

**ORDER FOR EXAMINATION TO DETERMINE  
DEFENDANT'S COMPETENCY AND APPOINTING  
INDEPENDENT EXAMINING  
PSYCHIATRIST/PSYCHOLOGIST**

(This form does not apply to the employment of psychiatrists/psychologists by the  
Department of Mental Health)

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 determined that reasonable grounds exist to question 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 against the defendant.

**IT IS HEREBY ORDERED that:**

(1) The defendant shall undergo an examination on an out-patient basis by an appointed psychologist or psychiatrist to conduct a clinical evaluation pertaining 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;

(2) \_\_\_\_\_, a qualified independent psychiatrist/psychologist, [not under contract with or employed by Department of Mental Health] is appointed to examine the defendant and testify regarding the defendant's present mental condition pertaining to competency to stand trial;

(3) 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 appointed psychologist/psychiatrist and, where necessary, the Sheriff's Department shall be responsible for the custody, care, and transportation of the defendant during out-patient visit;

(4) The district attorney shall make available to the appointed psychologist/psychiatrist information concerning the nature and circumstances of the offense(s) charged, as well as prior criminal history of the defendant. The defense attorney may provide information to assist the appointed psychologist/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;

(5) The examining psychiatrist or psychologist file the original written report with the clerk of court, under seal, as to the defendant's present mental condition 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. If it is in the psychologist's or psychiatrist's opinion that the defendant is mentally incompetent, the report shall include the psychologist's or psychiatrist's opinion of:

- (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 or 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;
- (e) The availability of the various types of acceptable treatment in the local geographic area, specify 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
- (f) [List here such other matters the court deems appropriate]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) 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 in compliance with Rule 11.5(a), Alabama Rules of Criminal Procedure.

(7) Criminal proceedings against the defendant are hereby continued generally until such time as it is determined that the defendant is mentally competent to stand trial. Provided, however, such continuation does not include bond hearings, grand jury hearings, or preliminary hearings, all of which may be conducted as necessary.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Circuit Judge

**Rule 11.3, Ala.R.Crim.P.**