

**IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA**

**IN RE: Involuntary Hospitalization of**

Case No. \_\_\_\_\_ - MH - \_\_\_\_\_

\_\_\_\_\_  
RESPONDENT

**ORDER / COMMISSIONER'S RECOMMENDATION FOR FINAL COMMITMENT:  
FOR RELEASE TO OUTPATIENT TREATMENT PURSUANT TO  
VOLUNTARY TREATMENT AGREEMENT  
[W.Va. Code: §§ 27-5-4 and 27-5-2(b)(6)]**

This matter was heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before the Honorable \_\_\_\_\_, Mental Hygiene Commissioner / Judge of the Circuit Court of \_\_\_\_\_ County, West Virginia. The Applicant in this cause, \_\_\_\_\_, was represented by \_\_\_\_\_, Assistant/Prosecuting Attorney of \_\_\_\_\_ County, West Virginia; The Respondent appeared in person and by appointed counsel, \_\_\_\_\_; Also present and testifying was \_\_\_\_\_ Physician/Psychologist. Testimony was also heard from **[list witnesses]:** \_\_\_\_\_

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 Commissioner / 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 Respondent \_\_\_\_\_ IS \_\_\_\_\_ IS NOT residing in a mental health facility in \_\_\_\_\_ County.

The Commissioner / Court further FINDS that there is clear, cogent and convincing evidence which demonstrates:  
**[Initial Appropriate Items]:**  
\_\_\_\_\_ The Respondent is addicted to the use of \_\_\_\_\_  
\_\_\_\_\_ The Respondent is mentally ill.



The Commissioner / Court further FINDS that the facts supporting the finding of addiction and/or mental illness are as follows:

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The Commissioner / Court further FINDS there is clear, cogent and convincing evidence which demonstrates that the Respondent is likely to cause serious harm to him/her self and/or others in the reasonably foreseeable future because of such mental illness if allowed to remain at liberty, specifically:

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This Court further FINDS there is clear, cogent and convincing evidence which demonstrates that there is no less restrictive alternative to hospitalization of the Respondent, because:

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Additional findings of fact:

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Because of the facts hereinbefore recited, the Commissioner recommends / the Court concludes that involuntary hospitalization is required under the provisions of **West Virginia Code**: § 27-5-4.

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**]

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

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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.

The undersigned further **RECOMMENDS / ORDERS** that 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]**  
\_\_\_\_\_.

Accordingly, it is hereby **RECOMMENDED [by Commissioner] ORDERED [by Judge]:**

1. That the Respondent be released to outpatient treatment upon the terms and conditions set forth in the voluntary treatment agreement.

**THIS RECOMMENDATION** is made this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
**MENTAL HYGIENE COMMISSIONER**

The foregoing findings and recommendations made on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, by \_\_\_\_\_, Mental Hygiene Commissioner of this County, West Virginia, having been carefully and fully reviewed by this Court, are hereby adopted, approved and confirmed as the **ORDER** of the Circuit Court.

The Clerk shall enter the foregoing ORDER as of the day and date written below and shall transmit three attested copies to the Sheriff of this County, one for presentation with the Respondent at the aforementioned mental health facility, and shall also transmit attested copies to Respondent's counsel of record, the Prosecuting Attorney of this County, and to the \_\_\_\_\_ Mental Health Center.

**ENTER** this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

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**JUDGE OF THE CIRCUIT COURT**