New Jersey Courts
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Administrative Office of the Courts

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

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TO: **Assignment Judges**
Criminal Presiding Judges

DIRECTIVE # 21-20
[Supersedes Directive # 9-96]

FROM: **Glenn A. Grant, J.A.D.**

SUBJ: **Criminal – Procedures for Defendants Found Not Guilty by Reason of Insanity (NGRI) and other Commitments Resulting from Criminal Proceedings**

DATE: **August 5, 2020**

This Directive, which supersedes Directive # 9-96, "Krol Commitments" (issued December 3, 1996), sets forth the procedures for defendants who are acquitted and found not guilty by reason of insanity (NGRI), and promulgates ten form orders approved by the Judicial Council for immediate statewide use by the Criminal Division. These form orders (Krol orders) implement the requirements for proceedings pursuant to N.J.S.A. 2C:4-8 et. seq. and State v. Krol, 68 N.J. 236 (1975). The orders were drafted by the Forensic Evaluation Workgroup, which included various criminal practice and forensic system stakeholders such as representatives from the N.J. Judiciary, the Office of the Attorney General, the Office of the Public Defender, county prosecutors, and executive and clinical administration from the Division of Mental Health and Addiction Services.

Additionally, this Directive memorializes the requirement that court orders for commitments resulting from criminal proceedings must be forwarded to the County Adjuster because they are responsible for processing involuntary commitments and voluntary admissions pursuant to N.J.A.C. 10:7-3.1, and entering commitment orders into the Civil Commitment Automated Tracking System (CCATS). As such, the Krol orders specify that a copy of the order is to be forwarded to the County Adjuster's office. Similarly, the orders promulgated for proceedings under N.J.S.A. 2C:4-5 et seq. by Directive # 17-18, "New and Revised Form Orders for Competency and Sanity Evaluations" (issued November 1, 2018), specify that a copy of the order is to be forwarded to the County Adjuster's office. Additionally, court staff should forward court orders for proceedings under the Sexually Violent Predator Act (N.J.S.A. 30:4-27.24 et seq.) to the County Adjuster's office where the crime was committed.

The procedures for NGRI defendants are as follows: (1) the Judgment of Acquittal should include the maximum period of imprisonment that could have been imposed pursuant to N.J.S.A. 2C:4-8(b)(3); (2) the Krol orders should also include the maximum term of commitment or supervision, where

Interpreter
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applicable; (3) copies of the Judgment of Acquittal and the Krol orders must be forwarded to the County Adjuster as noted above; (4) the scheduled date for periodic review hearings should be included in the court orders, where applicable; (5) these hearings are in camera, except that hearings for defendants acquitted of murder by reason of insanity shall be in open court unless there is good cause for an in camera hearing. See R. 3:19-2; and (6) prior to the maximum term of commitment permitted under N.J.S.A. 2C:4-8(b)(3), the court shall schedule a hearing to determine if the person remains a danger to self, others or property as a result of mental illness. See Order # 9 entitled "Converting the Status of NGRI Committee to the Status of Civil Committee" (Attachment J).

Overview of the Krol Orders

The following descriptions briefly explain the situations in which the attached ten Krol orders should be used. For a more detailed explanation, please see the text that precedes the orders in each of the subsequent attachments.

Order 1 - Mandating First Post-Acquittal Psychiatric Evaluation as to the NGRI Acquittee's Dangerousness Pursuant to N.J.S.A. 2C:4-8 (Attachment A)

This court order would be used to obtain the first post-acquittal psychiatric evaluation required by N.J.S.A. 2C:4-8(a) and State v. Krol. In cases where the examination is by a psychiatrist in the Department of Health, the acquittee will be committed to one of the State psychiatric hospitals for the evaluation and recommendation as to current dangerousness to self, others or property as a result of mental illness.

Order 2 - Mandating Observation and Treatment of NGRI Acquittee Who Has Refused to Cooperate with the Psychiatric Evaluation of Dangerousness (Attachment B)

This court order would be used when the acquittee does not cooperate with the psychiatric evaluation. In such instances, the standards of N.J.S.A. 2C:4-5(c) are triggered, specifically, that the court may permit examination without cooperation, appoint a different psychiatrist or commit the defendant for observation for a period not exceeding 30 days except on good cause shown.

Order 3 - Mandating Commitment of NGRI Acquittee Who has been Found Dangerous to Self, Others, or Property as a Result of Mental Illness (Attachment C)

This court order would be used to commit the NGRI acquittee after there has been a finding that the person cannot be released into the community, with or without conditions, without posing a danger to self, others, or property as a result of mental illness pursuant to N.J.S.A. 2C:4-8(b)(3). The person would be committed into the care and custody of the Commissioner of the Department of Health and confined to an appropriate institution to be treated as a person civilly committed.

Order 3A - Mandating Continued Commitment of NGRI Acquittee Who Has Been Found Dangerous to Self, Others, or Property as a Result of Mental Illness (Attachment D)

This court order would be used when, following a periodic review hearing, the commitment is continued by the court upon finding that the person cannot be released into the community, either with or without conditions, without posing a danger to self, others, or property pursuant to N.J.S.A. 2C:4-8(b)(3).

Order 4 - Mandating Conditional Release of the NGRI Acquittee to a Specified Community Placement (Attachment E)

This court order would be used when the NGRI acquittee is found to be not so dangerous to self, others, or property as to require institutionalization, but will require release upon certain conditions pursuant to N.J.S.A. 2C:4-8(b)(2). The court may order the NGRI acquittee to be placed in a supervised community setting, if available, and establish conditions. Periodic review hearings will be scheduled while the person is under supervision in the community pursuant to State v. Ortiz, 193 N.J. 278 (2008).

Order 5 - Mandating Release of NGRI Acquittee (Attachment F)

This court order would be used when the court finds pursuant to N.J.S.A. 2C:4-8(b)(1) that the NGRI acquittee is not so dangerous to self, others, or property as to require institutionalization or release upon conditions. In accordance with State v. Ortiz, the court no longer has jurisdiction and there are no further hearings or reviews required under N.J.S.A. 2C:4-8.

