



# WASHINGTON COURTS

July 25, 2021

**TO:** Judges, Commissioners, County Clerks, Court Administrators, Court Facilitators, Libraries, Attorneys, and the Public

**FROM:** Ashley Tam, Senior Legal Analyst  
Administrative Office of the Courts

**RE:** SUMMARY OF CHANGES FOR CH. 10.77 RCW FORMS  
(JUNE TO JULY 2021)

The Washington Pattern Forms Committee has updated the chapter 10.77 RCW court pattern forms to better incorporate legal principles established by case law. Specifically, we updated MP 232 Order Authorizing Administration of Involuntary Medication with principles from *Sell v. United States*, 539 U.S. 166 (2003) and *United States v. Hernandez-Vasquez*, 513 F.3d 908 (9th Cir. 2008). We also improved form accuracy, addressed user feedback, and increased clarity of information contained on MP 232 and the other updated forms. In addition, we have begun efforts to standardize our forms amongst all our form sets and therefore, you will notice stylistic changes as well.

The following forms were updated, and they are effective on the dates noted below.

Form No.	Form Title	Effective Date
MP 203	Order Appointing a Forensic Navigator*	06/30/2021
MP 232	Order Authorizing Administration of Involuntary Medication	07/25/2021
MP 240	Order for Felony Competency Restoration Treatment	07/25/2021
MP 250	Order for Misdemeanor Competency Restoration Treatment	07/25/2021



\*This form should only be used by those courts currently participating in the Department of Social and Health Services' Forensic Navigator Program.

The chapter 10.77 RCW forms are located on our [List of All Forms](#) webpage under a new "Behavioral Health" quick link at:

<http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14#BehavioralHealth>.

### Customizing the Summary of Changes

We created this Summary of Changes using Adobe Acrobat Pro's Compare Tool. Depending on your PDF reader and software version, you may have different options to customize the Summary of Changes.

1. Download the Summary of Changes from your web browser. Then, open the file with Adobe Acrobat Reader DC.
2. Use the Bookmarks in the left pane (look for the  icon) to locate the form changes you would like to review, and then click on the name of the form. After that, click “Go to First Change (page 1).”
3. Hover over icons (e.g., a message bubble or white “x” enclosed in red circle) in the document to see changes appear in a pop-up text box, or click on the icons to see a description of the changes in the right pane.
4. To filter the types of changes you would like to see:
  - a. Click the filter icon  in the right pane. If you do not see the filter icon, go to View>Tools>Comment>Open.
  - b. Select the type of changes (comments) you would like to see, such as “text replaced” or “text deleted,” or “text inserted.” Click to “select” or “unselect.” Then, click “apply.”
  - c. Select “clear all” to reset the filters, as necessary.

To provide feedback about this Summary of Changes or any of our court forms, please complete the online form available at:

<http://www.courts.wa.gov/forms/?fa=forms.formsComments>.

Thank you to the Washington Pattern Forms Committee and ch. 10.77 RCW Forms Subcommittee for updating the forms for statewide use.

# Compare Results

Old File:

**MP 203\_Order Appointing a Forensic Navigator\_062020.pdf**

**2 pages (48 KB)**

6/9/2020 4:53:02 PM

versus

New File:

**MP 203\_Order Appointing a Forensic Navigator\_2021 06.pdf**

**2 pages (300 KB)**

7/19/2021 8:18:36 PM

## Total Changes

**99**

## Content

**6** Replacements

**13** Insertions

**11** Deletions

## Styling and Annotations

**69** Styling

**0** Annotations

[Go to First Change \(page 1\)](#)

Court of Washington

County of

State of Washington

Plaintiff

vs.

Defendant

DOB:

No.

Order Appointing a Forensic Navigator (ORAPFN)

Order Appointing a Forensic Navigator

Note: Forensic Navigator services are being phased in over several years. These services may not be available in your area. Before appointing a Forensic Navigator, please check with the Department of Social and Health Services' Office of Forensic Mental Health Services (OFMHS) to determine availability before issuing an Order Appointing a Forensic Navigator.

