

_____))
Plaintiff))
vs)) No. _____))
_____))
Defendant))

ORDER RELEASING DEFENDANT FOLLOWING PROBABLE CAUSE HEARING UNDER TENN. CODE ANN. §33-6-423

This matter was heard on _____, _____, based on the certificates of _____ and _____

filed under Tenn. Code Ann. §33-6-421, which allege that:

1. the defendant has a mental illness or serious emotional disturbance, AND
2. the defendant poses a substantial likelihood of serious harm because of the mental illness or serious emotional disturbance, AND
3. the defendant needs care, training, or treatment because of the mental illness or serious emotional disturbance, AND
4. all available less drastic alternatives to placement in a hospital or treatment resource are unsuitable to meet the needs of the defendant, AND
5. if involuntary treatment is not continued, the defendant's condition resulting from mental illness or serious emotional disturbance is likely to deteriorate rapidly to the point that the defendant would be again admissible under Tenn. Code Ann. §33-6-403.

At the hearing _____ testified and the defendant had all rights afforded a defendant under Title 33, Chapter 6, Part 4, Tenn. Code Ann.

The Court finds as a fact that:

1. the defendant was present at the hearing.

OR

- the defendant was present at the hearing and the defendant's conduct at the hearing was so violent or otherwise disruptive that it created a serious risk of harm to the defendant or others at the hearing or so disrupted the proceedings that they could not be conducted in a proper manner, as a result of which the court ordered the defendant restrained.

OR

- the defendant was present at the hearing and the defendant's conduct at the hearing was so violent or otherwise disruptive that it created a serious risk of harm to the defendant or others at the hearing or so disrupted the proceedings that they could not be conducted in a proper manner, as a result of which the court ordered the defendant restrained, and restraint being insufficient for the proceedings to be conducted in a proper manner, the defendant was excluded from the proceedings to the extent stated below that was necessary to the proper conduct of the proceedings. The extent of and basis for the defendant's exclusion are as follows:

OR

- the defendant waived being present at the hearing in writing under Tenn. Code Ann. §33-3-612(b) and was not present.
2. the defendant/counsel for the defendant has consented to the testimony of _____ being given by affidavit or deposition, and such testimony was given.

OR

- the defendant did not consent to the testimony of _____ being given by affidavit or deposition, and such testimony was not given.

Based on the evidence presented at the hearing, the court concludes that there is not probable cause to believe that: *[Mark one or both.]*

- (1) ___ the defendant is subject to care and treatment under Tenn. Code Ann. §33-6-502;
- (2) ___ if involuntary treatment is not continued the defendant's condition resulting from mental illness or serious emotional disturbance is likely to deteriorate rapidly to the point that the defendant would be again admissible under Tenn. Code Ann. §33-6-403.

The court bases its conclusions on the following findings of fact: *[Enter facts as to 1 and 2 above.]*

[ALTERNATIVE TO THE PRECEDING PARAGRAPH]

The Court finds as a fact that: the defendant has consented in writing to waive the probable cause hearing and defendant's counsel has waived the probable cause hearing under Tenn. Code Ann. §33-6-420.

The defendant has consented to the testimony of _____ being given by affidavit or deposition, and such testimony was so given.

Based on the certificates and other evidence filed with the court, the court concludes that there is not probable cause to believe that: [*Check one or both*]

- (1) ___ the defendant is subject to care and treatment under Tenn. Code Ann. §33-6-502;
- (2) ___ if involuntary treatment is not continued the defendant's condition resulting from mental illness or serious emotional disturbance is likely to deteriorate rapidly to the point that the defendant would be again admissible under Tenn. Code Ann. §33-6-403.

The Court bases its conclusions on the following findings of fact: [*Enter facts that support the conclusions.*]

The Court finds as a fact that the defendant

___ is indigent.

___ is not indigent.

Therefore, it is ORDERED:

1. The defendant is released from custody under Tenn. Code Ann. §33-6-423.
2. These proceedings are dismissed.
3. *If the defendant is indigent:* Attorney's fees of \$_____ are assessed for the defendant's attorney and shall be paid under Tenn. Code Ann. §33-3-503.

4. Costs are assessed as follows:

Enter this ____ day of _____, _____

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SIGNATURE		JUDGE	
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NAME of ATTORNEY for PLAINTIFF		SIGNATURE	
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ADDRESS		NAME of ATTORNEY for DEFENDANT	
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