

IN THE GENERAL SESSIONS COURT OF _____ COUNTY, TENNESSEE

_____)	
Plaintiff)	
)	
vs)	No: _____
)	
_____)	
Defendant, aliases)	
D.O.B. _____)	
Gender _____)	

**ORDER FOLLOWING PROBABLE CAUSE HEARING DIRECTING THAT
DEFENDANT BE HELD PENDING HEARING FOR INVOLUNTARY COMMITMENT
UNDER TITLE 33, CHAPTER 6, PART 5, TENN. CODE ANNOTATED
REPORTABLE UNDER TENNESSEE 2009 PUBLIC CHAPTER 578**

_____ This matter was heard on _____, _____, based on the certificates of need executed by _____ and _____ under Tenn. Code Ann. §33-6-421, which allege that:

1. The defendant has 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:
[Check and complete as appropriate]

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 T.C.A. §33-3-612(b) and defendant was not present at the hearing.

2. _____The defendant/counsel for the defendant consented to the testimony of Dr. _____ being given by affidavit or deposition, and such testimony was given.

OR

_____The defendant/counsel for the defendant did **not** consent to the testimony of Dr. _____ being given by affidavit or deposition and Dr. _____ testified at the hearing.

(If the plaintiff proposes to commit the defendant to a state mental health institute)

The court finds that the department of mental health and developmental disabilities has designated _____, a licensed state facility, as having available suitable accommodations.

(If the plaintiff proposes to commit the defendant to a licensed public hospital or treatment resource other than a state facility)

The court finds that the _____, a licensed public hospital or treatment resource other than a state facility, has available suitable accommodations.

(If the plaintiff proposes to commit the defendant to a licensed private or local public hospital or treatment resource, which has contracted with the department of mental health and developmental disabilities to serve such defendants)

The court finds that the _____, a licensed private or local public hospital or treatment resource, has contracted with the department of mental health and developmental disabilities to serve such defendants in the region and has available suitable accommodations.

(If the plaintiff proposes to commit the defendant to a licensed private hospital or treatment Resource)

The court finds that:

[Check one]

1. _____ A parent, legal guardian, legal custodian, conservator, spouse, or an adult relative of the defendant, or any other person has made arrangements to pay the cost of care and treatment in _____, a licensed private hospital or treatment resource,

OR

_____ Such a facility chooses to accept the defendant despite the fact that no third person has made arrangements to pay the cost.

Based on the evidence presented at the hearing, the court concludes that there is probable cause to believe that the defendant is subject to care and treatment under Tenn. Code Ann. §33-6-502 and that, 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 to support conclusions.]*

[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, and the defendant / counsel for the defendant has consented to the testimony of Dr. _____ being given by affidavit or deposition, and such testimony was so given. Based on the certificates of need and other evidence filed with the court, the court concludes that there is probable cause to believe that the defendant is subject to care and treatment under Tenn. Code Ann. §33-6-502 and that, if involuntary treatment is not continued, the defendant's condition resulting from mental illness 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 to support the conclusions.]*

The court finds as a fact that the defendant:

[Check one]

- Is indigent.
- Is not indigent.

Therefore it is ORDERED:

1. The defendant is to be held for care and treatment at _____
(name of hospital or treatment resource)
pending a hearing under Title 33, Chapter 6, Part 5, Tenn. Code Ann.

2. The defendant shall be released no later than _____, _____, (15 days from the date of this hearing) unless the probable cause hearing was postponed under Tenn. Code Ann. §§33-3-606 or 33-3-612, or a complaint is filed under Title 33, Chapter 6, Part 5, Tenn. Code Ann. within 15 days of this hearing.

3. The defendant is hereby prohibited from purchasing a firearm under T.C.A. §39-17-1316(a)(1);

4. The defendant is hereby prohibited from obtaining a handgun carry permit pursuant to T.C.A. §39-17-1351(b);

5. The defendant's current handgun carry permit, if any, is to be suspended or revoked pursuant to T.C.A. §39-17-1352(a)(10);

6. The court clerk shall report information from this proceeding and court order as required by T.C.A. §16-15-303(g).

7. *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.

8. *If the defendant is not indigent:* Costs are assessed as follows: _____

Enter this _____ day of _____

JUDGE, _____ County General Sessions Court

Approved for entry:

ATTORNEY FOR PLAINTIFF, BPR #
Address
Phone Number

ATTORNEY FOR DEFENDANT, BPR #
Address
Phone Number