Motion

- 1. The court has received a motion to appoint a Forensic Navigator for the defendant.

Findings of Fact

- 2. The court finds that it is appropriate to appoint a Forensic Navigator for the defendant because:
- an order of competency evaluation has been entered by the court;
- the appointment would assist the court to determine the behavioral health services and options available to the defendant, including placement in outpatient restoration, diversion, or some combination of these; and
- the Department of Social and Health Services has certified that there is adequate Forensic Navigator capacity to provide the services described in RCW 10.77.074 to the defendant.

**Order**

3. The court appoints a Forensic Navigator to the Defendant. The Forensic Navigator shall have the powers, duties, and obligations set forth in RCW 10.77.074. The Department of Social and Health Services has certified that there is adequate Forensic Navigator capacity to provide the services described in the statute and shall determine the identity of the specific Forensic Navigator assigned to the defendant.

4. Other Orders (if any)

\_\_\_\_\_  
\_\_\_\_\_

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 email address, phone, and/or fax number, should be provided below to receive scheduling communications and/or reports).

- 1. State Hospital/DSHS
  - Office of Forensic Mental Health Services [ofmhcourtorders@dshs.wa.gov](mailto:ofmhcourtorders@dshs.wa.gov)
  - Eastern WA [eshfsuadmin@dshs.wa.gov](mailto:eshfsuadmin@dshs.wa.gov)
  - Western WA [ofmhcourtorders@dshs.wa.gov](mailto:ofmhcourtorders@dshs.wa.gov)
  - DSHS/Child Study and Treatment Center \_\_\_\_\_
- 2. Ordering Court \_\_\_\_\_
- 3. Jail/Detention Facility \_\_\_\_\_
- 4. Designated Crisis Responder \_\_\_\_\_
- 5. Prosecuting Attorney \_\_\_\_\_
- 6. Defense Attorney \_\_\_\_\_
- 7. Alternate contact for defense \_\_\_\_\_
- 8. Other \_\_\_\_\_

# Compare Results

Old File:

**MP 232\_Order Authorizing Administration of  
Involuntary Medication.pdf**

**3 pages (286 KB)**  
7/19/2021 10:06:52 AM

versus

New File:

**MP 232\_Order Admin of Involuntary  
Medication\_2021 07.pdf**

**2 pages (375 KB)**  
7/16/2021 9:42:24 AM

## Total Changes

**80**

## Content

**14** Replacements  
**21** Insertions  
**22** Deletions

## Styling and Annotations

**23** Styling  
**0** Annotations

[Go to First Change \(page 1\)](#)

\_\_\_\_\_ Court of Washington  
County of \_\_\_\_\_

<p>_____ Plaintiff</p> <p>vs.</p> <p>_____ Defendant</p> <p>DOB: _____</p>	<p>No.</p> <p><b>Order Authorizing Administration of Involuntary Medication (OR)</b></p> <p><input type="checkbox"/> Clerk's action required: 5</p>
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Based on the evidence presented by the parties and other relevant records in the case, the court issues the following findings of fact, conclusions of law, and orders:

**1. Findings of Fact:**

- The defendant is charged with a serious offense and the prosecution has an important governmental interest in restoring the defendant to competency and/or in maintaining the level of restoration. See RCW 10.77.092; *Sell v. United States*, 539 U.S. 166 (2003). In making this finding, the court has considered the facts of this case, including the potential for future confinement and the current length of the defendant's confinement.
- Involuntary medication will significantly further the prosecution's governmental interests in this case. Involuntary medication is substantially likely to render the defendant competent. Involuntary medication is substantially unlikely to have side effects that interfere significantly with the defendant's ability to assist counsel in conducting a trial defense and therefore render the trial unfair.
- Involuntary medication is necessary to further the prosecution's governmental interest. Any alternative less intrusive treatments are unlikely to achieve substantially the same results. In making these findings, the court has considered less intrusive means for administering the medication, including examining the potential for future civil commitment.
- Involuntary medication is medically appropriate and in the defendant's best medical interest in light of the defendant's medical condition.

2. **Conclusions of Law:** The administration of involuntary medication should be authorized.

