

FAQ for Prospective Competency Attainment Programs (CAP)

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Overview

Programs and organizations in Minnesota that are considering applying to become a certified Competency Attainment Program (CAP) as provided in Minn. Stat. § 611.59 may review these FAQs for more information prior to applying for certification. This document provides an overview of what a CAP is, the benefits of certification, eligibility requirements, available curriculum, funding, and operational responsibilities.

1. What is a certified Competency Attainment Program?

A certified competency attainment program (CAP) is a program that provides competency education through a standardized curriculum with the goal of educating a defendant on various aspects of court process in the judicial system in Minnesota. Minn. Stat. § 611.41, subd. 5. defines a competency attainment program as a structured program providing clinical and educational services. The programs are certified and designed to identify and address barriers to a defendant's ability to understand the criminal proceedings, consult with counsel, and participate in their defense.

2. Why would a program seek certification?

Certification enables your program to deliver court-ordered competency education services. A program may seek certification to gain additional referrals for their services and to be a part of a system of competency attainment services and judicial partners across Minnesota.

Eligibility and Program Fit

3. What types of programs are eligible to apply for certification?

Community and Minnesota Department of Corrections based providers are encouraged to apply to become a CAP. The Minnesota Competency Attainment Board is interested in reviewing the applications from a variety of community, jail, and treatment-based programs across Minnesota. According to Minn. Stat. § 611.49, "Except for jail-based programs, a competency attainment provider must be able to provide the appropriate mental health or substance use disorder treatment ordered by the court, including but not limited to treatment in inpatient, residential, and home-based settings."

4. In what setting(s) do certified programs provide competency education?

Certified programs may provide competency education to their clients in the community, in jails, and in treatment facilities.

5. Does our program need to be currently operating to apply for certification?

No, your program can be developed and launched after you've been certified as a CAP.

6. What populations can a certified program serve?

Certified competency attainment programs provide competency education to defendants who have been found incompetent to stand trial in their criminal court case and a court-appointed examiner has identified competency education as a possible area of need in attaining competency to proceed with their criminal court case.

7. When would a jail start working with someone for competency restoration?

A jail may start working with a defendant in custody once the defendant has been found incompetent to stand trial in their criminal court case.

8. Does this apply to juvenile criminal cases?

No. Minn. Stat. § 611 relates to adult criminal cases only and does not cover juvenile criminal cases.

Curriculum and Staffing

9. What type of curriculum is required?

Competency Attainment Programs must ensure that defendants receive competency attainment education, as well as conduct regular assessments of the defendant's progress in attaining competency. The Minnesota Competency Attainment Board has approved a Competency Attainment Curriculum Workbook that certified programs are encouraged to reference and utilize. The workbook can be found on the Minnesota Competency Attainment Board's [website](#).

10. Who can deliver competency education services?

Following training determined by the CAP, any employee of the CAP can provide competency education services.

Application and Certification Process

11. What is the process to become certified?

Applications are available from the Minnesota Competency Attainment Board, www.mn.gov/cab. Programs interested in certification to provide competency education services should complete the Interim Application. In the application, programs should demonstrate how competency attainment

services will be delivered and the job roles/titles responsible for delivering the education should their program be approved by the Board.

12. What documentation is required for certification?

As enclosures to the application, prospective programs are asked to provide related and applicable policy documents which explain how their services would be provided. Additional details regarding application requirements can be found in the application instructions.

13. How long does certification take?

Applications are reviewed monthly by the Competency Attainment Board. Depending on application backlog and completeness of submitted materials, applying programs will typically receive their application determination within 1-3 months of submittal.

Operations and Oversight

14. Who communicates to the court regarding a client's progress toward attaining competency?

Certified programs work with local court administration to determine court preferences for updates related to defendant progress toward attaining competency from their program's perspective. Defendants may have additional professionals involved in their case such as forensic navigators, case management professionals, treatment professionals, and court examiners. These roles may request information regarding the client's progress from the CAP and may have a duty/expectation to also report progress directly to the court.

15. How often do certified programs meet with clients working on competency education?

Certified programs determine the frequency of meetings based on regular assessment of their client's progress and engagement in their educational services.

16. How long does a competency education program last?

The length of the educational course will be determined by the certified program depending on client need and progress. Not all clients will regain competency upon completion of the planned education program and reevaluation of the curriculum and/or an extension of the program may be recommended. A new competency exam may be ordered by the court following the completion of that exam, if the defendant is found incompetent again, further educational services may be ordered.

17. Do clients receiving competency education services also receive psychiatric services?

In many cases, clients require psychiatric assessment and treatment to fully engage in competency education. When applicable, some clients may benefit from psychiatric treatment and competency education simultaneously, while others may benefit from psychiatric stabilization services first, followed by competency attainment education. Others may require no psychiatric treatment and only be recommended for competency education services. CAPs are not required to provide psychiatric care, only to have a mechanism to refer clients to care when necessary.

18. Are virtual/telehealth services allowable?

Virtual/telehealth services may be allowed. Acceptability of virtual/telehealth services is determined by program policies defined by the CAP as well as the fit and tolerance with the client and their individual needs.

19. What are the reporting requirements for certified programs?

Minn. Stat. § 611.41 documents the requirement of timely communication to the court on a defendant's progress toward competency. The format, content, and frequency of this reporting is not specified in statute. Each program should develop their own practice informed by court preference and in cooperation with stakeholders in their area.

Funding

20. Are there funding opportunities/mechanisms available for certified programs? How do certified programs receive reimbursement for their services?

There are no designated funds to pay for competency education services. Certified Programs should seek out their own funding opportunities and should be creative in working with stakeholders across the state of Minnesota to find opportunities for funding this necessary educational service. Competency education is not a Medicaid/Medicare reimbursable service. Some programs have integrated competency education into their residential or inpatient treatment programs while others have sought local grant funding opportunities.

Support and Next Steps

21. Can we get assistance in developing our program?

The Minnesota Competency Attainment Board is available to partner with prospective programs in discussing options for developing programs, especially in underserved areas of Minnesota.

Additionally, existing certified programs (see below) may be available for consultation or discussion.

22. Who do we contact for more information or to apply for program certification?

Contact information as well as answers to questions can be found in the “Contact Us” section of the Minnesota Competency Attainment board website, <https://mn.gov/cab/>.

23. Where can we find examples of certified programs?

Details and contact information for certified CAPs are [here](#).