

Information for Persons with a Psychiatric Problem that Requires Involuntarily Hospitalization

The commitment of an individual requires adherence to the temporary commitment procedures codified in the Texas Mental Health Code. Thus, certain paperwork must be on file before the Mental Health Judge can issue an Order of Protective Custody (OPC) to restrain a mentally ill individual who presents a substantial risk of serious harm to his or her person or others.

This document is intended to provide information to a relative or friend of an individual in need of services on how to initiate a temporary mental health commitment by filing the necessary paperwork, as detailed below, during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday). **This document is not legal advice. Our office cannot assist you with these forms, explain your legal rights, or answer questions** This is simply a summary of the requirements necessary under The Code. You are encouraged to consult with an attorney to answer any legal questions you may have concerning this process.

Before the Court can issue an OPC, **ALL OF THE FOLLOWING MUST BE ON FILE** with the Williamson County Clerk's Office - Civil/Probate Division located at 405 Martin Luther King Jr St, Georgetown, TX 78626, Room 280 (right next door to County Court at Law # 4) on the second floor of the Williamson County Justice Center:

1. Accepting Facility Information Sheet
2. A sworn Physician's Certificate of Medical Examination for Mental Illness demonstrating that a substantial risk of serious harm exists.;
 - a.) **The Physician's Certificate of Medical Evaluation is only good for 3 days from the day of the evaluation.** If the process takes longer than 3 days for you to complete the remaining tasks, a new Physician Certificate will be needed.
3. A sworn Application for Court-Ordered Temporary Mental Health Services;
4. General Information Sheet;
5. Letter of Acceptance from accepting mental health facility; and
6. A Motion for Order of Protective Custody filled in for review by the Court.

A copy of the above forms may be located on the Williamson County Attorney's website at <https://www.wilco.org/countyattorney>.

****Please note that numbers 2 and 3 above must be notarized in accordance with Texas Health and Safety Code Section 574.001 and 574.011. ****

If the patient has a private physician/psychiatrist, the patient's physician can complete the initial certificate. If the patient does not have a private physician/psychiatrist a Physician Certificate of Medical Evaluation for Mental Illness is still required and can be obtained by any physician including but not limited to a physician at the following locations a family doctor, a new primary care doctor, a psychiatrist, an urgent care facility, an emergency room, a walk-in clinic, etc.

After all the required paperwork has been properly completed and filed, the Williamson County Clerk will present the paperwork to the Judge. The Judge decides whether to issue the Order of Protective Custody. If the Judge issues an Order of Protective Custody, the Judge will then appoint an attorney to represent the patient.

It is important to understand that the Judge, their staff, and the Williamson County Clerk's Office cannot discuss anything about the pending case because such discussions would violate the law governing the proposed patient's right to privacy and the Code of Judicial Conduct's prohibition against ex parte conversations about the merits of the case.

Please respect the prohibition against discussing the case. The Court, its staff, and the Williamson County Clerk's Office must abide by the law.

Fees

There are fees charged in mental health cases. The amount of and/or authority for these fees come from the Texas Legislature, and Williamson County cannot deviate from Texas law. Under some circumstances, it is possible to have court costs waived for public facility commitments if the proposed patient is indigent. Proving indigence requires a pauper's affidavit. **However**, no cost of commitment to a private facility shall be borne by the public; therefore, no waiver of court costs is available for private-facility commitments.

**** Our office cannot assist you with these forms, explain your legal rights, or answer questions. If you have any questions beyond this summary you are encouraged to consult with an attorney. You can locate an attorney through the State Bar of Texas website at <https://www.texasbar.com/>.****