**The Court Orders:**

3.  **Authorization for Involuntary Medication.** If the defendant refuses to take medication and/or allow necessary laboratory studies, the treatment facility may involuntarily administer clinically appropriate medications and obtain appropriate laboratory studies.

The authorization to administer the involuntary medications is limited to the following antipsychotic medications, up to the maximum dosage listed below (See *United States v. Hernandez-Vasquez*, 513 F.3d 908 (9th Cir. 2008)):

\_\_\_\_\_

For purposes of maintaining the level of restoration in the jail following the restoration period, the treatment staff within the jail may administer the same involuntary medications listed above and obtain appropriate laboratory studies.

4. **Duration of order.** This order is valid starting today through the current restoration period, for any subsequent restoration period under RCW 10.77.086, and for any time in jail between restoration periods.

This order is also valid for maintaining the level of restoration in the jail following the restoration period through sentencing on this matter.

5. A copy of this order shall be emailed to DSHS at:

(email address) \_\_\_\_\_ within 24 hours by the

moving party  court clerk  other \_\_\_\_\_.

6.  **Other:** \_\_\_\_\_

\_\_\_\_\_

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. \_\_\_\_\_



# Compare Results

Old File:

**MP 240\_10.77 Order for Competency  
Restoration\_Felony\_2020 01.pdf**

**7 pages (417 KB)**  
1/24/2020 10:12:50 AM

versus

New File:

**MP 240\_10.77 Order for Comp Restore  
Felony\_2021 07.pdf**

**6 pages (489 KB)**  
7/16/2021 9:44:03 AM

## Total Changes

**74**

## Content



**27** Replacements  
**23** Insertions  
**13** Deletions

## Styling and Annotations

**9** Styling  
**2** Annotations

[Go to First Change \(page 1\)](#)

**Superior Court of Washington**  
**County of \_\_\_\_\_**

<p> _____ Plaintiff</p> <p> vs.</p> <p>_____</p> <p style="text-align: right;">Defendant</p> <p>DOB: _____</p>	<p><b>No.</b></p> <p><b>Order for Felony Competency Restoration Treatment (CRORIP, CROROP)</b></p> <p><input type="checkbox"/> Out of Custody   <input type="checkbox"/> In Custody</p> <p><b>Clerk's action required: 4, <input type="checkbox"/> 5, 9, <input type="checkbox"/> 10</b></p>
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The court enters the following regarding the defendant's competency.

**Findings of Fact:**

**1. Incompetency.**

By a preponderance of the evidence that, as a result of mental disease or defect, the defendant lacks the capacity to:

understand the nature of the proceedings against them, and/or

assist in their own defense.

The defendant is incompetent pursuant to RCW 10.77.010 and RCW 10.77.050.

**2. Developmental Disability. (Check only if applies)**

The court has been advised by \_\_\_\_\_ that the defendant may have a developmental disability.

**Conclusions of Law:**

**3. Competency restoration treatment should be provided.**

**The Court Orders:**

**4. Competency Restoration Treatment.**

The court orders the defendant into a program for mental health treatment and restoration of **competency** as described below. Any facility or provider providing services in accordance with this order shall be referred to as the “treatment facility.” The treatment facility shall promptly notify the court and all parties of the date on which the competency restoration period commences by admission to the treatment facility and expires by discharge from the treatment facility so that a timely hearing date may be scheduled.

**Nature of Treatment** (*select one*):

**Inpatient Treatment (CRORIP)**

The defendant shall be placed in the custody of the Secretary of the Department of Social and Health Services (DSHS) to undergo evaluation and treatment pursuant to RCW 10.77.086. The length of the placement includes only the time the defendant is actually at the treatment facility and shall be in addition to reasonable time for transport to or from the treatment facility.

**Outpatient Treatment (CROROP)**

Note: Outpatient competency restoration programs are being phased in over several years. There may not be one available in your area. Before you order outpatient competency restoration treatment, please check with DSHS before issuing the order.

