

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 4.906-7/21*

IN RE: MENTAL HEALTH
SPECIALTY DIVISION "T"

Persons charged with serious crimes who have a mental illness, intellectual disability, autism, or traumatic brain injury that affects their ability to understand the court process may require specialized management through the criminal justice system and may require mental health evaluations to determine if they are competent to face their criminal charges. The Mental Health Specialty Division (also referred to as Division "T") was created to allow a dedicated judge to address these defendants with the assistance of enhanced case management services. A Mental Health Specialty Division Team is comprised of the Division "T" Judge, Assistant State Attorney(s) assigned to Division "T", Assistant Public Defender(s) Assigned to Division "T" and the court administration mental health case manager.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of General Practice and Judicial Administration 2.215, it is **ORDERED** as follows:

A. ELIGIBILITY

A case is eligible for transfer to the Mental Health Specialty Division if?

- 1. The defendant is charged with a felony, and**
- 2. There has been:**
 - a. A written motion filed alleging that the defendant is incompetent to proceed due to mental illness, intellectual disability, autism, or traumatic brain injury. If the motion raising competency is not the first motion raising competency in the case, the case will not be eligible for transfer unless the motion was filed by agreement of the parties or order of the court.**

and/or

- b. A finding of not guilty by reason of insanity and the presiding Division T Judge agrees to accept transfer of the case.**

B. PROCEDURES PRIOR TO AND AFTER TRANSFER OF CASES

1. Motions to Appoint Expert to Determine Competency made by Mental Health Specialty Division Team:
 - a. Motions to Appoint Expert to Determine Competency made by the Judge, Assistant Public Defender or Assistant State Attorney assigned to the Mental Health Specialty Division, will be forwarded directly to the Mental Health Case Manager and the Division T Judicial Assistant. If the case is specially set for trial or on a trial docket within 45 days from the date the motion to transfer is filed, the Mental Health Case Manager shall alert the divisional judge and the divisional judge may, at his or her discretion, keep the case in his or her division.
 - b. The Division T Judicial Assistant will prepare the Order Reassigning the Case to Division T and the Mental Health Case Manager will prepare the Order Granting Examination of Defendant's Competency and Order Setting Hearing in Division T for a Competency Status Check. **Once the order has been filed, the Clerk of the Circuit Court shall update Showcase to reflect Division T.**
 - c. The Mental Health Case Manager will provide the name of one expert whose name is obtained from the list of eligible competency experts to evaluate the defendant.
2. Motions to Appoint Expert to Determine Competency made by parties other than the Mental Health Specialty Division Team:
 - a. When a motion to appoint expert to determine competency is made by anyone other than the Judge, Assistant Public Defender or Assistant State Attorney assigned to the Mental Health Specialty Division, then the attorney or party submitting the Motion to Appoint Expert to Determine Competency must have the Divisional Judge hear the motion and if granted sign the Order Reassigning Case to Division T.
 - b. The attorney or party shall email a copy of the signed order transferring the case to Division T to the Mental Health Case Manager and the Division T Judicial Assistant. The Order Granting Examination of Defendant's Competency and Order Setting Hearing in Division "T" for a Competency Status Check will be prepared by the Mental Health Case Manager.

- c. The Mental Health Case Manager will provide the name of one expert whose name is obtained from the list of eligible competency experts to evaluate the defendant.
3. Special Circumstances
 - a. The Motion to Appoint Expert to Determine Competency must set forth any special circumstances that require the need for a neuropsychological exam, an exam for a person with an intellectual disability or autism, **or an exam that must be performed in another language or with the assistance of an interpreter.**
4. **Upon the filing of a Court Order Finding the Defendant Competent to Proceed, the Clerk shall transfer the case back to the original assigned division and set the matter on the next available docket unless the Order Finding the Defendant Competent to Proceed directs otherwise.**
5. **If the Court enters an Order Finding** the Defendant Incompetent to Proceed or Not Guilty by Reason of Insanity, the case will stay in the Mental Health Specialty Division until such time as the defendant is found competent or the Court's Jurisdiction is terminated.

C. DISQUALIFICATION

If the Mental Health Specialty Division Team determines that a defendant is not eligible for the Mental Health Specialty Division, the case will be immediately sent back to the original assigned division.

DONE and SIGNED, in Chambers, at West Palm Beach, Palm Beach County, Florida, this 19th day of July, 2021.



GLENN KELLEY
Chief Judge

*supersedes admin. order 4.906-9/17