

AN EVALUATION OF JUVENILE COMPETENCY TO STAND  
TRIAL WITHIN THE UNITED STATES JUSTICE SYSTEM

by

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Juvenile competency to stand trial (CST) ensures that youth defendants can meaningfully participate in their defense. However, current CST standards, based on *Dusky v. United States* (1960), fail to account for developmental differences between juveniles and adults. This thesis examines the limitations of applying adult legal standards to juveniles, emphasizing the impact of cognitive immaturity, mental health conditions, and systemic disparities on CST evaluations. A review of legal precedents, including *Kent v. United States* (1966) and *Roper v. Simmons* (2005), reveals gaps in protecting juveniles' due process rights. Empirical research has found that youth under the age of 15 tend to lack sufficient legal understanding and struggle with rational decision-making when compared to youth over the age of 15, undermining the principles of rational understanding and ability to assist counsel set by the Dusky Standard. Despite this, many courts rely on adult-focused competency assessments, rather than juvenile-specific tools like the Juvenile Adjudicative Competency Interview (JACI). Additionally, competency restoration programs are inconsistent and often prolong juvenile system involvement, increasing their risk of poor outcomes. This thesis advocates for further reforms, including developmentally appropriate CST standards, comprehensive evaluation protocols, and alternatives to traditional adjudication that prioritize rehabilitation over punishment, such as the Risk-Need-Responsivity

(RNR) model. Implementing these changes would ensure that juvenile defendants receive fair and just treatment in legal proceedings. This thesis integrates legal analysis, psychological research, and policy recommendations to advocate for juvenile CST reform that aligns with developmental science and a holistic approach to justice.

*Keywords:* juvenile competency, competency to stand trial, juvenile justice, forensic psychology, developmental immaturity

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## **Methods**

This thesis will be an extensive review of various forms of literature pertaining to juvenile adjudicative competency. The criteria when selecting literature were developed to maximize accuracy and credibility. The criteria vary based on the type of source: original study, literature review, book, website, and interview.

### Original Study and Literature Review:

1. Published after 1960
2. Peer-Reviewed
3. From an accredited database

### Book:

1. Published after 1960
2. Credible authors

### Website:

1. Posted after 1960
2. Provides citations to literature used
3. Reputable authors and/or publishing website

### Interviews:

In addition to assessing literature, personal interviews with experts on the subject will be utilized. The interviewees are Dr. Stephanie Wiley, Dr. Thomas Grisso, and Dr. Christina Riggs-Romaine. The interviewees were selected due to their comprehensive and knowledgeable background in either forensic psychology or juvenile justice. Dr. Grisso is also a very valuable source as he developed the JACI and has pioneered a multitude of literature pertaining to juvenile CST. Dr. Wiley has an extensive background on the impact of contact with the justice

system for juveniles, which is necessary when explaining why addressing juvenile CST is important. Dr. Riggs-Romaine is a practicing forensic psychologist with a focus on applied research for juvenile CST. Dr. Riggs-Romaine works with jurisdictions to apply her knowledge and research to address problems with the adjudicative process. Additionally, the interviews were conducted in person or via Zoom. All interviewees were asked for permission for the content of the interview to be recorded and used for this thesis and another class at the University of Oregon, HC 431: Top Research Methods. In addition, the interviewees were informed that the recording of the interview would be deleted upon finalization of this thesis.

Using different types of literature and interviews with experts is most appropriate for exploration of the subject of juvenile adjudicative competency as it allows for the combination of research data and firsthand experience. This strategy is most effective given that the study is relatively new, and literature is still being developed. Thus, a review of current literature and supplementing with interviews best synthesizes the state of the area. Additionally, interviews from experts in related fields add valuable insight to the ongoing study of juvenile CST by connecting it to other areas. This thesis will provide insight as to how to move forward by clearly evaluating juvenile adjudicative competency within the United States.

## **Defining Competency to Stand Trial**

Competency to stand trial (CST) includes three components a defendant must embody to be deemed fit for trial: factual understanding, rational understanding, and the ability to assist in their own counsel. Factual understanding involves a general understanding of the facts of the court, what the different roles of court members are, and what relevant legal concepts are. Rational understanding evaluates the defendant's ability to correctly apply factual concepts to their case, ensuring that their understanding is fluid and not just memorized. The ability to assist in their own counsel ensures the defendant can relay pertinent case information, communicate with their attorney, testify, and appropriately engage in court proceedings.

## Literature Review

Research in adjudicative competency is steadily growing, as the area is relatively new given that *Dusky v. United States* occurred in 1960. *Dusky v. United States* (1960) established the concept of legal CST by ruling that an individual needs to be able to understand the trial proceedings and reasonably assist in their own council (APA, 2018). Despite the quantity of literature on adjudicative competency thus far, there is little research on its specific application to juveniles.

The bulk of the existing literature on juvenile adjudicative competency stems from Dr. Thomas Grisso, who has worked in the field since the 1970s and helped to pioneer much of it. One of the most impactful pieces of literature that will be used in this thesis is “Juveniles’ Competence to Stand Trial: A Comparison of Adolescents’ and Adults’ Capacities as Trial Defendants” by Grisso et al. (2003). This study assessed the adjudicative competence of 927 adolescents within juvenile detention and community settings, comparing their scores with young adults. Grisso et al. (2003) found that performance on standardized assessments of CST was poorer for ages 15 and younger than young adults. This finding offered powerful insight as to the impact developmental immaturity has on CST, as typically developing children were functioning at levels equal to not being competent to stand trial. This literature posits that there is a need for differentiating the standards for adjudicative competency within juveniles and adults to account for developmental immaturity. Accounting for the differences in development that impact a juvenile’s capacity to be competent to stand trial will help to create a more equitable justice system and alleviate shortcomings mentioned.

Additional research by Stepanyan et al. (2016) looks at the various components of assessments for juvenile competency to stand trial, expanding upon the categories the

components address, and factors considered in evaluations. Stepanyan et al. (2016) highlight the main factors accounted for in juvenile CST assessments: mental illness, intellectual disability, developmental disorders, and developmental immaturity. Identifying these factors is important as they distinguish the criteria of CST between juveniles and adults. This study's findings emphasize that there are relevant distinctions to consider given the impact of age on capacity for CST. Therefore, the adoption of developmental disorders and developmental immaturity is relevant for the criteria of CST for juveniles.

Upon reviewing the existing literature on standards of competency to stand trial for juveniles, my focus will be on defining juvenile CST, evaluating existing methods of assessment, and building upon current standards. This thesis will define the relative differences between juveniles and adults regarding mental illness and intellectual disability. It will focus more heavily on assessing the research of developmental disorders and developmental immaturity as they are not universally adopted as criteria for CST. I will synthesize research on juvenile-specific competencies and literature in supplemental areas to build on the understanding of nuances in juvenile adjudicative competency. The extensive review of literature on juvenile competency to stand trial shows deficits in standards accounting for juvenile-specific characteristics that contribute to unjust outcomes.

## History of Competency to Stand Trial (CST)

### Dusky v. United States (1960)

*Dusky v. United States (1960)* is a foundational Supreme Court case for competency to stand trial. The case involved Dusky, facing charges of kidnapping and rape was found guilty and later convicted. Dusky's case was complicated because at the time of trial, he was displaying signs of schizophrenia. Dusky petitioned for writ of certiorari that his sentence be reversed given he was not competent to stand trial. The case made its way to the United States Supreme Court who ruled that Dusky's case go to retrial.

The significance of *Dusky v. United States (1960)* is in its implications for competency during trial. The Supreme Court established that a defendant has the right to competency during trial and defined competency with the Dusky Standard. The *Dusky* standard states that a defendant must be able to understand the trial proceedings and reasonably assist in their own counsel to be deemed competent to stand trial (APA, 2018). Notably, the *Dusky* standard is relevant to the defendant's *present* abilities at the time of trial, it does not attempt to assess CST at any other point of time. The courts' use of the *Dusky* standard is intended to emphasize cognitive functioning, "the mere fact that a defendant has psychotic symptoms or has a particular IQ does not mean that the defendant is incompetent to stand trial. Neither mental illness nor the defendant's need for treatment is [alone] sufficient for an incompetency finding" (Rees v. Peyton, 1966). The new emphasis on a multi-factored approach using cognitive ability and functioning highlights a significant change in determination of CST (Johnson, 2006).

Dusky's case established additional protocol within the justice system to uphold fair trials by bolstering due process rights. Competency to stand trial is a cornerstone of judicial proceedings as it ensures the capability of the defendant to understand, appreciate, and

participate in their defense. It is important to note that at the time of *Dusky v. United States* (1960), the ruling did not apply to juveniles as they were not entitled to due process in court.

### **Parens Patriae**

The lack of a right to due process in court for juveniles resulted from the legal concept of *parens patriae*. The idea of *parens patriae* was to be more individualized and rehabilitative, with the judge acting as a “benevolent parent” in their decision of how to meet the juvenile’s best interests (Kruh & Grisso, 2009). Despite the best intentions of the judge, social workers, and treatment providers in their decision of how to best help the juvenile, the process was largely unhelpful as its intentions did not match the reality of its practices. One such case of the failure of *parens patriae* is in a youth confinement facility, the New York House of Refuge, that had cases of exploiting and abusing of the juveniles it was rehabilitating (Pisciotta, 1985).

The Supreme Court did away with *parens patriae* in the 1960s when it moved towards a philosophy of increased juvenile rights. While no longer in practice, *parens patriae* is critical to address as it sets forth the beginnings of the juvenile adjudicative process of today. When the Supreme Court did away with *parens patriae*, it granted due process rights to juveniles and began the process of distinguishing the differences between adults and juveniles that includes competency to stand trial.

### **Kent v. United States (1966)**

The landmark Supreme Court case of *Kent v. United States* (1966) marked the beginning of addressing the due process rights of juveniles. The case involves Kent, a 16-year-old boy convicted of robbery and rape. Upon admission of involvement in the crimes, the juvenile court waived jurisdiction and Kent was tried as an adult (Oyez, n.d.). The court found Kent guilty and sentenced him to 30-90 years in prison. Due to the lack of standards for juvenile due process

rights, Kent appealed the sentence on the grounds that a “full investigation” was not conducted by the juvenile court prior to waiving jurisdiction. As a result, the case found its way to the Supreme Court who had to address the underlying question of what due process rights juveniles had. The Supreme Court determined that the juvenile court need “satisfy the basic requirements of due process and fairness, as well as [comply] with the statutory requirement of a ‘full investigation’” (*Kent*, 383 U.S. 552-554).

