**SUPERIOR COURT OF THE STATE OF WASHINGTON**

**in and for the COUNTY OF KING**

**JUVENILE DIVISION**

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| STATE OF WASHINGTON,  Plaintiff,  vs.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  DOB:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Respondent.  In Custody  Out of Custody | No.    ORDER FOR PRETRIAL COMPETENCY EVALUATION BY CHILD STUDY AND TREATMENT CENTER  Next court date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_  in court \_\_\_\_\_\_\_\_. |

THIS MATTER having come on for hearing on the date below and there being reason to doubt the Respondent’s competency, and the Court being in all things duly advised; the Plaintiff, the State of Washington, being represented by the undersigned Deputy Prosecuting Attorney, the Respondent

is / is not present, and the Respondent being represented by his/her attorney; the Court finds that the Respondent is in need of a forensic mental health evaluation.

IT IS HEREBY ORDERED, under the authority of RCW 10.77.060, that the Respondent, who is charged with the crime(s) of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, be evaluated by a qualified expert from Child Study and Treatment Center, who shall be approved by the prosecuting attorney, and who is designated by the Secretary of the Department of Social and Health Services. The Secretary may choose to designate more than one evaluator. The evaluation may include psychological and medical tests and voluntary treatment if conducted inpatient at Child Study and Treatment Center.

The report of evaluation shall include the following:

[X] a description of the nature of the examination;

[X] a diagnosis of the mental condition of the Respondent;

[X] an opinion as to the competence of the Respondent if the Respondent suffers from a mental disease or defect or is developmentally disabled; if the report concludes the Respondent is incompetent to proceed, the report shall include an opinion whether psychotropic medications are necessary and appropriate to restore the Respondent’s competency and an opinion as to whether the Respondent is restorable;

[X] an opinion as to whether the Respondent should be evaluated by a County Designated Mental Health Professional for commitment under RCW 71.34;

[ ] **Interpreter.** If this section is marked, the evaluation shall be done with the aid of an interpreter (language)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Child Study and Treatment shall arrange for the interpreter.

[ ] DEVELOPMENTAL DISABILITIES PROFESSIONAL: The court has been advised by a party to the proceedings that the Respondent may have a developmental disability, and hereby orders that the evaluation must be performed by a developmental disabilities professional.

[ ]The defense attorney requests to be present. The evaluator shall give the defense attorney reasonable notice of and an opportunity to be present at any clinical interview. Notice may be sent to the email address provided below.

1. **Forensic Mental Health Evaluation.** The Forensic Services staff of the Department of Social and Health Services Child Study & Treatment Center (CSTC) is appointed to examine and report on the mental condition of the Respondent. The evaluation procedures shall follow the procedures of chapter 10.77 RCW unless otherwise indicated.

2. **Location of Evaluation.**

**[ ]** Out-of-Custody Evaluation. As the Respondent is not currently in custody, defense counsel and/or the assigned Juvenile Probation Counselor (JPC) shall within the next working day following the date of this order provide CSTC with the following contact information by calling (253)761-3373 so that CSTC can set up an appointment:

The name, address and telephone number of the person whom the respondent is residing with. Furthermore, if the respondent does not reside with his legal parent/guardian, the relationship of the placement person (i.e. relative, group home,

etc.) shall also be included.

The examination shall occur as soon as practical following the receipt of **(i) the order, (ii) the charging documents and (iii) the prosecutor’s discovery** by Child Study and Treatment. If after an initial assessment the evaluator determines that the evaluation should take place or be completed at Child Study and Treatment, the evaluator shall notify the parties in writing. A new order must be entered to authorize inpatient examination if necessary to complete the evaluation.

If the Respondent is committed to a treatment facility before the evaluation, the facility

is ordered to make the Respondent available for the purposes of this evaluation order.

