

Human Rights Defender Project: Court Observation -Competency (M-A-M) Hearing

Date: _____ Time: _____ Observer (full name): _____

1. Last 3 digits of A#: _____ 2. Country of origin : _____

3. Gender: Male Female Transgender/ non-binary4. Respondent Appears: In Person Video Phone/audio Didn't appear, reason: _____5. Judge: Mazzie Miller Other: _____ In person Phone/Audio Video6. DHS Attorney: _____ In person Phone/Audio Video Not present7. Was respondent represented? No, pro se In person Phone/Audio Video Name: _____8. Docket/ Location: IHP (prison) ICE det.: Freeborn Kandiyohi Unknown Other: _____

9. Respondent's preferred language: _____

10. Was interpreter used? Not needed In Courtroom By phone By video Not available

11. Language provided to respondent (interpreter language): _____

12. Interpretation (check all that apply) : Complete Incomplete, Technical problems Multiple attempts to find Not in preferred language Comment: _____**INTRODUCING PROCEEDINGS**

13. How did the judge explain the purpose of the hearing? _____

14. Did the judge ask respondent for consent to have an observer present? Yes No Unsure If yes, what was said? _____15. Did the judge mention "third party notification" (TPN)? Yes No Unsure16. Were you informed re: TPN for this case? court observers filed attorneys filed unsure no**COMPETENCY ASSESSMENT**

17. Interview-- For each of the issues the judge might inquire about, as noted in the following grid, use the scale below to denote the respondents ability to answer:

NA=Not asked

1= Respondent refused or unable to answer question

2= Respondent knew some but not most info, gave conflicting answers, contradicted self

3= Respondent could answer about half, or seemed clear on some but unable on others. Midway between 1 and 5

4= Respondent knew answers but had hesitation or doubt, could answer but needed questions repeated, answered questions but also gave extraneous information

5= Respondent answered questions confidently, consistently, and accurately

	1	2	3	4	5	N/A
a. Biographic data (date and place of birth, current age, when and how entered US, location of family members)						
b. Current or past medications for mental or emotional health; evaluation or treatment for mental or emotional health						
c. Respondent's education						

	1	2	3	4	5	N/A
d. Respondent's understanding of interpreter and questions						
e. Respondent's criminal history (arrests, convictions, sentences, trial)						
f. Respondent's current situation- where and why detained, purpose of proceedings, judge and attorneys and what they do)						

18. Comment on any of the above: _____

19. Were there other questions you think the judge should have asked? Yes No Unsure

Comment: _____

20. Did you observe any of the following **possible** indicia (signs) of incompetence?

	Yes	No	??	N/A
a. Constant interrupting				
b. Confusion/ incoherence				
c. Inappropriate behavioral response: laughing inappropriately, angry outburst, crying uncontrollably				
d. Agitation				
e. Rambling speech, not answering questions asked				
f. Statements about mind not working report of memory lapses				
g. Respondent hung up on judge, refused to answer				
h. History of psychological evaluation, medication, treatment, hospitalization				
i. Report of documented head injury				
j. Drug or alcohol abuse history				
k. Auditory or visual hallucinations past or current				
l. Special education in school				
m. Altered state of consciousness				
n. Repeatedly asking for question to be repeated or clarified				

21. Comment on any of the above, or other signs noted: _____

CONCLUSION

22. Judge's decision: Competent Will order forensic (outside) evaluation Will order & review medical records
 Will issue a decision later Incompetent- will order safeguards &/or appoint counsel Unsure

Comment: _____

23. Were specific safeguards discussed? Yes No Unsure Comment: _____

24. Next hearing Date: _____ Time: _____ No date given

Additional Comments: _____