Order 6 - Evaluation for Non-Compliance with Clinical Conditions of Conditional Release (Attachment G)

This court order would be used to order an evaluation for an NGRI acquittee who has previously been placed on conditional release pursuant to N.J.S.A. 2C:4-8(b)(2) and has either been: (1) non-compliant with the conditions of release or (2) the conditions of the discharge plan are no longer adequate to maintain the acquittee's mental health condition in the community. In such cases, this order would be used to have the individual evaluated by a screening service.

Order 7 - Revoking Conditional Release Status of NGRI Acquittee (Attachment H)

This court order would be used to revoke the conditional release and commit the person under N.J.S.A. 2C:4-8(b)(3), where the NGRI acquittee has violated the terms of the release and is currently a danger to self, others, or property by reason of mental illness.

Order 8 - Mandating the Continued Conditional Release of NGRI Acquittee (Attachment I)

This court order would be used after the court determines that the NGRI acquittee previously placed on conditional release maintains the need to continue on that status.

Order 9 - Converting the Status of NGRI Committee to the Status of Civil Committee (Attachment J)

This court order would be used when an NGRI committee has reached the maximum term of commitment under N.J.S.A. 2C:4-8(b)(3), but the court finds the person remains a danger to self, others or property as a result of mental illness. The court will convert the status of the NGRI committee to an involuntary civil committee under N.J.S.A. 30:4-27.15. As such, the jurisdiction over the committee will be transferred to the Superior Court of New Jersey, Civil Part. Periodic review hearings would then be held pursuant to R. 4:74-7 to determine if the committee continues to be dangerous to self, others, or property as a result of mental illness and whether the committee continues to require involuntary confinement in an institution.

These form orders will be posted on the Criminal Forms page of the Judiciary's Internet website at https://www.njcourts.gov/selfhelp/catalog.html and the Criminal Division Forms page of the Judiciary's InfoNet. Any questions regarding Directive # 21-20 may be directed to the Criminal Practice Division at 609-815-2900 ext. 55300.

Attachments A through J – Ten Krol Orders

cc: Chief Justice Stuart Rabner
Attorney General Gurbir S. Grewal
Public Defender Joseph E. Krakora
Criminal Division Judges
Veronica Allende, Director, Div. of Crim. Justice
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Special Assistants to the Administrative Director
Criminal Division Managers and Assistants
County Adjusters
Maria Pogue, Chief
Carol Chimento, SVP Team Leader

Attachment A

Order 1 - Mandating First Post-Acquittal Psychiatric Evaluation as to the NGRI Acquittee's Dangerousness Pursuant to N.J.S.A. 2C:4-8

* * *

This order (CN 12556) is to be used to obtain the first post-acquittal psychiatric evaluation required by N.J.S.A. 2C:4-8(a) and State v. Krol, 68 N.J. 236 (1975).[1] Pursuant to N.J.S.A. 2C:4-8(a) the acquittee shall undergo a psychiatric examination by a psychiatrist of the prosecutor's choosing.

In cases where the Department of Health is to provide the psychiatrist, this order may be used. For the examination to occur by a psychiatrist in the Department of Health the Not Guilty by Reason of Insanity (NGRI) acquittee will need to be committed to one of the State psychiatric hospitals for the purposes of observation and evaluation, and to provide the court with an opinion as to current dangerousness and recommendations for disposition. N.J.S.A. 2C:4-8(b) requires that the psychiatric evaluation provide an opinion as to whether the NGRI acquittee is dangerous to self, others or property as a result of mental illness and if so, whether the acquittee requires inpatient hospitalization or can be managed in the community with or without clinical conditions.

This order requires the prosecutor to provide the Office of the Court Coordinator at the designated State hospital with a copy of the court order and the examining psychiatrist with discovery in the matter.

If the examination is to be done by the State, there will be a need to transfer the acquittee to the institution so that the examination can proceed if the acquittee is not already in a State psychiatric hospital. Medical clearance will need to be coordinated with the Department of Health prior to an admission into a State psychiatric hospital and this order so provides.

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[1] State v. Krol states that "Following acquittal by reason of insanity, the defendant may, at the request of the State, be confined in a suitable mental institution for a period of 60 days for observation and examination." 68 N.J. at 256. See also N.J.S.A. 2C:4-8(a) for a NGRI acquittee who is unwilling to participate in the examination, and citing to N.J.S.A. 2C:4-5(c), which provides for the court to commit such persons for observation for a period not exceeding 30 days except on good cause shown; N.J.S.A. 2C:4-9(a) provides for the examination and report on the NGRI committee's discharge or release on conditions to be provided to the court within 30 days, "or such longer period as the court determines to be necessary."

Attorney Name _____
NJ Attorney ID Number _____
Address _____

_____

Telephone Number _____
Attorney for State of New Jersey/Defendant

In the Matter of

_____

Superior Court of New Jersey
Law Division – Criminal Part
- Select County - County
Indictment Number: _____
NGRI Docket Number: _____

Criminal Action

Order Mandating **First Post-Acquittal** Psychiatric Evaluation as to NGRI Acquittee's Dangerousness Pursuant to N.J.S.A. 2C:4-8

Having Found the defendant not guilty by reason of insanity after trial [with/without] a jury on the charges of _____

_____,

It is on the _____ day of - Select Month -, 20 ___ **Ordered** that:

The NGRI acquittee is hereby committed to the custody of the Commissioner of the Department of Health, pursuant to N.J.S.A. 2C:4-8, pending medical clearance for admission which shall be coordinated with the Department of Health, and

It Is Further Ordered that

1. The professional staff shall determine, pursuant to N.J.S.A. 2C:4-8(b), whether or not the NGRI acquittee may be able to be released to the community, with or without conditions, including supervision, without posing a danger to self, others, or property; and

2. The professional staff shall determine, pursuant to N.J.S.A. 2C:4-8(b)(3), whether or not the NGRI acquittee requires inpatient hospitalization to treat the acquittee's condition, and

