

LEGAL STEPS IN A MENTAL HEALTH COMMITMENT

Voluntary Mental Health Care
 Sec. 572.002
 (Cannot commit Voluntary Patient unless criteria of Sec. 572.005 is met.)

EMERGENCY DETENTION
 Sec. 573.001-Sec. 573.002
 A Peace Officer picks up a person from the community and takes them to the hospital.

APPLICATION FOR EMERGENCY DETENTION
 SEC. 573.011
 An adult comes to our office to file for a Mental Health Warrant

EMERGENCY DETENTION
 Sec. 573.021-573.022
 A person presents themselves to a hospital or is brought in by EMS and the doctor does a preliminary examination and an application for emergency detention.

All warrants are good for 48 hours. If a warrant expires on a weekend or legal holiday the patient may be detained until 4 pm on the first succeeding business day.

ORDER OF PROTECTIVE CUSTODY
 Sec. 574.001 & Sec. 574.021
 An adult files a sworn application & affidavit along with a certificate of medical examination done by a doctor who has examined the patient not earlier than the 3rd day before the application is filed.

APPOINTMENT OF ATTORNEY
 Sec. 574.024
 When the Order of Protective Custody is signed, the Judge shall appoint an attorney to represent the proposed patient who does not have an attorney.

PROBABLE CAUSE HEARING
 Sec. 574.025
 A hearing must be held within 72 hours of the Order of Protective Custody being signed.

SETTING ON APPLICATION FOR TEMPORARY MENTAL HEALTH SERVICES
 Sec. 574.005
 The Judge shall set a date for a hearing to be held within 14 days after the application for Temporary Mental Health Services is filed.

REQUIREMENT OF MEDICAL EXAMINATION Sec. 574.009
 A hearing on an Application for Court-Ordered Mental Health Services may not be held unless at least 2 Certificates of Medical Examination are on file done by 2 different doctors, 1 of which is a psychiatrist.

GENERAL PROVISIONS RELATING TO HEARING
 Sec. 574.031 (c)
 The proposed patient is entitled to be present at the hearing, but the patient or the patient's attorney may waive this right.

ORDER FOR TEMPORARY MENTAL HEALTH SERVICES
 Sec. 574.034
 An order for temporary mental health services shall state that treatment is for not longer than 45 days, except the order may specify a period not to exceed 90 days if the judge finds that the longer period is necessary.

COURT-ORDERED OUTPATIENT SERVICES
 Sec. 574.037
 An order for court-ordered outpatient services shall state that the treatment is for not longer than 45 days, except the order may specify a period not to exceed 90 days if the judge finds that the longer period is necessary. The person who the court designates under Sec. 574.0125 as responsible for those services shall submit a treatment plan before the hearing and the treatment plan must be incorporated into the court order

MODIFICATION OF ORDER FOR INPATIENT TREATMENT
 Sec. 574.061
 An inpatient commitment can be modified to an outpatient commitment. The court shall appoint an attorney to represent the patient and shall hold a hearing, but if a hearing is not requested the court can make the decision from the request and supporting medical certificate. A modified order may not extend beyond the term of the original order.

MOTION & ORDER FOR MODIFICATION OF ORDER FOR OUTPATIENT TREATMENT
 Sec. 574.062-Sec. 574.065
 An outpatient commitment can be modified to an inpatient commitment. The court shall appoint an attorney to represent the patient and shall set a hearing date no later than the 7th day after the motion is filed. The court may issue an order for temporary detention if a modification hearing is set and the court finds from the information in the application there is probable cause to believe that the opinions stated in the application are valid. A modified order may not extend beyond the term of the original order.



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