Prior to *Kent v. United States* (1966) and after *Dusky v. United States* (1960), there was a 6-year gap where juveniles did not have any due process rights. While *Kent v. United States* (1966) established the due process rights of juveniles being moved to adult court, it did not address those specific to juvenile court. Luckily, this would be addressed in the next year following *In re Gault* (1967).

### **In re Gault (1967)**

The Supreme Court addressed the specific due process rights of juveniles in the landmark case *In re Gault* (1967). Gault, a 15-year-old male, was accused of making an obscene phone call and arrested. Despite being at work, there was no notice left for Gault’s parents at the time of arrest. Additionally, despite the arresting office filing a petition the day of the court hearing, Gault and his family did not see it until two months later (United States Courts, n.d.). At a later hearing, probation officers filed Gault’s charges as “lewd phone calls” and committed Gault to 6 years of juvenile detention (United States Courts, n.d.). This harsh sentence becomes more problematic when compared to the adult sentence for the same crime: a \$50 fine and two months jailtime (United States Courts, n.d.). Gault’s case laid bare the issues that arise from not defining the due process rights of juveniles.

The Supreme Court was unanimous in its overruling of Gault's 6-year juvenile detention sentence. They noted the importance of a juvenile's right to due process as defined by the Due Process Clause of the Fourteenth Amendment. Thus, the Supreme Court officially extended the same due process rights to juveniles as adults. They included the right to a written notice of charges, the right to be represented by counsel, the right to avoid self-incrimination, and the right to interact with witnesses in court. Despite this advancement for juvenile due process, the Supreme Court failed to specify if the right to competency to stand trial applied to juveniles as well.

### **Tough on Crime Era**

Following the dissolving of *parens patriae*, *Kent v. United States* (1966), and *In re Gault* (1967), a new era of justice ensued for juveniles as the courts began testing new methods of addressing crime in youth. The resulting "tough on crime" methodology emphasized retributive justice rather than the previous rehabilitative approach. In the 1980's and 1990's, juvenile criminal court perpetuated a "criminalization" of its defendants that resulted from the increase in due process rights for juveniles (Kruh & Grisso, 2009). The "tough on crime" era brought about changes to the juvenile court system to be more harsh. One such change was the lowering of age restrictions for juvenile court which allowed younger children to be charged (Bonnie & Grisso, 2000). Additionally, there was an increase in juvenile cases going to trial for more minor transgressions. The shift to be tougher on crime in juveniles led to a reliance on adjudication for many situations that could once be handled by other parties like parents or schools.

The tough on crime era was further enforced by the establishment of "purpose clauses" in jurisdictions to promote retributive justice over rehabilitative justice. A purpose clause is meant to clarify the legislature's intentions for the state's juvenile justice system (OJJDP, 2019). There

are five existing types of purpose clauses: no clause, *parens patriae*, due process era, Balanced and Restorative Justice (BARJ), and the Developmental Approach (OJJDP, 2019). Of these, the most widely used purpose clause in the United States is the “Balanced and Restorative Justice (BARJ)”. As of 2019, 28 states use the BARJ approach (OJJDP, 2019). The recent shift to a more reformatory approach to justice counters the effects of the harm the tough on crime era perpetuated and is a positive start to reforming the juvenile justice system moving forward.

### **Pate v. Robinson (1966)**

The Supreme Court case of *Pate v. Robinson* (1966) took place shortly before *Kent v. United States* (1966). The defendant, Robinson, was charged with the murder of his wife in 1959 and sentenced to life in prison. During Robinson’s trial, he admitted guilt, but the counsel claimed that Robinson was both not competent to stand trial and insane at the time of the crime (FindLaw, n.d.). Robinson had a history of mental illness and had committed other violent acts in the past. During Robinson’s trial four witnesses testified that he was “insane” (FindLaw, n.d.). Despite the overwhelming evidence that Robinson was not competent at the time of trial, the court did not hold a competency hearing. The case was brought to the Supreme Court who ruled that the failure to conduct a competency hearing violated Robinson’s constitutional rights.

Robinson’s case was an advancement for competency standards within U.S. criminal court. The Supreme Court’s ruling affirmed the defendant’s right to be competent to stand trial, as they cannot be tried if they are not competent to understand the proceedings or assist in their defense. Furthermore, the decision affirmed the court’s responsibility to hold a competency hearing when significant evidence suggests the defendant is not competent, even if it is not specifically requested. This decision emphasized the importance of competency to stand trial as a component of due process rights.

### **Drope v. Missouri (1975)**

The United States Supreme Court continued to uphold the importance of competency to stand trial in its ruling of *Drope v. Missouri (1975)*. The case follows Drope, who was charged with the rape of the petitioner's wife. Prior to the trial, Drope requested a motion for psychiatric treatment given his history of mental illness and concerning behaviors (Justia Law, n.d.). However, Missouri's state court denied this request and the case continued without concern for the defendant's competency. The defendant attempted suicide on the second day of the trial, and despite his inability to attend court, the trial continued, and he was sentenced to life in prison (Justia Law, n.d.).

Drope's attorney filed two motions for a new trial, the first being on the grounds that the court had erred by continuing with trial after Drope's suicide attempt. The second motion was on the grounds of *inter alia*, as the defendant's due process rights were violated by the court's denial of a pretrial psychiatric examination (Justia Law, n.d.).

In 1975, Drope appeared before the United States Supreme Court who ruled that the inability to address Drope's competency before trial was a violation of justice. The decision had broader implications for the importance of competency to stand trial. The Supreme Court's decision reinforced the principle that a fair and just trial must include a competent defendant. It also clarified the trial court's duty to be proactive in evaluating for competency to ensure that defendants are fit to stand trial, even if there is no history of mental illness. The decision held that competency is fluid and should be evaluated as much as necessary during trial.

### **Medina v. California (1992)**

In 1992, the United States Supreme Court ruling on the case of *Medina v. California* clarified responsibility for the burden of proof of a defendant's competency to stand trial. The

case was initially brought to the State Court of California who tried Medina for robbery and murder. Medina's attorney requested a motion for a competency hearing which was granted by the court. After finding Medina competent to stand trial, the court imposed the death penalty. Upon this sentence, Medina appealed the case to the Supreme Court, saying that it was unconstitutional for the defendant to have to prove that they are not competent. In a 7-2 decision, the Supreme Court upheld the California State Court's verdict, reasoning that it was constitutional for the burden of proof to rest on the defendant (Kennedy, 1992).

Prior to *Medina v. California (1992)*, the burden of proof for a defendant's competency fell on the defendant. Upon the Supreme Court's decision to uphold this precedent, a further distinction relevant to competency to stand trial was made as well. This distinction was the reinforcement of the principle that a defendant is assumed to be competent to stand trial until proven otherwise. Thus, the importance of *Medina v. California (1992)* to competency is in its reinforcement of the defense's responsibility for burden of proof, and the assumption of competency. These clarifications have helped to advance the understanding of the rights and standards competency to stand trial entails.

### **Cooper v. Oklahoma (1996)**

The case of *Cooper v. Oklahoma (1996)* built on the precedent established in *Medina v. California (1992)* that the burden of proof for competency to stand trial falls on the defendant by clarifying the level of proof necessary. In this case, Byron Keith Cooper was charged for murder during a burglary and sentenced to the death penalty by Oklahoma's Court of Criminal Appeals (Oyez, n.d.). During Cooper's trial, the question of his competency arose on five occasions. On each occasion, Cooper was found competent to stand trial given that the standard for being not competent was by clear and convincing evidence.

Cooper's ruling of competency was complicated by the fact that Oklahoma requires a higher level of proof than previously used in *Medina v. California* (1992). Given that *Medina v. California* never clarified the level of proof necessary for competency to stand trial, there was no established standard. Thus, Cooper was able to be found competent to stand trial because the evidence for him being not competent did not meet the threshold of being clear and convincing. Considering that the requirements for evidence of competency to stand trial are significantly different for Oklahoma versus California, the Supreme Court ruled that Oklahoma's standard for level of proof violates due process rights. Thus, the Supreme Court established the standard for the level of proof of competency to stand trial as being preponderance of the evidence (Oyez, n.d.).

### **Roper v. Simmons (2005)**

The United States Supreme Court case of *Roper v. Simmons* (2005) was monumental for the advancement of juvenile justice. The case involves Christopher Simmons, a 17-year-old sentenced to death in 1993. Between 1993 and 2002, Simmons went through a series of rejected appeals before having his case heard before the U.S. Supreme Court in 2005. The Supreme Court ruled in a 6-3 decision that executing minors is unconstitutional (Oyez, n.d.). The court stated that it is unconstitutional because it violates the eighth and fourteenth amendment prohibitions on cruel and unusual punishment (Oyez, n.d.).

*Roper v. Simmons* (2005) is significant within the context of juvenile competency to stand trial because it highlights how recent changes in legislation and policy have been regarding the rights of youth. It shows that accounting for differences in youth capacities is a recent idea and emphasizes how important it is to continue evaluating and improving upon juvenile rights within the justice system.

Understanding that juveniles are a vulnerable population because of their differences in capabilities resulting from their age is relevant to the concept of having different standards for juvenile CST.

## **Current State of Juvenile Competency to Stand Trial**

### **A Statistical Overview**

Evaluating the variables contributing to youth crime rates is just as important as addressing juvenile CST itself. A juvenile's likelihood of appearing in court is heavily linked to factors such as race and ethnicity, family history, and mental health. Addressing these factors is necessary to holistically repair the juvenile justice system and promote positive outcomes for youth.

Violent crime rates for juveniles ages 12-17 have significantly dropped since their peak in 1994, falling from around 1.05 million to 123,000 incidents in 2021 (Statista, n.d.). This decrease may potentially correlate to the shift away from a "tough on crime" mindset that was popular during the 80s and 90s. In addition to violent crime, juvenile arrest and incarceration rates have also decreased. From 2000 to 2022, there was a 75% decrease in juvenile incarceration and an 80% decrease in juvenile arrest rates (Rovner, 2024).

While the downward trend in juvenile crime, arrest, and incarceration rates is overall positive, it has highlighted problematic correlations in certain demographics with higher rates of juvenile offenses. One of the most significant correlations is the percentage of racial and ethnic minorities being held in juvenile facilities compared to white youth. Youth of color have a significantly higher likelihood of being held in a juvenile facility (Rovner, 2024). In 2021, the white placement rate in juvenile facilities was 49 per 100,000 youth, while the Black placement rate was 228, the tribal placement rate was 181, and the Latino placement rate was 57 (Puzzanchera et al., 2023). Puzzanchera et al. (2023) defined the age range of youth to be between 10 and 18 years old. It was also found that juveniles of color are most heavily impacted by contact with the system (Puzzanchera, 2021; Puzzanchera and Hockenberry, 2013; Sickmund

et al., 2021; Sickmund, Sladky, and Kang, 2021). Consequentially, they are also more likely to be arrested and go deeper into the system than white juveniles which negatively affects their outcomes and success.

The disparities between the juvenile detention placement rate of white youth and youth of color are likely caused by the differences in contact with the justice system. In an interview with Dr. Stephanie Wiley (2024) at the University of Oregon, it was shared that the more contact a juvenile has with the justice system, the higher their chance of recidivism and having poor outcomes due to an increase in delinquency. Dr. Wiley (2024) stated that youth who were stopped and arrested were more likely to be delinquent later, likely because they had more contact with delinquent peers and demonstrate lower levels of commitment to school.

Any form of system contact can be harmful to youth of color's success and increase delinquency because of differential treatment. Black youth are more likely to be detained upon arrest and receive harsher sanctions than their white peers (Rovner, 2024). It is more likely that white youth are diverted away from contact with the justice system than Black youth (Rovner, 2024). Even in cases where the youth are convicted in juvenile court, white youth are more likely to receive probation or informal sanctions while Black youth are more likely to be incarcerated (Rovner, 2024). Many factors may contribute to the harsher penalization of youth of color within the United States justice system. The over policing of Black neighborhoods, family history of incarceration, and history of mental health are all contributive factors (*Race and policing*; Martin, 2017; Grisso, 2008).

Juveniles with incarcerated fathers have an increased likelihood of experiencing poor outcomes in social, psychological, and academic areas (Institute for Research on Poverty, 2020). Poor psychological outcomes commonly include depression, anxiety, and behavioral issues

(Travis et al., 2014). The reason for this outcome is the increased vulnerability of families with a father in prison to homelessness, inability to meet basic needs, reliance on social assistance programs, and the father's inability to be employed after incarceration (Travis et al., 2014; Pager, 2017). Addressing the multitude of underlying factors is crucial to reducing juveniles' system contact and promoting positive outcomes, thus minimizing the need for juvenile CST evaluations and hearings in general.

### **Differences Between Juvenile and Adult Competencies**

While the concept of competency to stand trial applies to both the juvenile and adult adjudicative process, the relevance of the standards for each demographic varies drastically. The current standards for CST have been developed with adult-specific capabilities in mind, not accounting for differences in juvenile development. Understanding how juveniles defer developmentally from adults is critical in evaluating standards for CST as it heavily impacts a juvenile's outcome.

The most significant difference between juveniles and adults relating to competency is developmental maturity. Juveniles have an inherent level of maturity that cannot be changed as it is simply the result of their age and stage of development. The expectation that juveniles meet the same criteria for CST as adults who are developmentally mature is unethical due to its impossibility.

Data from 2020 found that only thirty-six states and the District of Columbia have statutes to account for juvenile-specific differences in CST (Panza et al., 2020). Additionally, between about ten and fifteen thousand juvenile CST evaluations are conducted each year in the U.S. (Grisso & the University of Chicago, 2024). Thus, emphasizing the need to have an effective and just method of evaluation for juveniles given the large rate of occurrence.

In the study from Grisso et al. (2003), it was found that juveniles of ages 15 and younger performed more poorly than a young adult on standardized assessments. Grisso et al. (2003) also found that these youth manifested a level of impairment consistent with adults found not competent to stand trial. In addition, these adolescents made more choices within the court system that reflected compliance with authority, and psychosocial immaturity (Grisso et al., 2003). Thus, research has shown that juveniles may not be competent to stand trial solely due to their developmental stage. A juvenile's stage of development highlights a significant level of immaturity that negatively impacts their ability to navigate the judicial process. The greater issue is that a juvenile's developmental immaturity is not a justifiable reason for them to be found not competent to stand trial within current standards.

### **Impact of Juvenile Differences in Adjudication**

Understanding the differences in competency to stand trial between juveniles and adults is necessary to proceed in addressing them within the judicial system. It is important to understand the differences because they can impact the courtroom process and fundamental components of a trial.

The forensic psychologist plays an instrumental role during trial because of their evaluation and testimony of a defendant's CST. Typically, a competency hearing will occur during a trial where the forensic psychologist relays their findings regarding the defendant's competency. The courtroom typically defers to the expert's opinion, thus giving the forensic psychologist much credibility.

The role of a forensic psychologist in determining competency to stand trial alters the flow of the trial. When the question of competency is raised, one or more forensic psychologists are brought in to evaluate the defendant's CST. Options for evaluation include court-based

assessments, state-run evaluative services, appointed or contracted service providers, or private practice clinicians (Kruh & Grisso, 2009).

After the evaluation, a separate competency hearing occurs where the forensic psychologist presents their findings and offers their opinion. When found competent to stand trial, the trial process resumes as normal. If found not competent, the defendant is sent to a restoration of competency program until the next CST hearing. If found not competent after the restoration of competency program, the defendant is sent back. This cycle can occur in an endless loop—or until charges are dropped. Figure 1 provides an overview of how the court process flows when the question of competency is raised for a juvenile defendant.

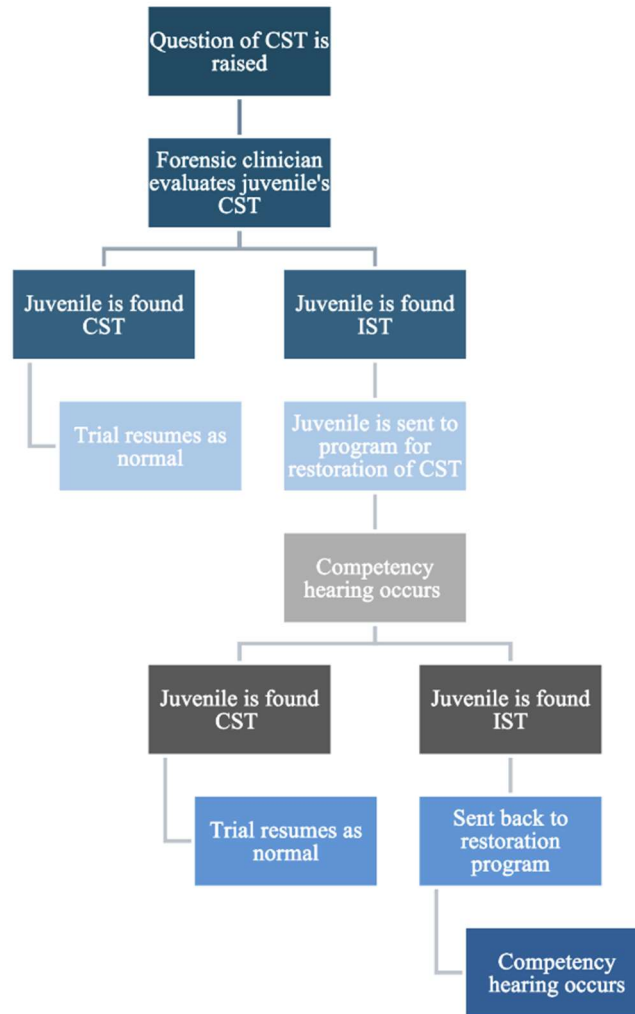


Figure 1: Flow chart of how CST impacts the flow of adjudication when a defendant is found CST or IST. Own work.

### Importance of Addressing Juvenile Competency to Stand Trial

Evaluating juvenile CST is important given its applications to various areas of the justice system and greater juvenile success later in life. States need to both recognize juvenile CST as a right and implement statutes to protect it. Currently, most states do not have detailed competency statutes for juveniles, undermining the due process right and protections for juveniles in their systems (Johnson, 2006). Of those statutes, many are inadequate as they lack depth and are vague overall (Johnson, 2006). Revisions of these statutes should aim to include “the definition

of competency, the procedure for raising the competency issue, the requirements for expert evaluation, specific expert report criteria, acceptable sources of incompetency, and the aftermath of an incompetency finding” (Johnson, 2006). Improving standards and practices of juvenile CST within the justice system can help to reduce poor outcomes for juveniles and subsequently increase their success.

It is possible to improve the success of juveniles by limiting poor outcomes such as incarceration, juvenile detention, recidivism, and the continuation of the cycle of poverty. Creating a justice system that accounts for differences in juvenile development is foundational to moving forward and refining subsequent processes such as competency to stand trial. In an interview with Stephanie Wiley at the University of Oregon (2024), it was noted that any contact with the justice system, no matter how “small”, increased the possibility of poor outcomes for those youth significantly. According to Dr. Wiley (2024), when comparing youth with different levels of system contact, being stopped versus arrested, she “found that there were a lot of similarities in terms of the outcomes.” Both groups of kids were more likely to be delinquent later, have more contact with delinquent peers, and demonstrated lower levels of commitment to school (Wiley, 2024). Dr. Wiley argued that allowing for more leniencies may be a potential solution to minimizing poor outcomes, especially among delinquent youth. Leniency might look like the normalization of delinquency in youth as a result of their developmental stage. This solution would not mean that juveniles receive a free pass for all delinquency, it just lessens its rigidity and immediate inclination to harshly penalize it.

In all, addressing juvenile CST is important for minimizing the poor outcomes of at-risk youth. Revising juvenile CST statutes to be more comprehensive, detailed, and universal would greatly improve the due process rights of juveniles.

Adopting a less invasive methodology of combatting delinquency by reducing contact with the system would promote success and positive outcomes.

## Issues within Practices and Standards for Juvenile CST

### Subjectivity within Court Jurisdictions

Within the United States juvenile criminal justice system, there is a lack of standardization when addressing juvenile charges, leaving room for subjectivity in sentencing as it is up to the jurisdiction's own discretion. The lack of standardization leads to a lack of regulation as the jurisdiction's judges' own convictions influence their sentencing decisions. As a result, the specific court a juvenile appears in can significantly impact the severity of their sentence for a crime. This subjectivity stems from the older ideology of *parens patriae* and still allows for an excess of power in the judge's role.

This subjectivity becomes problematic because it cannot be regulated or held accountable. In many cases, a judge's biases regarding race impact the severity of their sentence. In a case study from the U.S. Sentencing Commission (2017), it was found that Black male offenders received longer sentences than White males for the same or similar crimes. Additionally, female offenders, regardless of race, received shorter sentences than White male offenders. These results highlight the application of a judge's biases to cause greater harm to specific demographics and perpetuate racial disparities.

The establishment of the Dusky standard to juvenile CST helped incorporate a baseline of standardization within court legal proceedings to ensure that defendants all meet a specific threshold. One important caveat to this is that courts can build on the Dusky standards to include additional abilities for competency. One example of a differing standard is Florida's requirement for examiners of CST to evaluate the defendant's capacity to disclose pertinent case-related information to their attorney, if they have "appropriate" court room behavior, and if they can "testify relevantly" (*The Florida Senate*, n.d.).

