

SAMPLE -301(a)(4) ORDER

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

STATE OF TENNESSEE

v.

No. \_\_\_\_\_

Charge(s): \_\_\_\_\_

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**ORDER DIRECTING POST CONVICTION EVALUATION  
OF COMPETENCY TO PROCEED UNDER T.C.A. SECTION 33-7-301(a) (4)**

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This cause was heard on \_\_\_\_\_ before the Honorable \_\_\_\_\_, Judge of Division \_\_\_\_\_, of the \_\_\_\_\_ Court of \_\_\_\_\_ County. Upon the court's own motion it is ordered that the service recipient be referred to \_\_\_\_\_ (Community Mental Health Center) for an evaluation of competency to participate in post conviction process and proceedings under T.C.A. § 33-7-301(a)(4).

Therefore, it is ORDERED:

1. That the Community Mental Health Center 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 evaluator with a copy of this order.
3. That the outpatient evaluator coordinates a time for interviewing the service recipient with the Department of Corrections.
4. That if an inpatient evaluation is requested by the court, the Department of Corrections will arrange an appointment for admission with the Forensic Services Program at Middle Tennessee Mental Health Institute. The Department of Corrections will transport the service recipient to FSP for the evaluation and return the service recipient to the Department of Corrections when notification is received from the institute.
5. That the designated evaluator will provide a copy of the completed evaluation to this court.
6. That if the service recipient requires an inpatient evaluation he/she will be admitted subject to suitable, available accommodations.
7. That the defendant pay all or part of the costs and expenses for the evaluation and treatment, if the court finds that the defendant is financially able to pay.
8. If the defendant is charged with a misdemeanor, the cost of the evaluation and treatment under Chapter 7, Part 3 of this title will be a charge upon the funds of the county pursuant to T.C.A. § 33-7-304(a).

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Judge