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| Attorney Name |  |  |
| NJ Attorney ID Number |  |  |
| Address |  |  |
|  |  |  |
| Telephone Number |  |  |
| Attorney for  | State of New Jersey/Defendant |  |
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|  | **Superior Court of New Jersey**  |
|  | **Law Division – Criminal Part** |
| **State of New Jersey** | **- Select County -**  |  **County**  |
| Plaintiff, | **Indictment Number:** |   |
| v. |  | **Criminal Action**Order Mandating the Periodic Review of Defendant’s Fitness to Proceed to Trial and Dangerousness to Self, Others or Property as a Result of Mental Illness |
|   |
| Defendant. |

**THIS COURT** having found that the defendant has not regained his/her fitness to proceed to trial within the past three (3) months and that the defendant continues to be dangerous to self, others or property as a result of mental illness, it is hereby ordered pursuant to *N.J.S.A.* 2C:4-6c that the charges shall be held in abeyance and that the defendant remain committed to the custody of the Commissioner of the Department of Health to be confined in an appropriate institution where the defendant shall undergo an examination of and treatment for, when professionally determined to be clinically appropriate, defendant’s psychiatric condition; and

It is on this day of - Select Month -, 20 **ORDERED** that:

1. The defendant’s commitment to the custody of the Commissioner of the Department of Health is continued.
2. If it is determined that defendant has become fit to stand trial, the professional staff who made this determination shall notify this court and counsel identified below and provide each with an evaluation of defendant’s fitness to proceed to trial including an evaluation whether or not the defendant continues to be dangerous to self, others or property as a result of mental illness; and
3. If at any time within the six (6) month period of hospitalization mandated by this order the professional staff should determine that the defendant is no longer dangerous to self, other or property as a result of mental illness, they shall notify this court and counsel immediately and provide each with a psychiatric evaluation and a proposed transfer date; and
4. If the defendant has not regained his fitness to stand trial and remains dangerous to self, others or property as a result of mental illness within six (6) months after confinement pursuant to the terms of this Order, the professional staff shall notify the court and counsel and provide each with an evaluation of the defendant’s lack of fitness to proceed to trial, whether it is substantially probable that the defendant could regain his competence within the foreseeable future and whether defendant remains dangerous to self, others or property as a result of mental illness; and
5. Pursuant to *N.J.S.A.* 2C:4-4(b) the qualified psychiatrist or licensed psychologist shall render an opinion as to whether the defendant has the mental capacity to appreciate their presence in relation to time, place and things and whether the defendant’s elementary mental processes are such that they comprehend:
6. That he/she is in a court of justice charged with a criminal offense;
7. That there is a judge on the bench;
8. That there is a prosecutor present who will try to convict him/her;
9. That he/she has a lawyer who will undertake to defend him/her;
10. That he/she will be expected to tell to the best of his/her mental ability the facts surrounding him/her at the time and place where the alleged violation was committed if he/she chooses to testify and understand his/her legal right not to testify;
11. That there is a jury present to pass upon evidence that adduced as to guilt or innocence of such charge or, that if he/she should choose to enter into plea negotiations or to plead guilty, that he/she comprehends the consequences of a guilty plea and that he/she be able to knowingly, intelligently, and voluntarily waive those rights which are waived upon such entry of a guilty plea; and
12. That he/she has the ability to participate in an adequate presentation of his/her defense.
13. The defendant shall not be administratively discharged by the institution without further order of this court; and
14. The defendant may be discharged to the appropriate jail or transferred upon written notification to this court and counsel by Department of Health’s staff.
15. [Any additional conditions as ordered by the court]
16. The next court date in this matter shall be with a report to be provided no later than days prior to the hearing.

**A copy of this order will be forwarded to the County Adjuster’s Office by the Court within two (2) days of its signing.**

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| Date |  |   Judge |
| **Prosecutor’s Office:** | **Defendant’s Attorney:** |
| Name |  | Name |  |
| Address |  | Address |  |
|  |  |  |  |
| Telephone Number |  | Telephone Number |  |
| Fax |  | Fax |  |
| Email |  | Email |  |

Interpreter needed? [ ]  Yes [ ]  No If yes, language

ADA accommodation needed? [ ]  Yes [ ]  No If yes, describe