It is imperative to address the variability of sentencing that results from a jurisdiction's unregulated and unstandardized powers. Addressing this discrepancy can help minimize the harshness of sentencing and establish order in legal proceedings. Within juvenile criminal courts, standardizing practices can improve success and outcomes if implemented with a rehabilitative focus.

### **Retributive, Rehabilitative, and Restorative Justice**

A jurisdiction's subjectivity influences their tendency to be retributive, rehabilitative, or restorative in their implementation of justice. Within the U.S. justice system, retributive justice is defined as "the repair of justice through unilateral imposition of punishment" while rehabilitative justice is "the repair of justice through reaffirming a shared value-consensus in a bilateral process" (Wenzel et al., 2008). Supporters of retributive justice argue that having harsher sentences and penalizations benefits society by increasing deterrence from committing crimes as people are afraid of severe sentences (Colb, 2020). However, this does the opposite by making the offender feel like a victim themselves because of receiving too harsh a sentence, causing defensive behaviors and an inability to reflect and reform (Colb, 2020). The second option, rehabilitative justice, aims to reform the offender's behaviors by relying on their willingness to change (Colb, 2020). This view is uncomprehensive as it relies on the naive notion that willingness to change is simple and that complex factors are not at play in criminal behaviors. For example, the offender's background of socioeconomic hardship, structural racism, and educational quality influence their likelihood of engaging in crime but are not in their control.

A newer philosophical approach is restorative justice, which focuses on resolution for every party, not just the offender. Restorative justice focuses on bringing the victim, offender, and community together to restore the relationships between all parties (Heath-Thornton, n.d.).

Restorative justice posits that by holding the offender accountable while also allowing them to learn about alternatives to criminality and resolve the initial conflict, they will be able to heal (Heath-Thornton, n.d.). Given the recency of restorative justice, it is difficult to see if it is effective and it has not been implemented nearly as much as retributive or restorative justice. However, it is an important framework to consider within the context of standardizing an approach to justice that benefits juvenile CST's practices and procedures.

The numerous methods for evaluating a juvenile's CST allow for vast differences in a juvenile's trial and impact the sentence's trend towards retributive, rehabilitative, or restorative measures. Addressing the variability of sentencing within jurisdictions is only possible by having a standard for juvenile CST's practices and procedures. However, the necessary foundation before addressing practices and procedures is defining juvenile CST. Having a universal definition for juvenile CST will guide states and jurisdictions towards similar practices in evaluating CST and procedures in trial when the defendant is found IST.

### **Restoration of Competency to Stand Trial**

In the situation that a juvenile is found not competent to stand trial, the trial is halted, and they are sent to a restoration of competency program. The goal of the program is to help the juvenile regain competency to stand trial by remedying the cause of incompetency. In many situations, the juvenile is not competent due to a mental illness or disorder. Within these circumstances, treatment can be tricky as many more forms of mental illness or disorder can elicit a juvenile being not competent. In comparison with adults, juveniles can have impaired competency from less impairing mental illnesses or disorders (Kruh & Grisso, 2009). Thus, restoring the CST of a juvenile often involves much more intensive treatment from a larger team. In addition to addressing the underlying psychological disorder or mental illness, the program

must ensure that the juvenile can understand the trial proceedings as outlined in the Dusky Standard.

If a juvenile is found not competent to stand trial due to developmental immaturity, their restoration of competency becomes much more complicated. Given that a youth's developmental immaturity is simply a result of their age and consequential stage in development, there is no method of restoring their CST. Therefore, the process to restore their CST is simply waiting for their maturation of capacities (Kruh & Grisso, 2009). In such cases, the timeline to restore their CST does not align with typical restoration of competency programs, and the court must either dismiss the charges or provide alternatives (Kruh & Grisso, 2009). Presently within the U.S. criminal justice system, courts are inclined to dismiss charges as it is the best option available. This becomes problematic in situations where a juvenile is accused of a serious or violent charge that requires intervention.

An additional problematic area of restoring juvenile CST is the potential for an unending cycle. The current legislation surrounding restoration programs does not specify a limit to how many times a defendant can go through the program. Thus, if a defendant is found not competent to stand trial and sent to a restoration program but is found not competent to stand trial at the following CST hearing, they can be sent back in an endless cycle until either charges are dropped, or they are found competent to stand trial. Figure 2 provides a visual of the endless loop CST hearings and restoration may undergo if no alternative solution is found. These solutions might be restoring the defendant's CST or dropping charges.

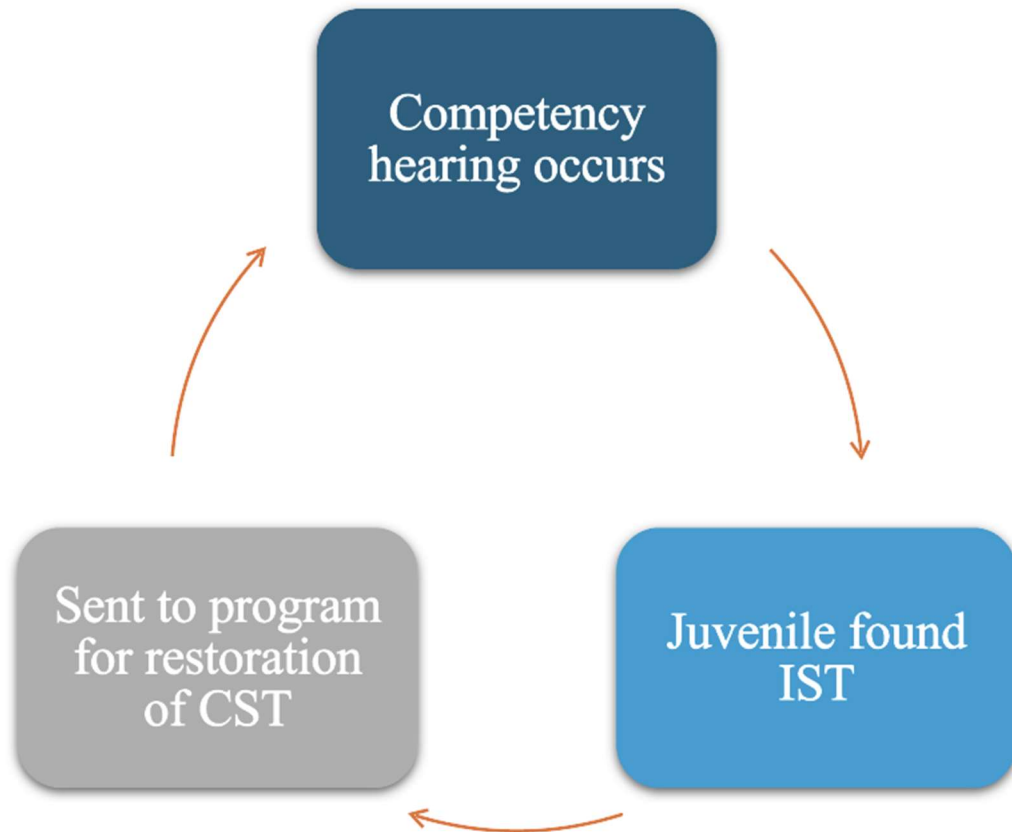


Figure 2: Cycle of competency hearings and CST restoration programs when a juvenile defendant is found IST. Own work.

The issue with this never-ending cycle is that the longer a juvenile remains in contact with the system, the poorer their outcomes. In cases where the juvenile is not competent due to developmental immaturity, the timeline until they reach maturity can be years. Thus, minimizing their system contact is crucial to reducing harm and prioritizing justice. Addressing the shortfalls of programs to restore competency to stand trial in juveniles will help advance an ethical criminal justice system.

## Current Methods of Evaluation

### The Juvenile Adjudicative Competency Interview (JACI)

The JACI is a guide used by forensic clinicians when evaluating a juvenile's competency to stand trial that accounts for juvenile-specific disparities while grounded in the core principles of competency as established by *Dusky v. United States* (1960). The JACI was recently developed in 2005 by Dr. Thomas Grisso and has been a significant addition to bridging the gap in juvenile justice and successful outcomes. The JACI is the gold standard of evaluating juvenile CST and is largely accepted by judges when presented with the opinion of the forensic clinician conducting the interview. When developing the JACI, Dr. Grisso intended it to give clinicians more room for discernment and account for developmental differences. One of the main differences between the JACI and other adult-focused CST evaluative tools is that the JACI addresses the developmental immaturity of juveniles. According to Arizona Forensics, the JACI is "sensitive to deficits in youths' abilities due to clinical disorders and potential developmental immaturity, and interpreting the result to address the special challenges associated with identifying juveniles' capacities and deficits as trial defendants." Thus, in addition to accounting for age-specific competency deficiencies resulting from developmental immaturity, the JACI also addresses how psychological disorders may present differently in youth which would also impair their CST.

The JACI is an interview consisting of twelve areas relevant to competency to stand trial, using the juvenile's answers and explanations to the questions see if they reflect developmental immaturity, a mental disorder, or poor intellectual functioning (Grisso, 2005). The three key concepts covered in the interview are understanding, appreciation, and reasoning. Understanding items are "designed to help the clinician assess youths' perceptions and beliefs about the

implications of the legal concept in question” (Grisso, 2005). Essentially, understanding refers to the factual understanding necessary to be competent to stand trial as defined by the Dusky Standard. The appreciation items of the JACI help assess the juvenile’s perceptions and beliefs surrounding what the legal concepts in question imply for them, reflecting the rational understanding component of the Dusky Standard. Lastly, the reasoning items help the clinician “assess decision-making abilities often involved in decisions youth must make in juvenile court” (Grisso, 2005).

The JACI specifies potential reasons that a youth might be found to be not competent to stand trial: perceived autonomy, perceptions of risk, time perspective, and abstract/concrete thinking (Grisso, 2005). Perceived autonomy is defined as the dependency and accepted role as a “child” that the youth manifests, usually indicating that they lack the maturity to make decisions and independence to take responsibility for them (Grisso, 2005). Perceptions of risk refers to the tendency of juveniles, ages 13 to 15, to accept negative risks that they typically would not at other stages of development (Grisso, 2005). Time perspective is a common characteristic of youth who are still developing their sense of time and may not be able to completely understand the significance of longer-term consequences (Grisso, 2005). This might manifest as a juvenile’s preference to accept a guilty plea just so they can go home and play video games that night before being incarcerated for a longer period. Abstract or concrete thinking is a youth’s tendency to base their decisions on concrete thinking because of their still-developing ability to think abstractly (Grisso, 2005).

Before the twelve sections of the JACI there is a preliminary assessment of the juvenile’s experience and legal context which helps lay the foundation for the juvenile’s understanding of past and present legal charges. The following twelve sections are:

1. Nature and Seriousness of the Offense
2. Nature and Purpose of Juvenile Court Trial
3. Possible Pleas
4. Guilt and punishment/Penalties
5. Role of the Prosecutor
6. Role of the Defense Lawyer
7. Role of the Probation Officer
8. Role of the Juvenile Court Judge\*
9. Assisting the Defense Attorney
10. Plea Bargains/Agreements
11. Reasoning and Decision Making
12. Participating at Juvenile Court Hearing

\*Includes the optional subsection of the Role of the Jury following section 8: Role of the Juvenile Court Judge

Despite outlining questions and sections for the forensic clinicians to address, the JACI emphasizes that it is simply a guideline, and the clinicians are encouraged to modify each interview to best assess the areas relevant to that juvenile. The flexibility of the JACI is one of the many benefits it includes compared to other evaluations that do not so thoroughly account for juvenile-specific competencies. Dr. Grisso (2024) stated in an interview that he intended for this flexibility by making the JACI not hyper standardized, saying "--I'm not disappointed, though, I kind of feel the way you do about the values, in this case. A little less standardization." In all, the JACI is currently the most promising solution to address the issue of insufficient standards for

juvenile CST as it effectively accounts for differences in juvenile competencies among various areas.

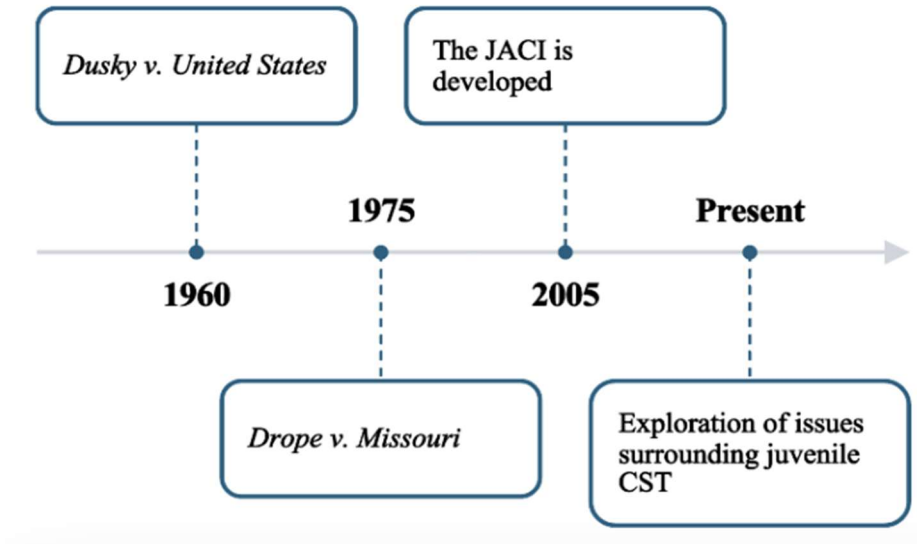


Figure 3: Significant events in juvenile CST history. Own work.

### **Fitness Interview Test, Revised (FIT-R)**

In contrast to the JACI, the Fitness Interview Test, revised (FIT-R), is used to assess CST for both adults and juveniles. The FIT-R was developed for the Canadian justice system in 1984 but was revised in 2006 to include a review of U.S. law and procedure (Roesch et al., 2006). The FIT-R's transition to an American legal instrument is possible due to the similarities in legal precedence and psychological practice between Canada and the U.S. The revised version of the Fitness Interview Test is only minorly different from the original, incorporating some word changes (Roesch et al., 2006).

The FIT-R manual contains various components to assist in a forensic clinician's evaluation of CST. Each component is intended to create a comprehensive understanding of the defendant's ability to appreciate the standards outlined by *Dusky v. United States* (1960). The FIT-R includes an interview PDF outline, rating scale, and various references to case law and

forensic psychology research (Roesch et al., 2006). The FIT-R is an adaptive model, continuously being revised to account for developments in the field of forensic psychology and the U.S. law.

While the FIT-R is an adaptive and comprehensive instrument for evaluating a defendant's CST, it lacks the juvenile-specific differences that are critical to assess for. Despite being marketed as an instrument for ages 11 through adults, the FIT-R is not the best choice for juvenile CST, especially compared to the JACI. Thus, the FIT-R is a useful tool for evaluating adult CST but is lacking for juveniles as it does not incorporate criteria for differences in their competencies.

## **Evaluation Methods**

### **Overview of Options**

It is important to consider how the evaluation of CST is being conducted in addition to the type of instrument used. Common means of performing evaluations include government-run evaluation services, private practice forensic clinicians, appointed and/or contracted service providers, and court-run clinics (Kruh & Grisso, 2009). Deciding which means of evaluation to use depends entirely on the jurisdiction. Some jurisdictions require that the forensic clinician, or examiner, is court-appointed while others allow for the respective legal party/parties to contract the clinician privately. Despite the differences in how a clinician is involved with evaluating CST, studies show that courts will agree with a clinician's decision of whether a defendant is CST or IST in situations of both clear and "questionable" opinion (Kruh et al., 2006).

### **Examiner Biases**

Considering the potential for bias to appear in a clinician's assessment is critical to address so as to uphold efficiency and justice within court systems. The examiner is responsible for maintaining objectivity when conducting their evaluations of CST to reduce the risk of complacency to outside factors. These factors include, but are not limited to, internal threats, individual beliefs and values, and politics. Conflicting views on child conduct problems, theories for addressing juvenile offenders, and the justice system can impact the implicit biases of the examiner (Kruh & Grisso, 2009). Views on child conduct problems might manifest as the examiner's preference to use certain theories over others, such as attachment or behavioral theories (Kruh & Grisso, 2009). An examiner's views on justice can elicit harmful outcomes

because of their bias, favoring retributive or punitive ideas of justice, and aligning the results of CST evaluations with their views.

An important external bias of note stems from whether the examiner is court-appointed or privately contracted. Within jurisdictions that require the examiners to be hired by the legal parties, there is additional room for bias from adversarial allegiance. Adversarial allegiance is “the presumed tendency for experts to reach conclusions that support the party who retained them” (Murrie et al., 2013). A study from Murrie et al. (2013) found that experts tended to provide risk scores that favored the legal party they believed they were hired by. Thus, there is evidence of an allegiance effect among forensic clinicians to provide results that favor the side they were hired from. This bias likely stems from the nature of the job, as forensic clinicians are hired by the defense or prosecution to perform the evaluation and there is an inherent pressure to provide favorable results. The examiner might fear that they will not be rehired by the defense or prosecution which is why they feel pressure to side with who they are hired by. In jurisdictions where the examiners are court-appointed, the threat of conforming to an opinion is minimized as the examiner has no stake in siding with the defense and prosecution. The drawback of working in a jurisdiction where examiners are court-appointed is that the compensation is not as competitive. Given the current options, having a court-appointed examiner is most conducive to a fair and just trial, limiting the biases that might appear.

## **Bars**

Various opinions on how to determine the bar for juvenile CST exist, each advocating for different standards to be met when applying areas of *Dusky* to juvenile court. The three most notable frameworks are the adjustable bar, the lower bar, and the flexible bar.

### **The Adjusted Bar**

The Adjusted Bar was developed in 2000 by Bonnie and Grisso who divided juvenile court adjudications into two categories: “quasi-criminal” outcomes and “ordinary” juvenile court adjudications. “Quasi-criminal” outcomes refer to the adjudications that might extend past the scope of juvenile court, while “ordinary” juvenile court adjudications are limited to juvenile court and do not extend further to criminal court. The Adjusted Bar posits that the “ordinary” offenses do not require as deep an understanding of the CST requirements for rational understanding and decision-making as “quasi-criminal” adjudications do. Thus, an adjusted bar for determining the juvenile’s CST would be appropriate. The adjustment would create a “basic understanding and communication standard” that requires only the most fundamental skills for juvenile court defendants (Kruh & Grisso, 2009). The Adjusted Bar aims to eliminate the need for a juvenile to demonstrate decisional capacities by operating under the “basic understanding and communication standard”. Critics of the Adjusted Bar argue that the current standards for CST already require very little more than rudimentary abilities for understanding and communication (Kruh & Grisso, 2009). The Adjusted Bar offers a new approach to addressing the differences in CST depending on the juvenile’s adjudicative severity.

## **The Lower Bar**

The Lower Bar does not differentiate between severity of adjudication for juveniles. Instead, it advocates for a universal lowering of Dusky-related abilities and standards for juveniles, regardless of offense. However, the Lower Bar would only apply within juvenile court, so if the juvenile were moved into criminal court, the standards would not apply. The Lower Bar determines competency to stand trial by comparison; either by comparing the juvenile's abilities to the adolescent norm standard or age-peer norms standard (Kruh & Grisso, 2009). The rationale for a universal lower bar in juvenile court stems from the philosophy of juvenile court itself and how it focuses on rehabilitative rather than punitive outcomes (Kruh & Grisso, 2009). Proponents of the Lower Bar would argue that excluding juveniles who are IST because of too high a bar would disservice them. It would be a disservice because they would not have access to the rehabilitative services of the juvenile justice system. A critique of the Lower Bar is that it does not account for the negative outcomes that even slight system contact can have on a juvenile, even if the contact is "positive". The Lower Bar is an optimistic approach to juvenile justice that values the rehabilitative role of juvenile court.

## **The Flexible Bar**

The Flexible Bar builds on the Adjusted Bar by advocating that the standard for CST matches the severity of juvenile adjudications. It values consistent assessment of each individual case and redefines the bar depending on the crime committed rather than other factors such as the juvenile's age or developmental peer-comparison. The Flexible Bar is mindful of the realities of juvenile court that the Lower Bar and Adjusted Bar do not account for. For example, the juvenile court does not honor rehabilitative goals and might even administer the same consequences found in criminal court (Kruh & Grisso, 2009). It is thought that the Flexible Bar might be a

good match for the new “hybrid” juvenile court emerging in the U.S. as it combines the philosophy of *parens patriae* for minor crime while using more serious punishments for crimes with greater harm (Kruh & Grisso, 2009). In all, the Flexible Bar seems to have a promising future with the rise of a new “hybrid” approach to juvenile justice.

