

THE SUPREME COURT OF TEXAS
THE TEXAS COURT OF CRIMINAL APPEALS

TEXAS JCMH

Celebrating 5 years

April 12, 2023
Meeting Notebook





April 12, 2023
Meeting Notebook

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Tab 1
Agenda



Texas Judicial Commission on Mental Health

April 12, 2023

AGENDA

10:00	Welcome	Hon. Jane Bland Hon. Barbara Hervey
10:15	Executive Director Report Five-Year Accomplishments Strategic Plan Budget and Grants Report Round Table Report on Complex Issues in Emergency Detention	Kristi Taylor Hon. John J. Specia, Jr Patrick Passmore Hon. Dave Jahn
11:45	Networking Lunch Break	Hon. Barbara Hervey
12:15	2023 Legislative Status Update JCMH Criminal Proposals JCMH Civil Proposals JCMH Juvenile Proposals Law Enforcement HHSC TJJD TCOOMMI Commission on Jail Standards	Megan LaVoie Professor Brian Shannon Judge Brent Carr Molly Davis Chief Standridge Captain Lee Sonja Gaines Scott Schalchlin Shandra Carter April Zamora Brandon Wood
1:30	Announcements (Please submit)	Hon. Jane Bland
2:00	Adjourn	Hon. Barbara Hervey

Tab 2

**Executive Committee,
Commissioners,
& Collaborative Council**

JUDICIAL COMMISSION ON MENTAL HEALTH

Executive Committee & Commissioners

Executive Committee

Hon. Jane Bland, Co-Chair

Justice

Supreme Court of Texas

Hon. Barbara Hervey, Co-Chair

Judge

Texas Court of Criminal Appeals

Hon. Brent Carr

Judge (Ret.)

Tarrant County, Texas

Hon. Bill Boyce, Vice-Chair

Justice (Fmr.)

Fourteenth Court of Appeals

Alexander, Dubose & Jefferson, LLP

Hon. John J. Specia, Jr.

Judge (Ret.)

Plunkett, Griesenbeck & Mimari, Inc.

Megan LaVoie

Administrative Director

Office of Court Administration

High Court Liaisons

Hon. Rebeca Huddle

Justice

Supreme Court of Texas

Hon. Jesse F. McClure, III

Judge

Texas Court of Criminal Appeals

Commissioners

Dr. Connie Almeida

Director of Behavioral Health

Fort Bend County Behavioral Health Services

Hon. Cory Carlyle

Justice

Fifth Court of Appeals, Dallas

Shandra Carter

Executive Director

Texas Juvenile Justice Department

Hon. Francisco Dominguez

Judge

El Paso County, 205th Judicial District Court

Hon. Camile DuBose

Judge

Real and Uvalde Counties, 38th Judicial District

Dr. Melissa Eshelman

Associate Professor

University of Texas at Austin, Dell Medical School

David Evans

Chief Executive Officer

Integral Care

Dr. Tony Fabelo

Senior Fellow for Justice Policy

Meadows Mental Health Policy Institute

Alyse Ferguson

Chief Counsel

Collin County Mental Health Managed Counsel

Sonja Gaines

Deputy Executive Commissioner for

Intellectual and Developmental Disability and Behavioral Health Services

Texas Health and Human Services Commission

Kevin Garrett

Assistant Public Defender

Travis County Public Defender's Office

Dr. Courtney Harvey

State Mental Health Coordinator & Associate Commissioner

Office of Mental Health Coordination, Texas Health and Human Services Commission

Hon. Bonnie Hellums

Judge (Ret.)

