

Application of the Nationwide Policy established by:

1) DHS filing Notice of concern regarding competence, or

DHS screening documents and information filed with Notice

2) IJ finding of *bona fide* doubt (BFD)

Date of Notice or BFD: _____

Basis for application of the policy stated on the record

Judicial Competency Inquiry (JCI) conducted: (Goal: 21 days from Notice or BFD)

JCI Advisal given based upon the form "Process for Conducting a Judicial Inquiry"

Respondent questioned regarding:

Nature and object of the proceeding

Understanding and ability to exercise rights

Ability to respond to allegations and charges

Ability to present information and respond to questions relevant to relief

Cognitive, emotional, and behavioral functioning

JCI finding:

Competent (Proceedings resume)

▪ Use no "reasonable cause to believe is incompetent" standard

Incompetent (IJ orders QR)

▪ Use incompetent by a "preponderance of the evidence" standard

"Order for Provision of a Qualified Representative" submitted within 24 hours

Insufficient evidence (IJ promptly orders Forensic Competency Evaluation)

Date of JCI finding: _____

JCI finding stated on the record

Forensic Competency Evaluation (FCE) ordered: (Goal: promptly after JCI)

Date FCE ordered: _____

FCE referral submitted with supporting documentation within 3 business days of JCI

Date FCE report received: _____

FCE served on parties

Report “accepted” by IJ

Competency Review (CR) conducted: (Goal: 30 days of receipt of FCE report)

Used “preponderance of the evidence” standard to determine competence.

CR finding:

Competent (Proceedings resume)

Incompetent (IJ orders QR)

“Order for Provision of a Qualified Representative” submitted within 24 hours

Date of CR finding: _____

CR finding stated on the record

Qualified Representative (QR) provided: (Goal: 60 days of JCI or 21 days of CR)

Date E-28 filed by QR: _____

Stated on record that QR has been provided

Other safeguards and protections considered:

Additional safeguards or protections considered and, if required, provided.

List additional safeguards or protections: _____

If safeguards insufficient to ensure fundamental fairness, proceedings stopped.