

**COMPETENCY TO STAND TRIAL
RESTORABLE FINDING
AND ORDER OF PLACEMENT**

JD-CR-7 Rev. 7-15

C.G.S. § 54-56d



INSTRUCTIONS

1. Prepare in triplicate if placement order is made.
2. Give original and copy to proper officer for service, file one copy.
3. If administration of medication is ordered, prepare form JD-CR-147.

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Name of Defendant	Date of Birth	Location of Defendant (If confined name institution, if not name attorney and home address)
Judicial District or Geographical Area	Address of Court	Docket Number

After a hearing, the court finds by a preponderance of the evidence that the defendant is not competent, that is, that the defendant is unable to understand the proceedings against the defendant or to assist in the defendant's own defense, and that there is a substantial probability that the defendant, if provided with a course of treatment, will regain competency within the period of any placement order permitted under section 54-56d of the Connecticut General Statutes, and orders placement of the defendant for the purpose of restoring the defendant to competency:

In the custody of the Commissioner of Mental Health and Addiction Services for treatment as an: Inpatient Outpatient
Except that, upon the determination by the Commissioner pursuant to section 17a-517 or 54-56d(p) of the Connecticut General Statutes (*Commissioner not required to place any defendant who presents a significant security, safety or medical risk in a hospital for psychiatric disabilities which does not have the trained staff, facilities or security to accommodate such a person as determined by the Commissioner in consultation with the Commissioner of Correction*) that the mental institution cannot accommodate the defendant, the defendant shall be delivered to the Commissioner of Correction.

In the custody of the Commissioner of Developmental Services for treatment as an: Inpatient Outpatient

In the custody of the Commissioner of Children and Families for treatment as an: Inpatient Outpatient

If the defendant or the appropriate Commissioner agrees to provide payment, as an: Inpatient Outpatient
with an appropriate mental health facility or treatment program which agrees to provide treatment to the defendant and to adhere to the requirements of section 54-56d of the Connecticut General Statutes.

[Not applicable to a person charged with (1) a class A felony, a class B felony, except a violation of section 53a-122 of the Connecticut General Statutes that does not involve the use, attempted use or threatened use of physical force against another person, or a violation of sections 14-227a, 53-21(a)(2), 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b of the Connecticut General Statutes; (2) a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another person; or (3) unless good cause is shown, a class C felony.]

In the custody of the Commissioner of Mental Health and Addiction Services at a treatment facility determined by the Commissioner pending civil commitment proceedings. The Commissioner is authorized to apply for civil commitment of the defendant. The defendant may agree to request voluntarily to be admitted to participate voluntarily in a treatment plan prepared by the Commissioner, provided that if the defendant agrees to participate, the defendant is ordered to comply with the treatment plan. If the application for civil commitment is denied or not pursued by the Commissioner, or if the defendant is unwilling or unable to comply with a treatment plan despite reasonable efforts of the treatment facility to encourage the defendant's compliance in a treatment plan, or if the defendant ceases to participate voluntarily, the person in charge of the treatment facility, or the person's designee, shall submit a written progress report to the court and the defendant shall be returned to court for a hearing pursuant to subsection (k) of section 54-56d of the Connecticut General Statutes. The written progress report shall include the status of any civil commitment proceedings concerning the defendant, the defendant's compliance with the treatment plan, an opinion regarding the defendant's current competency to stand trial, the clinical findings of the person submitting the report and the facts upon which the findings are based, and any other information concerning the defendant requested by the court, including, but not limited to, the method of treatment or the type, dosage and effect of any medication the defendant is receiving. The Court Support Services shall monitor the defendant's compliance with any applicable provisions of this order. If the defendant has complied with the treatment plan and any applicable provisions of this order, at the end of the period placement and monitoring, the court shall approve the entry of a nolle prosequi to the charges against the defendant or shall dismiss the charges.

A hearing to reconsider the issue of the defendant's competence shall be held within 90 days of the date of this order. Such hearing date shall be no later than

Hearing Date

By Order of the Court (Name of Judge)	Signed (Assistant Clerk)	Date signed
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TO: A State Marshal, or any proper officer and the Commissioner of Mental Health and Addiction Services, Commissioner of Developmental Services, Commissioner of Children and Families, Commissioner of Correction or person in charge of mental health facility or treatment program.

Placed with

Commissioner of Mental Health & Addiction Services

Commissioner of Children and Families

Commissioner of Developmental Services

Commissioner of Correction

Mental Health Facility or Treatment Program

Maximum Period of Placement (Select the lesser)

18 Months

Maximum Sentence for Offense Charged: _____ Months

BY AUTHORITY OF THE STATE OF CONNECTICUT, you are commanded to take and convey the defendant to the above Commissioner and/or the Commissioner's agent, or the Superintendent of the above placement facility and deliver the defendant to the above Commissioner or appropriate mental health facility or treatment program and the Commissioner or Superintendent is commanded to keep safely the defendant until the defendant is able to understand the proceedings against the defendant and to assist in the defendant's own defense but not to exceed the maximum period of placement indicated above, and the Commissioner or Superintendent is further commanded to issue to this court a verified progress report pursuant to section 54-56d(j) of the Connecticut General Statutes **at least 7 days prior to the hearing date indicated above** or at any time when the Commissioner or Superintendent believes that the defendant has attained competency or that there is no substantial probability that the defendant will attain competency during the maximum period of placement shown above or whenever, within the first 120 days of the period covered by the placement order, he or she believes that the defendant would be eligible for civil commitment pursuant to section 54-56d(h)(2) of the Connecticut General Statutes, or whenever the Commissioner or Superintendent believes that the defendant is still not competent but has improved sufficiently such that continued inpatient commitment is no longer the least restrictive placement appropriate and available to restore competency. Alternatively, pursuant to section 17a-517 or 54-56d (p) of the Connecticut General Statutes, if the Commissioner, in consultation with the Commissioner of Correction, determines that the defendant is not suitable for placement in a hospital for psychiatric disabilities, you are commanded to take and convey the defendant to the custody of the Commissioner of Correction.

By Order of the Court (Name of Judge)

Signed (Assistant Clerk)

Date signed

Return Of Service

Then and there, by virtue hereof, I took and conveyed the above-named defendant to the placement facility specified above and there delivered said defendant into the hands of the above Commissioner and/or said Commissioner's agent or the Superintendent of the placement facility or treatment program and left with the Commissioner or Superintendent this Mittimus.

Signed (State Marshal, Constable, State Police Officer)

Date signed