|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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**  **Initial Screening Order**  Mandating an Evaluation of  Defendant’s Fitness to Proceed –  Defendant Incarcerated | | |
|  | | | | | | |
| Defendant. | | | | | | |

**HAVING FOUND** cause to question defendant’s fitness to proceed to trial, and in order to determine defendant’s capacity to understand the proceedings against him/her and to assist in his/her own defense, the defendant, being charged with ,

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

1. Defendant is hereby ordered pursuant to *N.J.S.A.* 2C:4-5a to be examined by a qualified psychiatrist or licensed psychologist designated by the Commissioner of the Department of Health to determine fitness to proceed. The jail or prison staff where the defendant is incarcerated shall permit such examination at the jail or prison and shall provide access to and copies of the inmate’s medical record, as available, and as the examiner deems necessary to perform the examination.
2. Such finding by a qualified psychiatrist or licensed psychologist shall be submitted in a written report to this Court and counsel and shall include:
3. A description of the nature of the examination;
4. A diagnosis of the mental condition of the defendant;
5. An opinion as to whether or not the defendant is presently incompetent to proceed to trial in consideration of the factors listed in *N.J.S.A.* 2C:4-4, and whether defendant’s mental condition is such that he/she poses a present danger either to himself/herself or to other persons upon his/her release into the general community.
6. If examining clinician deems in-patient hospitalization is necessary to complete the examination.
7. 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:
8. That he/she is in a court of justice charged with a criminal offense;
9. That there is a judge on the bench;
10. That there is a prosecutor present who will try to convict him/her;
11. That he/she has a lawyer who will undertake to defend him/her;
12. That he/she will be expected to tell to the best of their 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;
13. That 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
14. That he/she have the ability to participate in an adequate presentation of his/her defense.
15. The Prosecutor’s Office shall forward all discoverable materials, and the reasons the court is seeking this evaluation, to the Ann Klein Forensic Center Jail Program Coordinator.
16. The State psychiatric hospital provide this court and all counsel with his/her determination of competency pursuant to *N.J.S.A.* 2C:4-5.; and
17. The prosecutor shall deliver this court order to the AKFC Jail Coordinator at the Ann Klein Forensic Center within two (2) business days of execution of the order;
18. Upon entry of this order a case conference is scheduled with counsel in this matter within forty-five (45) days of the entry of this order to review the status of the case. The next court date in this matter shall be (no later than 45 days from date of this order) ;
19. The written report submitted to by the qualified psychiatrist or licensed psychologist to this Court shall not include an opinion with respect to whether the defendant was insane at the time of the crime pursuant to *N.J.S.A.* 2C:4-1 and/or whether the defendant suffered from a mental disease or defect at the time of the crime pursuant to *N.J.S.A.* 2C:4-2;
20. [any additional conditions as ordered by the court]

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

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | | | | |  |  | | | | |
| 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