The defendant is clinically appropriate for outpatient competency restoration treatment. The defendant shall be placed on conditional release for up to 90 days for mental health treatment and restoration of competency pursuant to RCW 10.77.086. The defendant must reside in housing approved by DSHS, adhere to medications or receive prescribed intramuscular medication, abstain from alcohol and unprescribed drugs, and follow other rules and conditions for participation established by DSHS.

**Outpatient Treatment by DSHS:** As of the date of this order, **DSHS has certified** that there is an available appropriate outpatient restoration program that has adequate space for the defendant at the following outpatient restoration program:

\_\_\_\_\_.

**Outpatient Treatment under the guidance and control of a professional person appointed by the court.**

**Treatment Period** (*select one*):

Note: The length of the placement includes only the time the defendant is actually at the treatment facility and shall be in addition to reasonable time for transport to or from the treatment facility.

**45 Days:** A first felony restoration period of 45 days for cases in which the highest charge is a Class C felony or a Class B felony that is not classified as a violent offense under RCW 9.94A.030.

**90 Days:** A first felony restoration period of 90 days for a case where the highest charge is a Class A felony or a Class B violent offense or where the defendant has

been ordered to participate in outpatient competency restoration.

**90 Days:** A second felony restoration period of 90 days. The court finds that a second restoration period is appropriate under RCW 10.77.084 and RCW 10.77.086.

**6 months:** A third felony restoration of up to 6 months. To support this period of restoration, the court or jury finds:

There is a substantial probability that the defendant will regain competency within a reasonable period of **time;**

**and**

The defendant is:

A substantial danger to other persons, and/or

Presents a substantial likelihood of committing criminal acts jeopardizing public safety or security.

**Medication:**

The treatment facility is authorized to administer clinically **appropriate,** voluntary medication for the purpose of competency restoration.

There is a separate order regarding involuntary medications.

The issue of involuntary medication may be addressed in a separate hearing.

**5. Access to Records.**

The treatment facility and DSHS shall be entitled to receive any of the information described in RCW 10.77.060, whether the information is held by another mental health, medical, or education facility, a jail or other correctional facility, or elsewhere.

**Within 24 hours** of the signing of this order:

- The **clerk of the court** shall provide this order and the charging documents, including the request for bail and certification of probable cause to DSHS, except for documents that were previously provided. If the competency evaluation was provided by an independent expert, the clerk of the court shall also provide DSHS with a copy of any previous court orders related to competency or criminal insanity and a copy of any of the evaluation report/s that have not been previously provided.

Instead of the clerk of the court providing these documents, they shall be provided by \_\_\_\_\_.

- The **prosecuting attorney** shall provide to DSHS the discovery packet, including a statement of the defendant's criminal history, unless the materials have previously been provided. **If the defense provides this information, the prosecuting attorney shall included in the communication so that duplicate materials are not sent.**
- The **jail administrator** shall provide the defendant's medical clearance information to DSHS, if this order requires transportation of the defendant to a facility designated by DSHS.

**6. Evaluation and Report.**

The treatment facility shall evaluate the defendant's competency to stand trial before the end of the treatment period. The treatment facility shall prepare a written report with the

results. The report shall ordinarily be distributed by the treatment facility within 2 business days of the final evaluation.

**Defense Attorney Presence** (*Only check this box if defense counsel wants notice and the opportunity to be present*):

The defense requests notification of the time and place of the evaluation at the contact information provided. The defense attorney may be contacted at: \_\_\_\_\_

\_\_\_\_\_  
DSHS shall contact the defense attorney regarding scheduling within a reasonable time.

The evaluation may proceed without the defense attorney present if notice has been provided.

The evaluation may not proceed without the defense attorney present. The current criminal charge(s) shall not be discussed with the defendant outside the forensic interview.

**A defense expert** has been appointed under RCW 10.77.060, and DSHS is directed to contact the defense attorney to determine whether the expert will be witnessing DSHS's evaluation.

#### Contents of Report:

The report shall include all of the contents required in the initial Order for Competency Evaluation. If this report follows the second treatment period, or the first treatment period if the defendant's incompetence is determined to be solely due to a developmental disability, or if the evaluator concludes that the defendant is not likely to regain competency, then the report must also include an assessment of the defendant's future dangerousness.

