

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
IN RE:

Juvenile Respondent,
And

Case No.: _____

Adult Respondent

ORDER FOR JUVENILE COMPETENCY EVALUATION

On this day came the State of West Virginia by its Prosecuting Attorney, _____, and came the Juvenile Respondent, _____, by Counsel, _____ and moved the Court to order the Juvenile to undergo an initial forensic examination to determine the Juvenile Respondent's competency to participate in the juvenile proceedings. If it is determined the Juvenile Respondent is incompetent, there shall be further determination whether the Juvenile Respondent is likely to regain competency, and whether the Juvenile Respondent requires inpatient management at a mental health facility to attain competency.

The Court, pursuant to W. Va. Code 49-4-727 through 49-4-734, does hereby ORDER that this examination be conducted by Dr. Edward Baker, a qualified forensic licensed psychologist at Fremouw, Sigley & Baker Psychological Associates at 1445 Stewartstown Rd., Suite 200, Morgantown, WV 26505.

The Court further Orders as follows:

1. Dr. Baker shall provide a report of the examination and his findings to be filed in triplicate with the Clerk of the Circuit Court for distribution to the Court and the attorneys of record.
2. The State and Juvenile Respondent shall furnish Dr. Baker with all relevant information and materials regarding the above matter to include (a) complete

- criminal investigation report, (b) probation officer reports, (c) a record of all medical and/or psychiatry treatment rendered to the Juvenile Respondent.
3. That Dr. Baker may release this Order to other mental health facilities and/or professionals for the purpose of obtaining the Juvenile Respondent's mental health records.
 4. That any such mental health records requested by Dr. Baker are sufficiently relevant to the proceedings before the court to outweigh the importance of maintaining the confidentiality established by West Virginia Code 27-3-1.
 5. That good cause exists such that the public interest and the need for disclosure outweighs the injury to the patient, to the patient-physician relationship and to the treatment services pursuant to 42 U.S.C.A. Section 290dd-2, and 42 C.F.R. Part 2
 6. That all facilities presented with this Order shall release the Defendant's mental health records to Dr. Baker, who shall use them specifically for completing the examination herein ordered.
 7. That upon receipt of an original invoice and a Court order with a raised seal of the Clerk of this Court, the West Virginia Department of Health and Human Resources, Office of Behavioral Health Services shall pay Fremouw, Sigley & Baker Psychological Associates PLLC for the initial examinations pursuant to West Virginia Trial Court Rules, Rule 35.05. The original invoice, the Court Order and the evaluation shall be forwarded to William R. Sharpe, Jr. Hospital, Attention Business Office, 936 Sharpe Hospital Road, Weston, West Virginia 26452.

Upon entry of this Order the Clerk of Court is directed to forward certified copies thereto to counsel for the parties and to Dr. Edward Baker, 1445 Stewartstown Rd, Ste 200, Morgantown, WV 26505.

ENTERED: _____

JUDGE: _____