

# Forensic Mental Health Update

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Courts, Corrections, and Justice Committee

# Agenda

- Recent Trainings
- Juvenile Competence Discussion
- AOT and AOC
- UNM Psychiatry Departures and Arrivals

# HCA Behavioral Health Services Division Trainings

## May 2026

- Privacy, Confidentiality, and Privilege in Forensic Evaluation (Otto)
- Assessing Response Style in Forensic Evaluation (Otto)
- Assessing Risk in the Context of New Mexico Competence to Stand Trial Evaluations (Perillo)
- Use of Psychological Testing in Competence to Stand Trial Evaluations (Perillo)

# HCA Behavioral Health Services Division Trainings

## July 2026 & September 2026

- Assessing Competence to Stand Trial in New Mexico (Otto, Perillo)
  - Forensic Evaluation Process
  - Relevant New Mexico Statutes, Rule of Criminal Procedure, and Rules of Evidence
  - Constitutional Issues
  - Clinical Evaluation Process
  - Writing Reports and Testifying

# Discussion of Juvenile Competence Matters

- Subcommittee of the Supreme Court Commission on Mental Health & Competency
- Workgroup made up of judges, AOC, CYFD, attorneys, psychologists, and other stakeholders
- Monthly meetings

# Subcommittee Efforts

- Work to understand the laws, statutes, and infrastructure of juvenile competency to stand trial process across the nation
  - Presentations by local and nationally-recognized experts
  - Review of other states' law and associated procedures
  - Education to stakeholders about the current juvenile competency process in NM
- Starting in 2026, focus efforts on N.M.R. Child. Ct. 10-242
  - Rule 10-242 – Determination of competency to stand trial
  - Working collaboratively to make recommendations for rule change
  - Goal: Send recommendations to the Supreme Court in August 2026

# Subcommittee Efforts

- Increase the structure and standardization in proceedings related to juvenile competency evaluations
- Strengthen language about expectations that are currently unclear
  - Identifying what should be occurring at 90-day reviews (during the year-long period after which a juvenile is adjudicate)
  - Identifying those responsible for overseeing competency restoration/attainment efforts
- Address ambiguous language
  - Identifying the standard used for competency
  - Adding that a competency evaluation should take place

# AOT and AOC

- AOC staff reported that some roadblocks in efforts to move forward with AOT proceedings subsequent to defendants being adjudicated incompetent to stand trial
- UNM Psychiatry staff have worked with AOC staff to develop a program to provide examinations throughout the state of persons identified as potentially meeting criteria for AOT

# UNM Departures and Arrivals

- Departure of Dr. Jeff Younggren
- Departure of four forensic psychology postdoctoral fellows at end of August
- Arrival of three forensic psychology postdoctoral fellows in September

# Questions