

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, TENNESSEE

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\_\_\_\_\_) )  
Plaintiff ) )  
vs ) ) No. \_\_\_\_\_  
\_\_\_\_\_) )  
Defendant ) )

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**ORDER DISMISSING COMPLAINT FOR  
INVOLUNTARY COMMITMENT UNDER  
TITLE 33, CHAPTER 6, PART 5, TENN. CODE ANN.**

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This matter was heard on \_\_\_\_\_, \_\_\_\_\_, based on the plaintiff's sworn complaint under Title 33, Chapter 6, Part 5, Tenn. Code Ann., 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) (have not) been filed with the court showing the need for involuntary care and treatment.
2. The court finds that the plaintiff (has) (has not) shown 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.]*

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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.
2.  the defendant/counsel for the defendant did not consent to the testimony of \_\_\_\_\_ being given by affidavit or deposition, and such testimony was not so given.

OR

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

The court finds as a fact that the defendant:

[Check one]

\_\_\_ is indigent.

\_\_\_ is not indigent.

Therefore it is ORDERED:

1. The proceedings are dismissed.
2. If the defendant is being held involuntarily under the provisions of Title 33, Tenn. Code Ann., the chief officer of \_\_\_\_\_ shall immediately release the defendant.
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 \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
JUDGE

Approved for Entry:

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME of ATTORNEY for PLAINTIFF

\_\_\_\_\_  
NAME of ATTORNEY for DEFENDANT

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
PHONE NUMBER | \_\_\_\_\_  
BPR NUMBER

\_\_\_\_\_  
PHONE NUMBER | \_\_\_\_\_  
BPR NUMBER