

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

State of Oregon

Plaintiff

v.

Case No: \_\_\_\_\_

**ORDER FINDING SERVICES  
AND TREATMENT NECESSARY  
FOR DEFENDANT TO GAIN  
FITNESS TO PROCEED ARE  
NOT PRESENT AND  
AVAILABLE IN THE  
COMMUNITY**

Defendant

(ORS 161.370(2)(d))

☐ 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, as defined by ORS 161.360(2).
2. In consideration of the primary and secondary release criteria (ORS 135.230), the least restrictive option appropriate for the defendant, and the needs of the defendant and the interests of justice, the appropriate action for this defendant is community restoration. However, the services and treatment necessary to allow Defendant to gain fitness to proceed are not present and available in the community.
3. The following services and treatment are necessary to allow Defendant to gain fitness to proceed through community restoration:

**THE COURT ORDERS (*check all that apply*):**

1. Criminal proceedings against Defendant in this case are suspended
  - ☐ until further order of the Court
  - ☐ pending commencement of civil commitment proceedings
  - ☐ pending commencement of protective proceedings
2. Defendant is to be
  - ☐ held in custody while treatment services are pending; a review hearing will be held within 7 days of this Order (**Odyssey Code: ORUCS**)
  - ☐ released from custody pending a review hearing on \_\_\_\_\_ (date) and subject to conditions of release that are: (**Odyssey Code: ORUOS**)
    - ☐ provided in a separate order
    - ☐ attached and incorporated into this Order
    - ☐ to be set by the pre-trial release program
  - ☐ continued in current release status pending a review hearing on \_\_\_\_\_ (date) and subject to conditions of release that are (**Odyssey Code: ORUOS**)
    - ☐ provided in a separate order
    - ☐ attached and incorporated into this Order
    - ☐ to be set by the pre-trial release program
- ☐ 3. The \_\_\_\_\_ County CMHP Director, or designee, is to coordinate and consult with resources, facilities, programs, providers, and agencies about appropriate actions and review available treatment and services to allow Defendant to participate in community restoration.
- ☐ 4. The charges will be dismissed in a separate judgment.

### 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 case are set for *(date/time/location)*:

<input type="checkbox"/> Prepared by the Court	<input type="checkbox"/> Submitted by attorney for: <input type="checkbox"/> Defendant <input type="checkbox"/> State
	_____ Printed Name
	_____ Signature
	_____ OSB #

*Judge Signature:*

\_\_\_\_\_