

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS

_____ DIVISION

STATE OF ARKANSAS

VS

CASE NO. : _____

(FULL NAME OF DEFENDANT)

Date of Birth

Sex

Race

OFFENSE(S) CHARGED AND CODE NOS.:

PROSECUTING ATTORNEY'S NAME AND ADDRESS:

DEFENSE ATTORNEY'S NAME AND ADDRESS:

NAME OF ATTORNEY OR JUDGE REQUESTING EXAMINATION:

ARKANSAS ARREST TRACKING NUMBER:

DEFENDANT'S CUSTODY STATUS AND LOCATION:

ORDER FOR FITNESS TO PROCEED EXAMINATION OF DEFENDANT

Pursuant to Ark. Code Ann. § 5-2-305, this Court finds reasonable suspicion to believe that the defendant may not be fit to proceed and therefore ORDERS:

1. All further proceedings in the prosecution are immediately suspended.

2. _____ (check if appropriate) The defendant has requested simultaneous fitness-to-proceed and criminal-responsibility examinations and two separate orders have been completed. *Checking this paragraph identifies cases in which DHS should receive two separate orders from the Court. Checking this paragraph does not substitute for the requirement of separate orders for a fitness-to-proceed examination and a criminal-responsibility examination as mandated by Ark. Code Ann. § 5-2-305.*

3. (Check the appropriate choice below.)

_____A. The defendant shall undergo examination by one (1) or more qualified psychiatrists or qualified psychologists: (name, address, and telephone no. of the examiner):_____

_____B. The defendant shall undergo examination by one (1) or more qualified psychiatrists not practicing with the Arkansas State Hospital: (name, address, and telephone no. of examiner):_____

_____C. The Director of the Division of Behavioral Health Services of the Department of Human Services is directed to determine who will examine the defendant.

DBHS Forensic Coordinator
Arkansas State Hospital
305 South Palm St.
Little Rock, AR 72205
(Tel) (501) 686-9174
(Fax) (501) 686-9198

4. The Director of the Division of Behavioral Health of the Department of Human Services or designee shall determine the location of the examination.

5. The prosecuting attorney shall provide a copy of this Order to the DBHS Director of Forensic Services, or examiner ordered by this Court to conduct the examination if

not the Division of Behavioral Health Services, within five (5) days of entry of this Order.

6. The prosecuting attorney shall provide the examiner any information relevant to the examination, including but not limited to the following:
 - A. The name and address of any attorney involved in the matter;
 - B. Information about the alleged offense (s); and
 - C. Any information about the defendant's background that is deemed relevant to the examination, including the criminal history of the defendant.
7. Having determined that the information is available and relevant pursuant to Ark. Code Ann. § 5-2-305 (g)(3), the Court directs the attorney for the defendant to provide the following information to the examiner:

8. The examiner shall provide a report to this Court which includes the following:
 - A. A description of the nature of the examination;
 - B. A description of any evidence that the defendant is feigning a sign or symptom of mental disease or defect;
 - C. A finding as to whether the defendant has a mental disease or defect or if unable to make such a determination, the reasons therefor;
 - D. A specific description of the signs or symptoms of mental disease or defect, if in the opinion of the examiner the defendant has a mental disease or defect;
 - E. A substantiated diagnosis in the terminology of the American Psychiatric Association's current edition of the Diagnostic and Statistical Manual of Mental Disorders; and

- F. An opinion on whether the defendant lacks the capacity to understand the proceedings against him or her and to assist effectively in his or her own defense as a consequence of mental disease or defect, and an explanation of the examiner's opinion and the basis of the opinion.
9. If an examination cannot be conducted because of the unwillingness of the defendant to participate in the examination, the report shall so state and shall include, if possible, an opinion as to whether the unwillingness of the defendant is the result of mental disease or defect.
10. The examination shall be for a period not exceeding sixty (60) days or such longer period as the Director of the Division of Behavioral Health of the Department of Human Services or his or her designee determines to be necessary for the purpose of the examination.
11. Any existing medical or pertinent record in the custody of a public agency shall be made available to the examiner and to the prosecuting attorney and the defendant's attorney for inspection and copying.
12. A person designated to perform an examination shall file the report of the examination with the clerk of the court, and the clerk of the court shall mail a copy to the defense attorney and a copy to the prosecuting attorney.

IT IS SO ORDERED.

Date

Circuit Judge