

**IN THE CIRCUIT COURT
TWENTY-FOURTH JUDICIAL CIRCUIT
COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS]
 Plaintiff,]
 vs.]
 _____,]
 Defendant.]

Case No: _____

2a. Order finding Δ unfit & terms of Initial Treatment
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**FITNESS DETERMINATION: UNFIT FINDING
AND INITIAL PERIOD OF TREATMENT ORDERED**

This cause comes on for a Fitness Determination.

Present are: State Defense Counsel Defendant

The defendant's presence was waived based on a physician's certificate per 725 ILCS 5/104-16(c).

On the issue of the defendant's fitness to stand trial or to plead, the COURT JURY has returned a finding that due to a mental condition, the defendant is unfit to stand trial or plead and with a finding of a substantial probability that, if provided with a course of treatment, of attaining fitness within:

One year (*Felony*) 364 days (*Class A misdemeanor*) 6 months (*Class B*) 30 days (*Class C*)

This Court orders treatment as follows:

INITIAL ORDER OF TREATMENT

1. **Treatment ordered:** The defendant is to undergo treatment for the purpose of being rendered fit to stand trial or to plead, and to be sentenced. From the date of this finding of unfitness, the initial period of treatment is not to exceed:

One year (*Felony*) 364 days (*Class A misdemeanor*) 6 months (*Class B*) 30 days (*Class C*)

 shall terminate absent other order of the Court on the _____ day of _____, 20 ____.

2. **Placement ordered:** The defendant is placed for treatment in the custody of the Department of Human Services (DHS). Placement shall be on an inpatient basis for secure treatment in the custody of DHS based on the following (check one):
 - A. Pending charge(s) render the Defendant ineligible for pretrial release. §5/104-17(a)

OR

 - B. Treatment on an outpatient basis is reasonably expected to inflict serious physical harm upon the defendant or another. §5/104-17(a)(1)
 - Additionally, because the charge is a misdemeanor, the Court has recited commitment basis into the record. §5/104-17(b)

OR

 - C. Treatment that will restore the defendant to fitness within a reasonable period of time is not available on an outpatient basis. §5/104-17(a)(2) (*not an option for misdemeanors*).

For either B or C, the court has selected the least physically restrictive form of treatment therapeutically appropriate and consistent with the treatment plan.

3. Current release status awaiting DHS placement:

Until otherwise ordered by the Court, the current pretrial release order shall remain in effect. Defendant to report to Sheriff's Department upon notice for transportation to DHS. Defendant to keep the Clerk and Defendant's Attorney advised of immediate contact information and promptly report when directed. [A modified pretrial release order may need to issue re awaiting placement by DHS.]

OR

The Court acknowledges the current pretrial release order. Nonetheless, pursuant to §5/104-17(b), this Court has ordered defendant placed for secure treatment with DHS. Pending the defendant's placement by DHS, the Court orders the defendant to be held in custody by the Sheriff.

OR

The previously pretrial detention order remains valid, and current custody shall continue in the jail.

4. Orders to DHS: Within 20 days receipt of the placement order, DHS shall conduct an evaluation to determine the most appropriate secure facility and notify the court of that facility. §5/104-17(b).

Within 60 days receipt of the placement order, DHS shall admit the defendant to a secure facility. If not, DHS shall comply with the statutory duties of good faith, with updating the Court every 30 days, and of communication with the Sheriff as required in 725 ILCS 5/104-17(b). When placement availability is determined, DHS shall notify the Sheriff so prompt transportation may be made.

Within 30 days of admission to the designated facility, DHS shall file an Admission Report per §104-17(e). Thereafter, DHS is to file timely Progress Reports per §104-18.

HEARING DATES

5. Hearing dates: This case is next set for hearing on the _____ day of _____, 20 _____ at _____ for the purpose of a:

Status hearing on whether defendant has been placed by DHS (60 days from DHS receipt of order)
First Ninety-Day Hearing to reexamine the issue of defendant's fitness. (*Calculated from finding date.*)
Other hearing: _____

6. Directions to Clerk: The clerk is to provide the State, defense, and Sheriff a copy of this order.

Within 5 days of the entry of the order, the clerk is to transmit to DHS a copy of this Treatment Order along with the additional information required by 725 ILCS 5/104-17(d).

Date: _____, 20 _____ Entered: _____
Judge of the Circuit Court

Printed name or # of Judge: _____ (*per request of DHS*)

Information Requested by DHS	
Per request of DHS, the court sets Ninety-Day Hearings on the following dates. DHS is to timely file Progress Reports 7-days before the hearing. Each 90-Day Hearing is always set in <u>90-day increments from original date</u> of the finding of unfitness – <u>and not 90 days from the date of any preceding 90-Day Hearing.</u>	
1 st 90-Day Hearing: _____, 20 _____ at _____,	2 nd 90-Day Hearing: _____, 20 _____ at _____.
3 rd 90-Day Hearing: _____, 20 _____ at _____,	4 th 90-Day Hearing: _____, 20 _____ at _____.