Additional Requirements of Report (if any): \_\_\_\_\_

#### Copies of Report:

DSHS shall furnish a copy of the written report of the results of the evaluation to the court, the prosecutor, the defense attorney, the designated crisis responder (DCR) for the county of \_\_\_\_\_, and the jail/detention facility (if the defendant is currently held in the detention facility).

#### 7. Transportation and Admission to the DSHS Designated Facility.

This section is only applicable if the defendant will be undergoing inpatient restoration.

**In-custody Defendant:** The defendant shall be transported and admitted to the treatment facility by the earlier of 7 days of DSHS' receipt of this order or 14 days from the date of this order as required by statute and case law, including *Trueblood v. Wash. State Dep't of Soc. & Health Servs.*, 101 F. Supp. 3d 1010 (W.D. Wash. 2015), *vacated on other grounds*, 822 F.3d 1037 (9th Cir. 2016); [Trueblood v. Wash. State Dep't of Soc. & Health Servs., No. C14-1178 MJP](#), 2017 WL 1488479, 2017 U.S. Dist. LEXIS 65532 (W.D. Wash. Apr. 26, 2017) (Order Adopting (in Part) the Parties' Mediated Settlement Agreement).

The jail/detention facility shall transport the in-custody defendant from the jail/detention facility to the treatment facility designated by DSHS and back. Transportation to the treatment facility shall occur within 1 day of the receipt of an offer of admission of the defendant for restoration treatment.

- Inpatient Defendant:** The defendant is currently admitted to a DSHS designated facility.
- Out-of-custody Defendant:** Within 2 court days of entry of this order, the defendant's attorney shall contact DSHS to coordinate an admission date. The defendant shall report to the DSHS designated facility as directed by DSHS. The defendant shall obtain medical clearance prior to admission and shall follow the instructions of DSHS regarding medical clearance.

**8. Discharge.**

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

The treatment facility shall promptly notify the court and all parties of the date on which the competency restoration period expires by discharge from the treatment facility so that a timely hearing date may be scheduled.

If the defendant is discharged to the jail/detention facility, the jail/detention facility must continue the medication regimen prescribed by the DSHS designated facility, when clinically appropriate, unless the defendant refuses to cooperate with medication and there is no forced medication order in effect.

**9. Next Hearing.**

The next hearing date is scheduled for (date) \_\_\_\_\_  
at \_\_\_\_\_ a.m./p.m. at (location) \_\_\_\_\_.

- A separate scheduling order shall be filed, if required by local practice. (This date must be prior to the expiration of the current restoration period.)

If the defendant is admitted to a facility designated by DSHS from a jail/detention facility, the defendant shall be returned to the jail/detention facility before this court date, except as provided below:

- All parties  agree to waive the presence of the defendant or  agree to the defendant's remote participation at a subsequent competency hearing or to the presentation of an agreed order if the opinion of the treatment facility is that the defendant remains incompetent and the hearing is held prior to the expiration of the current commitment period. **The report must be provided to the parties with sufficient time to accommodate remote participation for entry of a continued restoration order.**

- 10. Interpreter.** The defendant requires the services of an interpreter in the following language \_\_\_\_\_.

**11. Time for trial period remains tolled.**

Pursuant to CrRLJ 3.3, the time for trial in this case is tolled until the defendant is found

competent to stand trial.

**12. Firearm Restriction.**

The defendant shall immediately surrender any concealed pistol licenses and the defendant may not possess a firearm unless the defendant's right to do so is restored by a court of record. The *Notice of Ineligibility to Possess a Firearm* is filed separately.

**13. Other.** \_\_\_\_\_  
\_\_\_\_\_.

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 email address, phone, and/or fax number, should be provided below to receive scheduling communications and/or reports).

