

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

State of Wisconsin, Plaintiff,
-vs-

**Order of Commitment
for Treatment
(Incompetency)**

_____, Defendant
Name

Case No. _____

Date of Birth

THE COURT FINDS:

- 1. The defendant has been:
 - charged and a probable cause determination has been made as to the following crime(s):
 - found guilty of the following crime(s):

<u>Crime(s)</u>	<u>Wis. Statute(s) Violated</u>	<u>Date(s) Committed</u>
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- 2. The defendant is incompetent to proceed at this time, but if provided with appropriate treatment, is likely to become competent:
 - within 12 months, or
 - the maximum sentence specified for the most serious offense, whichever is less.

- 3. The involuntary administration of psychotropic medication(s) is needed because:
 - a. The defendant poses a current risk of harm to self or others if not medicated.
 - b. The administration of medication is in the defendant's medical interest, and
 - c. The defendant is not competent to refuse psychotropic medication or treatment due to mental illness, developmental disability, alcoholism, or drug dependence because:
 - The defendant is incapable of expressing an understanding of the advantages and disadvantages of accepting psychotropic medication or treatment and the alternatives.
 - OR**
 - The defendant is substantially incapable of applying an understanding of the advantages, disadvantages and alternatives to his or her mental illness, developmental disability, alcoholism or drug dependence in order to make an informed choice as to whether to accept or refuse psychotropic medication or treatment.

(Complete 4 only if 3 does not apply.)

- 4. The defendant is mentally ill and is charged with at least one serious crime. The involuntary administration of psychotropic medication(s) is:
 - a. Necessary to significantly further important government interests, and
 - b. Substantially likely to render the defendant competent to stand trial, and
 - c. Substantially unlikely to have side effects that undermine the fairness of the trial by interfering significantly with the defendant's ability to assist counsel in conducting a trial defense, and
 - d. Necessary because alternative, less intrusive treatments are unlikely to achieve substantially the same results, and
 - e. Medically appropriate, that is, in the defendant's best medical interests in light of the defendant's medical condition.

THE COURT ORDERS:

1. These proceedings are suspended.
2. The defendant is committed on (date) _____ to the Department of Health and Family Services (DHFS) for:
 - an indeterminate term not to exceed 12 months, or
 - the maximum sentence specified for the most serious offense, whichever is less.
3. The defendant is granted _____ days of credit for precommitment incarceration.
4. DHFS shall designate the receiving mental health institute.
5. The sheriff shall transport the defendant to and from the designated institute.
6. The institute shall periodically re-examine the defendant and furnish written reports to the court 3 months, 6 months and 9 months after commitment and 30 days prior to the expiration of the commitment.
7. DHFS is authorized to administer psychotropic medication(s) or treatment to the defendant and shall observe appropriate medical standards in doing so.
8. The clerk shall provide DHFS a copy of the most recent criminal complaint and examiner's report(s).
9. Other: _____

BY THE COURT:

Circuit Court Judge

Name Printed or Typed

Date

Distribution:

1. Court – Original
2. Sheriff
3. Department of Health and Family Services
4. District Attorney
5. Defendant/Counsel

Name of District Attorney		Name of Defense Attorney	
Phone Number	Fax Number	Phone Number	Fax Number
Address of District Attorney		Address of Defense Attorney	