

Superior Court of Washington, County of _____

State of Washington _____,
Plaintiff

vs.

_____,
Defendant

DOB: _____

Case No. _____

**Order Dismissing Felony Charges and
Directing Civil Commitment Evaluation
(ORDDCCE)**

Clerk's Action Required: 4, [] 7

The court considered the following:

- [] The evaluation report, dated: _____
- [] The agreement of the parties. _____
- [] Other: _____

The court (or with respect to **section 1**, the court or jury) makes the following findings of fact and conclusions of law:

Findings of Fact

1. **Incompetency.** [] The court [] The jury finds that as a result of mental disease or defect, the defendant lacks the capacity to:

- [] understand the nature of the proceedings against themselves; and/or
- [] assist in their own defense.

The defendant is incompetent pursuant to RCW 10.77.010 and 10.77.600.

2. **Restorability.** The defendant [] did [] did not undergo competency restoration.

[] The defendant is unlikely to regain competency in a reasonable period of time.

[] The defendant is statutorily ineligible for further competency restoration.

[] Other: _____

3. **Felony Charge.** The defendant is charged with the felony offense/s of: _____

The Court Orders:

4. **Dismissal Without Prejudice.** This case is dismissed without prejudice.

5. **Commitment for Civil Commitment Evaluation.** For the purpose of filing a civil commitment petition under chapter 71.05 RCW, the defendant is committed to the facility chosen by the department for up to:

☐ 72 hours for evaluation, if the defendant previously engaged in inpatient competency restoration services for this case,

Or

☐ 120 hours for evaluation, if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration for this case.

The 72 or 120 hours starts from admission to a facility operated or contracted by DSHS, but excludes Saturdays, Sundays, and legal holidays. If at the time the order to dismiss the charges without prejudice is entered by the court the defendant is already in a facility operated or contracted by the department, the 72-hour or 120-hour period shall instead begin upon department receipt of the court order.

6. **Referral to the Department.**

☐ The defendant shall be held in the jail/detention facility for a maximum of 14 days from DSHS receiving the court order, or a maximum of 21 days from signature of this order, pending referral to the department for placement in a facility operated or contracted by DSHS for civil commitment evaluation. The defendant shall be transported to the facility as agreed by it and the jail/detention facility.

☐ The defendant is currently in a facility operated or contracted by DSHS and no further transport is needed.

☐ Other: _____

7. A copy of this order shall be emailed to DSHS within 24 hours by the:

☐ moving party ☐ county clerk.

Dated: _____

Judge

Print Name: _____

Approved as to form:

Approved as to form:

Deputy Prosecuting Attorney

Attorney for the Defendant

Print Name: _____

Print Name: _____

WSBA No. _____

WSBA No. _____

Contact and distribution list (contact information including name, email address, phone, and/or fax number, should be included to receive scheduling communications and/or reports).

1. State Hospital/DSHS

[] DSHS Office of Forensic Mental Health Services

ofmhscourtorders@dshs.wa.gov _____

[] Child Study and Treatment Center

cstcforensicsteam@dshs.wa.gov _____

2. Ordering Court _____

3. Jail/Detention Facility _____

4. DCR _____

5. Prosecuting Attorney _____

6. Defense Attorney _____

7. Alternate contact for defense _____

8. Forensic Navigator forensicnavigators@dshs.wa.gov _____

9. Other _____