

## FORM SUMMARY

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<b>Name of Form:</b>	<b>Order for Competency Examination by DHS</b>
<b>Form Number:</b>	<b>CR-205</b>
<b>Statutory Reference:</b>	§971.14(2), Wisconsin Statutes
<b>Benchbook Reference:</b>	CR 12
<b>Purpose of Form:</b>	To order forensic examination of defendant in criminal case by Department of Health Services (DHS) to determine if defendant is competent to proceed and assist counsel.
<b>Who Completes It:</b>	Circuit Court Judge or Court Commissioner
<b>Who Signs It:</b>	<b>BY THE COURT:</b> Circuit Court Judge or Court Commissioner
<b>Distribution of Form:</b>	Original to court file, copies to district attorney, defendant/counsel, examiner/examining facility, and sheriff.
<b>Accompanying Forms:</b>	None.
<b>New Form/Modification:</b>	Modification; last update 02/17.
<b>Modifications:</b>	Added that the examination shall be completed and a report filed within 15 days from the date of admission for an inpatient examination.
<b>Comments:</b>	<p>DHS is funding the competency evaluation program. In the event a person is unable to be examined on an outpatient basis, DHS will continue conducting inpatient examinations at the mental health institutions on a limited basis. This change will shift the focus from DHS routinely conducting exams on an inpatient basis to routinely conducting exams on an outpatient basis. This process will expedite the cases for persons who are incompetent to proceed, and it will also significantly reduce the transport costs to the counties. Each county should develop a procedure to effectuate this change. Questions regarding DHS examinations should be directed to Melanie Leonard at <a href="mailto:melaniea.leonard@dhs.wisconsin.gov">melaniea.leonard@dhs.wisconsin.gov</a> or (608) 698-0192.</p> <p>The statute mandates that the order gives the examiner access to past or present treatment records under §51.30(1)(b), Wis. Stats. Access to other health care records under §146.81, Wis. Stats., may also be appropriate in some cases. Use the “other” section of the form to include such an order.</p>
<b>About this Form:</b>	<p>This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.</p> <p><b>If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.</b></p>