

Case Manager

CASE MANAGER

COMPETENCE

A-Number: [] Rec'd at EOIR: []
 Name: [] Lodged at EOIR: []
 Rider(s): []

IJ Competency Evaluation Checklist

	CHARGING DOCUMENT DATE
Bona Fide Doubt Finding Date:	05/19/2016
Bona Fide Doubt Found By:	IJ
Date of DHS Notice:	05/27/2016
Re-Evaluation Date:	
Re-Evaluation By:	
Franco Class Membership:	Yes
Competence Status:	NOT COMPETENT

CASE COMPETENCY TAB FLOWCHART

Bona Fide Doubt fields – may be filled in after an IJ makes a finding of bona fide doubt (BFD) before a *Franco* Notice is filed. IJ does not necessarily find BFD in every case.
IMPORTANT NOTE: date field should never be filled in with a date that comes after a *Franco* Notice is filed by DHS.

Date of DHS Notice – should be completed in every *Franco* case. The Notice should be filed before a JCI takes place, but there are instances where a Notice may be filed on or after the date of the JCI.

Re-Evaluation fields – these fields are only to be used in cases where a respondent was found “incompetent,” and the IJ is “re-evaluating” that decision pursuant to a restoration process under the Implementation Order. It is not to be used when a second competency process is conducted after an earlier finding of “competent.”

Competence Status – Automatically populates whenever the “JCI Result” or “CR Result” field is completed. The JCI result will appear in this field until a CR result is entered, if any.

Franco Class Membership – should be marked “Yes” at the time the record is created, pursuant to an IJ finding bona fide doubt or DHS filing a *Franco* Notice of Class Membership in a case where respondent is detained and unrepresented in AZ, CA, or WA.
IMPORTANT NOTE: a respondent becomes a class member when a DHS Notice of Class Membership is filed or an IJ finds BFD. He or she remains a class member even if an IJ later finds them competent.

Case Manager

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COMPETENCE

A-Number: _____ Rec'd at EOIR: _____ Case Type: _____
 Name: _____ Lodged at EOIR: _____ Custody: _____
 Rider(s): _____ ROP Location: _____

IJ Competency Evaluation Checklist

CHARGING DOCUMENT DATE	
Bona Fide Doubt Finding Date:	05/19/2016
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Re-Evaluation By:	
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Competence Status:	NOT COMPETENT

MENTAL COMPETENCY PROCESS # 1	
JCI Date:	06/08/2016
JCI Result:	COMPETENCY REVIEW REQUIRED
FCE Order Date:	06/08/2016
FCE Rec'd Date:	06/28/2016
FCE Accepted Date:	06/28/2016
CR Date:	07/07/2016
CR Result:	NOT COMPETENT
BIA Result:	
BIA Result Date:	
QR Order?:	YES
QR Ordered By:	IJ
QR Ordered Date:	07/07/2016

JCI Date – must take place on or *after* the date of a bona fide doubt finding *and/or after* the date of the filing of a Franco Notice of Class Membership. The date of the JCI should be the date of the hearing where a JCI finding (“result”) was made.

JCI Result – must complete this field with one of the following:

Competent – no further data entry below required.

Competency Review Required – FCE and CR data fields must be completed at a later date, as they occur.

Not Competent – QR data fields must be completed immediately (including sending a QR Order to the NQRP).

FCE Order Date – date that the IJ submits the FCE Referral, usually within 3 business days of the completion of the JCI. **IMPORTANT NOTE:** FCE Referral must be sent to EOIR HQ with attachments (*see* FCE Referral Form).

FCE Rec'd Date – date that report is sent to and received by the IJ/Court (may be by email).

FCE Accepted Date – date IJ “accepts” the report (usually via confirmation email to EOIR HQ).

CR fields – hearing that takes place after an FCE is received and accepted, where the IJ makes the ultimate finding as to whether the respondent is “competent” or “not competent.”

CR Date – the date of the hearing where the CR finding (“result”) is made.

CR Result – must be either “competent” or “not competent.”

IMPORTANT NOTE: the CR result does not replace or change a JCI result. (There should always be a JCI Result of “Competency Review Required” when there is a CR.)

QR Order – “Yes” where a finding of “not competent” is made at either a JCI or CR.

QR Ordered By – “IJ” or “BIA”

QR Ordered Date – should be the date of (or within 1 business day) of the JCI or CR where the IJ made a finding of “not competent.” This data must be entered in real time to generate an email alerting the NQRP to expect the QR Order. The QR Order must be sent to the NQRP email address provided on the QR Order.