3. The Prosecutor's Office shall immediately forward relevant discovery materials, including but not limited to the charges against the NGRI acquittee, to this Judge's team leader. These materials and charges, along with a copy of the Judgment of Acquittal, shall be forwarded to the Office of the Court Coordinator at _____ Psychiatric Hospital Department of Health simultaneous with transfer of the NGRI acquittee after medical clearance for admission to the hospital; and,

4. The professional staff shall contact this court and the counsel identified below when the examination has been completed and provide each with a copy of the evaluation as soon as it has been completed; and

5. The professional staff shall notify this court and counsel of the proposed transfer date should it be found that the NGRI acquittee is not appropriate for commitment either because the acquittee is not dangerous to self, others, or property as a result of mental illness or that the acquittee could be released into the community [with] or [without] supervision, without posing an undue danger to self, others, or property; and

6. The NGRI acquittee shall not be administratively discharged by the institution without further order of this court; and

7. (Any additional conditions as ordered by the court) _____

   _____

8. A review hearing shall be held on _____.

9. Reports are to be provided to the court and counsel on _____.

A copy of this Order will be forwarded to the County Adjuster's Office by the Clerk of the Court within two (2) days of its signing.

_____ _____

Date Judge

Prosecutor's Office:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

Defendant's Attorney:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

☐ Interpreter needed? ☐ Yes ☐ No If yes, language _____

☐ ADA accommodation needed? ☐ Yes ☐ No If yes, describe _____

☐ Contact List attached

New Jersey Judiciary

Krol Order Contact List

In the Matter of

_____ - Select County - County

Prosecutor:

Name _____

Telephone Number _____

Email _____

Defendant's Attorney:

Name _____

Telephone Number _____

Email _____

Provider Agency:

Name _____

Provider Agency CEO _____

Telephone Number _____

Email _____

Court Contact:

Name _____

Title _____

Telephone Number _____

Email _____

Attachment B

Order 2 - Mandating Observation and Treatment of NGRI Acquittee Who has Refused to Cooperate with the Psychiatric Evaluation of Dangerousness

* * *

This order (CN 12557) is to be used after an acquittal by reason of insanity is found by the trial court where the NGRI acquittee refuses to cooperate with the psychiatric examination. Pursuant to N.J.S.A. 2C:4-8(a) the acquittee shall undergo a psychiatric examination by a psychiatrist of the prosecutor's choosing.

In cases where the Department of Health is to provide the psychiatrist, this order may be used. For the examination to occur by a psychiatrist in the Department of Health the acquittee shall be committed to one of the State psychiatric hospitals.[1] The order provides that the examination is conducted to provide an opinion as to current dangerousness to self, others or property as a result of mental illness and to recommend a disposition to the court. The examining psychiatrist would need all discovery in the matter and that should be transferred simultaneously with the order to the Department of Health, Office of Court Coordination in the designated State psychiatric hospital where the evaluation shall be conducted.

Medical clearance will need to be coordinated with the Department of Health prior to an admission into a State psychiatric hospital.

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[1] N.J.S.A. 2C:4-5(c) provides that the court may permit examination without cooperation, may appoint a different psychiatrist or may commit the defendant for observation for a period not exceeding 30 days except on good cause shown, or exclude or limit the testimony of defense psychiatrist or licensed psychologist (as applicable).

Attorney Name _____
NJ Attorney ID Number _____
Address _____
_____
Telephone Number _____
Attorney for State of New Jersey/Defendant

In the Matter of

_____

Superior Court of New Jersey
Law Division – Criminal Part
- Select County - County
Indictment Number: _____
NGRI Docket Number: _____

Criminal Action

Order Mandating Observation and Treatment of NGRI Acquittee Who Has Refused to Cooperate with a Psychiatric Evaluation of Dangerousness

Having Found the defendant not guilty by reason of insanity after trial [with/without] a jury on the charges of _____

_____,

Having Ordered the NGRI acquittee to undergo a dangerousness evaluation pursuant to N.J.S.A. 2C:4-8 by _____, a psychiatrist of the State's choosing, and

Having Found that the NGRI acquittee has been unwilling to cooperate with the evaluation to determine if the acquittee is dangerous to self, others, or property as a result of mental illness,

It is on the _____ day of - Select Month -, 20 ___ **Ordered** that:

1. The acquittee is hereby committed to the custody of the Commissioner of the Department of Health pursuant to N.J.S.A. 2C:4-8 and N.J.S.A. 2C:4-5(c), pending medical clearance for admission which shall be coordinated with the Department of Health; and

2. The professional staff shall determine pursuant to N.J.S.A. 2C:4-8(b) whether or not the NGRI acquittee may be able to be released to the community, with or without conditions, including supervision, without posing an undue danger to self, others, or property; and

3. The professional staff shall determine pursuant to N.J.S.A. 2C:4-8(b)(3) whether or not the NGRI acquittee requires inpatient hospitalization to treat the acquittee's condition; and

4. The Prosecutor's Office shall immediately forward all relevant discovery materials, including but not limited to the charges against the acquittee, to this Judge's team leader. These materials and charges, along with a copy of the Judgment of Acquittal, shall be forwarded to the Department of Health, Office of Court Coordination at the designated state psychiatric hospital simultaneous with transfer of the acquittee; and,

5. The professional staff shall contact this court and the counsel identified below when the examination has been completed and provide each with a copy of the evaluation as soon as it has been completed; and

6. The professional staff shall notify this court and counsel of the proposed transfer date should it be found that the acquittee is not appropriate for commitment either because they are not dangerous to self, others, or property as a result of mental illness or that they could be released into the community with or without supervision, without posing an undue danger to self, others, or property; and

7. The acquittee shall not be administratively discharged by the institution without further order of this court; and

8. (Any additional conditions as ordered by the court) _____

_____

9. A review hearing shall be held on _____.

10. Reports shall be provided to the court and counsel by _____.

A copy of this Order will be forwarded to the County Adjuster's Office by the Clerk of the Court within two (2) days of its signing.

