Temporary Custody Order

Virginia:
In the General District Court or Circuit Court of _____

Commonwealth of Virginia vs _____ Case No.: _____

NOT GUILTY BYREASON OF INSANITY· INITIAL FINDING AND ORDER FOR EVALUATION

The Defendant having been found not guilty by reason of insanity of the charge(s) of _____ _____ it is hereby ORDERED AND ADJUDGED that:

1. The Acquittee, pursuant to Virginia Code Section 19.2-182.2, shall be placed in the temporary custody of the Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS) for evaluation, in accordance with the provisions of that section, as to whether the Acquittee may be released with or without conditions or requires commitment. The Court hereby authorizes/ does not authorize **(circle one)** that such evaluations may be conducted on an outpatient basis. If the court has authorized outpatient evaluation but the Commissioner determines that inpatient evaluation is warranted, this order shall suffice to allow the Commissioner the authority to admit the individual for inpatient care.
2. In the event that the court does not authorize outpatient evaluation, the Clerk of the Court is directed to contact the Chief Forensic Coordinator at Central State Hospital or his designee, for a designation of the appropriate facility, admission date and time. The Sheriff of _____ County, or his designee, shall transport the Acquittee to the designated facility on the agreed date and time, together with a copy of this Order and any other supporting legal and clinical documentation.
3. The evaluators' reports shall be sent to the Court on or before forty-five days after the Commissioner's assumption of custody. Copies of the reports shall be sent to the Acquittee's attorney, the attorney for the Commonwealth of the jurisdiction where the Acquittee was acquitted, and the community services board serving the locality where the Acquittee was acquitted.
4. This cause is scheduled for a hearing at _____ o'clock on the _____ day of 20_____ to determine whether the Acquittee shall be released with or without conditions or requires commitment. The Acquittee shall have the right to be present at the hearing, the right to the assistance of counsel in preparation for and during the hearing, and the right to introduce evidence and cross-examine witnesses at the hearing.
5. Copies of this order shall be sent to the Acquittee, the counsel for the Acquittee, the attorney for the Commonwealth of the jurisdiction where the Acquittee was acquitted, the community services board serving the locality where the acquittee was acquitted, and the Commissioner of DBHDS.
6. In the event the Acquittee's presence is required at any hearing in this cause, the Court shall issue an Order to Transport, directing the Sheriff of _____ County, or his designee, to resume custody of and transport the Acquittee back to the jurisdiction of this Court.

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7. This Court retains jurisdiction in this cause, and in the case where the acquittee has been admitted to a DBHDS facility he shall not be discharged or released from custody of the Commissioner without further Order of this Court.

ENTERED:_____

DATE

_____

SIGNATURE OF JUDGE

_____

NAME OF JUDGE

cc: Commonwealth's Attorney
Acquittee's Attorney
Community Services Board
Commissioner of DBHDS
Attn: Forensic Section
Division of Forensic Services
P.O. Box 1797
Richmond, VA 23218

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