

IN THE CIRCUIT COURT FOR THE 12TH JUDICIAL CIRCUIT

WILL COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
vs.) No. _____
_____,)
Defendant.)

ORDER FOR FITNESS EVALUATION

Bona Fide Doubt Matter

- ☐ 1. This court finds that a *bona fide* doubt as to the defendant's fitness for trial, to plead, or to be sentenced has been raised. A fitness examination must be conducted. 725 ILCS 5/104-13. A fitness hearing must be held. 725 ILCS 5/104-16. Speedy trial is tolled. 725 ILCS 5/103-5(a).

-or-

- ☐ 1. Pursuant to 725 ILCS 5/104-11(b), the defense has requested that a qualified expert be appointed to examine the defendant to determine if a *bona fide* doubt as to fitness may be raised. There has been no finding by the court that a *bona fide* doubt as to fitness has actually been raised, however, the court, in its discretion, finds that there is a basis to grant the motion for an examination. Speedy trial is tolled. 725 ILCS 5/103-5(a). *People v. Sonntag* 128 Ill. App. 3d 548 (1984).

Appointment of Examiner

- ☐ 2. The court appoints the following licensed physician, clinical psychologist, or psychiatrist (who is not employed by the Department of Human Services) to examine the defendant:

Access to documents

As part of the evaluation procedure, the evaluator is permitted to review any and all records including but not limited to behavioral, medical, and mental health records of the defendant at the Will County Adult Detention Facility (WCADF).

The state is ordered to provide to the Mental Health Unit of the Will County Court Services with copies of police reports in their possession to date within twenty-four hours of the entry of the Order and it is further ordered for the defense to take steps necessary to procure any and all medical reports involving the defendant's condition, including having the defendant sign the attached authorization for release of said reports or prior treatment.

Arrangements for Examination

- ☐ 3. The defendant is not in custody or jail. The defendant is ordered to appear for the examination at the time and place designated by the person (or agency) who has been appointed to conduct the examination.

-or-

- ☐ The defendant is in custody or jail.

☐ The examiner shall examine at the location the defendant is being held.

☐ The sheriff shall deliver the defendant at the time and place agreed to by the sheriff and the person conducting the examination.

Payment of Examiner

☐ 4. Any costs and fees associated with the examiner's examination, report(s), and any testimony shall be paid by:

☐ The defendant.

☐ The county.

Fitness Report

☐ 5. The examiner shall submit a written report to the court, the State, and the defense within 30 days of the date of this order. The report shall include:

a. A diagnosis and explanation as to how it was reached and the facts upon which it is based.

b. A description of the defendant's mental or physical disability, if any; its severity; and an opinion as to whether and to what extent it impairs the defendant's ability to understand the nature and purpose of the proceedings against the defendant or to assist in the defense, or both.

c. If the report indicates that the defendant is not fit because of a disability, the report shall include an opinion as to the likelihood of the defendant attaining fitness within one year if provided with a course of treatment. If the person preparing the report is unable to form such an opinion, the report shall state the reasons therefor. The report may include a general description of the type of treatment needed and of the least physically restrictive form of treatment therapeutically appropriate.

d. The report shall indicate what information, if any, contained therein may be harmful to the mental condition of the defendant if made known to him.

Other

☐ 6. Additional provisions: _____

Hearing Date

☐ 7. This case is set for status on the ____ day of _____, 20____ at ____:____.m. for the purpose of seeing if the fitness report has been received.

A fitness hearing must be held within 45 days of the receipt of the fitness report if a *bona fide* doubt as to the defendant's fitness has been raised. If a *bona fide* doubt was already raised in this case or if the report raises a *bona fide* doubt, a date for the fitness hearing will be given at this status hearing.

Notice of this Order

☐ 8. The ☐ clerk ☐ prosecutor ☐ defense attorney is to provide a copy of this order immediately to the Office of the Chief Judge. The Office of the Chief Judge will notify the Mental Health Unit of Will County Court Services of this order.

Dated this ____ day of _____, 20____.

Entered: _____

Judge of the Circuit Court