Harris County, Texas

Courtney Hjaltman

Policy Advisor

Office of the Governor

JUDICIAL COMMISSION ON MENTAL HEALTH
Executive Committee & Commissioners

Hon. Yolanda Huff

Judge

Bexar County Court at Law No. 12

Hon. Joan Huffman

Senator, District 17

Texas Senate

Hon. Dave Jahn

Judge

Denton County Probate Court No. 1

Hon. Oscar Kazen

Judge

Bexar County Probate Court No. 1

Dr. Andrew Keller

President and CEO

Meadows Mental Health Policy Institute

Adrienne Kennedy

Past President

National Alliance on Mental Illness

Hon. Sue Kurita

Judge

El Paso County Court at Law No. 6

Beth Lawson

Chief Executive Officer

StarCare Specialty Health System

Chief Mike Lee

Chief Deputy Sheriff

Harris County Sheriff's Office

Hon. Elizabeth Byer Leonard

Judge

Midland County, 238th District Court

Hon. Pam Liston

Magistrate Judge

Senior Attorney

Messer, Fort & McDonald, PLLC

Dr. Octavio Martinez

Executive Director

Hogg Foundation for Mental Health

Hon. Stacey Mathews

Judge

Williamson County, 277th District Court

Beth Mitchell

Supervising Attorney

Disability Rights Texas

Hon. Joe Moody

Representative, District 78

Texas House of Representatives

Hon. Tamara Needles

Judge

Travis County, 427th Criminal District Court

Hon. Roxanne Nelson

Justice of the Peace

Burnet County, Precinct 1

Denise Oncken

Bureau Chief

Harris County District Attorney's Office

Lee Pierson

Chief Mental Health Prosecutor

Dallas County District Attorney's Office

Hon. Renee Rodriguez-Betancourt

Judge

Hidalgo County, 449th District Court

Scott Schalchlin

Deputy Executive Commissioner for the HHSC

Health and Specialty Care System

Texas Health and Human Services

Commission

Prof. Brian Shannon

Paul Whitfield Horn Professor

Texas Tech University School of Law

Shelley Smith

Chief Executive Officer

West Texas Centers, Howard County

Chief Stan Standridge

Chief of Police

San Marcos Police Department

Hon. Charles Stephens

Judge

Comal County Court at Law No. 2

JUDICIAL COMMISSION ON MENTAL HEALTH
Executive Committee & Commissioners

Hon. Cynthia Wheless

Judge

Collin County, 417th District Court

Brandon Wood

Executive Director

Texas Commission on Jail Standards

Wayne Young

Chief Executive Office

The Harris Center

April Zamora

Director

Reentry and Integration Division, Texas

Correctional Office on Offenders with Medical
or Mental Impairments, Texas Department of
Criminal Justice

JUDICIAL COMMISSION ON MENTAL HEALTH Collaborative Council

Collaborative Council

Hon. Devon Anderson

Judge (Former)
President & CEO
Justice Forward

Hon. Mark Atkinson

Judge (Ret.)
Chief Executive Officer
Texas Center for the Judiciary

Hon. Laura Barker

Judge
Williamson County Court at Law No. 2

Kelsey Bernstein

Legislative Consultant
Texas Association of Counties

Catherine Bialick

Senior Advisor
Texas Health and Human Services Commission

Alison Mohr Boleware

Director of Policy
Hogg Foundation for Mental Health

Tim Bray

Vice President for Justice and Health Policy
Meadows Mental Health Policy Institute

Dr. Virginia Brown

Assistant Professor
Dept. of Population Health Dell Medical School,
The University of Texas at Austin

Hon. Sarah Bruchmiller

Judge
Williamson County, 368th District Court

Sonja Burns

Mental Health Advocate

Hon. Nelda Cacciotti

Assistant District Attorney
Tarrant County

Angel Carroll

Director of Community Engagement & Partnerships
MEASURE

JUDICIAL COMMISSION ON MENTAL HEALTH Collaborative Council

Kathleen Casey-Gamez

Senior Policy Analyst

Texas Indigent Defense Commission

Armando Colombo

President and Chief Executive Officer

The Menninger Clinic

Leah Davies

Cause Programs Manager

CLEAN Cause Foundation

Colleen Davis

Assistant County Attorney

Burnet County Attorney's Office

Dep. Shawn Edwards

Training Coordinator, Crisis Intervention Unit #920

Burleson County Sheriff's Office

Lesli Fitzpatrick

Director of Special Litigation

Texas Department of Criminal Justice

Hon. Neal Franklin

County Judge

Smith County

Gilbert Gonzales

Director

Bexar County Department of Behavioral and Mental Health

Krishnaveni Gundu

Co-Founder & Executive Director

Texas Jail Project

Rachel Hampton

Chief Mission Officer

Lone Star Justice Alliance

Greg Hansch

Executive Director

NAMI Texas

Hon. James C. Henderson

Judge, County Court at Law #1

Grayson County

Angelita Hunter

Municipal Court Supervisor

City of McKinney Municipal Court

JUDICIAL COMMISSION ON MENTAL HEALTH Collaborative Council

Lee Johnson

Chief Executive Officer

Texas Council of Community Centers, Inc.

