

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA
DIVISION I

STATE OF WEST VIRGINIA,
Plaintiff,

VS.

Case No:

Defendant

ORDER FOR MENTAL EVALUATION- SEX OFFENDER- ADULT

Now comes the Defendant, _____ by and through counsel, _____ and _____ and submit to the court that it is appropriate that the defendant undergo a sexual offender/mental evaluation pursuant to West Virginia Code 62-12-2 (e), to determine his appropriateness for community placement as a possible alternative sentence in regard to the above matter and has secured Dr. William Fremouw to conduct said evaluation.

The Court, based on the defendant's request does whereby ORDER that such examination shall be conducted by Dr. William Fremouw, a licensed psychologist practicing in Morgantown, West Virginia.

The Court further Orders as follows:

1. That Dr. Fremouw shall provide a report of the examination and his findings to be filed in triplicate with the Clerk of the Circuit Court for distribution to the Court and the attorneys of record.
2. That the State and Defendant shall furnish Dr. Fremouw with all relevant information and materials regarding the above matter.
3. That Dr. Fremouw may release this Order to other mental health facilities and/or professional s for the purpose of obtaining the Defendant's mental health records.
4. That any such mental health records requested by Dr. Fremouw are sufficiently relevant to the proceedings before the court to outweigh the importance of maintaining the confidentiality established by West Virginia Code 27-3-1.
5. 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. Section 290dd-2, and 42 C.F.R. Part 2

6. That all facilities presented with this Order shall release the Defendant's mental health records to Dr. Fremouw, who shall use them specifically for completing the examination herein ordered.
7. That upon receipt of an original invoice and a Court order with a raised seal of the Clerk of this Court, the West Virginia Department of Health and Human Resources, Office of Behavioral Health Services shall pay for the initial examinations pursuant to West Virginia Trial Court Rules, Rule 35.05. The original invoices, the Court Order and the evaluations shall be forwarded to Lorna Harris of the Bureau for Behavioral Health and Health Facilities at 350 Capital St. Room 350, Charleston, WV 25301

Upon entry of this Order the Clerk of Court is directed to forward certified copies thereto to counsel for the parties and to Dr. William Fremouw at 1224-B Pineview Drive, Morgantown, WV 26505.

ENTER:

JUDGE