

W.Va. Code §27-6A-5
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 ACQUITTEE FOUND NOT GUILTY BY REASON
OF MENTAL ILLNESS**

Pursuant to W.Va. Code §27-6A-5(a), on the _____ day of _____, 20____, came the State of West Virginia, by and through its counsel, _____, Assistant OR Prosecuting Attorney, and the Acquittee, 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 Acquittee that was performed by [NAME], an Independent Forensic Evaluator.

Having reviewed the Conditional Release Plan and the Dangerousness Risk Assessment of the Acquittee, heard the arguments of Counsel, considered the evidence presented and any recommendations by the Dangerousness Assessment Advisory Board, this Court **FINDS** that it is appropriate to discharge the Acquittee 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”).

In accordance with W.Va. Code §27-6A-5(f), and based on the clinical evidence presented, the Court further **FINDS** as follows:

1. The Acquittee does not require inpatient hospitalization but requires outpatient treatment or monitoring to prevent his/her condition from deteriorating to a degree that he/she would become likely to cause serious harm to self or others;
2. Appropriate outpatient supervision and treatment are reasonably available to meet the Acquittee’s needs;
3. The Acquittee is not mentally ill or does not have significant dangerousness risk factors associated with mental illness;
4. There is significant reason to believe that the Acquittee will comply with the proposed Conditional Release Plan; and
5. The Acquittee’s conditional release and the Licensed Provider’s monitoring and provision of services identified in the Conditional Release Plan will not present an undue risk to public safety.

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

Acquittee and to promote compliance with the Conditional Release Plan in accordance with W.Va. Code §27-6A-5(g).

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 Acquittee's clinical status, adjustment in the community, and compliance with the Conditional Release Plan when reasonably appropriate or necessary but no less frequently than every six months.

It is further **ORDERED** that the Acquittee 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 Acquittee and to promote compliance with the Conditional Release Plan.

It is further **ORDERED** that if the Acquittee 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 Acquittee shall be forthwith returned to William R. Sharpe, Jr. (Sharpe) Hospital or another designated facility without the need for further order upon notice to the prosecutor and the Court to ensure the Acquittee's stabilization and the protection of the public. Upon notice of Acquittee's return to Sharpe Hospital, the Court may order an evaluation of the Acquittee and notice an appropriate hearing to determine the Acquittee's status and future disposition as provided in W.Va. Code §27-6A-5(h), (i), (j), (k), and (l).

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 Court shall retain jurisdiction over the Acquittee until the expiration of the maximum sentence of the crime(s) for which the Acquittee 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
State Bar ID #