



SUPERIOR COURT OF CALIFORNIA COUNTY OF STANISLAUS

FORENSIC EVALUATION POLICY

The Stanislaus Superior Court established the following policy related to the court-ordered forensic evaluations. Evaluators who accept appointments to perform forensic evaluations, agree to adhere to this policy.

1. FEE SCHEDULE

<u>Code Section</u>	<u>Type of Evaluation</u>	<u>Payment Responsibility</u>	<u>Not to Exceed Amount</u>
Pen. Code § 1368/1369/1370	Competency	Court	\$675
Welf. & Inst. Code § 709	Juvenile Delinquency – Minor’s Competency	Court	\$675
Pen. Code § 1026/1027	Not Guilty by Reason of Insanity	County	\$1,350
Pen. Code § 288.1	Lewd/Lascivious Acts	Court	\$960
Pen. Code § 457	Arson – Pre-sentence report	Court	\$340
<u>Other</u>			
Other Psychological Evaluations			Not to exceed \$675
Trial Testimony			\$340/hour
Trial Preparation (4 hours maximum)			\$230/hour
Unable to Perform Evaluation – When the appointed evaluator is unable to complete the evaluation for reasons beyond the expert’s control			\$230
Office Standby (4 hours maximum)			\$30/hour
Extraordinary services, including review of non-standard examination material or voluminous discovery - (4 hours maximum – <u>prior approval required</u>)			\$280/hour
Mileage – Paid at IRS rate			

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2. STANDARD EXAMINATION MATERIAL – (Pen. Code 1026 et seq.; Pen. Code§ 1368, et seq.; Welf. & Inst. Code § 790)

Evaluation reports in the case types referenced above shall be based on the following information, which shall be considered “standard examination material”:

- Police Reports
- Minute Order
- CLETS printout
- Medical/psychiatric records
- Jail/Juvenile Hall medical records

With court approval, an attorney may provide the appointed expert with other information to review. Requests to consider information beyond the standard examination material shall be in writing and must be submitted as follows:

- Criminal Cases – Supervising Criminal Judge. If the case is assigned to the Supervising Criminal Judge, the information will be forwarded to the Supervising Criminal Judge’s designee.
- Juvenile Cases – The judge assigned for all purposes.

Unless the request to review additional information is granted, the appointed expert shall disregard any information other than the standard examination material.

3. EXTRAORDINARY SERVICES

If the case or psychological issues presented are unusually complex, or the discovery material voluminous, the expert may request fees for additional services. The evaluator must submit a Request for Additional Funds - Extraordinary Services to the Supervising Criminal Judge. If the case is assigned to the Supervising Criminal Judge, the information will be forwarded to the Supervising Criminal Judge’s designee.

Evaluators will not be compensated for extraordinary services performed without prior court approval.

4. EXAMINER UNABLE TO PERFORM EXAM

In the event a Court-ordered evaluation cannot be performed for reasons that are beyond the control of the evaluator (e.g., defendant uncooperative, client no-show), the evaluator will be compensated at the rate established by the Court.

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5. PAYMENT FOR EXPERT TESTIMONY

Evaluators will be compensated at the rate established by the Court for providing testimony at a hearing, including trial. If the evaluator appears for testimony and the hearing is postponed or cancelled without sufficient notice, the evaluator may be compensated as approved on a case-by-case basis by the judicial officer depending on the individual circumstances present. The expert should document the relevant circumstances in the invoice.

6. EVALUATION REPORTS

All reports shall be completed on a timely basis and shall comply with the format as set forth below:

Report Contents

The report should contain, but not limited to, the following information:

- (a) Defendant's name and court case number
- (b) The date the court order the report to be returned
- (c) The statute authorizing defendant's evaluation
- (d) Place, date, and duration of the examination
- (e) Identification of all records and collateral materials reviewed
- (f) If applicable, a list of the psychological tests used.
- (g) A statement showing that the defendant was informed of the purpose of the evaluation and that it is not confidential.
- (h) A statement of the current problems
- (i) Indication of pertinent social-developmental and/or legal-mental health history.
- (j) Description of the psychiatric/psychological or medical evaluation.
- (k) Discussion of findings and statement of conclusions and recommendations. The examiner's conclusion/opinion on the legal questions must be definitive, clearly stated and underlined. For instance, "The defendant is currently not competent to stand trial."
- (l) Competence to Stand Trial (§1369 P.C.) evaluations must address medication issues, including whether the defendant would benefit from antipsychotic medication and whether the defendant has the capacity to consent to the administration of antipsychotic medication.

Addressing Legal Issues

Reports should address the legal questions being raised. If this proves difficult, the responses should be qualified, but in any event, the legal questions being raised should be clearly

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indicated. The statutory basis for the evaluations are outlined in Attachment A.

Conclusions

All reports submitted must demonstrate reasoned conclusions, showing “causal relationships” if there are any. Yes or no responses to the legal questions presented are unacceptable, as well as rephrased legal questions or “circular reasoning.”

7. SUBMISSION OF REPORTS

Unless otherwise ordered by the court, appointed experts shall file reports no later than five (5) weeks after the date of appointment. If an expert determines additional time is needed to complete the report, the expert must request an extension of time to file the report and document the reasons for the request