

FORM SUMMARY

Name of Form: Order for Competency Examination by DHFS

Form Number: CR-205

Statutory Reference: §§971.14, Wisconsin Statutes

Benchbook Reference: CR 12

Purpose of Form: 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.

Who Completes It: Circuit Court Judge or Court Commissioner

Distribution of Form: Original to court file, copies to district attorney, defendant/counsel, examiner/examining facility, and sheriff.

Accompanying Forms: None.

New Form/Modification: Modification; last update 04/08.

Modifications: Removed in 1b., “but not yet sentenced”.

Comments: 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 Linda Harris at (608) 267-7909 or Lynne Adolphson at (608) 267-7705.

About this Form: 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.

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.