IN THE _____ COURT OF _____ COUNTY, TENNESSEE

STATE OF TENNESSEE	)	
	)	
v.	)	No. _____
	)	
_____	)	Charge(s): _____
	)	

ORDER DIRECTING FORENSIC EVALUATION BY THE MENTAL HEALTH INSTITUTE UNDER T.C.A. SECTION 33-7-301(a)

This cause was heard on _____ before the Honorable _____, Judge of Division _____, of the _____ Court of _____ County, upon the petition of _____, and based upon the recommendation of _____ (name of community mental health agency) under T.C.A. Section 33-7-301(a) that the defendant be referred to the _____ Mental Health Institute for a maximum of thirty (30) days for the following forensic evaluation(s):

(Check one or both)

_____ Competency to Stand Trial: Whether the defendant has the ability to cooperate with one's attorney in one's own defense; has an awareness and understanding of the nature and object of the proceedings; and has an understanding of the consequences of the proceedings.

_____ Mental Condition at the Time of the Crime (Insanity Defense): Whether, at the time of the commission of the act (s) constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature or wrongfulness of such act(s). The term "mental disease or defect" does not include any abnormality manifested only by repeated criminal or otherwise antisocial conduct.

Therefore, it is ORDERED:

1. That the Mental Health Institute designated by the Commissioner of the Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS) perform the evaluations indicated above and report its findings to this court.

2. That the Court Clerk provide the designated Mental Health Institute with a copy of this order.

3. That the sheriff or other transportation agent shall determine that the receiving Mental Health Institute has available suitable accommodations before transporting the Defendant. Once the sheriff or transportation agent determines that the receiving facility has available suitable accommodations he/she shall transport the defendant to the Mental Health Institute for the evaluation and return the defendant to jail when notification is received from the Mental Health Institute.

4. That the district attorney general, defense attorney and sheriff provide pertinent information to the mental health institute for the above-indicated evaluations.

5. That the defendant pay all or part of the costs and expenses for the evaluations and treatment, if the court finds the defendant financially able to pay.

SAMPLE

Entered this _____ day of _____, 20___

_____
Judge

Approved for Entry:

_____
Defense Attorney
Address
Phone number

_____
District Attorney General
Address
Phone number

SAMPLE