**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**THE STATE OF TEXAS**  **§** **IN THE \_\_\_\_\_\_\_\_\_ COURT OF**

**§**

**V.** **§**

**§**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** **§** **\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS**

**ORDER FOR TEMPORARY COMMITMENT**

On the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 202\_\_, came on to be heard, pursuant to Chapter 46B of the Code of Criminal Procedure and §574.034 of the Health and Safety Code the above numbered and styled cause for a determination of whether the Defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, is presently incompetent to stand trial, mentally ill, and meets the criteria for court-ordered temporary inpatient mental health services.

The Defendant appeared through their attorney, \_\_\_\_\_\_\_\_\_\_\_\_, and the State appeared through her Assistant County/District Attorney, \_\_\_\_\_\_\_\_\_\_\_\_\_\_. Defendant’s personal appearance and right to a jury and jury finding was waived by the Defendant’s attorney after review by counsel and/or consultation with the Defendant.

Both sides announced ready, and there being a competency evaluation on file with the Court from **Dr.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Ph.D.,** a competent and qualified mental health professional, two Physician’s Certificates of Medical Examination for Mental Illness on file with the Court from **Dr.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, D.O.** and **Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, M.D.,** both of whom practice psychiatric medicine for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Both parties’ counsel agreed and stipulated to the opinions and conclusions stated in the Competency Evaluation of Dr.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Ph.D. dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the Certificate of Medical Examination for Mental Illness of Dr.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, D.O. dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the Certificate of Medical Examination for Mental Illness of Dr.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, M.D. dated\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Court admitted into evidence Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_’s Competency Evaluation (Sealed Exhibit A contained in the Court’s file) stating that the Defendant is at this time incompetent to stand trial. Additionally, the Court admitted into evidence Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s Certificate of Medical Examination for Mental Illness (Sealed Exhibit B contained in the Court’s file), Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_’s Certificate of Medical Examination for Mental Illness (Sealed Exhibit C contained in the Court’s file).

I.

After having considered the evidence presented, including the competency evaluation and two certificates of medical examination for mental illness, the Court finds that the Defendant is incompetent to stand trial.

II.

Further, in accordance with the Texas Code of Criminal Procedure, Article 46B.102 and the Texas Health & Safety Code §574.034 upon the submission and consideration of the requisite physician’s report and certificate, the Court finds by clear and convincing evidence that:

1. The Defendant is a person with mental illness;
2. As a result of that mental illness, the Defendant:
3. Is likely to cause serious harm to themselves;
4. Is likely to cause serious harm to others; or
5. Is:
6. Suffering severe and abnormal mental, emotional, or physical distress;

ii. experiencing substantial mental or physical deterioration of their ability to function independently, which is exhibited by the proposed patient’s inability, except for reasons of indigence, to provide for their basic needs, including food, clothing, health, or safety and

iii. unable to make a rational and informed decision as to whether or not to submit to treatment.

1. The Defendant’s condition is expected to continue for more than 90 days.

III.

It is further found by clear and convincing evidence that the Defendant is charged with the felony offense of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and they are incarcerated in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

IV.

Pursuant to these findings shown by clear and convincing evidence, it is hereby ORDERED, ADJUDGED AND DECREED that the Defendant be transported to the custody of the TEXAS HEALTH AND HUMAN SERVICES COMMISSION, STATE HOSPITAL SECTION, for a period of time:

\* not to exceed 45 days

\* not to exceed 90 days, the Court having found that the longer period is necessary.

V.

It is further ORDERED, ADJUDGED AND DECREED that the DIRECTOR OF THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION, or their designee, place the Defendant in a facility of the State Hospital Section in order that they may receive proper mental health services determined by the DIRECTOR OF THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION, STATE HOSPITAL SECTION, or their designee.

AGREED AS TO FORM AND CONTENT:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assistant County/District Attorney Attorney for Defendant

Print: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Print:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

State Bar No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State Bar No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed this \_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CRIMINAL COURT MAGISTRATE