

How to Get a Mental Health Commitment

Instructions for Friends and Family of a Person with a Psychiatric Problem that Requires Hospitalization against his or her will

The commitment of an individual requires adherence to the temporary commitment procedures codified in the Texas Mental Health Code. Thus, certain paperwork must be on file before the Mental Health Court – i.e., the Probate Court – can issue an Order of Protective Custody (OPC) to restrain a mentally ill individual who presents a substantial risk of serious harm to his or her person or others.

This primer is intended to instruct a relative or friend of an individual in need of services (proposed patient) on how to initiate a temporary mental health commitment by filing the necessary paperwork, as detailed below, during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday).

Overview of paperwork

Before the Court can issue an OPC, all of the following must be on file with the Mental Health Section of the County Clerk, Probate Division (Room 222 of Travis County Courthouse located at 1000 Guadalupe):

1. A **sworn physician's certificate of mental illness** demonstrating that substantial risk of serious harm exists.
2. An **Application for Court Ordered Mental Health Services** and an **Information Sheet**.
3. A **Motion for Protective Custody** filed by the Travis County Attorney based on the physician's certificate.

Process Regarding Required Paperwork

Because the physician's certificate is of utmost importance in the temporary commitment process, it should be the first document obtained. For detention to begin or continue, a physician who has seen the proposed patient within the last five days must complete, and sign before a notary public, a physician's certificate of mental illness. If the patient has a private physician/psychiatrist or attends an ATCIC Outpatient Clinic, the patient's physician can complete the initial certificate. If the proposed patient does not have a doctor, the proposed patient can be taken to an emergency room of any local hospital to obtain the required physician's certificate.

Once the physician's certificate has been obtained, it ought to be taken to the County Attorney's office on the third floor of the Granger Building located at 314 W. 11th Street. If the medical certificate meets the requirements of the law, the County Attorney will prepare a Motion for an OPC.

If an Application for Court Ordered Mental Health Services and an Information Sheet are not yet on file, the County Attorney's office can provide an application and an information sheet to complete.

All of the paperwork needs to be given to the deputy clerks in the Mental Health Section of the County Clerk, Probate Division (Room 222 of Travis County Courthouse located at 1000 Guadalupe). Assuming all the required paperwork has been filed, the mental health clerk will present all the paperwork to the Judge. The Judge decides whether to issue the OPC, and – if the OPC is issued – appoints an attorney to represent the proposed patient and sets the hearing dates.

It is important to understand that the Judge and his staff cannot discuss anything about the pending case because such discussions would violate the law governing the proposed patient's right to privacy and the Code of Judicial Conduct's prohibition against ex parte conversations about the merits of the case. Please respect the Court's prohibition against discussing the case. The Court and its staff must abide by the law.

Fees

There are fees charged in mental health cases. The amount of and/or authority for these fees come from the Texas Legislature, and Travis County cannot deviate from Texas law. That being said, under some circumstances, it is possible to have court costs waived for public facility commitments if the proposed patient is indigent. Proving indigence requires a pauper's affidavit. However, no cost of commitment to a private facility shall be borne by the public; therefore, no waiver of court costs is available for private-facility commitments.