_____ _____

Date Judge

Prosecutor's Office:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

Defendant's Attorney:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

☐ Interpreter needed? ☐ Yes ☐ No If yes, language _____

☐ ADA accommodation needed? ☐ Yes ☐ No If yes, describe _____

☐ Contact List attached

New Jersey Judiciary

Krol Order Contact List

In the Matter of

_____ - Select County - County

Prosecutor:

Name _____

Telephone Number _____

Email _____

Defendant's Attorney:

Name _____

Telephone Number _____

Email _____

Provider Agency:

Name _____

Provider Agency CEO _____

Telephone Number _____

Email _____

Court Contact:

Name _____

Title _____

Telephone Number _____

Email _____

Attachment C

Order 3 - Mandating Commitment of NGRI Acquittee Who has been Found Dangerous to Self, Others, or Property as a Result of Mental Illness

* * *

This order (CN 12558) is to be used after an acquittal by reason of insanity is found by the trial court. In cases where the NGRI acquittee cannot be released into the community, with or without conditions, without posing a danger to self, others, or property as a result of mental illness, the court must commit the acquittee pursuant to N.J.S.A. 2C:4-8(b)(3). The NGRI acquittee will be committed into the care and custody of the Commissioner of the Department of Health and confined to an appropriate institution to be treated as a person civilly committed. The order refers to the NGRI acquittee as an NGRI committee.[1]

---

[1] Although N.J.S.A. 2C:4-8 mandates that the NGRI committee "be treated as a person civilly committed" this standard is substantially the same though not exactly the same. There are three substantial differences between the periodic review hearings of all NGRI committee and a general civil committee. The three distinctions are confirmed under Krol v. State and subsequent case law. Firstly, N.J.S.A. 2C:4-8 grants the prosecutor the right to appear and be heard at all periodic review hearings of all NGRI committees who are hospitalized or in the community under KROL court supervision on a conditional release. Second, the burden of proof for the State in sustaining a Krol commitment is "preponderance of the evidence" rather than "clear and convincing evidence" as required under a civil commitment under N.J.S.A. 30:4-27.10. Lastly, the In the Matter of the Commitment of Edward S., 118 N.J. 118 (1990) all periodic review hearings for patients who were acquitted of murder by reason of insanity shall be heard in open court unless good case is shown for an in camera hearing. See also, R. 3:19-2 and In the Matter of the Commitment of Calu, 301 N.J. Super. 20, 26-27 (App. Div. 1997).

Attorney Name _____
NJ Attorney ID Number _____
Address _____
_____
Telephone Number _____
Attorney for State of New Jersey/Defendant

In the Matter of

_____

Superior Court of New Jersey
Law Division – Criminal Part
- Select County - County
Indictment Number: _____
NGRI Docket Number: _____

Criminal Action

Order Mandating Commitment of NGRI Acquittee Who Has Been Found to be Dangerous to Self, Others, or Property as a Result of Mental Illness

Having Reviewed _____
_____
_____
_____

Having Found that the NGRI acquittee is dangerous to self, others, or property as a result of mental illness and that the acquittee cannot be released into the community, either with or without conditions, without posing a danger to self, others, or property, and

It is on the _____ day of - Select Month -, 20 ___ **Ordered** that:

1. The NGRI acquittee is hereby committed to the custody of the Commissioner of the Department of Health pursuant to N.J.S.A. 2C:4-8(b)(3) to be confined in an appropriate institution and treated as a person civilly committed, where the acquittee shall undergo treatment as determined to be clinically appropriate; and

2. If the Commissioner or designee of the institution to which the NGRI committee has been committed is of the clinical opinion that the committee may be unconditionally released or released on conditions without danger to self, others, or property, or that they may be transferred to a less restrictive setting for treatment, then the Commissioner or designee at the institution shall provide this court and the counsel identified below with a report pursuant to N.J.S.A. 2C:4-9; and

3. At any time the NGRI committee may apply to this court for release pursuant to N.J.S.A. 2C:4-9; and

4. The NGRI committee shall not be administratively discharged by the institution without further order of this court; and

5. (Any additional conditions as ordered by the court) _____

_____

6. A review hearing shall be held on _____.

7. Reports to the court and counsel shall be due on _____.

8. The NGRI acquittee's maximum period of commitment or supervision under N.J.S.A. 2C:4-8 is ___ years and ___ months and terminates on [fill in the date]_____.

A copy of this Order will be forwarded to the County Adjuster's Office by the Clerk of the Court within two (2) days of its signing.

_____ _____

Date Judge

Prosecutor's Office:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

Defendant's Attorney:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

☐ Interpreter needed? ☐ Yes ☐ No If yes, language _____

☐ ADA accommodation needed? ☐ Yes ☐ No If yes, describe _____

☐ Contact List attached

New Jersey Judiciary

Krol Order Contact List

In the Matter of

_____ - Select County - County

Prosecutor:

Name _____

Telephone Number _____

Email _____

Defendant's Attorney:

Name _____

Telephone Number _____

Email _____

Provider Agency:

Name _____

Provider Agency CEO _____

Telephone Number _____

Email _____

Court Contact:

Name _____

Title _____

Telephone Number _____

Email _____

Attachment D

Order 3A - Mandating Continued Commitment of NGRI Acquittee Who has been Found Dangerous to Self, Others, or Property as a Result of Mental Illness

* * *

This order (CN 12635) is to be used when, following a periodic review hearing, the commitment of the acquittee is continued by the court having found that the acquittee cannot be released into the community, either with or without conditions, without posing a danger to self, others, or property pursuant to N.J.S.A. 2C:4-8(b)(3). The NGRI acquittee shall continue to be committed in the care and custody of the Commissioner of the Department of Health and confined to an appropriate institution to be treated as a person civilly committed. The order refers to the NGRI acquittee as an NGRI committee.[1]

---

[1] Although N.J.S.A. 2C:4-8 mandates that the NGRI committee "be treated as a person civilly committed" this standard is substantially the same though not exactly the same. There are three substantial differences between the periodic review hearings of all NGRI committee and a general civil committee. The three distinctions are confirmed under Krol v. State and subsequent case law. Firstly, N.J.S.A. 2C:4-8 grants the prosecutor the right to appear and be heard at all periodic review hearings of all NGRI committees who are hospitalized or in the community under KROL court supervision on a conditional release. Second, the burden of proof for the State in sustaining a Krol commitment is "preponderance of the evidence" rather than "clear and convincing evidence" as required under a civil commitment under N.J.S.A. 30:4-27.10. Lastly, the In the Matter of the Commitment of Edward S., 118 N.J. 118 (1990) all periodic review hearings for patients who were acquitted of murder by reason of insanity shall be heard in open court unless good case is shown for an in camera hearing. See also, R. 3:19-2 and In the Matter of the Commitment of Calu, 301 N.J. Super. 20, 26-27 (App. Div. 1997).

