**27-6A-3(g)------Court granting extension**

**up to 240 days**

**IN THE CIRCUIT COURT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, WEST VIRGINIA**

**State of West Virginia,**

**vs. Case No.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**

 **Defendant**

**COURT ORDER GRANTING EXTENSION OF PERIOD TO ATTAIN COMPETENCY**

 On the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, and pursuant to W.Va. Code §27-6A-3(d), the Court found that the Defendant was not competent to stand trial as defined by W.Va. Code §27-6A-1(a)(2) but was substantially likely to attain competency. The Defendant was committed to mental health facility for a period of up to 90 days or until \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, to receive competency restoration as defined by W.Va. Code §27-6A-1(a)(1) to attempt to allow defendant to attain competency.

 On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, the Chief Medical Officer at the mental health facility reported that additional time was needed to attempt to attain Defendant’s competency to stand trial.

 Based upon the Chief Medical Officer’s report, the Court **FINDS**, pursuant to W.Va. Code §27-6A-3(g)(1), that a period of \_\_\_\_\_ additional days of competency restoration services are required for the Defendant to attain competency to stand trial for a total maximum competency restoration period not to exceed 240 days. The Court **ORDERS** that the period for which Defendant is committed or placed at mental health facility to receive competency restoration services shall be extended until \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

 If the Statewide Forensic Clinical Director determines that the Defendant has attained competency prior to the end of his/her commitment period, the Court hereby **ORDERS** the Statewide Forensic Clinical Director to forward such notification and examination report to this court. If the Statewide Forensic Clinical Director determines that the Defendant has been restored to competency, the Court further **ORDERS** the Statewide Forensic Clinical Director to immediately notify the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Jail Authority/Sheriff Department) for transport to the appropriate jail or other location.

 If the Statewide Forensic Clinical Director determines that the Defendant has not attained competency after having received the competency restoration services ordered herein, the Court hereby **ORDERS** the Statewide Forensic Clinical Director to provide a written recommendation to the Court and the prosecutor that contains the Statewide Forensic Clinical Director’s suggested future clinical disposition, placement, or treatment for the Defendant. Upon receipt of the Statewide Forensic Clinical Director’s written recommendation the Court will provide notice of a hearing to consider the Statewide Forensic Clinical Director’s recommendation and the Defendant’s status in accordance with W.Va. Code §27-6A-3(g)(2).

The Court **ORDERS** the Clerk of this Court to forward copies of this Order to the parties in this matter and Forensic Services via facsimile 304/269-1542 or email forensicservices@wv.gov

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

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

 Judge

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

Assistant Prosecuting Attorney

Address

Telephone and Fax

Bar ID #

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