|  |  |  |
| --- | --- | --- |
| Attorney Name |  |  |
| NJ Attorney ID Number |  |  |
| Address |  |  |
|  |  |  |
| Telephone Number |  |  |
| Attorney for  | State of New Jersey/Defendant |  |
|  |  |
|  | **Superior Court of New Jersey**  |
|  | **Law Division – Criminal Part** |
| **State of New Jersey** | **- Select County -**  |  **County**  |
| Plaintiff, | **Indictment Number:** |   |
| v. |  | **Criminal Action**Order Mandating Release Upon Conditions of Defendant Who Lacks the Fitness to Proceed to Trial But is Not Dangerous to Self, Others or Property |
|   |
| Defendant. |

**THIS COURT** having found that the defendant lacks the fitness to proceed to trial and that the defendant is not dangerous to self, others or property as a result of mental illness as to require institutionalization,

It is on the day of - Select Month -, 20 **ORDERED** that:

1. Pursuant to *N.J.S.A.* 2C:4-6b that the charges be held in abeyance and that the defendant be released upon the following conditions:
2. That the defendant shall be reevaluated within three (3) months in the community by [the Ann Klein Forensic Center (AKFC) Jail Diversion Program ][[1]](#footnote-1) who shall furnish this court and the counsel identified below with an evaluation which has determined whether the defendant is fit to proceed to trial, whether it is substantially probable that the defendant could regain his/her competence within the foreseeable future and whether defendant has become dangerous to self, others or property as a result of mental illness; and
3. Pursuant to *N.J.S.A.* 2C: 4-4(b), the qualified psychiatrist or licensed psychologist shall render an opinion as to whether the defendant has the mental capacity to appreciate his/her presence in relation to time, place and things and whether the defendant’s elementary mental processes are such that he/she comprehends:
4. He/she is in a court of justice charged with a criminal offense;
5. There is a judge on the bench;
6. There is a prosecutor present who will try to convict him/her;
7. That he/she has a lawyer who will undertake to defend him/her;
8. He/she will be expected to tell to the best of his/her mental ability the facts surrounding him/her at the time and place where the alleged violation was committed if he/she chooses to testify and understand his/her legal right not to testify;
9. There is a jury present to pass upon evidence that adduced as to guilt or innocence of such charge or, that if he/she should choose to enter into plea negotiations or to plead guilty, that he/she comprehends the consequences of a guilty plea and that he/she be able to knowingly, intelligently, and voluntarily waive those rights which are waived upon such entry of a guilty plea; and
10. They he/she has the ability to participate in an adequate presentation of his/her defense.
11. If the evaluation is to be conducted by AKFC, then staff at AKFC will set the time and location for the evaluation.
12. The next court date in this matter shall be and a report shall be provided no later than days prior to the hearing.
13. **IT IS FURTHER ORDERED** [any additional conditions as ordered by the court]

**A copy of this Order will be forwarded to the County Adjuster’s Office by the Clerk of the Court within two (2) days of its signing.**

|  |  |  |
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|   |  |   |
| Date |  |   Judge |
| **Prosecutor’s Office:** | **Defendant’s Attorney:** |
| Name |  | Name |  |
| Address |  | Address |  |
|  |  |  |  |
| Telephone Number |  | Telephone Number |  |
| Fax |  | Fax |  |
| Email |  | Email |  |

Interpreter needed? [ ]  Yes [ ]  No If yes, language

ADA accommodation needed? [ ]  Yes [ ]  No If yes, describe

1. Ann Klein Forensic Center (AKFC) jail diversion program will complete the competency evaluation if the initial evaluation was completed by AKFC or if the court orders that subsequent evaluations be completed by AKFC. [↑](#footnote-ref-1)