1. State Hospital/DSHS
  - Eastern State [eshfsuadmin@dshs.wa.gov](mailto:eshfsuadmin@dshs.wa.gov) \_\_\_\_\_
  - Western State [ofmhscourtorders@dshs.wa.gov](mailto:ofmhscourtorders@dshs.wa.gov) \_\_\_\_\_
  - DSHS/Child Study and Treatment Center \_\_\_\_\_
2. Ordering Court \_\_\_\_\_
3. Jail/Detention Facility \_\_\_\_\_
4. Designated Crisis Responder \_\_\_\_\_
5. Prosecuting Attorney \_\_\_\_\_
6. Defense Attorney \_\_\_\_\_
7. Alternate contact for defense \_\_\_\_\_
8. Other \_\_\_\_\_

# Compare Results

Old File:

**MP 250\_10.77 CompRestoration  
Order\_Misdemeanor\_2019 07.pdf**

**6 pages (243 KB)**  
7/24/2019 3:42:46 PM

versus

New File:

**MP 250\_10.77 CompRestoration  
Order\_Misdemeanor\_2021 07.pdf**

**6 pages (358 KB)**  
7/16/2021 9:45:38 AM

## Total Changes

**90**

## Content

**25** Replacements

**24** Insertions

**19** Deletions

## Styling and Annotations

**20** Styling

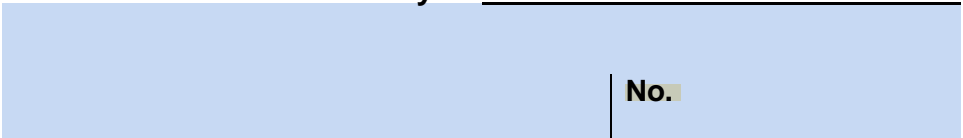
**2** Annotations

[Go to First Change \(page 1\)](#)



Court of Washington

County of \_\_\_\_\_



No. \_\_\_\_\_

Plaintiff

vs.

Defendant

DOB: \_\_\_\_\_

Order for Misdemeanor Competency Restoration Treatment

Out of Custody  In Custody

Inpatient Treatment (CRORIP)

Outpatient Treatment (CROROP)

Combination of Treatments (CROR)

Clerk's action required: 6, 7, 11,  12

The court finds the following facts:

**Findings of Fact and Procedural Setting:**

1. **Competency to Stand Trial.** The court finds by a preponderance of the evidence that, as a result of mental disease or defect, the defendant lacks the capacity to:

understand the nature of the proceedings against them, and/or

assist in their own defense.

The defendant is not competent to stand trial, pursuant to RCW 10.77.010 and RCW 10.77.050.

2. **Compelling State Interest.** The prosecutor has objected to dismissal and moved for an order of competency restoration. Following a hearing, the court finds there is a compelling state interest to order competency restoration treatment for the defendant.

3. **Procedural Setting.** The court finds by clear and convincing evidence that the defendant is charged with a non-felony offense that is a serious offense as defined in RCW 10.77.092.

The defendant is charged in this case with a crime listed in RCW 10.77.092(1) as a serious offense.

Or:

[ ] The court has determined that the defendant is charged in this case with a serious offense pursuant to RCW 10.77.092(2). In making that determination, the court has taken into consideration the following factors:

- The extent to which the charge includes an allegation that the defendant actually inflicted bodily or emotional harm on another person or that the defendant created a reasonable apprehension of bodily harm.
- The extent of the impact of the alleged offense on the basic human need for security of the citizens within the jurisdiction.
- The number and nature of related charges pending against the defendant.
- The length of potential confinement if the defendant is convicted.
- The number of potential and actual victims or persons impacted by the defendant's alleged acts.

4. **Developmental Disability.** The court finds the defendant [ ] has [ ] does not have a developmental disability.

**Conclusion of Law:**

5. Competency restoration treatment should be provided.

**The Court Orders:**

6. **Competency Restoration Treatment.** The court orders the defendant into a program for mental health treatment and restoration of competency, as described below. Any facility or provider providing services in accordance with this order shall be referred to as the "treatment facility." The treatment facility shall promptly notify the court and all parties of the date on which the competency restoration period commences by admission to the treatment facility and expires by discharge from the treatment facility so that a timely hearing date may be scheduled.