Attorney Name _____
NJ Attorney ID Number _____
Address _____
_____
Telephone Number _____
Attorney for State of New Jersey/Defendant

In the Matter of

_____

Superior Court of New Jersey
Law Division – Criminal Part
- Select County - County
Indictment Number: _____
NGRI Docket Number: _____

Criminal Action

Order Mandating Continued Commitment of NGRI Acquittee Who Has Been Found to be Dangerous to Self, Others, or Property as a Result of Mental Illness

Having Reviewed _____
_____
_____
_____, and

Having Found that the NGRI acquittee is dangerous to self, others, or property as a result of mental illness and that the acquittee cannot be released into the community, either with or without conditions, without posing a danger to self, others, or property,

It is on the _____ day of - Select Month -, 20 ___ **Ordered** that:

1. The NGRI acquittee shall continue to be committed to the custody of the Commissioner of the Department of Health pursuant to N.J.S.A. 2C:4-8(b)(3) to be confined in an appropriate institution and treated as a person civilly committed, where the acquittee shall undergo treatment as determined to be clinically appropriate; and

2. If the Commissioner or designee of the institution to which the NGRI committee has been committed is of the clinical opinion that the committee may be unconditionally released or released on conditions without danger to self, others, or property, or that they may be transferred to a less restrictive setting for treatment, then the Commissioner or designee at the institution shall provide this court and the counsel identified below with a report pursuant to N.J.S.A. 2C:4-9; and

3. At any time, the NGRI committee may apply to this court for release pursuant to N.J.S.A. 2C:4-9; and

4. The NGRI committee shall not be administratively discharged by the institution without further order of this court; and

5. (Any additional conditions as ordered by the court) _____

_____

6. A review hearing shall be held on _____.

7. Reports to the court and counsel shall be due on _____.

8. The NGRI acquittee's maximum period of commitment or supervision under N.J.S.A. 2C:4-8 is _____ years and _____ months and terminates on [fill in the date]_____.

A copy of this Order will be forwarded to the County Adjuster's Office by the Clerk of the Court within two (2) days of its signing.

_____ _____

Date Judge

Prosecutor's Office:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

Defendant's Attorney:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

☐ Interpreter needed? ☐ Yes ☐ No If yes, language _____

☐ ADA accommodation needed? ☐ Yes ☐ No If yes, describe _____

☐ Contact List attached

New Jersey Judiciary

Krol Order Contact List

In the Matter of

_____ - Select County - County

Prosecutor:
Name _____
Telephone Number _____
Email _____

Defendant's Attorney:
Name _____
Telephone Number _____
Email _____

Provider Agency:
Name _____
Provider Agency CEO _____
Telephone Number _____
Email _____

Court Contact:
Name _____
Title _____
Telephone Number _____
Email _____

Attachment E

Order 4 - Mandating Conditional Release of the NGRI Acquittee to a Specified Community Placement

* * *

This order (CN 12559) is for use when an NGRI acquittee is found to be not so dangerous to self, others, or property as to require institutionalization, but will require release upon certain conditions, pursuant to N.J.S.A. 2C:4-8(b)(2). The court may order the NGRI acquittee to be placed in a supervised community setting, if available, and establish conditions which must be met. A supervised residence may include placements as an available supervised community residence under the auspices of the Department of Human Services[1] or a residence with a family member.

A court may only discharge the NGRI acquittee pursuant to the conditions if it finds that the acquittee may be released without danger to the community or to themselves under supervision or under certain conditions. The conditions that the court may impose upon the NGRI acquittee shall include those recommended by mental health staff who evaluated the acquittee, as well as those developed with the acquittee's participation.

Periodic review hearings shall be scheduled for the NGRI acquittee while under court supervision in the community pursuant to State v. Ortiz, 193 N.J. 278 (2008).

---

[1] Once a community-based placement for forensically involved committees is identified, the court should schedule a hearing as soon as practicable in order to ensure that the placement will not be lost to another individual due to delay. Community based placements do not remain available indefinitely.

Attorney Name _____
NJ Attorney ID Number _____
Address _____
_____
Telephone Number _____
Attorney for State of New Jersey/Defendant

In the Matter of

_____

Superior Court of New Jersey
Law Division – Criminal Part
- Select County - County
Indictment Number: _____
NGRI Docket Number: _____

Criminal Action

Order Mandating Conditional Release of NGRI Acquittee to a Specified Community Placement

Having Found that the NGRI acquittee is not dangerous to self, others, or property as a result of mental illness as to require institutionalization; and having found that while the acquittee does not need involuntary or continuing involuntary hospitalization, that the acquittee cannot be released into the community without supervision or under conditions, without posing a danger to self, others, and property,

It is on the _____ day of - Select Month -, 20 ___ **Ordered** that:

1. Pursuant to N.J.S.A. 2C:4-8(b)(2) the NGRI acquittee shall be placed in _____ _____, upon the following conditions _____
_____
_____
_____
_____
_____;

2. The NGRI acquittee shall report to _____ for supervision to ensure compliance with all conditions; and

3. (Any additional conditions as ordered by the court) _____
_____

4. A review hearing shall be held on _____.

5. A copy of this Order shall be forwarded to the Clinical and/or Medical Director of the [name of mental health providers listed in the order]_____ .

6. The Court and counsel shall be informed promptly and in writing by the mental health provider if the acquittee violates conditions or if the program seeks modifications. The provider shall immediately contact the court and counsel if the acquittee absconds from supervision.

7. Reports to the Court and counsel shall be due on _____.

8. The NGRI acquittee's maximum period of supervision under N.J.S.A. 2C:4-8 of _____ years and _____ months terminates on [fill in the date]_____.

