

I. What Does Involuntary Commitment Mean?

Individuals suffering from mental disorders are sometimes unable to understand the severity of their illness, may refuse to take their prescribed medications, or are unable to recognize their need for medical assistance. Family members and friends may try to help or heal their loved ones who suffer from mental illness, but there are instances when their watchful eyes and efforts are simply not enough. Sometimes, the only alternative is to seek legal assistance to help someone you care about deal with mental illness.

The law provides a process known as Involuntary Commitment. Involuntary commitment is the use of legal means to commit a person to a mental hospital or psychiatric ward against their will or over their protests. This civil procedure can be an extremely difficult process emotionally, but it may also be the ultimate life-saving choice. Committing an individual does not mean that you are giving up on them, if anything it shows that you are committed and determined to help them get onto a path of healing and stability.

In the mental health community, involuntary commitment is considered a “last resort” option and is mainly issued when an individual is unable to care for him or herself and have demonstrated behaviors indicating they are a danger to themselves or others.

II. Possible Mental Illness Warning Signs

- Change in thinking, mood or behavior
- Confusion, poor concentration, indecision
- Depression, apathy, sleeping pattern changes
- Anxiety, fear, withdrawal
- Inappropriate emotion responses to people or events
- Feelings of losing control
- Addiction to chemicals, people or events
- Thinking or talking about suicide
- Delusions, hallucinations
- Violence
- Illegal substance abuse and alcoholism

If someone you know suffers from mental illness and is displaying these warning signs, you may consider applying for a mental health warrant to begin the involuntary commitment process. It is important to note that even though a “warrant” will be issued, the involuntary commitment process is civil in nature and not criminal.

III. Beginning the Involuntary Commitment Process

In order to begin the Involuntary Commitment process, a Mental Health Warrant must be issued. This warrant serves as a Magistrate's Order for Emergency Apprehension and Detention. The “Magistrate” is the Judge who will issue the warrant. Keep in mind that this warrant does not guarantee admission, but rather guarantees evaluation for the need of treatment in the least restrictive environment.

A. Applying for a Mental Health Warrant

- **Step 1:** Contact your local county clerk's office or Justice of the Peace Office. Most counties have a specific office where an application for a warrant may be filed.

E.g., Harris County - Mental Health Division of the Harris County Clerk's Office, located at 2800 South Mac Gregor Way at Highway 288, near the Texas Medical Center and Hermann Park.

- **Step 2:** In order to approve the application, the magistrate must find that there is reasonable cause to believe that the person you are trying to commit evidences mental illness or evidences a substantial risk of serious harm to himself or others. Intervention by the Court is necessary because the risk of harm will be imminent unless the person is immediately restrained, and the necessary restraint cannot be accomplished without emergency detention. If the application for a warrant is approved, then a warrant is issued and the local sheriff or constable's office will locate and detain the individual. The sheriff or constable will then transport the individual to a local mental health facility.

- **Step 3:** Once the patient is at the mental health facility, a physician has to provide a medical certificate within 24 hours of the patient's admission. This certificate enables the court to establish whether or not it is necessary to issue an order of protective custody (OPC). The OPC is an order issued by a Probate Court after an Application for Court Ordered Mental Health Services has been filed. At least one Physician's Certificate must be on file with the Court if an OPC is to be issued. The Physician's Certificate must demonstrate sufficient facts for the Court to believe that the proposed patient is mentally ill and, as a result of the mental illness, is substantially likely to cause serious harm to self or others.

- **Step 4:** If an OPC is issued, a probable cause hearing must be held within **72 hours**. At this hearing the judge decides whether the patient will be held at a mental health facility or released on his own, while he awaits the mental health hearing.

- **Step 5:** The Mental Health hearing must take place within two weeks of the patient's detention. At this hearing, the court may listen to testimony from the applicant for the warrant, medical experts, and the patient themselves. The court may decide to dismiss the case, issue a court order for outpatient treatment, or order inpatient hospitalization. Prior to this hearing, **two** Physician Certificates are required to be on file; one of these must be by a psychiatrist. The hearings are generally held at the hospital at which the patient is detained if they were not released following the OPC.

