

**IN THE SUPERIOR COURT OF BULLOCH COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA

v.

Case No.

_____,
Defendant.

ORDER ON CIVIL COMMITMENT

The above-captioned case came before the Court for a hearing on _____, 2024. Defendant was represented by counsel, _____.

INCOMPETENT TO STAND TRIAL:

On _____, 2024, this Court found the above-named Defendant to be Incompetent to Stand Trial. The Defendant was committed to the Georgia Department of Behavioral Health and Developmental Disabilities ("DBHDD") for treatment and assessment toward restoration of competence to stand trial in accordance with said Court Order and the provisions of O.C.G.A. §17-7-130.

INCOMPETENCE TO STAND TRIAL AND PROBABILITY OF RESTORATION:

On _____, 2024, the Court held a hearing on this matter. Dr. _____, a psychologist with DBHDD, had prepared a forensic evaluation based on her observations and interviews of the defendant. She reported, and testified during the hearing, that the defendant is incompetent to stand trial. Based upon her opportunities to interview and observe the defendant, she also concluded that there is not a substantial probability that the defendant can be restored to competence to stand trial in the foreseeable future. Dr. _____ opined in her/his report dated _____, 20__ that Defendant meets diagnostic criteria for Schizoaffective Disorder, Bipolar Type and that it is her opinion that his mental health symptoms are significantly interfering with his everyday functioning and the capacities necessary to stand trial. She further opined that his symptoms are currently at baseline and as such the deficits are unlikely to

improve significantly in the future; and therefore, it is unlikely that he will be restored to competency in the foreseeable future.

Dr. _____ explained that Defendant has been restored to competency in the past; however, every time he goes off his medication, he has to get new medications and different doses. She/He stated that Defendant has essentially maxed out of his medication options, meaning his current state is his new baseline. The State consented to her opinion subsequent to her cross-examination testimony.

CIVIL COMMITMENT:

After fully considering all oral and written evidence presented at the hearing, as well as the complete record in this case, the Court finds, by clear and convincing evidence, that the Defendant meets the criteria for involuntary civil commitment as defined in O.C.G.A. § 17-7-130(e).

INVOLUNTARY OUTPATIENT PLACEMENT:

Based upon the Court's review of the forensic competency evaluation, the testimony by Dr. _____ during the hearing, and the parties' consent to her opinion, the Court determines that the defendant meets the criteria for involuntary outpatient placement, in that he is a mentally ill person who, based on his current mental status, will (1) require outpatient treatment in order to avoid predictably and imminently becoming an inpatient, (2) is unable voluntarily to seek or comply with outpatient treatment, and (3) is in need of involuntary treatment.

Therefore, Defendant is ordered to involuntary outpatient treatment in a program that is the least restrictive alternative necessary and available for treatment of Defendant pursuant to O.C.G.A. 37-3-1 et seq., which includes the taking of all prescribed medications under supervision. Defendant is to remain hospitalized at Georgia Regional while her treatment team establishes a Forensic Monitored Discharge Plan ("Discharge Plan") to transition Defendant to a less-restrictive environment. DBHDD shall submit the Discharge Plan to the parties for review and to the Court for review and approval.

ANNUAL REVIEW:

This Civil Commitment (Involuntary Outpatient Placement) shall be reviewed by a department physician or licensed psychologist on an annual

basis, to determine whether the civilly committed accused continues to meet the criteria for civil commitment. The Court will review the Defendant's status upon receipt of an evaluation from DBHDD or within one year of this Order, whichever is sooner, to determine whether the Defendant continues to meet involuntary outpatient civil commitment criteria. This Court may continue to annually review the individual's status in accordance with O.C.G.A. §17-7-130(e)(2)(8)(iv) for a period not to exceed the maximum period for which the accused could have been sentenced on the most serious offense charged.

SO ORDERED, this _____ day of _____, 20____.

Hon.
Superior Court Judge, Bulloch County
Ogeechee Judicial Circuit

cc: Assistant District Attorney
Defense Counsel
DBHDD
Bulloch County Sheriff's Office
Clerk of County