[ ] **Inpatient Treatment (CRORIP)** - The defendant shall be placed in the custody of the Secretary of the Department of Social and Health Services (DSHS) to undergo evaluation and treatment pursuant to RCW 10.77.088. The placement under this section shall not exceed 29 days. The length of the placement includes only the time the defendant is actually at the treatment facility and shall be in addition to reasonable time for transport to or from the treatment facility.

[ ] **Outpatient Treatment (CROROP)** - The defendant shall be placed on conditional release for up to 90 days for mental health treatment and restoration of competency pursuant to RCW 10.77.088. DSHS has certified, as of the date of this order, that there is an available appropriate outpatient restoration program that has adequate space for the defendant at the following outpatient restoration program:

Note: Outpatient competency restoration programs are being phased in over several years. There may not be one available in your area. Before you order outpatient competency restoration treatment, please check with DSHS before issuing the order.

The defendant is clinically appropriate for outpatient competency restoration treatment. The defendant has indicated a willingness to adhere to medications or receive prescribed intravenous medication, and to abstain from alcohol and unprescribed drugs. The defendant must reside in housing approved by DSHS,

adhere to medications or receive prescribed intramuscular medications, abstain from alcohol and unprescribed drugs, and follow any rules and conditions for participation established by DSHS.

**A combination of Inpatient Treatment and Outpatient Treatment (CROR)** under RCW 10.77.088, not to exceed 90 days, as follows:

**Medication.** The treatment facility is authorized to administer clinically appropriate, voluntary medication for the purpose of competency restoration.

The issue of a need for an involuntary medication order has been raised.

See separate order regarding involuntary medications.

The issue of an involuntary medication order is deferred and may be addressed in a separate hearing.

7. **Access to Records.** The treatment facility and DSHS shall be entitled to receive any of the information described in RCW 10.77.060, whether the information is held by another mental health, medical, or education facility, a jail or other correctional facility, or elsewhere.

**Within 24 hours** of the signing of this order:

- The **clerk of the court** shall provide this order and the charging documents, including the request for bail and certification of probable cause to DSHS. If the competency evaluation was provided by an independent expert, the clerk of the court shall also provide DSHS with a copy of all previous court orders related to competency or criminal insanity and a copy of any of the evaluation report/s.

Instead of the clerk of the court providing these documents, they shall be provided by \_\_\_\_\_.

- The **prosecuting attorney** shall provide the discovery packet, including a statement of the defendant's criminal history, to DSHS. **If the defense provides this information, the prosecuting attorney shall be included in the communication so that duplicates are not sent.**

- The **jail administrator** shall provide the defendant's medical clearance information to DSHS if this order requires transportation of the defendant to a facility designated by DSHS.

8. **Evaluation and Report.** The treatment facility shall evaluate the defendant's competency to stand trial before the end of any inpatient treatment period. If outpatient treatment is ordered, the court will issue a separate evaluation order. The treatment facility shall prepare a written report with the results. The report shall ordinarily be distributed by the treatment facility within 2 business days of the final evaluation.

**Defense Attorney Presence.** The defense requests notification of the time and place of the evaluation at the contact information provided below.

The defense attorney may be contacted at: \_\_\_\_\_.  
(Only check this box if defense counsel wants notice and the opportunity to be present.)

DSHS shall contact the defense attorney regarding scheduling within a reasonable time.

The evaluation may proceed without the defense attorney present if notice has been provided.

The evaluation may not proceed without the defense attorney present. The current criminal charge(s) shall not be discussed with the defendant outside the forensic interview.

**A defense expert** has been appointed under RCW 10.77.060 and DSHS is directed to contact the defense attorney to determine whether the expert will be witnessing DSHS's evaluation.

**Contents of Report.** The report shall include all of the contents required in the initial Order for Competency Evaluation.

Additional requirements of report (if any): \_\_\_\_\_.

**Copies of Report.** DSHS shall furnish a copy of the written report of the results of the evaluation to the court, the prosecutor, the defense attorney, the designated crisis responder (DCR) for the county of \_\_\_\_\_, and the Jail/Detention facility (if the defendant is currently held in the detention facility).

**9. Transportation and Admission to the DSHS Designated Facility.** This section is only applicable if the defendant will be undergoing inpatient restoration.

