

Become Qualified to Conduct Court Ordered Competency Evaluations

Eligible Professionals (No Additional Training Needed):

- Licensed or certified psychiatrist
- Licensed clinical psychologist

Eligible Professionals (With Training Noted Below):

- Certified social worker licensed for private independent practice with two years of experience in a mental health setting
- A nurse practitioner or clinical nurse specialist with current psychiatric certification
- A licensed professional counselor-mental health

Training Requirements (if applicable):

Training on how to conduct and score competency evaluations to meet statutory criteria can be found at:

<https://concept.paloaltou.edu/course/South-Dakota-Best-Practices-in-the-Evaluation-of-Competence-to-Stand-Trial>

Next Steps:

After completing the required training, provide documentation to your appropriate licensing board and to DSSBH@state.sd.us. Your name will be added to the list of approved evaluators on the DSS website.

For more information, visit:
dss.sd.gov/behavioralhealth/hsc/program.aspx
or scan the QR code



Frequently Asked Questions

What is a Court Ordered Competency Evaluation?

A competency evaluation is a court ordered mental health assessment to determine the ability of the defendant to understand the nature and consequences of the court proceedings.

When and how are they requested?

The defendant, judge, or lawyer can request an evaluation whenever there are question about a defendant's mental state.

What happens during the evaluation?

The licensed professional conducts an evaluation of the defendant and files a report with the court. The examination must be completed within 21 days after the court order.

What happens after an evaluation is completed?

The licensed professional submits a report recommending whether the defendant is competent to stand trial. If found not competent by the courts, the defendant would be ordered to complete a restoration program as defined in 23A-10A-13.1, in which treatment can occur in an inpatient, outpatient, or jail based setting.

What does it mean to be restored to competency?

The restoration process ensures the defendant understands the court process, the charges brought against them and is able to participate in their defense. Court proceedings would then resume after the defendant is found competent.