**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**THE STATE OF TEXAS**  **§** **IN THE \_\_\_\_\_\_\_\_\_ COURT OF**

**§**

**V.** **§**

**§**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** **§** **\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS**

**ORDER OF CIVIL COMMITMENT: CHARGES PENDING UNDER TEX. CODE CRIM. PROC. ART. 46B.103 (INTELLECTUAL DISABILITY)**

1. **PROCEDURAL BACKGROUND**

This court, having heard the testimony in the above styled and entitled matter, considered evidence to support the findings that the Defendant/Proposed Resident is a person with an intellectual disability and requires court-ordered intellectual disability services pursuant to Tex. Code Crim. Proc. art. 46B.103.

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_, the Defendant was found incompetent to stand trial, and the Court committed the Defendant to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Defendant was not restored to competency; and all charges pending against the Defendant are NOT dismissed. Tex. Code Crim. Proc. art. 46B. 071(b), 46B.084(e) and 46B.084(f) require that the Court proceed to consider civil commitment with charges yet pending under Tex. Code Crim. Proc. art. 46B.103.

The Court now FINDS that:

1. Notice provisions of the Tex. Health & Safety Code Title 7, Subtitle D do not apply, per Tex. Code Crim. Proc. Art. 46B.103; nor is an application necessary to have the person declared a person with an intellectual disability as defined in the Tex. Health & Safety Code, per Tex. Code Crim. Proc. Art. 46B.103.
2. A Determination of Intellectual Disability, as per Tex. Health & Safety Code §593.005 is on file with the court.
3. A stipulation to admissibility of evidence is on record in this cause by the State and the attorney representing the Defendant/Proposed Resident, wherein the medical certificate is introduced into evidence for the purpose of establishing evidence beyond a reasonable doubt that the Defendant/Proposed Resident meets statutory criteria for court-ordered intellectual disability services; and
4. The authorized provider therein states their opinion in detailed basis that the Defendant/Proposed Resident is a person with an intellectual disability and meets the criteria for court-ordered intellectual disability services.
5. **THE PARTIES**

The Defendant/Proposed Resident appeared with counsel present.

The Defendant/Proposed Resident’s attorney waived the presence of the Defendant/Proposed patient at this proceeding.

1. **TRIAL TO COURT OR TO JURY (select one)**

Trial to the Court:

The Defendant/Proposed Resident’s attorney signed a waiver of jury trial in this cause. The matter was tried to the Court; and having received sufficient evidence and testimony as required by law, the Court found evidence beyond a reasonable doubt as described herein.

Trial to the Jury:

No waiver of a jury trial having been signed, a jury, was duly selected, empaneled, and sworn. The issue of whether the Defendant meets criteria for court-ordered intellectual disability services was duly submitted to them, and having received sufficient evidence and testimony as required by law, retired in charge of the proper officer to consider their verdict. Afterwards, the jury returned into open court with the following verdict, which was duly received by the Court.

Jury Verdict:

“We the Jury, find that beyond reasonable doubt, the Defendant (select all that apply):

£ is a person with an intellectual disability, and as a result the Defendant:

(a) represents a substantial risk of physical impairment or injury to themselves or others; or

(b) is unable to provide for and is not providing for their most basic personal physical needs;

£ cannot be adequately and appropriately habilitated in an available, less restive setting; and

£ the residential care facility provides habilitative services, care, training, and treatment appropriate to the Defendant’s needs.”

The Court ordered verdict entered into the record and thereafter discharged they Jury.

1. **FINDINGS**

The Court FINDS that, beyond a reasonable doubt, the Defendant is a person with an intellectual disability, and as a result the Defendant: (select all that apply)

(a) represents a substantial risk of physical impairment or injury to himself/herself or others; or

(b) is unable to provide for and is not providing for the proposed resident’s most basic personal physical needs.

The Court FURTHER FINDS that the proposed resident cannot be adequately and appropriately habilitated in an available, less restrictive setting, and that residential care facility provides habilitative services, care, training, and treatment appropriate to the proposed resident’s needs.

1. **ORDERS**

(check only one)

The Court FINDS that the Defendant IS charged with an offense listed in Tex. Code Crim. Proc. Art. 17.032(A), and the Court ORDERS the Defendant shall be committed to a maximum-security facility designated by the Texas Health and Human Services Commission, until such time as residential placement is available and approved by the Manifest Dangerousness Board. Said residential placement is for an indefinite period.

The Court FINDS that the Defendant IS NOT charged with an offense listed in Tex. Code Crim. Proc. Art. 17.032(A); and ORDERS the Defendant committed to a facility designated by the Texas Health and Human Services Commission until such time as residential placement is available. Said residential placement is for an indefinite period.

SIGNED AND ENTERED ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.

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

JUDGE PRESIDING