**In-custody Defendant:** The defendant shall be transported and admitted to the treatment facility by the earlier of 7 days of DSHS' receipt of this order or 14 days from the date of this order as required by statute and case law, including *Trueblood v. Washington State Dep't of Soc. and Health Servs.*, 101 F. Supp. 3d 1010 (W.D. Wash. 2015), *vacated on other grounds*, 822 F.3d 1037 (9th Cir. 2016); [Trueblood v. Washington State Dep't of Soc. and Health Servs., No. C14-1178 MJP](#), 2017 WL 1488479, 2017 U.S. Dist. LEXIS 65532 (W.D. Wash. Apr. 26, 2017) (Order Adopting (in Part) the Parties' Mediated Settlement Agreement).

The jail/detention facility shall transport the in-custody defendant from the jail/detention facility to the treatment facility designated by DSHS and back. Transportation to the treatment facility shall occur within 1 day of the receipt of an offer of admission of the defendant for restoration treatment.

**Inpatient Defendant:** The defendant is currently admitted to a DSHS designated facility.

**Out-of-custody Defendant:** Within 2 court days of entry of this order, the defendant's attorney shall contact DSHS to coordinate an admission date. The defendant shall report to the DSHS designated facility as directed by DSHS. The defendant shall obtain medical clearance prior to admission and shall follow the instructions of DSHS regarding medical clearance.

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

The treatment facility shall promptly notify the court and all parties of the date on which the competency restoration period expires by discharge from the treatment facility so that a timely hearing date may be scheduled.

If the defendant is discharged to the jail/detention facility, the jail/detention facility must continue the medication regimen prescribed by the DSHS designated facility, when clinically appropriate, unless the defendant refuses to cooperate with medication and there is no forced medication order in effect.

11. **Next Hearing.** The next hearing date is scheduled for (date) \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m., at (location) \_\_\_\_\_.

[ ] A separate scheduling order shall be filed, if required by local practice. (This date must be prior to the expiration of the current restoration period.)

If the treatment program is an outpatient program, the defendant is ordered to appear in this court for the next hearing.

If the defendant is admitted to a treatment facility designated by DSHS from a jail/detention facility, the defendant shall be returned to the jail/detention facility before this court date, except as provided below:

[ ] All parties [ ] agree to waive the presence of the defendant or [ ] agree to the defendant's remote participation at a subsequent competency hearing or to the presentation of an agreed order if the opinion of the treatment facility is that the defendant remains incompetent and the hearing is held prior to the expiration of the current commitment period. **The report must be provided to the parties with sufficient time to accommodate remote participation for entry of a continued restoration order.**

12. [ ] **Interpreter.** The defendant requires the services of an interpreter in the following language \_\_\_\_\_.

13. **Time for trial period remains tolled.** The running of the time for trial period in this case remains tolled, pursuant to CrRLJ 3.3, until this court enters a written order finding the defendant to be competent.

14. **Firearm Restriction.** The defendant shall immediately surrender any concealed pistol licenses and the defendant may not possess a firearm unless the defendant's right to do so is restored by a court of record. The *Notice of Ineligibility to Possess a Firearm* is filed separately.

15. **Other.** \_\_\_\_\_

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 email address, phone and/or fax number, should be **provided below** to receive scheduling communications and/or reports).

1. State Hospital/DSHS
  - Eastern State [eshfsuadmin@dshs.wa.gov](mailto:eshfsuadmin@dshs.wa.gov) \_\_\_\_\_
  - Western State [ofmhscourtorders@dshs.wa.gov](mailto:ofmhscourtorders@dshs.wa.gov) \_\_\_\_\_
  - DSHS/Child Study and Treatment Center \_\_\_\_\_
2. Ordering Court \_\_\_\_\_
3. Jail/Detention facility \_\_\_\_\_
4. Designated Crisis Responder \_\_\_\_\_
5. Prosecuting Attorney \_\_\_\_\_
6. Defense Attorney \_\_\_\_\_
7. Alternate contact for defense \_\_\_\_\_
8. Other \_\_\_\_\_