. 31.4