A copy of this Order will be forwarded to the County Adjuster's Office by the Clerk of the Court within two (2) days of its signing.

_____ _____

Date Judge

Prosecutor's Office:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

Defendant's Attorney:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

☐ Interpreter needed? ☐ Yes ☐ No If yes, language _____

☐ ADA accommodation needed? ☐ Yes ☐ No If yes, describe _____

☐ Contact List attached

New Jersey Judiciary

Krol Order Contact List

In the Matter of

_____ - Select County - County

Prosecutor:

Name _____

Telephone Number _____

Email _____

Defendant's Attorney:

Name _____

Telephone Number _____

Email _____

Provider Agency:

Name _____

Provider Agency CEO _____

Telephone Number _____

Email _____

Court Contact:

Name _____

Title _____

Telephone Number _____

Email _____

Attachment F

Order 5 - Mandating Release of NGRI Acquittee

* * *

This order (CN 12560) is to be used when the court finds that the NGRI acquittee is not so dangerous to self, others, or property as to require institutionalization or release upon certain conditions. In such cases the acquittee is released with no conditions pursuant to N.J.S.A. 2C:4-8(b)(1).

In accordance with State v. Ortiz, 193 N.J. 278 (2008), the court no longer has jurisdiction and there are no further hearings or review under N.J.S.A. 2C:4-8.

Attorney Name _____
NJ Attorney ID Number _____
Address _____
_____
Telephone Number _____
Attorney for State of New Jersey/Defendant

In the Matter of

_____

Superior Court of New Jersey
Law Division – Criminal Part
- Select County - County
Indictment Number: _____
NGRI Docket Number: _____

Criminal Action

Order Mandating Release of NGRI Acquittee

Having Found that the defendant is not guilty by reason of insanity and is not so dangerous to self, others, or property as a result of mental illness as to require institutionalization or a supervised residence and/or release upon conditions,

It is on the _____ day of - Select Month -, 20 ___ **Ordered** that:

Pursuant to N.J.S.A. 2C:4-8(b)(1) the NGRI acquittee shall be released with no conditions.

_____ _____
Date Judge

Prosecutor's Office:
Name _____
Address _____
_____
Telephone Number _____
Fax _____
Email _____

Defendant's Attorney:
Name _____
Address _____
_____
Telephone Number _____
Fax _____
Email _____

☐ Interpreter needed? ☐ Yes ☐ No If yes, language _____

☐ ADA accommodation needed? ☐ Yes ☐ No If yes, describe _____

☐ Contact List attached

New Jersey Judiciary

Krol Order Contact List

In the Matter of

_____ - Select County - County

Prosecutor:

Name _____

Telephone Number _____

Email _____

Defendant's Attorney:

Name _____

Telephone Number _____

Email _____

Provider Agency:

Name _____

Provider Agency CEO _____

Telephone Number _____

Email _____

Court Contact:

Name _____

Title _____

Telephone Number _____

Email _____

Attachment G

Order 6 - Evaluation for Non-Compliance with Clinical Conditions of Conditional Release

* * *

This order (CN 12561) is for use when information is presented to the court that a NGRI acquittee who has previously been placed on conditional release pursuant to N.J.S.A. 2C:4-8(b)(2) and has either been: (1) non-compliant with the conditions of release or (2) the conditions of the discharge plan are no longer adequate to maintain the acquittee's mental health condition in the community. In such cases, if the mental health agency contacts the prosecutor's office regarding non-compliance or inadequacy of the treatment plan for the NGRI acquittee, upon motion of the prosecutor for a psychiatric evaluation, this form order may be used to have the individual evaluated by a screening service. The court may initiate its own proceeding on its own motion.

It is noted that counties have different means of handling transportation of individuals in need of emergent psychiatric assessments. This form order allows the court to enter the preferred method of transportation to the county designated screening service for psychiatric assessment of the individual. Transportation to the county designated screening service[1] may be by the county sheriff, through local police or through a designated mobile screener.[2]

The screening service shall evaluate the NGRI acquittee under the standards of N.J.S.A. 30:4-27-1 et seq. If the screening service finds civil commitment is medically necessary, then the service shall make application under N.J.S.A. 30:27-1 et seq. for inpatient civil commitment. The screening service should note on its application to the court that this individual holds a Krol acquittee status as well. The county adjuster shall inform the criminal court, prosecution and defense counsel of the hospitalization. In all cases the screening service will make its findings known to the court and parties so that they may proceed accordingly.

---

[1] See the official list of designated screening services throughout New Jersey.

[2] It is noted that Human Service Police (HSP) do not transport Krol acquittees from the community to the designated screening service. It is outside the scope of the responsibility of HSP. See, generally, N.J.S.A. 30:4-14 et seq.

Attorney Name _____
NJ Attorney ID Number _____
Address _____
_____
Telephone Number _____
Attorney for State of New Jersey/Defendant

In the Matter of

_____

Superior Court of New Jersey
Law Division – Criminal Part
- Select County - County
Indictment Number: _____
NGRI Docket Number: _____

Criminal Action

Order for Evaluation for Non-Compliance with Clinical Conditions of Conditional Release

This Matter having been opened to the Court by Assistant Prosecutor _____, on behalf of _____, Prosecutor of - Select County - County, in the presence of _____, Esq., appearing on behalf of _____, and the Court having considered the report of _____, dated _____, and

Having Found that the NGRI acquittee has been noncompliant and failed to meet the conditions of the conditional discharge plan [or the terms of the plan required adjustments as they no longer met the clinical needs of the NGRI acquittee] and/or Court Order dated _____, and

Having Found previously that the acquittee is dangerous to self, others, or property as a result of mental illness, and

Having Found cause now to question whether the acquittee can remain in the community with the current level of care without posing a danger to self, others, or property,

It is on the _____ day of - Select Month -, 20 ___ **Ordered** that:

1. The transportation of the NGRI acquittee for a psychiatric assessment shall occur as follows _____.

2. A report shall be prepared by the screening service including any and all findings regarding dangerousness and recommendations for treatment and released to the Court and counsel identified below; and

3. Nothing in this order prohibits the psychiatric screening center from admitting the NGRI acquittee if hospitalization is deemed medically appropriate; and

4. Should the screening center find that hospitalization is deemed medically appropriate the screening center shall immediately convey that information to the Court; and

5. Should the screening center find that the acquittee can be released to the community with conditions the screening center shall contact this Court and counsel below prior to doing so and await instructions regarding transport and disposition.

6. All relevant discovery in this matter shall be provided to the screening service by the Prosecutor's Office.

7. (Any additional conditions as ordered by the court) _____

_____

8. The NGRI acquittee's maximum period of commitment or supervision under N.J.S.A. 2C:4-8 terminates in _____ years and _____ months on [fill in the date]_____.

A copy of this Order will be forwarded to the County Adjuster's Office by the Clerk of the Court within two (2) days of its signing.

_____ _____

Date Judge

Prosecutor's Office:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

Defendant's Attorney:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

☐ Interpreter needed? ☐ Yes ☐ No If yes, language _____

☐ ADA accommodation needed? ☐ Yes ☐ No If yes, describe _____

☐ Contact List attached

New Jersey Judiciary

Krol Order Contact List

In the Matter of

_____ - Select County - County

Prosecutor:

Name _____

Telephone Number _____

Email _____

Defendant's Attorney:

Name _____

Telephone Number _____

Email _____

Provider Agency:

Name _____

Provider Agency CEO _____

Telephone Number _____

Email _____

Court Contact:

Name _____

Title _____

Telephone Number _____

Email _____

Attachment H

Order 7 - Revoking Conditional Release Status of NGRI Acquittee

* * *

This order (CN 12562) is to be used where a court finds that a NGRI acquittee who was previously placed on a conditional release has violated terms of the release and is currently a danger to self, others, or property by reason of mental illness. The court can revoke the conditional release and commit the person under N.J.S.A. 2C:4-8(b)(3). After an evaluation by a screening service, the NGRI committee shall be committed to an inpatient facility for hospitalization and treatment.

The court shall receive the report and recommendations from the screening service and/or the current treating psychiatrist recommending inpatient psychiatric hospitalization. The court shall review the recommendations and enter an appropriate disposition.

Attorney Name _____
NJ Attorney ID Number _____
Address _____
_____
Telephone Number _____
Attorney for State of New Jersey/Defendant

In the Matter of

_____

Superior Court of New Jersey
Law Division – Criminal Part
- Select County - County
Indictment Number: _____
NGRI Docket Number: _____

Criminal Action

Order Revoking Conditional Release Status of NGRI Acquittee

This Matter having been opened to the Court by Assistant Prosecutor _____, on behalf of _____, Prosecutor of - Select County - County, in the presence of _____, Esq., appearing on behalf of _____, and the Court having considered the report of _____, dated _____, and

Having Found that the NGRI acquittee has been noncompliant with clinical conditions of release, and failed to meet the conditions of the discharge plan and/or Court Order dated _____, and

Having Found previously that the acquittee is dangerous to self, others, or property as a result of mental illness, and

Having Found that the NGRI acquittee was evaluated at _____ screening service on _____ and the screening service or treating psychiatrist having certified that the acquittee poses a substantial risk of danger to self, others, or property by reason of mental illness and is no longer considered appropriate for treatment in the community, and

Having Found by a preponderance of evidence the NGRI acquittee currently meets criteria for inpatient hospitalization due to their dangerousness as a result of mental illness,

It is on the _____ day of - Select Month -, 20 ___ **Ordered** that:

1. The conditional release of the NGRI acquittee is revoked and the status of the NGRI acquittee is converted from conditional release under N.J.S.A. 2C:4-8(b)(2) to commitment

under N.J.S.A. 2C:4-8(b)(3). The NGRI committee shall be committed into the care and custody of the Commissioner of the Department of Health to be confined to an appropriate institution where the committee shall undergo treatment for their dangerousness to self, others, and property as a result of mental illness; and

2. Upon the identification of appropriate and available facility for admission that the facility and county adjuster contact this court and counsel listed below to provide notice of where the committee is receiving services; and

3. A copy of this order shall be provided to any facility in which the committee is receiving services.

4. All of the records of the NGRI committee's treatment in the community be provided to the treating physician at the designated facility within _____ days of this Order by _____. If the NGRI committee is provided services at a State psychiatric hospital, then the community provider shall provide the Office of Court Coordination all of the treatment records.

5. Periodic review hearings shall be held pursuant to N.J.S.A. 2C:4-8(b) to determine if the committee continues to be dangerous to self, others, or property as a result of mental illness and whether they continue to require involuntary confinement in an institution.

6. (Any additional conditions as ordered by the court) _____

_____

7. A review hearing on this matter shall be set for _____.

8. Reports for the hearing to Court and counsel are due on _____.

9. The NGRI acquittee's maximum period of commitment or supervision under N.J.S.A._2C:4-8 of _____ years and _____ months terminates on [fill in date]_____.

A copy of this Order will be forwarded to the County Adjuster's Office by the Clerk of the Court within two (2) days of its signing.

_____ _____

Date Judge

Prosecutor's Office:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

Defendant's Attorney:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

☐ Interpreter needed? ☐ Yes ☐ No If yes, language _____

☐ ADA accommodation needed? ☐ Yes ☐ No If yes, describe _____

☐ Contact List attached

New Jersey Judiciary

Krol Order Contact List

In the Matter of

_____ - Select County - County

Prosecutor:

Name _____

Telephone Number _____

Email _____

Defendant's Attorney:

Name _____

Telephone Number _____

Email _____

Provider Agency:

Name _____

Provider Agency CEO _____

Telephone Number _____

Email _____

Court Contact:

Name _____

Title _____

Telephone Number _____

Email _____

Attachment I

Order 8 - Mandating the Continued Conditional Release of NGRI Acquittee

* * *

This order (CN 12563) is to be used after the court determines that a NGRI acquittee previously placed on conditional release maintains the need to continue in that status. In order to ensure proper reporting to the court, the clerk of the court will send a copy of the court order to Clinical and Executive Director of the community-based provider agency where the individual is receiving services. The elements that are required as part of the reporting to the court should be detailed in the court's order to ensure that the court receives adequate information.

