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Fiscal

IN THE _____ COURT OF THE THIRD CIRCUIT
_____ DIVISION
STATE OF HAWAII

STATE OF HAWAII

vs.

_____ ,

Defendant.

CASE NO. _____

**ORDER ON THE CONTINUED HEARING
FOR TEMPORARY HOSPITALIZATION OF
DEFENDANT AND ORDER FOR
TRANSPORT**

[§§704-413(1); 704-406]

Hearing Date

Date: _____

Time: _____

Next Hearing

Date: _____

Time: _____

JUDGE: _____

**ORDER ON THE CONTINUED HEARING FOR TEMPORARY HOSPITALIZATION OF
DEFENDANT AND ORDER FOR TRANSPORT**

The matter of Defendant's hospitalization pursuant to an Order for Temporary Hospitalization came on for hearing before this Court on _____ at _____ .m. with Defendant physically present present by video. Defendant's counsel, _____, and the State of Hawaii, represented by Deputy Prosecuting Attorney, _____, were also present.

Both parties hereby stipulate to continue the instant hearing on the Defendant's hospitalization until _____ at _____ .m.

The Defendant has been advised by the Court and counsel of the following rights relating to the time within which the hearing on the Order of Temporary Hospitalization must be held:

1. That the Defendant cannot remain hospitalized pursuant to the initial Order of Temporary Hospitalization issued by the probation officer/Court beyond seventy-two (72) hours, unless an evidentiary hearing has been held by this Court;
2. That at such hearing, this Court, after hearing and considering evidence, will determine whether the Defendant has fulfilled the terms and conditions of Defendant's conditional release/release on conditions, or whether, for the safety of the Defendant or others, the terms of conditional release/release on conditions should be revoked; and
3. That this Court may forthwith modify the terms of conditional release/release on conditions or commit the Defendant to the custody of the Director of Health if this Court determines that such terms have not been fulfilled or that, for the safety of the Defendant or others, revocation is appropriate.

This Court finds that the Defendant has understood the rights relating to a hearing within seventy-two (72) hours of hospitalization, has made a knowing and voluntary waiver of such a hearing within seventy-two (72) hours, and has consented to continue the hearing for _____ days (not to exceed ninety (90) days).

IT IS THEREFORE HEREBY ORDERED as follows:

1. The hearing on the Order for Temporary Hospitalization shall be continued until _____ at _____ .m.
2. The Defendant is ordered to appear at the hearing.
3. The Defendant shall remain hospitalized at a facility deemed appropriate by the Director of Health.

ORDER FOR TRANSPORT TO COURT

IT IS FURTHER ORDERED that:

Representatives of the Sheriff's Division or the Department of Public Safety shall transport the Defendant from _____

to the _____ Court of the Third Circuit, State of Hawai'i, 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 ("DOH Facility").

In the event that Defendant's treating physician determines that transport to the next hearing would present a risk of danger to Defendant or to others, or if the Defendant chooses to waive their physical presence at the hearing, Defendant's presence at the hearing may be by way of video-conferencing.

Representatives of the Sheriff's Division or the Department of Public Safety shall transport the Defendant from the DOH Facility, and back to said facility, for any further hearings, as ordered by this Court.

DATED: _____, Hawai'i, _____.

JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM on _____:

Deputy Prosecuting Attorney

Defense Counsel

Print Name

Print Name



If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as far in advance as possible to allow time to provide an accommodation. Call the ADA Coordinator at 808-961-7629, Fax 808-961-7577 or send an e-mail to adarequest@courts.hawaii.gov. The ADA Coordinator will try to provide, but cannot guarantee, the requested auxiliary aid, service, or accommodation.