

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

IN RE: Involuntary Hospitalization of

Case No. _____ - MH - _____

RESPONDENT

**PROBABLE CAUSE ORDER:
FOR RELEASE TO OUTPATIENT TREATMENT PURSUANT TO
VOLUNTARY TREATMENT AGREEMENT
[W.Va. Code: §§ 27-5-2(b)(5) and 27-5-2(b)(6)]**

This matter was heard on the _____ day of _____, 20_____. The Applicant in this cause, _____, appeared both in person and was represented by _____, Assistant/Prosecuting Attorney of _____ County, West Virginia; The Respondent appeared in person and by appointed counsel, _____; Testimony was also presented by _____, Physician/Psychologist.

After hearing the testimony of witnesses and receiving all relevant evidence, and upon examination of the written report and certification of the Physician/Psychologist; Upon the arguments of counsel for the parties, the Court makes the following FINDINGS [**Initial Appropriate Items**]:

The Respondent _____ IS _____ IS NOT a resident of _____ County, West Virginia.
The Respondent _____ WAS _____ WAS NOT found in _____ County, West Virginia.

The Court further FINDS that there is [**Initial Appropriate Items**]:

_____ PROBABLE CAUSE _____ NO PROBABLE CAUSE to believe the Respondent is addicted.
_____ PROBABLE CAUSE _____ NO PROBABLE CAUSE to believe the Respondent is mentally ill.

The Court further FINDS probable cause to believe that the Respondent [**initial one**] _____ IS _____ IS NOT likely to cause serious harm to him/her self and/or others because of such mental illness if allowed to remain at liberty.

The specific facts upon which these findings of probable cause are based are as follows:

Notwithstanding the foregoing, the undersigned further **FINDS** that the Respondent's circumstances make him/her amenable to commitment and conditional release to outpatient treatment in a nonresidential or nonhospital setting: **[state the evidence presented, or other basis, in support of this finding]** _____

The undersigned further **FINDS** that appropriate outpatient treatment is available, to-wit: _____

The undersigned has also reviewed the terms and conditions set forth in that certain voluntary treatment agreement, dated the _____ day of _____, 20 ____, attached hereto and made a part hereof, the contents of which are hereby incorporated herein by reference.

Therefore, the undersigned hereby **ORDERS** that the Respondent shall be involuntarily committed and released to outpatient treatment upon the terms and conditions set forth in the voluntary treatment agreement.

This **ORDER** and outpatient treatment pursuant to the Agreement shall remain in effect for: **[initial applicable time period]**

_____ Not more than six (6) months, inasmuch as the court hereby finds that the Respondent has not been involuntarily committed in the past two years.

_____ Not more than two (2) years, since the court hereby finds that the Respondent has been involuntarily committed in the past two years, to-wit: **[insert date and place of last involuntary commitment]**

The Clerk shall enter the foregoing ORDER as of the day and date first above written and shall transmit attested copies thereof, **together with the voluntary treatment agreement attached hereto**, to the Applicant, the Respondent, to counsel of record, the Secretary of the Department of Health and Human Resources and to _____ Mental Health Center.

