

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Treatment Division: Programming for Youth with Specialized Treatment Needs Rule: Referral of Sentenced Offenders to Court for Mental Health Services ACA: 4-JCF-4D-06 Statute(s): Hum. Res. Code §244.0125	Effective Date: 12/1/14 Page: 1 of 2 Replaces: GAP.380.8781, 4/15/10
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RULE

(a) **Purpose.**

The purpose of this rule is to provide criteria and a process for the Texas Juvenile Justice Department (TJJD) to refer sentenced offender youth with mental illness to the committing juvenile court for inpatient mental health commitment proceedings.

(b) **Applicability.**

- (1) This rule applies only to sentenced offender youth.
- (2) This rule applies only to youth committed to TJJD for offenses occurring on or after June 19, 2009.
- (3) This rule does not apply to youth who are in need of commitment to a mental health facility only for crisis stabilization and/or acute care. See [§380.8769](#) of this title for such commitments.

(c) **Definitions.**

Mental Illness--see definition in [§380.8779](#) of this title.

(d) **General Provisions.**

- (1) A determination of whether a youth is able to progress in TJJD's rehabilitation programs will be made on an individualized basis, considering factors such as the youth's level of functioning, abilities, strengths, needs, and past progress. The determination also includes a review of the supplemental interventions and/or program adaptations used to accommodate the youth's disability.
- (2) All requests for hearings under this rule require the approval of the executive director.

(e) **Eligibility Criteria.**

TJJD may seek a court hearing for inpatient mental health services pursuant to Texas Human Resources Code [§244.0125](#) for a youth who:

- (1) has been assessed as having a high need for specialized mental health programming, as defined in [§380.8751](#) of this title;
- (2) has been diagnosed with a mental illness by a licensed psychologist or psychiatrist based on the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association (e.g., psychotic disorder, bipolar disorder, major depressive disorder, organic disorder, severe neurological deficit);
- (3) as a result of the mental illness:
 - (A) is likely to cause serious harm to self or others; or

(B) 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.

(f) **Referral to Court.**

If the executive director approves the request for a hearing, appropriate TJJJ staff will petition the committing juvenile court for the initiation of mental health commitment proceedings in accordance with Texas Human Resources Code [§244.0125](#).

See [CMS.02.81](#) for implementation procedures.