The court order should clearly detail the conditions that form the basis of the clinical supervision by the mental health agency in the community.

Attorney Name _____
NJ Attorney ID Number _____
Address _____
_____
Telephone Number _____
Attorney for State of New Jersey/Defendant

In the Matter of

_____

Superior Court of New Jersey
Law Division – Criminal Part
- Select County - County
Indictment Number: _____
NGRI Docket Number: _____

Criminal Action

Order Mandating the Continued
Conditional Release of NGRI Acquittee

Having Found that the NGRI acquittee continues to no longer be so dangerous to self, others, or property, as a result of mental illness as to require hospitalization, and

Having Found that there is a substantial likelihood that the acquittee will be dangerous to self, others, or property, as a result of mental illness if the acquittee does not receive appropriate services available in the community,

It is on the _____ day of - Select Month -, 20 ___ **Ordered** that:

1. The acquittee continues on Krol status on conditional release pursuant to N.J.S.A. 2C:4-8(b)(2); and

2. The acquittee shall abide by the following conditions of their release which are attached to this Order and incorporated herein; and

3. The review hearing pursuant to State v. Krol, 68 N.J. 236 (1975), shall be held on _____.

4. A copy of this order shall be sent within two (2) days to the Medical Director and/or the Executive Director of the community-based provider agency by the court.

5. A copy of this order shall be provided to any treating psychiatrist of the NGRI acquittee by the provider agency.

6. A report by the treating psychiatrist will be due on _____.

7. The NGRI committee's maximum period of commitment or supervision under N.J.S.A. 2C:4-8 of _____ years and _____ months terminates on [fill in the date]_____.

A copy of this Order will be forwarded to the County Adjuster's Office by the Clerk of the Court within two (2) days of its signing.

_____ _____

Date Judge

Prosecutor's Office:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

Defendant's Attorney:

Name _____

Address _____

_____

Telephone Number _____

Fax _____

Email _____

☐ Interpreter needed? ☐ Yes ☐ No If yes, language _____

☐ ADA accommodation needed? ☐ Yes ☐ No If yes, describe _____

☐ Contact List attached

New Jersey Judiciary

Krol Order Contact List

In the Matter of

_____ - Select County - County

Prosecutor:

Name _____

Telephone Number _____

Email _____

Defendant's Attorney:

Name _____

Telephone Number _____

Email _____

Provider Agency:

Name _____

Provider Agency CEO _____

Telephone Number _____

Email _____

Court Contact:

Name _____

Title _____

Telephone Number _____

Email _____

Attachment J

Order 9 - Converting the Status of NGRI Committee to the Status of Civil Committee

* * *

This order (CN 12564) is to be used when a NGRI committee has reached their maximum term of commitment under N.J.S.A. 2C:4-8 but remains a danger to themselves, others, or property. Prior to the end of the maximum term of commitment allowable under N.J.S.A. 2C:4-8(b)(3), the court shall schedule a hearing for the NGRI committee. Upon the presentation of medical testimony at the hearing by the treating psychiatrist of the NGRI committee, if based upon the recommendation of the medical expert, the court finds the committee remains dangerous to self, others or property as a result of mental illness at the expiration of the maximum term of confinement, the criminal court shall convert the NGRI committee under N.J.S.A. 2C:4-8(b)(3) to a civil committee under N.J.S.A. 30:4-27.15. See State v. Krol, 68 N.J. 236, 264 (1975).

Attorney Name _____
NJ Attorney ID Number _____
Address _____
_____
Telephone Number _____
Attorney for State of New Jersey/Defendant

In the Matter of

_____

Superior Court of New Jersey
Law Division – Criminal Part
- Select County - County
Indictment Number: _____
NGRI Docket Number: _____

Criminal Action

Order Converting Status of NGRI Committee to Status of Civil Committee

Having Found the defendant not guilty by reason of insanity on _____, and

Having Ordered the NGRI committee into the care and custody of the Department of Health on _____, to be confined in an appropriate institution based upon this court's finding by a preponderance of the evidence that the NGRI committee was dangerous to self, others, or property as a result of mental illness and they could not be released into the community with or without conditions, and

Having Found that the NGRI committee's maximum period of commitment under N.J.S.A. 2C:4-8 of _____ years and _____ months has now been reached, and

Having Found by clear and convincing evidence that the NGRI committee remains dangerous to self, others, or property as a result of mental illness and that they cannot be released into the community either with or without conditions without posing a danger to self, others or property based upon the reports of _____,

It is on the _____ day of - Select Month -, 20 ___ **Ordered** that:

1. The committee shall remain committed to the care and custody of the Commissioner of the Department of Health to be confined in an appropriate institution as an involuntary civil committee under N.J.S.A. 30:4-27.15.

2. The jurisdiction over the committee shall be transferred to the Superior Court of New Jersey, Civil Part.

3. Periodic review hearings shall be held pursuant to R. 4:74-7 to determine if the committee continues to be dangerous to self, others, or property as a result of mental illness and whether the committee continues to require involuntary confinement in an institution.

A copy of this Order will be forwarded to the County Adjuster's Office by the Clerk of the Court within two (2) days of its signing.

_____ _____
Date Judge

Prosecutor's Office:
Name _____
Address _____
_____
Telephone Number _____
Fax _____
Email _____

Defendant's Attorney:
Name _____
Address _____
_____
Telephone Number _____
Fax _____
Email _____

☐ Interpreter needed, ☐ Yes ☐ No If yes, language _____

☐ ADA accommodation needed? ☐ Yes ☐ No If yes, describe _____

☐ Contact List attached

New Jersey Judiciary

Krol Order Contact List

In the Matter of

_____ - Select County - County

Prosecutor:

Name _____

Telephone Number _____

Email _____

Defendant's Attorney:

Name _____

Telephone Number _____

Email _____

Provider Agency:

Name _____

Provider Agency CEO _____

Telephone Number _____

Email _____

Court Contact:

Name _____

Title _____

Telephone Number _____

Email _____