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

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

**§**

**v.** **§**

**§**

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

**DETERMINATION OF INCOMPETENCY AND ORDER TO PARTICIPATE IN OUTPATIENT COMPETENCY RESTORATION PROGRAM**

On the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 202\_\_\_, came on to be heard, pursuant to Chapter 46B of the Code of Criminal Procedure the above numbered and styled cause for a determination of whether the Defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, is presently incompetent to stand trial. The Defendant appeared through their attorney, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and the State appeared through her Assistant District Attorney \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Defendant’s personal appearance and right to a jury and jury finding was waived by the Defendant’s attorney after review by counsel and/or consultation and approval with the Defendant.

Both sides announced ready, and there being a competency evaluation on file with the Court from **Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Ph.D.,** a competent and qualified mental health professional. Both parties’ counsel agreed and stipulated to the opinions and conclusions stated in the Competency Evaluation of Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Ph.D. dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_. The Court admitted into evidence Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s Competency Evaluation (Sealed Exhibit A contained in the Court’s file) stating that the Defendant is at this time incompetent to stand trial. In accordance with Texas Code of Criminal Procedure, Article 46B.005, all matters of fact and law were submitted to the Court as neither party’s counsel requested a jury trial and neither party’s counsel opposed a finding of incompetency. Furthermore,

the Court determined that a trial was not necessary to determine incompetency.

I.

After having considered the evidence presented, including the competency evaluation, the Court finds by a preponderance of the evidence that the Defendant is incompetent to stand trial. The Court further finds that with proper treatment and care, the Defendant may attain competency and obtain:

1. Sufficient ability to consult with their attorney with a reasonable degree of rational understanding;
2. A rational as well as factual understanding of the proceedings against them.

II.

It is further found that the Defendant is charged with the felony offense of \_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Court will continue the Defendant’s release on bail and ORDERS the Defendant to participate in an outpatient competency restoration program for a period not to exceed 120 days.

III.

Pursuant to these findings shown by clear and convincing evidence, it is hereby ORDERED, ADJUDGED AND DECREED that the Defendant participate in the Outpatient Competency Restoration program of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County and to abide by and follow all terms and conditions of such program, including mental health treatment and substance use disorder treatment, as necessary, compliance with psychoactive medications, competency restoration training, and any programs or counseling recommended by the case worker(s).

IT IS FURTHER ORDERED that the Defendant is to remain under the weekly supervision and monitoring by the staff of the Outpatient Competency Restoration program. The Outpatient Competency Restoration shall notify this Court immediately of any violation by the Defendant of the terms and conditions of their program or any violations by the Defendant of this Order or violations by the Defendant of any local, state or federal law. The Defendant shall attend monthly Outpatient Competency Restoration dockets. The Outpatient Competency Restoration program shall provide this Court with monthly progress reports and a final report as to competency restoration whenever competency is restored or after the Defendant has spent a period of time not to exceed 120 days in the program, whichever is sooner.

APPROVED AS TO SUBSTANCE AND FORM:

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

Attorney for the State Attorney for [DEFENDANT’S NAME]

Print: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_ Print:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

State Bar No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_ State Bar No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed this \_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 202\_\_.

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

CRIMINAL COURT MAGISTRATE