If the out of custody evaluation cannot be completed within twenty-one days due to a lack of cooperation by the Respondent, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

[ ] In-custody evaluation: The evaluation shall take place in the King County Juvenile Detention Center. The evaluation shall take place as soon as practical following the receipt of all of **(i) this order, (ii) the charging documents, and (iii) the prosecutor’s discovery** by Child Study and Treatment Center. If the Respondent is transferred to another detention or correctional facility or a treatment facility, the detention center or the parties are to immediately inform Child Study and Treatment Center at (253)761-3373, and the facility is ordered to make the Respondent available for the purposes of this evaluation. If the Respondent is released from detention prior to the evaluation, defense counsel shall contact the staff at Child Study and Treatment Center at (253) 761-3373 within the next working day following his/her release from detention to schedule an appointment for evaluation at Child Study and Treatment Center.

If after an initial assessment the evaluator determines that the evaluation should take place or be completed at Child Study and Treatment Center, the evaluator shall notify the parties in writing and the Respondent shall be transported to the Child Study and Treatment Center by the King County Department of Adult and Juvenile Detention (DAJD). The commitment period for the evaluation shall not exceed fifteen days from the time of admission to Child Study and Treatment Center.

[ ] In-patient at CSTC: The Court, having found that:

[ ] (i) Respondent is charged with murder in the first or second degree; or

[ ] (ii) it is more likely than not that an evaluation in the detention center will be inadequate to complete an accurate evaluation; or

[ ] (iii) that an evaluation outside the detention center setting is necessary for the health, safety, or welfare of the Respondent;

orders the examination to occur at Child Study and Treatment Center and the Respondent is hereby committed to the care of the Division of Social and Health Services for up to fifteen days from the date of admission to the hospital.

DAJD shall transport the Respondent to Child Study and Treatment Center as soon as possible for the purposes set forth above.

3. **Report of Evaluation.** CSTC shall furnish a written report of the evaluation and the content of the report shall comply with RCW 10.77.060, unless otherwise indicated. Copies of the report shall be sent to the Court, the Prosecutor, counsel for the Respondent, the professional person designated by the Juvenile Detention Administrator to receive the report (if respondent is in custody), the DMHP for the county and any other people or entities designated in RCW 10.77.060 and 10.77.065. Distribution of the evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the respondent.

**OTHER ANCILLARY ORDERS**

1. **Access to Records.** Pursuant to RCW 10.77.060(1)(a) and further order of this Court, CSTC is authorized to receive all records reasonably needed to assist CSTC in evaluating the mental condition of the Respondent, including but not limited to:

a. medical records, including records relating to mental health treatment and treatment or evaluation for alcohol or substance abuse;

b. academic records, including special education records;

c. juvenile records, including dependency, termination and juvenile offenses and detention.

Any person having relevant information is ordered to provide copies of such information to CSTC prior to the evaluation interview date.

2. **Transport.**

**A.** If the Respondent is in custody and *if* the evaluation is to occur at CSTC, the Respondent shall be transported to CSTC, located at 8805 Steilacoom Blvd SW, Lakewood, Washington, on the date of the evaluation by DAJD. On completion of the evaluation, Respondent shall be transported from CSTC back to the custodial placement by DAJD.

**B.** Any facility providing inpatient services related to competency shall discharge the Respondent as soon as the facility determines that the Respondent is competent. Discharge shall not be postponed during the writing and distribution of the evaluation report.

**C.**  If the Respondent is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the Respondent refuses to cooperate with medication and there is no forced medication order in effect.

**D.** At the end of any period of inpatient examination and/or testing:

[ ]all parties agree [ ] to waive the presence of the Respondent or [ ]to the Respondent's telephonic participation at a subsequent presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings for restoration efforts, and the hearing is held prior to the expiration of the authorized commitment period.

Pursuant to CrR 3.3 and JuCR 7.8, the time for trial period is tolled during this examination period and until this Court enters an order finding the Respondent to be competent to proceed.

The next hearing date is scheduled for: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_ a.m./p.m in court \_\_\_\_\_.

DATED this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

JUDGE/COMMISSIONER

Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy Prosecuting Attorney

**PRINT NAME**: WSBA No.

**Phone Number**: (206) 296-9025 FAX Number (206) 296-8869

**EMAIL ADDRESS** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Attorney for Respondent

**PRINT NAME**: WSBA No.

**Phone Number**: FAX Number

**EMAIL ADDRESS** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_