## **Models**

Models for the evaluation of CST are complex organizational structures that incorporate various concepts to create the most effective method of evaluation. These models use content found in various bars to influence their protocols and contents. Currently, the model applied to both juvenile and criminal court is the same: the *Dusky* standard. There is debate as to how to improve upon the *Dusky* standard to make it more applicable in juvenile court, which has opened the door for discussion of new models. Within the field of CST, there are four significant models to address: competency-domains model, cognitive complexity model, discrete abilities model, and Bonnie's model. Each of these four models has distinct ideas and contents that when combined create the four capacities model. Evaluating each model is important to then assess which is most effective and ethical in application to juvenile evaluations of CST.

### **Competency-Domains Model**

The competency-domains model of CST, also known as the semantic model, uses the verbatim sentence structure established in the *Dusky* test to assess CST. It was created in 1994 and updated in 2007 (Melton et al., 2007; Shuman, 1994). The model focuses on two criteria: ability to rationally consult with counsel and ability to understand the trial proceedings rationally and factually. Using these criteria, the competency-domains model intends to assess the defendant's capacity to appropriately engage in court proceedings and think comprehensively about their case (Kruh & Grisso, 2009).

### **Cognitive Complexity Model**

The cognitive complexity model was developed in 2004 and incorporated in the publication "Evaluation of Competency to Stand Trial Revised (ECST-R)" (Rogers et al., 2004).

Unlike the competency-domains model, the cognitive complexity model does not use the contents established by *Dusky* in a verbatim manner. Rather, it rewrites them in a more sophisticated manner to better account for relevant cognitive abilities that impact how CST manifests. Similarly to the competency domains model, there are two criteria addressed: factual understanding and rational abilities. When evaluating factual understanding under this model, the forensic clinician is looking at the defendant's semantic memory abilities. Evaluating rational abilities addresses the defendant's capacity for consultation and understanding the trial proceedings. When assessing rational abilities under the cognitive complexity model, the forensic clinician looks at complex cognitive processes like problem-solving skills and working memory (Kruh & Grisso, 2009).

### **Discrete Abilities Model**

The discrete abilities model was developed by Cruise & Rogers in 1998 and built upon by Grisso in 2003. The model incorporates an additional third criterion by dividing the rational abilities highlighted in the previous two models into two separate criteria: ability to think about the court and ability to appropriately engage in the trial process. It also accounts for varying levels of cognitive complexity, which applies to the three-pronged implementation of criteria. The three prongs include the rational ability to consult with counsel, factual understanding of the proceedings, and rational understanding of the proceedings (Kruh & Grisso, 2009). The model specifies exactly how the defendant must demonstrate competency:

1. Ability to consult with defense counsel and assist in the case
2. Ability to demonstrate a basic understanding of the court process
3. Ability to apply their knowledge to their own legal predicament

The discrete abilities model is an improvement from the competency-domain and cognitive complexity models as it has much more empirical support and evidence showing its usefulness in conceptualizing clinical CST evaluations (Rogers, Jackson, Sewell, Tillbrook, & Martin, 2003; Rogers, Grandjean, Tillbrook, Vitacco, & Sewell, 2001). Thus, of the three models presented, the discrete abilities model is the most comprehensive and empirically supported.

### **Bonnie's Model**

Bonnie's Model takes a starkly different approach to evaluating CST compared to other models. Its foundation is based on a reformulation of CST that incorporates two new competencies: competence to assist counsel and decisional competence (Bonnie, 1992). Competence to assist counsel refers to the defendant's ability to understand basic matters of the trial process and to work with their counsel. Decisional competence is newer and specific to Bonnie's model. It contains four components relevant to CST: the capacity to understand the legal process, appreciate the significance of legal circumstances, communicate information effectively, and use appropriate reasoning and judgement in decision-making. Bonnie's model is controversial as the decisional competence aspect does not appear in the prior three models and reaches beyond the scope of standards for CST outlined in *Dusky* (Rogers et al., 2003). Additionally, this model lacks the empirical support that the discrete abilities model demonstrates, reflecting its potential inferiority (Cruise & Rogers, 1998). Despite objections to the model, it has helped improve the current state of CST models for evaluation as it distinguishes four important areas.

### **Four Capacities Model**

The four capacities model builds on the four components established by Bonnie's model and aspects of the prior three models: factual understanding of the proceedings, rational

appreciation of proceedings, assisting with counsel and defense, and decisional capacity (Kruh & Grisso, 2009). The four capacities model recognizes the importance of competence to assist counsel and the controversial decisional competence. Bonnie and Grisso (2000) merged the ideas of Bonnie's model and the discrete abilities model to define areas specific to the two elements of competence to assist counsel and decisional competence.

The three areas necessary for competence to assist counsel are understanding, appreciation, and reasoning. Understanding refers to the defendant's ability to understand their charges and the basics of the adversarial system of justice. Appreciation is the defendant's ability to appreciate their situation defending charges from a criminal prosecution (Bonnie & Grisso, 2000). Reasoning is the defendant's ability to relate relevant case information to their counsel.

The second component, decisional competence, contains four factors to address when assessing the defendant's competency in that domain. The four factors are understanding, appreciation, reasoning, and choice. Understanding is the defendant's capacity to understand information relevant to the decision at hand. Appreciation is the capacity to appreciate the gravity of the situation regarding a legal decision. Reasoning is the capacity to think rationally about alternative actions or decisions. Choice is the capacity to express the defendant's choice against the alternatives.

## Areas of Improvement

### Developmental Immaturity

The dominant concept emphasized by the literature on juvenile CST is developmental immaturity, recognizing that it negatively impacts competence. The problem with developmental immaturity is that it is not accounted for in the *Dusky* Standard which is the only legal document that upholds standards for CST across all jurisdictions. To better serve juveniles and promote a more effective justice system, accounting for age-specific disparities is important. Incorporating national CST standards and protocol that address developmental immaturity is a necessary step to creating a justice system that actually promotes justice.

The call to develop legal standards to account for developmental immaturity in evaluations of CST is supported by experts in juvenile justice. Grisso et al. (2003) state that the “development of legal standards that recognize immaturity as a potential predicate of incompetence to stand trial” is an important step for policy and practice. This conclusion comes after the study by Grisso et al. (2003) that assessed the CST of 927 adolescents and 466 young adults across jails and communities within 4 locations of the U.S. (Grisso et al., 2003). The results of the study showed that juveniles ages 15 and younger performed worse than young adults on measures for CST, indicating a level of impairment consistent with being not competent to stand trial (Grisso et al., 2003). Additionally, the study found that adolescents tended to make decisions that showed compliance with authority and psychosocial immaturity (Grisso et al., 2003). These results highlight the correlation between age and manifesting qualities that are conducive to not being competent to stand trial.

Thus, Grisso et al. (2003) emphasize the need to incorporate policies and legislation that accounts for the impact age has on being IST. One such policy highlights the need to reevaluate

the age that youth offenders are allowed to be charged, advocating for a minimum age to be set for adjudication (Grisso et al., 2003). Setting a minimum age for even being allowed to engage in an adjudicative process is a new and revolutionary concept, one that is yet to be implemented. There is debate over what the age should be, as some experts say it should be as low as ten years old, and others argue for up to sixteen. Grisso et al. (2003) advocated for the minimum to be fourteen, given their results showed that 11-to-13-year-olds manifested characteristics of being not competent at a rate of 1/3.

Another potential policy to instate that would address developmental immaturity as a factor for being IST is requiring that juveniles, of a certain age minimum, automatically be assessed for competency to stand trial. This would eliminate the appeal for a competency evaluation by requiring that it be conducted preemptively. Such a policy would be a beneficial and easier-to-implement change than completely limiting the adjudication process for an age group. Already some states, such as Virginia, have begun requiring a decision of CST for juveniles as a predicate to transferring them from juvenile to adult court (Va. Code Ann. Sect. 16.1-269.1 (A)(3)(2001)). Another alternative to address developmental immaturity impacting CST is shifting the presumption, where the juvenile is presumed not competent, but the prosecutor can request an evaluation to prove that they are (Riggs-Romaine, 2025). This would be a less radical adjustment than the hard line that juveniles under a certain age cannot be CST ever, but it also offers protections to keep from a harsh outcome. While these solutions are a welcome advancement, it is just the tip of the iceberg in advancing juvenile justice and implementing an ethical justice system for juveniles. More policy and legislation need to be put in place within all jurisdictions to comprehensively and effectively account for developmental immaturity and other juvenile-specific characteristics of IST.

## **Presentation of Mental Health**

The current literature on correlations between mental illness and being found CST or IST is limited, especially regarding juveniles. Many of the studies that attempt to find correlations between specific mental illnesses and competency outcomes provide conflicting results. However, the consensus is that juveniles diagnosed with severe mental illnesses are less likely than others to be found CST (Cowden & McKee, 1995; Kruh et al., 2006). One sample in a study from Baerger et al. (2003) found that juveniles who were IST were more likely than CST juveniles to have a history of needing mental health services. It should be noted that this result was not replicated in any other study. Studies in the area have shown interesting results in correlations between specific mental illnesses and a defendant being found CST or IST.

Baerger et al. (2003) found that a diagnosis of substance abuse was associated with being found IST. However, this association was not present in cases of alcohol or cannabis abuse. A second study from Kruh et al. (2006) found that there is an association between juveniles having a diagnosis of a mood disorder, disruptive behavior disorder, or substance abuse disorder and being found competent to stand trial. Contrastingly, a diagnosis of ADHD, anxiety disorders, adjustment disorders, and personality disorders had no correlation to being found CST or IST (Kruh et al., 2006). In an evaluation of these results, Kruh & Grisso (2009) posit that the samples studied are from the community or in detainment rather than CST evaluation-referred juveniles, putting them at a lesser chance of having mental illness.

Some mental illnesses might impact the CST-related abilities of juveniles. Some relationships between self-reported acute mental health issues and abilities in assisting or decision-making have been identified (Grisso et al., 2003; Warren et al., 2003). In cases of clinician-diagnosed acute mental health issues, psychotic symptoms and developmental

maladjustment are associated with lessened ability for understanding and appreciation, withdrawal and hostility symptoms showed lessened understanding abilities, excitation symptoms showed less appreciation abilities, and problems with depression and anxiety are unrelated to understanding and appreciation (Ficke et al., 2005; Viljoen & Roesch, 2005; Warren et al., 2003).

In the same studies from Grisso et al. (2003) and Warren et al. (2003), relationships between self-reported mental illness in juveniles and the CST-related abilities of assisting and decision-making were identified. These relationships were further investigated in clinician-diagnosed mental illness studies, showing that hostility, excitation, and developmental maladjustment correlated with lessened abilities (Ficke et al., 2005; Viljoen et al., 2005; Viljoen & Roesch, 2005; Warren et al., 2003). Mood disorders, psychotic disorders, and substance abuse disorders in youth did not show an association with assisting and decision-making abilities, but behavior disorders showed a reduced ability for both (Warren et al., 2003). Interestingly, Viljoen et al. (2005) found that ADHD symptoms negatively impacted legal decisions by increasing the probability that the juvenile would waive their right to counsel or discuss disagreements with their counsel.

