

**ORDER FOR OUT-PATIENT EVALUATION
OF DEFENDANTS COMPETENCY ONLY**

Case Number

IN THE CIRCUIT COURT OF _____, **ALABAMA**
(Name of County)

STATE OF ALABAMA v. _____ **Defendant**

WHEREAS, the above-named defendant is before the court, having been charged with the offense(s) of _____;

and whereas the court has received information indicating that the above-named defendant may lack 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 (motion for examination having been filed by _____) _____, and the court finding reasonable grounds exist to question the defendant's competency, to-wit: _____;

IT IS HEREBY ORDERED that:

(1) The defendant shall undergo examination on an out-patient basis by a psychiatrist or psychologist under contract with or employed by the Alabama Department of Mental Health to conduct a clinical evaluation pertaining to the defendant's 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 pending before the court;

(2) If the defendant is in custody, the person who has custody of the defendant shall make the defendant available at such times and locations as required by the Alabama Department of Mental Health, and, where necessary, the Sheriff's Department shall be responsible for the custody, care, and transportation of the defendant during the out-patient visit;

(3) The district attorney shall make available to the examining psychologist/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 such information as may be in his/her possession to assist the examining psychiatrist/psychologist 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;

(4) Upon completion of the clinical examination, copies of the 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 contain the following information:

(a) The mental condition of the defendant as related to his/her sufficient present ability to assist in his/her defense, by consulting with counsel, with a reasonable degree of rational understanding of the facts and the legal proceedings against the defendant.

(b) If it is the opinion of the psychologist or psychiatrist that the defendant lacks sufficient present ability to assist in his/her defense, by consulting with counsel, with a reasonable degree of rational understanding of the facts and the legal proceedings against the defendant, the report shall also state the opinion of the psychologist or psychiatrist as to:

(1) The condition causing the defendant's incompetency and the nature thereof;

(2) The treatment required for the defendant to attain competency;

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- (3) The most appropriate form and place of treatment in view of the defendant's therapeutic needs and potential danger to himself or herself, or to others, and an explanation of appropriate treatment alternatives;
- (4) The likelihood of the defendant's attaining competency under treatment and the probable duration of the treatment; and
- (5) The availability of the various types of acceptable treatment in the local geographic area, specifying the agencies or the settings in which the treatment might be obtained and whether the treatment would be available on an out-patient basis; and
- (6)

(List here such other matters the court deems appropriate)

(5) Further criminal proceedings against the defendant are hereby continued generally until such time as the court receives a report from the Alabama Department of Mental Health. Provided, however, such continuation does not include bond hearings, grand jury hearings, or preliminary hearings, all of which may be conducted as necessary.

ORDERED this _____ day of _____, 20_____.

Circuit Judge

- Rule 11.1, Ala.R.Crim.P
- 11.2(a)(1), Ala.R.Crim.P
- 11.2(c), Ala.R.Crim.P
- 11.3(a), Ala.R.Crim.P
- 11.3(c), Ala.R.Crim.P
- 11.5, Ala.R.Crim.P