

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

State of West Virginia  
Plaintiff,

Case No. \_\_\_\_\_

vs.)

\_\_\_\_\_ (Name of Juvenile)

\_\_\_\_\_ (Name of Parents)

Defendants

**ORDER FOR PSYCHOLOGICAL EXAMINATION**

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Juvenile appeared in person and with Counsel, \_\_\_\_\_; and the Petitioner appeared by \_\_\_\_\_, Assistant Prosecuting Attorney for \_\_\_\_\_ County, West Virginia. The parties requested that the Juvenile undergo a psychological evaluation.

According, after hearing the representations of the parties, the Court hereby ORDERS that the Juvenile Respondent undergo a psychological evaluation by an appropriate Evaluator at Mountaineer Psychological Services, 4000 Coombs Farm Drive, Morgantown, WV 26508.

It is further ORDERED that West Virginia Department of Health and Human Resources (WVDHHR) ensure that any information relevant to the evaluations be sent to the Evaluator within Ten (10) days of this order, including:

- (1) A copy of the juvenile referral and juvenile petition;
- (2) Information pertaining to the alleged crime, including statements made by the juvenile respondent to the police, investigative reports, and transcripts of preliminary hearings, if any;
- (3) Any available psychiatric, psychological, medical or social records that are considered relevant;
- (4) A copy of the juvenile respondent's criminal record; and
- (5) If the evaluations are to include a diminished capacity assessment, the nature of any lesser included delinquent offenses.

The Court FINDS that the psychological evaluation is medically necessary to obtain diagnosis and treatment recommendations. Upon receipt of an original invoice and report, WVDHHR is ORDERED to pay \$1100.00 to Mountaineer Psychological Services.

This Court further ORDERS that counsel for the juvenile defendant meet with the juvenile defendant and his/her family and friends and prepare a list of mental health facilities and professionals from which

defendant has received treatment and forward that list to the Qualified Evaluator listed above prior to the scheduled examinations.

This Court finds any mental health records requested by the Qualified Forensic Evaluator are sufficiently relevant to the proceeding before the Court to outweigh the importance of maintaining the confidentiality established by W. Va. Code § 27-3-1. This Court further finds that good cause exists such that the public interest and the need for disclosure outweighs the injury to the patient, to the patient-physician relationship and to the treatment services pursuant to 42 U.S.C.A. § 290dd-2 and 42 C.F.R. Part 2. Therefore, this Court ORDERS all facilities presented with this order to release the juvenile defendant's mental health records to the Qualified Evaluator listed who shall use them specifically for completing the evaluation Ordered herein.

The clerk shall enter this ORDER as of and for the day and date first herein above written and transmit attested copies to the Assistant Prosecuting Attorney; Juvenile Probation Officer; DHHR, Youth Services; Juvenile Counsel and Mountaineer Psychological Services.

ORDER PREPARED BY:

ORDER APPROVED BY:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Counsel

**CERTIFICATE OF SERVICE**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Circuit Court Judge  
Judicial Court

County: \_\_\_\_\_