Windy Johnson

Program Manager, IGR

Texas Conference of Urban Counties

Kathy Johnston

Rural Health Specialist

State Office of Rural Health, Department of Agriculture

Louise Joy

Attorney/Partner

Joy & Young, LLP

Hon. Evelyn Keyes

Justice (Ret.)

First Court of Appeals

Yolanda Lewis

Executive Vice President for Justice and Health

Meadows Mental Health Policy Institute

Chris Lopez

Assistant General Counsel

State Hospital

Texas Health and Human Services Commission

Mike Lozito

Judicial Services Director

Bexar County

Dr. Charles Mathias

Associate Professor

University of Texas Health Science Center San Antonio

Hon. Lela Mays

District Judge

Dallas County, 283rd Judicial District Court

Rosie Medina

Chief Juvenile Probation Officer

El Paso County Juvenile Probation Department

Joanna Mendez

Assistant Adjunct Professor

Steve Hicks School of Social Work, University of Texas at Austin

Trooper Bianca Morales

Highway Patrol

Texas Department of Public Safety

JUDICIAL COMMISSION ON MENTAL HEALTH Collaborative Council

Magdalena Morales-Aina

Director

El Paso County Community Supervision and Corrections Department

Jennifer Mudge

Public Policy Director

Texas Council on Family Violence

Hon. Kirk Noaker, Sr.

Senior Specialist, Mental Health & Criminal Justice

Arc of Texas

Hon. Rita Noel

Student Support Services

Denison Independent School District

Dr. Susan Palacios

Community Mental Health Program Administrator

Texas Juvenile Justice Department

John Petрила

Senior Executive VP of Policy

Meadows Mental Health Policy Institute

Hon. Daphne Previti-Austin

Judge (Fmr.)

Bexar County, 289th District Court

The Law Office of Shawn C. Brown, P.C.

Officer Terry Qualls

Crisis Intervention Coordinator

McKinney Police Department

Janis Reinken

Chief Clerk (Former)

House Committee on Corrections

Chris Ritter

In-house Legal Counsel

State Bar of Texas

Michelle Romero

Associate Director

Texas Medical Association

Dep. Joe Ross

Mental Health Peace Officer

Grayson County Sheriff's Office

Simone Salloum

Policy Attorney

Texas Health and Human Services Commission

JUDICIAL COMMISSION ON MENTAL HEALTH Collaborative Council

Rachel Samsel

Deputy Associate Commissioner for Regional & Local Operations
Texas Health and Human Services Commission

Melissa Schank

Executive Director
Texas Criminal Defense Lawyers Association

Jonas Schwartz

Program Manager
Texas Workforce Commission

Melissa Shearer

Director
Travis County Mental Health Public Defender's Office

Dr. Jennie Simpson

Forensic Director
Texas Health and Human Services Commission

Matt Smith

Assistant Executive Director/ Director of Mental Health Services
Williamson County Juvenile Services

Hon. Mike Smith

Judge
Brown County, 35th District Court

Dr. Sandra Smith

Vice President
Via Hope

Lt. Scott Soland

Lieutenant
Fort Bend County Sheriff's Office

Gloria Terry

Chief Executive Officer
Texas Council on Family Violence

Jennifer Toon

Mental Health Peer Policy Fellow
Coalition of Texans with Disabilities

Haley Turner

Deputy Executive Commissioner for Community Services
Texas Health and Human Services Commission

Hon. Ryan Kellus Turner

Associate Municipal Judge
Executive Director
Texas Municipal Courts Education Center

JUDICIAL COMMISSION ON MENTAL HEALTH Collaborative Council

Sally Uncapher

Assistant District Attorney
Bexar County District Attorney's
Office

Julie Wayman

Mental and Behavioral Health Manager, Interagency Liaison
Texas Education Agency

Nicole Weaver

YES Waiver Manager, Mental Health and Substance Use Programs
Texas Health and Human Services Commission

Thea Whalen

Executive Director
Texas Justice Courts Training Center

Hon. Deborah Wigington

Judge
Comal County Court at Law #3

Thomas Wilson

Assistant District Attorney, Civil Division
Smith County District Attorney's Office

Steve Wohleb

Senior Vice President/General Counsel
Texas Hospital Association

Tab 3

Minutes from January 2023 Meeting

**JUDICIAL COMMISSION ON MENTAL HEALTH
MINUTES OF MEETING
January 26, 2023
10:00 A.M. – 2:00 P.M.
State Bar of Texas
Austin, Texas 78701**

Welcome and Announcements

Justice Jane Bland opened the meeting and welcomed all in attendance. She stated that during the business meeting, there would be updates on committee work, including the revised strategic plan and the progress of the legislative proposals that were approved by the Texas Judicial Council back in September. Justice Bland announced that Collaborative Councilmember Matt Smith from Williamson County would give an educational presentation on motivational interviewing.

