

The Franco Main Class Definition, see *Franco-Gonzalez, et al. v. Holder, et al.*, No. CV–10–02211 DMG (DTBx), 2014 WL 5475097, at *3 (C.D. Cal. Oct. 29, 2014)

b. For purposes of this Order, unrepresented⁸ immigration detainees are members of the Class certified in this case, see Section IV.D, *infra*, if the criteria of subparagraph (i), (ii) or (iii) of this paragraph are met:

(i) a qualified mental health provider determines the detainee⁹ meets one or both of the following criteria:

(1) has a mental disorder that is causing serious limitations in communication, memory or general mental and/or intellectual functioning (e.g., communicating, reasoning, conducting activities of daily living, social skills); or a severe medical condition(s) (e.g., traumatic brain injury or dementia) that is significantly impairing mental function; or

(2) is exhibiting one or more of the following active psychiatric symptoms or behavior: severe disorganization, active hallucinations or delusions, mania, catatonia, severe depressive symptoms, suicidal ideation and/or behavior, marked anxiety or impulsivity.

(ii) a qualified mental health provider otherwise diagnoses the detainee as demonstrating significant symptoms of one of the following:

⁸ Detainees shall be considered unrepresented unless one of the following has entered an appearance on their behalf: “(1) an attorney (2) a law student or law graduate directly supervised by a retained attorney, or (3) an accredited representative, all as defined in 8 C.F.R. § 1292.1.” *Franco–Gonzalez, et al. v. Holder*, 828 F.Supp.2d 1133, 1147 (C.D. Cal. 2011); *see also* Doc. # 593 at ¶ 8.

⁹ Such determination may be made regardless of whether the detainee was previously diagnosed with a psychiatric condition, was treated in the past or is now being treated for a psychiatric condition, and regardless of whether the cause of the disorder would be considered a medical or, instead, a psychiatric condition.

- (1) Psychosis or Psychotic Disorder;
- (2) Bipolar Disorder;
- (3) Schizophrenia or Schizoaffective Disorder;
- (4) Major Depressive Disorder with Psychotic Features;
- (5) Dementia and/or a Neurocognitive Disorder; or (6) Intellectual Development Disorder (moderate, severe or profound).

(iii) an Immigration Judge finds that the evidence of record results in a bona fide doubt about the detainee's competency to represent him- or herself.