

RESTORATION TO COMPETENCY: Treatment, Justice, or Neither

- **SUMMARY**

Across the Country, mentally ill people are increasingly coming into contact with the criminal justice system. As a result, adjudicative competency is arguably the single most significant mental health inquiry in the criminal justice process. An integral part of that inquiry is the Restoration to Competency process, which is necessary to ensure that everyone is guaranteed a fair and just criminal process. This process can be lengthy and costly and the objectives frequently misunderstood.

This session 1. Provides an overview of how, why, and where Restoration to Competency occurs within the criminal justice system and why it is often misunderstood as a process and 2. Discuss why this is a necessary, complicated, expensive, and controversial process.

- **OBJECTIVES**

To Identify:

1. The “Dusky” standard, why this is important and how it is applied to Restoration to Competency
2. Where, when and how Restoration to Competency is accomplished
3. Inherent controversies within Restoration to Competency
4. Court options for individuals who are successful and unsuccessful in Restoration

- **SURVIVAL STRATEGIES**

Many times, persons who have undergone the Restoration to Competency process may still manifest symptoms of mental illness and may continue to be challenging in many ways. This session will also explore effective survival strategies for probation officers, mental health professionals, attorneys, to assist these individuals with or without criminal justice involvement.