

W.Va. Code §27-6A-3(g)  
Order discharging patient from Inpatient facility  
to less restrictive environment

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

State of West Virginia,

v.

Case No.

\_\_\_\_\_

**Defendant.**

**CONDITIONAL RELEASE ORDER OF DEFENDANT FOUND NOT COMPETENT TO  
STAND TRIAL AND NOT RESTORABLE**

Pursuant to W.Va. Code §27-6A-3(g)(2), on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, came the State of West Virginia, by and through its counsel, \_\_\_\_\_, Assistant OR Prosecuting Attorney, and the Defendant, by and through his/her counsel, \_\_\_\_\_, to consider the proposed Conditional Release Plan prepared by [Name of Facility] and the Dangerousness Risk Assessment of the Defendant that was performed by [NAME], an Independent Forensic Evaluator.

Having reviewed the Conditional Release Plan and the Dangerousness Risk Assessment of the Defendant, heard the arguments of Counsel, and considered the evidence presented, this Court **FINDS** that it is appropriate to discharge the patient on conditional release from the [Name of Facility] to [Name of Licensed Provider], which has a suitable placement that is a less restrictive environment located at \_\_\_\_\_ ("Licensed Provider").

Accordingly, it is **ORDERED** that [Name of Facility] shall transport the Defendant from [Name of Facility] to the Licensed Provider.

It is further **ORDERED** that the Licensed Provider shall provide or cause to be provided all services, treatments, and interventions identified in the Conditional

Release Plan and all such other services, treatments, and interventions that the Licensed Provider determines are clinically indicated to meet the needs of the Defendant and to promote compliance with the Conditional Release Plan.

It is further **ORDERED** that the Licensed Provider in consultation with the chief medical officer of William R. Sharpe, Jr., Hospital shall provide or cause to be provided to the court a written status report of the Defendant's clinical status and compliance with the Conditional Release Plan when reasonably appropriate or necessary but no less frequently than six months from the date of this Order's entry and at least every six months thereafter so that the Court may consider the Defendant's circumstances as required by W.Va. Code §27-6A-3(g)(3).

It is further **ORDERED** that the Defendant shall adhere to all of the terms and conditions set forth in his/her Conditional Release Plan dated \_\_\_\_\_ and shall further remain compliant with all other services, treatments, and interventions that the Licensed Provider determines are clinically indicated to meet the needs of the Defendant and to promote compliance with the Conditional Release Plan.

It is further **ORDERED** that if the Defendant does not adhere to the provisions of his/her Conditional Release Plan or fails to remain compliant with all such other services, treatments, and interventions that the Licensed Provider determines are clinically indicated, the Defendant shall be forthwith returned to William R. Sharpe, Jr. (Sharpe) Hospital or other designated facility without the need for further order upon notice to the prosecutor and the Court to ensure the Defendant's stabilization and the protection of the public. Upon notice of the Defendant's return to Sharpe Hospital, the Court may order such evaluation(s) of the Defendant that the court deems appropriate and order that the Defendant be placed in a mental health facility under the authority of the West Virginia Department of Health and Human Resources that is the least restrictive and most appropriate for the Defendant in accordance with W.Va. Code §27-6A-3(g)(3).

It is further **ORDERED** that any law enforcement agency notified by the Licensed Provider or Sharpe Hospital of the need for the Defendant to be returned to the Hospital shall transport the Defendant to Sharpe Hospital or other designated facility without need of further order.

It is further **ORDERED** that the criminal charges against the Defendant shall be held in abeyance and that the Court shall retain jurisdiction over the Defendant for the maximum sentence of the crime(s) for which the Defendant was indicted unless otherwise modified by future Order of this Court.

The Court further **ORDERS** the Clerk of this Court to forward copies of this Order to the parties in this matter as well as to the Statewide Forensic Coordinator via facsimile (304) 269-1542.

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

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Assistant Prosecuting Attorney  
Address  
Telephone and Fax  
State Bar ID#

\_\_\_\_\_  
Counsel for Defendant  
Address  
Telephone and Fax  
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