B. What Sorts of Questions Are in the Application?

In order to obtain a mental health warrant, an applicant must provide information about the individual in need of treatment. That information includes, but is not limited to, contact information, medical history, prior alcohol and substance abuse, as well as current information about the individual's mental health status. The following excerpt is taken from **section 573.004 (b)** of the **Texas Mental Health Code**.

... **(b) The application for detention must contain:**

- (1) a statement that the guardian [or applicant] has reason to believe and does believe that the ward evidences mental illness;
- (2) a statement that the guardian [or applicant] has reason to believe and does believe that the ward evidences a substantial risk of serious harm to the ward or others;
- (3) a specific description of the risk of harm;
- (4) a statement that the guardian [or applicant] has reason to believe and does believe that the risk of harm is imminent unless the ward is immediately restrained;
- (5) a statement that the guardian's [or applicant's] beliefs are derived from specific recent behavior, overt acts, attempts, or threats that were observed by the guardian [or applicant]; and
- (6) a detailed description of the specific behavior, acts, attempts, or threats.

It is important that you are truthful in the Application and provide all facts necessary to support your belief that the person you are trying to help is mentally ill and, as a result of the mental illness, is substantially likely to cause serious harm to themselves or others.

IV. Involuntary Commitment in an Emergency Situation

If you find yourself in an emergency situation, and require immediate assistance, call 911 or your local police department. Some local police departments have special units that are trained to deal specifically with mentally ill individuals. For example, the Harris County Police Department has the Crisis Intervention Team (CIT). The CIT can be contacted when you call 911 for assistance.

When the police arrive to the emergency scene, they will ask themselves whether **the person is over 18, and whether they pose a substantial risk of imminent harm to themselves or others?**

If the answer is “**YES,**” peace officers have the authority to take an individual into custody and immediately transport them to a mental health facility for observation. This can occur even if the individual does not want to go voluntarily. Once the officer transports the individual to a mental health facility the involuntary commitment process discussed above begins.

V. Difference in Guardianship and Involuntary Commitment

There is a difference between guardianship and involuntary commitment. As explained above, involuntary commitment is the use of legal means to commit a person to a mental hospital or psychiatric ward against their will or over their protests. Guardianship is the use of legal means to grant another person or entity full or limited authority over an incapacitated person (ward) to promote and protect the well-being of the ward.

In guardianships, the guardian is NOT allowed to commit the ward to a mental hospital, insane asylum or psychiatric ward. In guardianships, the guardian's role is to step into the shoes of the ward because they are incapacitated and unable to perform the functions necessary to manage themselves or their estate. Involuntary commitments are used only to assist the mentally ill with getting necessary medical treatment for their mental illness. The person you are trying to help may not be incapacitated; they simply need medical attention to help them with their problem.

In order to determine whether an involuntary commitment or guardianship is best for the person you are trying to help, you should seek the advice of an attorney in your area.

VI. Useful Organizations and Websites

Remember, if you or someone you know suffers from mental health issues, there is something you can do. Below is a list of websites that can provide more information on Mental Health Warrants and Emergency Commitment Procedures.

A. University of Texas Harris County Psychiatric Center:

http://www.uth.tmc.edu/uth_orgs/hcpc/index.htm

B. Houston Police Department Crisis Intervention Team

<http://www.houstoncit.org/>

C. Collin County Menal Commitments -

http://www.co.collin.tx.us/mental_commitments/index.jsp

D. Texas Council of Community Mental & Mental Retardation Centers, Inc. -

<http://www.txcouncil.com/>

VII. Texas Mental Health & Mental Retardation (MHMR) Centers (listed by city)

Recognizing that involuntary commitment is a “last resort” option for a family or loved one to make on behalf a person who needs treatment, we have provided a listing of MHMR centers across the state that stand ready to provide alternative resources and treatment options.

Don't hesitate to contact your local center to get the help your loved one deserves. CALL NOW!

Austin Travis County MHMR Center
(512) 447-4141
1430 Collier St., Austin 78704
<http://www.atcmhmr.com/>

Betty Hardwick Center
(800) 758-3344
2616 S Clack St., Abilene 79606
<http://www.bhcmhmr.org/>

Bluebonnet Trails Community MHMR Center
(800) 841-1255
1009 N. Georgetown St.
Round Rock 78664
<http://www.bluebonnetmhmr.org/>
Border Region MHMR
(800) 643-1102
1500 Pappas St., Laredo 78041
<http://www.borderregion.org/>

Burke Center
(936) 639-1141
4101 S. Medford Dr.
Lufkin 75901
<http://www.burke-center.org/>

Central Counties Center for MHMR
(800) 888-4036
304 S 22nd St., Temple 76501
<http://www.cccmhmr.org/>

Denton County MHMR
(800) 762-0157
2519 Scripture St., Denton 76201
<http://www.dentonmhmr.org/>

El Paso MHMR
(915) 887-3410
1600 Montana Ave.
El Paso 79902
<http://www.epmhmr.org/>

Gulf Bend MHMR Center
(361) 575-0611
1502 E. Airline Rd Suite #25
Victoria 77901
<http://www.gulfbend.org/>

Heart of Texas Region MHMR Center
(254) 776-1101, (866) 752-3451
110 S 12th St., Waco 76703
<http://www.hotrmhmr.org/>

Helen Farabee Regional MHMR Centers
(800) 669-4166, (800) 621-8504
P.O. 8266, Wichita Falls 76307
<http://www.helenfarabee.org/>

Hill Country Community MHMR Center
(830) 792-3300, (877) 466-0660
819 Water St, Suite 300
Kerrville 78028
<http://www.hillcountry.org/>

LifePath Systems
(972) 422-5939
1416 N. Church St.
McKinney 75069
<http://www.lifepathsystems.org/>

Lubbock Regional MHMR Center
(806) 740-1414, (800) 687-7581
1602 10th St., Lubbock 79408
<http://www.lubbockmhmr.org/>

Metrocare Services
(214) 743-1200
1380 River Bend Dr.
Dallas 75247
<http://www.dallasmetrocare.com/>

MHMR Authority of Brazos Valley
(979) 822-6467
1504 S. Texas Ave., Bryan 77802
<http://www.mhmrabv.org/>

MHMR Authority of Harris County
(713) 970-7000, (866) 970-4770
7011 Southwest Fwy
Houston 77074
<http://www.mhmaroofharriscount.y.org/>

MHMR Center of Nueces County
1630 S. Brownlee Blvd.
Corpus Christi 78404
<http://www.ncmhmr.org/>

MHMR of Tarrant County
(817) 569-4300
3840 Hulen St., Fort Worth 76107
(817) 335-3022
11 S. Main, Fort Worth 76104
<http://www.mhmrtc.org/>

MHMR Services for the Concho Valley
(325) 653-593, (325) 658-7750
(800) 375-8965
1501 W. Beauregard
San Angelo 76901
<http://www.mhmrcv.org/>

MHMR Services of Texoma
(903) 957-4700
315 W. McLain Dr.
Sherman 75092
<http://www.mhmrst.org/>

Permian Basin Community Centers for MHMR
(432) 570-3333, (432) 570-3300
401 E. Illinois Ave.
Midland 79701
<http://www.pbmhmr.com/>

Spindletop MHMR Services
(409) 784-5400
655 S. 8th St., Beaumont 77701
<http://www.spindletopmhmr.org/>

Texana Center
(281) 239-1300
(866) 483-9262 (toll free)
4910 Airport Ave.
Rosenberg 77471
www.texanacenter.com

Texas Panhandle MHMR
(800) 692-4039, (806) 358-1681
901 Wallace Blvd.
Amarillo 79106
<http://www.tpmhmr.org/>

The Center for Health Care Services
(210) 223-SAFE, (210) 225-5481
(800) 316-9241
3031 W I-10, San Antonio 78201
<http://www.chcsbc.org>

The Gulf Coast Center
(409) 763-2373, (281) 488-2839
(800) 643-0967
123 Rosenberg, Ste. 6
Galveston 77550
<http://www.gcmhmr.com/>

Tri-County MHMR Services
Montgomery County –
(936) 521-6300
Walker County –
(936) 291-5800
Liberty County –
(936) 334-3299
1506 FM-2854, Conroe 77305
<http://www.tcmhms.org/>

This pamphlet is published as a public service project of the Texas Young Lawyer's Association. It provides you with a brief overview of the legal system as it pertains to Involuntary Commitment procedures and is not intended to replace legal advice from an attorney. If you have specific legal questions, you should seek counsel from an attorney in your area.



COMMITTED TO HEALING: INVOLUNTARY COMMITMENT PROCEDURES

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