

IN THE CIRCUIT COURT OF _____(COUNTY)_____, ALABAMA

- 1) The defendant receives such treatment as is required for the defendant to attain competency.
- 2) While receiving such treatment by the Alabama Department of Mental Health on an outpatient basis, treatment, including prescribed medication, shall be continued;
- 3) The defendant **is or is not** currently in custody. However, he or she is expected to attend all therapy and treatment sessions at such times and locations as required by the Alabama Department of Mental Health;
- 4) The defendant shall participate in a subsequent forensic evaluation upon completion of the program as directed by the Department.

**SAMPLE ORDER FOR ADMH TO DELIVER OUTPATIENT COMPETENCY RESTORATION SERVICES
AND TO COMPLETE AN UPDATED EVALUATION OF THE DEFENDANT'S COMPETENCY TO STAND TRIAL**

- 5) The District Attorney shall make available to the examining psychologist or psychiatrist information concerning the nature and circumstances of the offense(s) charged, as well as the prior criminal history of the defendant. The defense attorney may provide information to assist the examining psychologist or psychiatrist in the evaluation of the defendant's mental condition, including records of prior psychiatric treatment. All information provided to the psychologist or psychiatrist pursuant to this order shall be protected from discovery according to Rule 16, Alabama Rules of Criminal Procedure;
- 6) Upon completion of the clinical examination, a written report shall be forwarded to the Circuit Judge, the defendant's attorney, the District Attorney, and, upon further order of the Court, to others having a proper interest therein. The original written report shall be filed with the Clerk of Court, under seal, and shall include whether the defendant has sufficient present ability to assist his own defense, by consulting with counsel, with a reasonable degree of rational understanding of the facts and the legal proceedings against the defendant (competency to stand trial).
- 7) If the opinion is that the defendant remains incompetent, the report shall also state the opinion of the psychologist or psychiatrist as to:
 - a) The condition causing the defendant's incompetency and the nature thereof;
 - b) The treatment required for the defendant to attain competency;
 - c) The most appropriate form and place of treatment, in view of the Defendant's therapeutic needs and potential danger to himself to herself, or to others, and an explanation of appropriate treatment alternatives;
 - d) The likelihood of the defendant's attaining competency under treatment and the probable duration of the treatment; and
 - e) The availability of the various types of agencies or the settings in which the treatment might be obtained and whether the treatment would be available on an out-patient basis.
- 8) Further criminal proceedings against the defendant are hereby continued generally, until such time as the Court determines that the defendant has sufficient present ability to assist in his or her defense by consulting with counsel with a reasonable degree of rational understanding of the facts and the legal proceedings against the defendant. Provided,

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however, such continuation does not include bond hearings, grand jury hearings, or preliminary hearings, all of which may be conducted as necessary.

Done this ____ day of _____.

CIRCUIT JUDGE

Sample Order