

**ORDER FOR TREATMENT OF INCOMPETENT DEFENDANT**

Case No. ....

Commonwealth of Virginia VA. CODE §§ 19.2-169.2, 19.2-169.3

.....  
COURT NAME AND ADDRESS

Commonwealth of Virginia v. ....

The Court having found, pursuant to Virginia Code § 19.2-169.1(E), that the defendant is incompetent to stand trial, and based on the attached report or other evidence, that the defendant can be treated to restore his or her competency, the Court therefore ORDERS that the defendant be treated in an effort to restore the defendant to competency

on an outpatient basis in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority

specifically, .....  
NAME OF OUTPATIENT THERAPIST OR FACILITY

on an inpatient basis in a hospital, by qualified staff at a hospital to be designated by the Commissioner of Behavioral Health and Developmental Services or his or her designee. Pursuant to Virginia Code § 19.2-169.2, the defendant shall be transferred to and accepted by the hospital designated by the Commissioner as soon as practicable, but no later than 10 days, from the receipt of this Order.

Any psychiatric records and other information that have been deemed relevant and were submitted by the defendant's attorney to the evaluator pursuant to Virginia Code § 19.2-169.1(C) and any reports submitted pursuant to § 19.2-169.1(D) shall be made available to the director of the community services board or behavioral health authority or his designee, or to the director of the treating inpatient facility or his designee, within 96 hours of the issuance of this order.

If, at any time after treatment commences, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee believes the defendant's competency is restored, the director or his designee shall immediately send a report to the court concerning (1) the defendant's capacity to understand the proceedings against him and (2) the defendant's ability to assist his attorney.

If, at any time after treatment commences, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee concludes that the defendant is likely to remain incompetent for the foreseeable future, or if the initial evaluator has found that the defendant has an ongoing and irreversible medical condition causing him to likely remain incompetent for the foreseeable future or that the defendant has been found to be unrestorably incompetent in the past two years, he shall send a report to the court so stating and indicating whether, in the opinion of the director of the board, authority, or inpatient facility or his designee or the evaluator, the defendant should be (1) released from state custody; (2) committed pursuant to Virginia Code § 37.2-814 et seq.; or (3) certified pursuant to § 37.2-806 in the event he is found to be unrestorably incompetent.

*Defendant charged with a misdemeanor crime enumerated in Virginia Code § 19.2-169.3(C).* If the defendant has not been restored to competency after forty-five (45) days from the date of commencement of treatment, the director of the community services board or behavioral health authority, or the director of the treating inpatient facility, or any of their designees, shall send a report indicating the defendant's status to the court. The report shall also indicate whether the defendant should be released or committed pursuant to § 37.2-817 or § 37.2-817.01 or certified pursuant to § 37.2-806.

If the defendant has not been restored to competency by six (6) months from the date of the commencement of treatment, the board, authority, or inpatient facility director or his designee shall send a report to the court so stating and indicating whether, in the director's opinion, the defendant remains restorable to competency or whether the defendant should be (1) released from state custody; (2) committed pursuant to Virginia Code § 37.2-814 et seq.; or (3) certified pursuant to Virginia Code § 37.2-806 in the event he is found to be unrestorably incompetent.

A review hearing will be held on ..... at ..... m.  
DATE TIME

.....  
DATE

.....  
JUDGE

**WARNING TO DEFENDANT: PURSUANT TO § 18.2-308.1:3, YOU SHALL NOT PURCHASE, POSSESS, OR TRANSPORT A FIREARM UNLESS AND UNTIL YOU ARE RELEASED FROM TREATMENT AND OBTAIN A COURT ORDER RESTORING YOUR RIGHT TO DO SO.**