

**Order #1A - Order Mandating an Evaluation of Defendant's Fitness to Proceed to Trial (Defendant not Detained)**

The text of the following proposed order has been drafted for use when the court needs a psychiatric or psychological report pursuant to N.J.S.A. 2C:4-5 due to questions regarding a defendant's fitness to proceed to trial. This order is to be used for defendants who are in the community. A qualified psychiatrist or licensed psychologist may conduct the initial evaluation to determine competency. If the defendant is found indeterminate, such that an opinion cannot be rendered, then a subsequent order (see infra Order #2) will be required to determine if the defendant should be placed in the custody of the Commissioner of the Department of Health for inpatient hospitalization.

This order provides a timeframe of 30 days for progress and/or evaluation to be delivered to the court and a 45 day timeframe for a status conference date in the court's discretion for the purpose of maintaining supervision of the progress of the case.