**IN THE DISTRICT COURT OF COUNTY, NEBRASKA**

STATE OF NEBRASKA, ) CASE NO.

)

Complainant, )

)

vs. ) ORDER TO PROCURE

) BIOLOGICAL EVIDENCE

 , )

)

)

Respondent. )

THIS MATTER comes before the Court on the State’s Verified Application for an Order to Procure Biological Evidence from an Individual’s Person. The State is present by and through counsel, . The Respondent is/is not present with counsel, / without counsel. Evidence is adduced and arguments heard.

The Court being fully advised in the premises finds as follows:

1. That [*insert name of Local Health District Officer and Title*] has reasonable grounds to believe [insert individual subject’s name] is infected with [insert name of applicable communicable or dangerous disease].
2. That [*insert name of Local Health District Officer and Title*] has reasonable grounds to believe [*Individual name*] poses a serious and present threat to the health of others because [*Individual name*] has engaged in the following conduct: [*specifically list conduct showing behavior or threatened behavior capable of transmitting disease*].
3. That [*insert name of Local Health District Officer and Title*] has requested said testing by a Directed Health Measure pursuant to Neb. Rev. Stat. §§71-501 and 71-1631, *et seq*.
4. That [*Individual’s name*] is non-compliant with said Directed Health Measure; and has refused said testing.
5. That a delay in the imposition of the Directed Health Measure would significantly jeopardize the ability to prevent or limit the transmission of a communicable disease, illness, or poisoning or pose unacceptable risks to any person or persons.

WHEREFORE, the Court finds that the Directed Health Measure order to procure biological evidence was entered according to the authority granted to the [*local health department*]

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pursuant to §§71-501 and 71-1631 et. seq. and is necessary to protect the public’s health.

IT IS SO ORDERED that the Directed Health Measure dated is adopted the Court Orders to obey all of the terms of the Directed Health Measure order dated .

IT IS FURTHER ORDERED that the sheriff of this County shall arrange for [*insert individual’s name*] to be transported to the [*insert name of appropriate medical facility*], where a licensed medical doctor shall cause a [*insert type of sample (e.g., blood, fluid, tissue)*] sample to be removed from [*insert individual’s name*]’s body and subjected to a test that has been scientifically demonstrated to reveal whether [*insert individual’s name*] is infected with [*insert name of communicable or dangerous disease being screened for*].

IT IS FURTHER ORDERED that the sample procurement and test shall be conducted in the least intrusive manner reasonably possible under the circumstance.

IT IS FURTHER ORDERED that the results of this test shall be disclosed only to [*insert individual’s name*], [*insert petitioner’s name*], and other individuals legally authorized to access such information.

IT IS SO ORDERED.

BY THE COURT:

DISTRICT JUDGE