

**COMPETENCY TO STAND TRIAL
ADMINISTRATION OF MEDICATION ORDER**

JD-CR-147 Rev. 10-12

C.G.S. § 54-56d; June 12 Spec. Sess. PA 12-1, Sec. 142

Instructions

1. Prepare in triplicate if administration of medication is ordered
2. Give original and 1 copy to proper officer for services.
3. File one copy.



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 number	Address of Court	Docket number

- ☐ 1. [Cannot be checked until after first hearing held within 90 days of order.] After a hearing, the court finds that the defendant is still not competent and will not attain competency within the remainder of the period covered by the commitment order absent administration of psychiatric medication for which the defendant is unwilling or unable to provide consent.

To: Name and address of health care guardian (Licensed health care provider with specialized training in treatment of psychiatric disabilities)

You are appointed by the court as a health care guardian (1) to represent the health care interests of the defendant, and (2) to file a written report with the court setting forth your findings and recommendations concerning the administration of psychiatric medication to the defendant.

Notice To Health Care Guardian

A written report of your findings and recommendations concerning the administration of psychiatric medication to the defendant must be submitted to the court within thirty (30) days of the Date of Order shown below if number 2 is checked, and within one hundred twenty (120) days of the Date of Order shown below if number 3 is checked. The report shall include (1) the risks and benefits of the medication, (2) the likelihood and seriousness of any adverse side effects, (3) the defendant's prognosis with and without the medication and (4) the other information as you deem pertinent. Pursuant to section 54-56d of the general statutes, notwithstanding the provisions of section 52-164e of the general statutes, you shall have access to the psychiatric records of the defendant. You must sign the report, which will be introduced into evidence. You must be present to testify regarding your report at a hearing to be scheduled not later than (10) days from the date the report is received by the court.

Notice To Clerk

A hearing on the health care guardian's report shall be scheduled no later than 10 days from the date the report is received by the court. Upon receipt by the court of the report, immediately forward copies to the prosecuting authority and counsel for the defendant and give notice of the date of hearing. Notify the health care guardian when and where to appear.

Date of Order	By the court (Name of Judge)	Signed (Assistant Clerk)	Date signed
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- ☐ 2. [Cannot be checked unless there was a hearing on the health care guardian's report.] The court finds that the defendant will not attain competency within the remainder of the period covered by the placement order absent the administration of psychiatric medication for which the defendant is unwilling or unable to provide consent. After a hearing held pursuant to general statutes section 54-56d(k)(3), the court finds by clear and convincing evidence that (1) to a reasonable degree of medical certainty involuntary medication of the defendant will render the defendant competent to stand trial, (2) an adjudication of guilt or innocence cannot be had using less intrusive means, (3) the proposed treatment plan is narrowly tailored to minimize intrusion on the defendant's liberty and privacy interests, (4) the proposed drug regimen will not cause an unnecessary risk to the defendant's health, and (5) the seriousness of the alleged crime is such that the criminal law enforcement interest of the state in fairly and accurately determining the defendant's guilt or innocence overrides the defendant's interest in self-determination.

The court, therefore, orders the involuntary medication of the defendant in accordance with:

- ☐ the defendant's health care guardian's report.
☐ other (specify):

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

- ☐ 3. [Cannot be checked unless there was a hearing on the health care guardian's report.] The court finds that the defendant has attained competency by means of involuntary medication ordered pursuant to general statutes section 54-56d(k)(2) and that the defendant will not remain competent absent the continued administration of psychiatric medication for which the defendant is unable to provide consent. After a hearing held pursuant to section 54-56d(k)(4), the court finds by clear and convincing evidence that (1) to a reasonable degree of medical certainty, continued involuntary medication of the defendant will maintain the defendant's competency to stand trial, (2) an adjudication of guilt or innocence cannot be had using less intrusive means, (3) the proposed treatment plan is narrowly tailored to minimize intrusion on the defendant's liberty and privacy interests, (4) the proposed drug regimen will not cause an unnecessary risk to the defendant's health, and (5) the seriousness of the alleged crime is such that the criminal law enforcement interest of the state in fairly and accurately determining the defendant's guilt or innocence overrides the defendant's interest in self-determination.

The court, therefore, orders the continued involuntary medication of the defendant in accordance with:

- ☐ the defendant's health care guardian's report.
☐ other (specify):

A hearing to review the issue of the continued involuntary medication of the defendant shall be held within 180 days of the date of this order. Such hearing date shall be no later than

➡

Hearing date

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

Placement facility (*Name and address of mental health facility or treatment program to which the accused is committed*)

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

C.G.S. § 54-56d(j) AT LEAST 7 DAYS PRIOR TO THE HEARING DATE INDICATED ABOVE or at any time when such 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 C.G.S. § 54-56d(h)(2) or whenever he or she 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.

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 the defendant into the hands of the above Commissioner and/or the 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 of finding