

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

_____)
Plaintiff)
vs)
Defendant, aliases)

No. _____

DOB: _____
GENDER: _____

ORDER DIRECTING THAT DEFENDANT BE INVOLUNTARILY COMMITTED UNDER TENNESSEE CODE ANNOTATED TITLE 33, CHAPTER 6, PART 5 REPORTABLE UNDER TENNESSEE 2009 PUBLIC CHAPTER 578

This matter was heard on _____, _____, based on the sworn complaint of plaintiff, under Tenn. Code Ann. §33-6-502, which alleges:

- 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 requests that the defendant be judicially committed to involuntary care and treatment in a hospital or treatment resource under Title 33, Chapter 6, Part 5, Tenn. Code Ann.

At the hearing _____ testified,

and the defendant had all rights afforded a defendant under Title 33, Chapter 6, Part 5, Tenn. Code Ann.

As a result of the hearing, the court concludes:

- 1. The two certificates required by Tenn. Code Ann. §33-6-503 have been filed with the court showing the need for involuntary care and treatment, and
2. The court finds on the basis of clear, unequivocal and convincing evidence that the defendant is subject to involuntary care and treatment under Title 33, Chapter 6, Part 5, Tenn. Code Ann.

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

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 Tenn. Code Ann. §33-3-612 (b) and was not present.

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.

If the plaintiff proposes to commit the defendant to a state mental health institute: The court finds that _____, an RMHI shall admit the plaintiff upon the availability of suitable available 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 _____, a licensed public hospital or treatment resource other than a state facility, shall admit the plaintiff upon the availability of suitable available 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 _____, 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 shall admit the plaintiff upon the availability of suitable available 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. 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

- B. such facility chooses to accept the defendant despite the fact that no third person has made arrangements to pay the cost.

The court finds as a fact that the defendant:

[check one]

_____ is indigent

_____ is not indigent

Therefore it is ORDERED that:

1. The defendant is committed for care and treatment to _____ hospital or treatment resource upon the availability of suitable accommodations.
2. If the defendant is not in the facility at the time this order is entered, _____ shall immediately transport the defendant to the facility as soon as said facility has available suitable accommodations.
3. The facility shall admit the defendant upon the availability of available suitable accommodations and give notice of the commitment as required by law.
4. The defendant is hereby prohibited from purchasing a firearm under T.C.A. §39-17-1316(a)(1);
5. The defendant is hereby prohibited from obtaining a handgun carry permit pursuant to T.C.A. §39-17-1351(b);
6. 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);
7. The court clerk shall report information from this proceeding and court order as required by T.C.A. §§16-10-213 or 16-11-206.
8. *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.
9. Costs are assessed as follows:

Enter this ____ day of _____, _____

JUDGE

SIGNATURE

SIGNATURE

NAME of ATTORNEY for PLAINTIFF

NAME of ATTORNEY for DEFENDANT

ADDRESS

ADDRESS

PHONE NUMBER

BPR NUMBER

PHONE NUMBER

BPR NUMBER