Moving forward, incorporating practices that account for the different presentations of competency-related abilities because of mental health is imperative. Given that juvenile CST is less comprehensive than adult CST in legislation, advocating for abridgement requires a complete understanding of every area that is lacking, including the intersection of mental illness and CST.

## **Bars and Models**

Bars and models provide a valuable standardization of the factors, protocol, and methods that go into evaluations of CST. Within juvenile CST they are limited as no precedent has been established by a powerful court to determine which bars and models to use in the adjudication of a youth in juvenile or criminal court. Given that there is no precedent to determine what standards to use, jurisdictions vary greatly in their bars and models. The lack of a universal precedent is problematic because it allows for subjectivity and injustice, as a juvenile could be found CST in one jurisdiction but IST in another.

While many rulings in smaller jurisdictions have occurred to determine the bar used for juvenile CST in criminal and juvenile matters, these rulings vary. Some jurisdictions have determined that the bar for juvenile CST should be the same as in criminal court, making it much higher and less applicable to the offense. Contrastingly, other jurisdictions, such as Ohio, have determined that juveniles do not need to demonstrate the same level of CST as adults.

Addressing the bar required for juveniles in juvenile and criminal court will also help establish a more effective model to use in evaluating for CST. By establishing a universal bar for juvenile CST, a universal model for its evaluation will be implemented as well, as it will become clear which areas of CST it must incorporate. Having a universal standard for the juvenile bar of CST will help improve the justice system by allowing for more flexibility in the adjudicative process and proportionate sentencing.

## **Importance of Addressing Improvements**

The significance of evaluating the shortfalls of juvenile CST is in its application to making improvements that address them. Developing a comprehensive understanding of what areas need to be addressed and why is how discussion starts and policies follow. It is important to also note the implications improvements will have on different areas such as juvenile success and outcomes, recidivism, the cycle of poverty, and systemic racism.

### **Juvenile Success and Outcomes**

Bolstering the legislation, practices, and policies surrounding juvenile CST will positively impact juvenile success and outcomes by minimizing system contact and increasing efficacy in sentencing. Currently, juveniles of color within the U.S. are the most heavily impacted by system contact (Puzzanchera, 2021; Puzzanchera and Hockenberry, 2013; Sickmund et al., 2021). Juveniles of color are more likely to be arrested and go deeper into the system than white juveniles which negatively affects their outcomes and success. Within the context of this paper, positive outcomes and success for juveniles is their maturing into adults without a criminal record, system contact, or status of poverty.

Given the correlation between prolonged system contact and poor outcomes and success, improving juvenile CST policies will help minimize unnecessary system contact and thus increase positive outcomes. Setting a precedent for the practices of juvenile CST in the justice system will help standardize the process so that each jurisdiction operates following the same criteria for evaluations and sentencing. This will help reduce areas for bias that allow some jurisdictions to be more punitive than others. Additionally, a standard for sentencing will assist with less harsh penalizations of youth that prolong their system contact and harm their outcomes. This standard will also promote just and equitable rulings that are proportionate to the crime.

Although the crime rate for youth has been declining since 1994, there are still problems with disproportionate system contact for youth of color (Ryan & La Vigne, 2022). Juveniles of color are more likely to be placed in detention settings and incarcerated, but less likely to be released from detention settings (Leonard, 2023). Setting a precedent for juvenile CST that standardizes the policies and practices across jurisdictions will increase the efficacy and justice in the adjudicative process, promoting more positive outcomes and overall success.

### **Systemic Racism**

Evaluating the data that juveniles of color have higher rates of system contact requires an additional analysis of the systemic racism. It is important to address systemic racism as it heavily contributes to the prevalence of protective factors that impact the potential for at-risk behavior in youth. This at-risk behavior looks like an increased likelihood of engaging in criminal and delinquent behavior. Protective factors function on multiple levels: individual, family, peer, school, and community. Within the context of juvenile justice, the two most significantly impactful protective factors on the potential risk for criminal and delinquent behavior in youth are individual and family.

On an individual level, the most important protective factors are good temperament and commitment to community and school (*OJJDP*, 2015). Structural racism has been shown to reduce mental and physical health outcomes, which also harms these protective factors as mental health directly impacts temperament and the strength of school commitment (Lawrence et al., 2019; Paradies et al., 2015). Thus, on an individual level, systemic racism reduces protective factors by harming mental health which hurts the juvenile's temperament and lowers their commitment to school by decreasing attendance (Lawrence et al., 2019; *OJJDP*, 2015; Paradies et al., 2015).

Important family-related protective factors are having a positive and stable family, a good relationship with parents, and opportunities for prosocial bonding (*OJJDP*, 2015). Structural racism has been shown to break up family dynamics for people of color by disproportionately incarcerating Black and Hispanic men (Harrison & Beck, 2002). This impacts family dynamics as about one in four Black children will have a parent imprisoned (Wildeman, 2009). Having a parent imprisoned negatively impacts family dynamics which minimizes the protective factors that reduce criminal and delinquent behavior in youth. This connection is especially of concern in youth of color who are more likely to have poor home dynamics because of incarceration. A study from Pettit and Gutierrez (2018) showed that 24.2% of Black children and 10.7% of Latino children would have a parent incarcerated. Thus, systemic racism has significantly harmed the family-related protective factors for juveniles of color by promoting mass-incarceration of men of color (Harrison & Beck, 2002; *OJJDP*, 2015; Pettit & Gutierrez, 2018; Wildeman, 2009).

### **Cycle of Poverty**

The cycle of poverty is an additional consequence of ineffective juvenile CST policies that stems from systemic racism. Incarceration and the cycle of poverty are interwoven factors, each exacerbating the other (Borelli, 2023). Both incarceration and the cycle of poverty have ties to systemic racism, as people of color are at a higher risk of racial profiling, biased policing, discrimination, and violence that increase the chance of incarceration (Borelli, 2023). Increased incarceration promotes a cycle of poverty by making it more difficult to find employment, vote, and access social support as a formerly incarcerated individual (Borelli, 2023). Furthermore, it also reduced the potential for success of the families of formerly incarcerated individuals by limiting the support, earning potential, academic success, and stability of the household (Borelli, 2023).

The interwoven nature of poverty and incarceration allows for the resulting poverty from incarceration to continue the cycle. Borelli (2023) notes that poverty exacerbates incarceration by criminalizing poverty and punishing people for being poor by using imprisonment as punishment for failure to pay fees, the inability to afford bail, etc. Thus, to improve juvenile justice by promoting success and positive outcomes, the cycle of poverty that intertwines with incarceration must be addressed.

### **Recidivism**

Recidivism is a key component of determining success as it correlates with positive outcomes for juveniles. Mendel (2011) found that 70% to 80% of youth who left residential correctional programs were rearrested within two or three years of release. A meta-analysis by Cottle et al. (2001) investigated eight groups of predictors of recidivism for juveniles: demographics, offense history, family and social factors, educational factors, intellectual and achievement scores, substance use history, clinical factors, and formal risk assessment. Cottle et al. (2001) looked at twenty-three studies with a total of 15,265 juvenile participants to conclude that having an offense history was the strongest predictor of recidivism. This result highlights how having a history of system contact increases the chance of recidivism among youth. Recidivism is exacerbated by unjust standards for juvenile CST as they allow for unnecessarily harsh sentences that promote poor outcomes. Addressing juvenile CST will help reduce system contact for juveniles which then minimizes their chances of incarceration, recidivism, and continuation of the cycle of poverty.

## **Moving Forward**

### **Restoration of Competency to Stand Trial**

In the adjudicative process, when a competency hearing occurs, and the defendant is found not competent to stand trial, a variety of options are presented to move forward. One option is to pause the trial until their competency is restored. Restoration of competency often involves sending the defendant to a program where they are hopefully remediated. These programs involve various combinations of medication, therapy, and legal education (Walker & Iturri, 2023). Utilizing medication requires the defendant to work with a psychiatrist, assessing their compliance. Therapeutic intervention in restoration programs aims to address underlying mental health issues, develop coping skills, and increase communication. Legal education is a formal undertaking that addresses court-specific limitations related to CST.

Remediation programs are successful for about 90% of adult defendants within 280 days (Nicholson et al., 1994). The success rate of remediation for juvenile defendants is unknown, but it is likely less given their developmental maturity and sensitivity to mental state. Of juveniles found not competent to stand trial, 44% demonstrated “mental retardation” or intellectual disability, 34% intellectual disability and mental illness, and 8% with just mental illness (Kruh & Grisso, 2009).

According to Walker and Iturri (2023), the most common problems among juveniles found not fit to proceed (IST) are:

1. Limited knowledge of court
2. Limited capacity from intellectual disability that impair understanding (IDD, low IQ, and autism)

3. Attentional deficits that affect attention, concentration, and memory (ADHD, trauma, depression, anxiety)
4. Communication problems that limit understanding and communication with others (Autism, IDD, selective mutism, low vocabulary, and illiteracy)

After the defendant has completed their remediation program, they are reevaluated by a forensic clinician to determine if they are competent to stand trial. If after the 5–6-month program they are found not competent to stand trial, they will be sent back. This cycle occurs in an endless loop until charges are dropped, CST is restored, or a deterrence program is utilized. Deterrence programs have been growing in popularity, especially in states such as Nevada, Louisiana, and Massachusetts. These states use the framework of the Risk-Need-Responsivity (RNR) model, which evaluates the risk and needs of the offender, influencing the selection of an appropriate program that addresses relevant criminogenic factors (Taxman et al., 2008). Christina Riggs-Romaine (2025), PhD, noted that the RNR model is more effective than the juvenile going to court and being punished by “scaring them straight” as it does not work. The RNR model works because the offense a juvenile is charged with is not a good indication of their risk level (Riggs-Romaine, 2025). It has also been proven effective as it has reduced the number of juveniles in custody or detention facilities within jurisdictions that utilize the model (Riggs-Romaine, 2025).

In most jurisdictions with cases where developmental immaturity is causing the juvenile to be IST, it is difficult to restore them with interventional practices. In such cases, the court must either wait until the juvenile “matures” or drop the charges. These options present an ethical roadblock as dropping charges for violent crimes is concerning but keeping the juvenile in remediation is unhelpful. Additionally, keeping a juvenile in remediation prolongs their

system contact which has detrimental effects on their success (Cauffman et al., 2024).

