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| Chapter: Rules for State-Operated Programs and Facilities Subchapter: Treatment Division: Programming for Youth with Specialized Treatment Needs Rule: Court-Ordered Mental Health Services ACA: 4-JCF-4C-12(M), 4D-06 Statute(s): Health and Safety Code, Chapters 573 & 574 | Effective Date: 12/1/14 Page: 1 of 3 Replaces: GAP.380.8769, 4/15/10 |
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RULE

(a) **Purpose.**

The purpose of this rule is to establish criteria and a procedure for the Texas Juvenile Justice Department (TJJD) to seek court-ordered mental health services for youth with mental illness.

(b) **Applicability.**

This rule applies to all youth under TJJD's jurisdiction. TJJD retains jurisdiction of youth transferred to mental health facilities for emergency detention or on temporary or extended mental health commitments unless the youth are discharged pursuant to [§§380.8565](#), [380.8569](#), [380.8595](#), or [380.8779](#) of this title.

(c) **Definitions.**

Mental Illness--has the meaning assigned by Texas Health and Safety Code [§571.003](#).

(d) **Emergency Mental Health Detention.**

(1) A youth may be referred for emergency mental health detention if:

- (A) the youth evidences mental illness;
- (B) the youth evidences a substantial risk of serious harm to self or others;
- (C) the risk of harm is imminent unless the youth is immediately restrained; and
- (D) the necessary restraint cannot be accomplished without emergency mental health detention.

(2) Upon approval by the TJJD chief local administrator, appropriate TJJD staff members file the required application documents with the judge of the local county court with probate jurisdiction.

(3) If the court orders that the youth be placed in emergency mental health detention, he/she is transported to the appropriate mental health facility.

(4) TJJD staff members notify the youth's parents, guardian, managing conservator, or any other appropriate party of the emergency detention.

(5) Prior to the youth's discharge from the mental health facility, TJJD staff members determine the most appropriate follow-up placement to ensure the youth's mental health needs are appropriately addressed.

(e) **Court-Ordered Mental Health Services.**

(1) A youth may be referred for temporary inpatient mental health services if:

- (A) the youth is mentally ill; and
- (B) as a result of the mental illness the youth:
 - (i) is likely to cause serious harm to self or others; or

- (ii) is:
 - (I) suffering severe and abnormal mental, emotional, or physical distress;
 - (II) experiencing substantial mental or physical deterioration of the ability to function independently, exhibited by an inability to provide for basic needs; and
 - (III) unable to make a rational and informed decision as to whether or not to submit to treatment.
- (2) A youth may be referred for extended inpatient mental health services if the criteria in paragraph (1) of this subsection are met and:
 - (A) the youth's condition is expected to continue for more than 90 days; and
 - (B) the youth has received court-ordered inpatient mental health services for at least 60 consecutive days during the preceding 12 months.
- (3) A youth who is returning to or residing in the community may be referred for temporary outpatient mental health services if:
 - (A) the youth is mentally ill;
 - (B) the mental illness is severe and persistent;
 - (C) as a result of the mental illness, the youth will, if not treated, continue to:
 - (i) suffer severe and abnormal mental, emotional, or physical distress; and
 - (ii) experience deterioration of the ability to function independently such that the youth cannot live safely in the community without court-ordered outpatient mental health services; and
 - (D) the youth has the inability to participate in outpatient treatment services effectively and voluntarily.
- (4) A youth may be referred for extended outpatient mental health services if the criteria in paragraph (3) of this subsection are met and:
 - (A) the youth's condition is expected to continue for more than 90 days; and
 - (B) the youth has received court-ordered inpatient mental health services for at least 60 consecutive days during the preceding 12 months.
- (5) Upon approval of the application for court-ordered mental health services by the TJJD chief local administrator, appropriate TJJD staff members:
 - (A) notify the local Mental Health Authority (MHA) of the pending application for court-ordered mental health services;
 - (B) obtain a Certificate of Medical Examination from two physicians who have examined the youth within five days of the filing of the certificates with the county court. At least one physician must be a psychiatrist;
 - (C) complete a social summary; and
 - (D) file the application for court-ordered mental health services and all necessary documents with the appropriate county clerk.

- (6) TJJJ staff members:
- (A) notify the youth's parents, guardian, managing conservator, or any other appropriate party of the hearing date set by the court at the time of the filing;
 - (B) transport the youth to the hearing; and
 - (C) if the youth is to be committed and TJJJ is authorized by the court order to provide transportation:
 - (i) transport the youth to the mental health facility specified in the court order;
 - (ii) upon delivery of the youth at the receiving mental health facility, obtain a written statement from the facility acknowledging acceptance of the youth and any personal property belonging to the youth; and
 - (iii) file a copy of the statement with the clerk of the court that issued the writ of commitment.
- (7) Prior to the youth's discharge from the mental health facility, TJJJ staff members determine the most appropriate follow-up placement to ensure the youth's mental health needs are appropriately addressed.

See [CMS.06.49](#) for implementation procedures.