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**IN THE _____ COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII**

STATE OF HAWAII,

) **CR. No.** _____

) **FC-CR.** _____

) **REP. NO(S):** _____

) [List offenses or attach complaint, information or indictment]

vs.

)
)

_____,

) ORDER ON THE CONTINUED HEARING
) FOR TEMPORARY HOSPITALIZATION
) AND FOR TRANSPORT
) (CONDITIONAL RELEASE)

Defendant.

)
)

) Judge: _____

)
)

) Next Hearing Date/Time: _____

_____)

**ORDER ON THE CONTINUED HEARING FOR TEMPORARY
HOSPITALIZATION AND FOR TRANSPORT (CONDITIONAL RELEASE)**

The matter of the Defendant's hospitalization pursuant to an Order of Temporary Hospitalization came on for hearing before this Court on _____. Deputy Prosecuting Attorney _____, representing the State of Hawaii, Defendant and

Defendant's counsel, _____, were present. The parties have stipulated to continue the instant hearing on the Defendant's hospitalization until _____ at _____ .m., in the above-entitled Court.

The Defendant has been advised by the Court and counsel of the following rights relating to the time when a hearing on the Order for Temporary Hospitalization must be held.

1. If Defendant's Probation Officer has probable cause to believe that Defendant has violated the conditional release the Probation Officer may order Defendant to be hospitalized for a period not to exceed 72 hours.
2. The Defendant cannot remain hospitalized pursuant to the order beyond such 72 hour period unless a hearing has been held by this Court.
3. At the hearing, the court will determine, after hearing evidence, whether Defendant fulfilled the conditional release or whether, for the safety of the person or others, the conditional release should be revoked. If the court determines that the conditional release have not been fulfilled or that, for the safety of the person or others, the conditional release should be revoked, the court may forthwith modify the conditional or commit Defendant to the custody of the Director of Health.

This Court finds that the Defendant has understood the rights relating to a hearing within 72 hours of hospitalization and has knowingly and voluntarily agreed to waive the right to a hearing within 72 hours of hospitalization. The Court finds that the Defendant has knowingly and voluntarily consented to continue the hearing until _____ at _____ .m.

IT IS HEREBY ORDERED:

1. That the hearing on the Order of Temporary Hospitalization shall be continued until at _____ .m., in the above-entitled Court.
2. That the Defendant is ordered to appear at the continued hearing.
3. That the Defendant shall remain in the custody of the Director of Health.
4. Representatives of the Sheriff's Division or Public Safety designate shall transport the Defendant from the _____ to the above-entitled Court for a further hearing on _____ at _____ .m. and shall remain with the Defendant until the conclusion of the hearing, at which time Defendant may or may not be transported back to the facility deemed appropriate by the Director of Health.

5. In the event that Defendant's treating physician determines that transport to the hearing set on _____, would present a risk of danger to Defendant or to others, or if the Defendant chooses to waive his/her physical presence at the hearing, Defendant's presence at the hearing may be by way of Video-Conferencing or waived.
6. The representatives of the Sheriff's Division or Public Safety designate shall effect the transport of Defendant from the facility deemed appropriate by the Director of Health to this Court, and back to said facility, for any further hearings as ordered by this Court.

DATED: _____, Hawaii, _____.

Judge

APPROVED AS TO FORM on _____:

Deputy Prosecuting Attorney

Defense Counsel