Addressing the cycle of remediation by establishing guidelines pertaining to its duration and applicability is imperative to advancing juvenile justice and CST practices.

### **Interventional Programs**

A common proposal to combat the harsh sentencing of juvenile offenders is implementing alternative interventional programs that act as a deterrence. Often, these programs aim to address underlying risk factors that increase the chances of juveniles offending, such as poor mental health, substance abuse, and abusive home life (Toews et al., 2024). Interventional programs can help address the delinquent behavior associated with these risk factors, thus reducing the possibility of more serious involvement with the justice system (OJJDP, n.d., 1).

As interventional programs have yet to be implemented in many jurisdictions, an assessment of the efficacy among those that have will help guide policymakers as they create them. A review from Toews et al. (2024) evaluated the strategies of 13 studies to see which best engaged at-risk youth. The 13 studies comprised a total of 2,537 high-risk juveniles (ages 12-18) and used data from prior to 2014. The strategies were divided into themes: technology-based, experiential therapy-based, counseling-based, program-based, and others. The results show the highest levels of engagement in technology-based, experiential therapy-based and program-based strategies (Toews et al., 2024). This data shows that there is no strict “one-size-fits-all” policy for intervention, but assessing what risk-factors might be influencing the juveniles will help when selecting a strategy that they are most receptive to.

Using interventional programs can be enticing for policymakers as it may also help reduce costs associated with dropping out of high school, crime, drug abuse, and other delinquent behaviors (Cohen & Piquero, 2007). These variables predict the likelihood of future

crime and can be minimized by using effective interventions. Cohen & Piquero (2007) estimates the costs per crime (individual and comprehensive), using this data to portray the fiscal savings of interventional programs. Cohen & Piquero (2007) estimates that in 1997, the cost of a career criminal would be \$1.3 million to \$1.5 million, \$370,000 to \$970,000 for drug abusers, and \$243,000 to \$388,000 for a high school drop-out. Synthesizing these estimates, the savings of effective interventional programs for at-risk youth fall between \$1.7 million and \$2.3 million (Cohen & Piquero, 2007).

Given that system contact has been shown to have negative effects on youth outcomes, it is imperative that interventional programs be crafted responsible and used sparingly. Moving forward, ensuring that interventional programs are used prior to adjudication is important, but so is having more grace for age-appropriate delinquent behavior. A highly punitive system of justice perpetuates criminal and delinquent behavior by engaging with juveniles too early and for insignificant offenses. Utilizing interventional programs for violent youth offenses is more appropriate than relying on it for all delinquent behavior, as violent offenses increase the likelihood of criminality in adulthood (OJJDP, n.d., 1). Combining a society that allows for more grace and better interventional programs will help reduce the likelihood of poor outcomes for at-risk youth and possibly reduce the cycle of poverty that perpetuates it.

### **Reduction of Risk and Promotion of Protective Factors**

Using interventional programs to address the effects of exacerbated risk factors and lowered protective factors among juveniles is important, but it is a superficial solution to a larger problem. Implementing comprehensive and holistic legislation will help alleviate the prevalence of risk factors, increase protective factors, and provide a more effective and permanent solution to delinquency, criminality, and recidivism.

Working between policymakers and forensic psychologists to create effective programs and legislation is the most promising solution to lowering risk factors by addressing juvenile delinquency. The UK's approach to reducing recidivism in youth focused on addressing the mental health needs of youth by implementing forensic child and adolescent psychiatry (Young et al., 2017). By using evidence-based therapeutic intervention, this framework has shown greater reductions in recidivism and is a better approach to addressing juvenile delinquency (Young et al., 2017).

Within the United States, the issues of systemic racism and poverty are at the root of issues contributing to the reduction of protective factors in juveniles. As youth of color and impoverished youth are most susceptible to losing protective factors, addressing the practices that allow the continuation of racism and poverty to continue is imperative (Hostinar & Miller, 2019). In all, addressing systemic racism and poverty will help promote protective factors that minimize risk and reduce the overall occurrence of criminal and delinquent behavior.

## Discussion

This thesis highlights various shortcomings within the realm of juvenile CST in the United States justice system. The inappropriate application of adult competency standards set by the Supreme Court case *Dusky v. United States (1960)* fails to account for the developmental, cognitive, and psychosocial differences in juveniles' ability to understand legal proceedings and assist in their defense. The lack of juvenile-specific standards set by the Supreme Court undermines justice by curtailing their due process rights.

### Statutes for Juvenile CST

The overarching theme in this thesis is the inconsistency in how juvenile CST is addressed across jurisdictions. While some have enacted holistic juvenile-specific competency statutes, others have not, using vague or inapplicable legal frameworks. The lack of universal standards contributes to the disparities in CST rulings and sentencing. The disparities ensure that trial outcomes are dependent on the jurisdiction instead of the juvenile's ability to stand trial. Vulnerable and marginalized populations are more impacted by the lack of a universal standard, especially youth of color and youth with intellectual disabilities or mental health disorders.

States that recognize the right to juvenile competency evaluations but lack a clear statutory guideline undermine due process rights. Juvenile-specific statutes are necessary for defining protocol, without them the likelihood of subjective and inconsistent rulings increases. Establishing standardized juvenile CST practices that incorporate developmental science can help reduce disparities and promote juvenile justice.

## **Challenges in Competency Restoration for Juveniles**

Another major concern is the use of competency restoration programs for juveniles. Juveniles found IST might be sent to CST restoration programs that are designed for adults, despite fundamental differences in their development. While the goal of CST restoration programs is to educate defendants about courtroom procedures and legal roles, the strategies for doing so are inappropriate for juveniles. They are inappropriate for juveniles who are IST due to developmental immaturity rather than a lack of knowledge on the courtroom and legal proceedings. In such cases, restoration is problematic because education cannot improve their cognitive development, only time will. Without proper channels for addressing developmental immaturity, juveniles will suffer a higher risk of continued system involvement.

For juveniles found incompetent due to mental illness or intellectual disability, restoration of CST is even more complicated because of the inadequate mental health treatment services within the juvenile justice system. These inadequacies prolong juveniles' system contact as they are subjected to repeated competency evaluations and restoration attempts. Unnecessary prolonged contact is likely to have lasting negative impact on their success and future outcomes.

Given these challenges, this thesis advocates for the development of alternative approaches to competency restoration that are tailored to juveniles. Potential alternatives may include community-based interventions, educational programs that emphasize practical legal understanding, and diversion programs that prioritize rehabilitation over punitive measures. In the future, policymakers need to recognize that prolonged system contact exacerbates negative outcomes for youth. Then, more pathways can be established for resolution that do not rely solely on competency restoration within typical legal settings.

## **The Role of Assessment Tools**

Current literature emphasizes the need for standardized and developmentally appropriate tools for evaluating juvenile competency across jurisdictions. While the Juvenile Adjudicative Competency Interview (JACI) is significant advancement, it is not the standard. Thus, some courts still utilize assessment tools such as the Fitness Interview Test–Revised (FIT-R) that are not juvenile-specific. The failure to use juvenile-specific evaluations leads to inaccurate competency rulings because adult-centered tools do not account for the developmental differences between juveniles and adults.

The JACI, developed by Dr. Thomas Grisso, assesses developmental immaturity in addition to traditional competency factors. It recognizes that juvenile development may contribute to a struggle with understanding legal concepts, decision-making, and judicial consequences. Incorporating assessments that focus on rational understanding, the ability to assist counsel, and appreciation of legal proceedings is necessary to promote juvenile justice. The JACI is the leading option to use as it upholds these focuses and provides a more accurate picture of a juvenile’s CST. Standardizing the use of the JACI and similar juvenile-specific tools across jurisdictions would increase the reliability of competency evaluations. Further, it would promote justice by ensuring that juveniles receive developmentally appropriate legal assessments.

## Policy Implications and Recommendations

There are many policy recommendations that emerge from this thesis, the main being:

1. **Developmentally Appropriate Standards for CST:** States should adopt juvenile-specific competency statutes that align with research on adolescent development. These statutes should define competency in a manner that acknowledges the limitations of developmental immaturity while incorporating protections against prolonged system involvement for juveniles found IST.
2. **Standardized Assessment Tools:** Courts should mandate the use of juvenile-specific competency assessments such as the JACI. Forensic evaluators should also be trained to use juvenile-specific tools to ensure that CST assessments are performed with accuracy and fairness, reflecting the best practices in forensic psychology.
3. **Adjudication Alternatives:** Rather than defaulting to competency restoration, courts should use diversion programs, mental health treatment, and restorative justice approaches as alternatives for juveniles found IST due to developmental immaturity. Increasing the use of interventional programs could reduce the negative impact from system contact and promote better long-term outcomes for juveniles.
4. **Reduce System Contact for At-Risk Youth:** Early justice system involvement increases recidivism and hurts future outcomes for youth, especially for those from marginalized backgrounds. Minimizing unnecessary system contact by implementing early intervention programs, school-based alternatives to arrest, and

rehabilitative programs would promote juvenile success and curtail cycles of poverty.

5. **National Juvenile Competency Standards:** Adopting a federal framework for juvenile competency evaluations would help standardize assessments, competency restoration options, and legal protections for juveniles across jurisdictions. Implementing clear, scientifically supported policies would reduce disparities, helping to ensure that juveniles receive fair and just treatment.

## **Areas of Future Research**

While this thesis aims to provide a comprehensive evaluation of juvenile competency to stand trial, several areas need further exploration. Future research should examine the long-term outcomes of juveniles found IST, including their rates of recidivism, educational attainment, and mental health status. Gathering data on their long-term outcomes will help better the understanding of the impact adjudication and system contact has on youth success. Additionally, studies should evaluate the effectiveness of alternative adjudication models, such as the Risk-Need-Responsivity (RNR) model, in improving outcomes for incompetent juveniles. Research should also explore the role of racial and socioeconomic disparities in competency evaluations to see how bias influences forensic assessments and judicial determinations.

## **Conclusion**

This thesis reinforces how imperative aligning juvenile competency evaluations with developmental science and legal best practices is. The allowed use of adult CST standards promotes inconsistent juvenile competency determinations that lead to unjust outcomes for youth, especially those who are developmentally immature, mentally ill, intellectually disabled, or from marginalized communities. Implementing standardized juvenile competency legislation and protocols will help improve assessment methods and prioritize rehabilitative alternatives. Juvenile-specific guidelines across jurisdictions will help the justice system can better serve young defendants and uphold their due process rights. Addressing issues surrounding juvenile CST is imperative for cultivating a fair, ethical, and developmentally appropriate legal framework for youth facing adjudication.

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