IN THE _____COURT OF _____ COUNTY, TENNESSEE

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

ORDER DIRECTING JUDICIAL HOSPITALIZATION OF DEFENDANT AT A REGIONAL MENTAL HEALTH INSTITUTE UNDER T.C.A. § 33-7-301(b) and TITLE 33, CHAPTER 6, PART 5

This cause was heard on _____ before the Honorable _____, Judge of Division _____, of the _____ Court of _____ County, upon the petition of _____requesting that the defendant be judicially hospitalized under T.C.A. Section 33-7-301(b), and Title 33, Chapter 6, Part 5, Tennessee Code Annotated. The petition is based upon the findings of this Court and certifications of the evaluating professionals that the defendant is:

(Check one)

_____ 1. Incompetent to stand trial because of mental illness AND the defendant meets commitment criteria under Title 33, Chapter 6, Part 5, or

_____ 2. **Competent to stand trial but defendant meets commitment criteria under Title 33, Chapter 6, Part 5, and failure to hospitalize would create a likelihood to cause the defendant serious harm by reason of mental illness.**

At the hearing, it appeared to the satisfaction of the Court that the defendant was examined by _____ and _____, who are certifying professionals under T.C.A. Section 33-6-503, and who executed certificates which state that, in their opinion, the defendant is mentally ill and, because of this illness, poses a substantial likelihood of serious harm and is in need of care and treatment in a mental hospital; that the certificates were issued within three (3) days of the examinations by the certifying professionals; that the certificates were introduced; and that at least one (1) of the certifying professionals testified on his or her findings at the hearing, or that defense counsel consented to the testimony of a certifying professional being given by affidavit or deposition pursuant to T.C.A. § 33-3-615.

As a result of the hearing, the Court finds by clear, unequivocal and convincing evidence that the defendant is mentally ill and, because of this illness, poses a substantial likelihood of serious harm, and that all available less drastic alternatives to commitment to a mental hospital are unsuitable. The determination of substantial likelihood of serious harm is based upon the following standards:

1.
   - A. A person has threatened or attempted suicide or to inflict serious bodily harm on himself, OR
   - B. The person has threatened or attempted homicide or other violent behavior, OR
   - C. The person has placed others in reasonable fear of violent behavior and serious physical harm to them OR
   - D. The person is unable to avoid severe impairment or injury from specific risks, AND

2. There is a substantial likelihood that such harm will occur unless the person is placed under involuntary treatment.

SAMPLE

Therefore, it is ORDERED:

1. The defendant is committed to the custody of the Commissioner of Mental Health and Substance Abuse Services at _____ Mental Health Institute for treatment and evaluation, upon the availability of suitable accommodations.

2. The Mental Health Institute shall report to this Court every six (6) months the condition of the defendant and progress toward competency to stand trial. This reporting requirement shall end when either: (a) the defendant becomes competent to stand trial, or (b) the defendant remains incompetent to stand trial but no longer meets commitment criteria under Chapter 6, Part 5, and is discharged from the Mental Health Institute, or (c) charges have been dismissed against defendant.

3. The Court Clerk shall provide a copy of this order to the Mental Health Institute and shall update the Mental Health Institute as to the current bond status of defendant and any changes to the defendant's bond status.

4. The Sheriff, after verifying that the Mental Health Institute has available, suitable accommodations and arranging an appointment for admission, shall transport defendant to the Mental Health Institute and return the defendant to jail when notice is received from the Institute, unless defendant has been released on bond and not required to return to jail.

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.

Enter this _____ day of _____, 20___.

_____
Judge

Approved for Entry:

_____
Defense Attorney
Address
Phone Number

_____
District Attorney General
Address
Phone Number

SAMPLE