

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

State of Oregon

Plaintiff

v.

Case No: _____

**ORDER TO ENGAGE IN
COMMUNITY-BASED
RESTORATION AND
TREATMENT SERVICES**

Defendant

(ORS 161.370)

☐ This matter came before the Court on _____ for a hearing concerning Defendant's fitness to proceed pursuant to ORS 161.370.

Defendant ☐ appeared (in person or remotely) / ☐ did not appear, represented by counsel (name/ bar number) _____.

The State appeared through (name/ bar number) _____.

Based on the Court's review and consideration of (*check all that apply*):

- ☐ a report from a local community mental health program (CMHP), dated _____
- ☐ a report of a certified evaluator, dated _____
- ☐ the Court's inquiry and observation of Defendant at the hearing
- ☐ statements from counsel
- ☐ witness testimony from State's witnesses
- ☐ witness testimony from Defendant's witnesses
- ☐ parties' stipulation that Defendant is unfit to proceed
- ☐ other information: _____

THE COURT FINDS:

1. Defendant lacks fitness to proceed.
2. Defendant is appropriate for community restoration.
3. The services and treatment necessary to allow Defendant to gain or regain fitness to proceed in the community are present and available.

ADDITIONAL FINDINGS

1. Defendant has the following additional conditions (*check any that apply, if known*):
 - ☐ intellectual disability
 - ☐ developmental disability
 - ☐ traumatic brain injury
 - ☐ dementia
2. If known, housing for Defendant will be available on the following date: _____.

THE COURT ORDERS:

1. Criminal proceedings against Defendant in this case are suspended until further order of the Court.
2. Based upon recommendations of the CMHP, Defendant is to be housed in the following setting while participating in community restoration services:
☐ secure residential treatment _____
☐ non-secure residential treatment _____
☐ supported housing _____
☐ other: _____

3. CMHP is to arrange the following treatment and services:
☐ mental health treatment: _____
☐ substance use disorder treatment: _____
☐ services: _____
4. Defendant is to engage in the recommended appropriate level of community-based restoration services and treatment as coordinated by the CMHP.
5. Defendant is to appear for forensic examinations by a certified evaluator to evaluate whether Defendant has regained fitness to proceed, as specified in additional conditions.
6. Additional conditions:
☐ are provided in a separate order
☐ are attached and incorporated into this order
☐ to be set by pre-trial release program
7. CMHP is ordered to coordinate Defendant's participation in any follow-up forensic evaluations to determine competency, including but not limited to transportation to evaluation site or access to and assistance with remote evaluations.
8. CMHP is to notify court of the date of referrals made for community placements.
9. CMHP is to update the court as to the status of Defendant's participation in services as follows:
☐ written reports filed with the court every _____
☐ at status hearings set by the court
10. **Release of Records to CMHP and Certified Forensic Evaluator:** Records disclosed under this Order cannot be used for any other pending or subsequent matter absent order of the Court, except pursuant to standard releases of information. The Court finds good cause for ordering providers, including corrections health services, with whom Defendant has received treatment services to release the following information upon request of the CMHP in the charging jurisdiction for purposes of a CMHP providing community restoration services or upon request of the certified forensic evaluator designated to evaluate whether Defendant has regained fitness to proceed:

☐ a. Information from Defendant's designated medical record requested by CMHP or designated certified forensic evaluator

☐ b. *(check if applicable)* **Substance Use Treatment Records:** To the extent any information or records described in section (4)(a) of this Order relates to a

substance use disorder diagnosis or treatment, as defined in 42 C.F.R. Part 2, ORS 430.399(6) and ORS 430.475(2), the court finds that: (i) disclosure is not for the purpose of criminal investigation and prosecution; (ii) the information or records shall be used solely for the purpose of evaluating Defendant's fitness to proceed; (iii) other ways of obtaining the information are not available or would not be effective; and (iv) the public interest in and need for disclosure outweigh the potential injury to Defendant's relationship with treatment providers. Any public body and private provider disclosing substance use treatment records pursuant to this Order is to disclose the minimally necessary records and information that are essential to fulfill the objectives of this Order.

- ☐ 11. *(If Defendant is committed to OSH)* Defendant's commitment to OSH will be terminated upon discharge and transport from OSH; transportation from OSH to be provided as follows upon notice from OSH that Defendant is ready for discharge:
- ☐ sheriff's office in _____ County to return Defendant to custody
 - ☐ CMHP in _____ County to transport Defendant to placement for community restoration as provided in conditions of release
 - ☐ other: _____

NOTICE OF FIREARMS PROHIBITION

The court has found that Defendant is not currently able to move forward with their criminal case due to a qualifying mental disorder. As a result, federal law prohibits Defendant from having or buying firearms (guns or ammunition). The Oregon Judicial Department reports the prohibition on Defendant from buying firearms and ammunition to the Oregon State Police.

☐ Future hearing(s) on this care are set for *(date/time/location)*: _____

☐ Prepared by the Court	☐ Submitted by attorney for: ☐ Defendant ☐ State Signature Printed Name OSB #
--	--

Judge Signature:
