|  |  |  |
| --- | --- | --- |
|  |  CAUSE NO. |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  | § | IN THE COUNTY COURT AT LAW #2 |
| FOR THE BEST INTEREST |  | § |  |
| AND PROTECTION OF |  | § |  |
|  |  | § | OF |
|  |  | § |  |
| The Proposed Patient |  | § | WILLIAMSON COUNTY, TEXAS |

SUA SPONTE MOTION FOR ORDER OF PROTECTIVE CUSTODY

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the , hereinafter called “Movant”, and files this Motion for Order of Protective Custody, pursuant to § 574.021, Texas Health & Safety Code, accompanied by a Certificate of Medical Examination for Mental Illness, sworn to by the physician/psychiatrist who performed the examination within three (3) days of the filing of this Motion, and as grounds for said Motion, would state to the Court as follows:

1. That there is pending in this Court a sworn Application for Court-Ordered Temporary Mental Health Services for \_\_\_\_\_\_\_\_\_, hereinafter referred to as the “Proposed Patient.” The Applicant, \_\_\_\_\_\_\_\_\_\_\_\_ has alleged that the Proposed Patient is mentally ill and meets the criteria for court-ordered mental health services.
2. That within the accompanying Certificate, the certifying physician/psychiatrist has stated the detailed basis for his/her opinions that the Proposed Patient is mentally ill and presents a substantial risk of serious harm to self or others if not immediately restrained.
3. That upon the sworn representations of the Applicant and the certifying physician/psychiatrist, all of whom are credible persons, as well as upon the basis of the conduct of the Proposed Patient or the circumstances under which the Proposed Patient was found, Movant has reason to believe and does believe that the Proposed Patient meets the criteria set forth in Sections 574.021 and 574.022, Texas Health & Safety Code, namely that the Proposed Patient is mentally ill and represents a substantial risk of serious harm to self or to others if not immediately restrained pending a hearing on probable cause.
4. That, if deemed necessary by the Court, further evidence may be presented. Otherwise, Movant would respectfully show the Court that, upon the basis of the information in the Application and Certificate, it may fairly determine and conclude that the physician/psychiatrist has stated an opinion and the detailed basis for that opinion that the Proposed Patient is mentally ill, that the Proposed Patient presents a substantial risk of serious harm to self or others if not immediately restrained pending the hearing, and that the conclusions and beliefs of the Applicant, certifying physician, and Movant are adequately supported by the information presented.

WHEREFORE, PREMISES CONSIDERED, Movant prays that this Court issue an Order for Protective Custody directing a peace officer or other designated person to take the Proposed Patient into protective custody and immediately transport such person to the following facility and location to evaluate and examine the Proposed Patient, and to legally detain the Proposed Patient pending a probable cause hearing pursuant to

§ 574.025, Tex. Health & Safety Code:

**HOSPITAL** ADDRESS ADDRESS

Respectfully submitted,

By: