

Unrestorably Incompetent to
Stand Trial – But in Need of
Continued Hospitalization

§19.2-169.3

Model Court Order

VIRGINIA

IN THE CIRCUIT COURT
OF

Commonwealth of Virginia,

Plaintiff,

Vs.

Defendant

Case #:

**Finding of Unrestorable Incompetency & Order for Civil Commitment Pursuant to
§ 37.2-814 – 37.2-819**

This day came the Attorney for the Commonwealth, _____,
and the Defendant, _____ who was present in court
throughout the proceedings and was represented by counsel, _____.

Based upon the evaluation(s) of competency to stand trial submitted by
_____ (Hospital) and the arguments of counsel, the Court finds the
Defendant unrestorably incompetent to stand trial and likely to remain so for the
foreseeable future. It is hereby ADJUDGED, ORDERED, AND DECREED THAT:

1. The Defendant, pursuant to Virginia Code Section 19.2-169.3, is unrestorably incompetent to stand trial;
2. The Defendant shall be remanded to _____
(hospital) and _____ (hospital) is hereby ordered
to petition the _____ General District Court/ Special Justice for
an order of involuntary civil commitment for this Defendant pursuant to the
provisions of § 37.2-814 et seq.;
3. Any judge with competent jurisdiction under Title 37.2 may entertain a petition
for commitment or recommitment of this Defendant filed in accordance with §
37.2-814;
4. In accordance with § 19.2-169.3 (c), the charge(s) of _____
against this unrestorably incompetent Defendant is/are hereby Dismissed
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Enter this the _____ day of _____, 2012.

Judge