Justice Jane Bland also introduced two new commissioners: Shandra Carter, Executive Director of the Texas Juvenile Justice Department, and Scott Schalchlin, Deputy Executive Commissioner for the HHSC Health and Specialty Care System.

New Collaborative Council Members/Announcements

Justice Rebecca Huddle welcomed our new Collaborative Council members: Judge Mike Smith, Judge of the 35th District Court; Yolanda Lewis, Executive Vice President for Justice and Health and Executive Director of the Center for Justice and Health at the Meadows Mental Health Policy Institute; Thomas Wilson, Assistant District Attorney in Smith County; Rosie Medina, Chief Juvenile Probation Officer for El Paso County; Officer Shawn Edwards, Regional Director for the Texas CIT Association and Regional Director for the Law Enforcement Peer Network; Kathy Johnston, Rural Health Specialist for the Texas Department of Agriculture; Simone Salloum, Policy Attorney for the Texas Health and Human Services Commission; and Magdalena Morales-Aina, Director of the El Paso County Community Supervision and Corrections Department. She also introduced JCMH's new staff member, Cynthia Martinez, a paralegal with 26 years of experience as a Certified Paralegal, including work in the private and government industries.

Executive Director Report

Kristi Taylor directed attention to the Commission Report, which catalogs current Commission projects and Committee activities, as well as the newest projects and latest accomplishments of the Commission. In 2022, Commission staff and leadership sought input on the direction for 2023 through several avenues, such as the Long-Term Planning Committee, feedback and suggestions

on new topics of focus for the next Summit, bench books, and requests for new educational materials. The recommended areas of focus include education about grant writing, sharing best practices from successful urban and rural counties, mental health courts, how courts should collect data, and legislative efforts.

Strategic Plan

Hon. John Specia reported the strategic plan was revised in May 2022 by the Long-Term Planning Committee, which recommended keeping the underlying tenets of collaboration, education, and leadership but adding a new vision statement and overarching principles. The comment period will close on Friday, February 17th.

Budget

Willette Sedwick reported the budget for the 2022–2023 biennium was \$2,500,000, with the number of grants reduced to two and additional funding allocated to the Judicial Summit on Mental Health and Commission Directed Projects. The fund balance is currently waiting on the final invoice for the 2022 Summit, it is anticipated that JCMH will carry forward approximately \$60,000 from fiscal year 2022, leaving about \$30,000 unallocated for 2023.

Communications

Rose McBride reported that JCMH had received some media attention recently, such as in the Texas Bar Journal's [November issue](#); KXAN's [piece](#) on the Eliminate the Wait forum; the Dallas Morning News' [article](#) about the commission, pilot programs, and publications; and KVUE's upcoming [story](#) about Executive Director Kristi Taylor. The [Top 10 Summit Takeaways](#) are available on the JCMH website in the most recent Jurist in Residence letter.

Roundtable

Judge Dave Jahn reported that the Roundtable Discussion on Emergency Detention was an educational and productive discussion, with 35 stakeholders attending. Judge Jahn appreciated the attendees' contributions and learned about the emergency detention process. Staff are working on a report to be released soon.

Technical Assistance

Kama Harris reported that staff worked with 33 different counties to fulfill 22 technical assistance requests, including Regional Mental Health Training and support for rural counties east of Harris, around McClennan, and in South Texas.

Summit Curriculum Committee

Judge Brent Carr reported that the 5th Annual Judicial Summit on Mental Health went well, the Top 10 Learning Points were brought to life with the work of the JCMH staff on the [Top 10 Learning Points Video](#). The requests for proposals for the 6th Summit will be available in March or April, and a Summit committee will meet in the summer.

Bench Book Committee

Kama Harris reported that the Bench Book Committee plans to reconvene in March, meet twice during the spring and summer, and focus on emergency detentions, court-ordered medications, and re-entry chapters. Those with interest in or special knowledge on any of these topics should consider joining the committee.

Juvenile Bench Book Committee

Judge Cyndi Wheless reported the Juvenile Bench Book Committee plans to meet twice this spring and summer to discuss the Texas Juvenile Justice Department and legislative changes.

Legislative Status Update

Molly Davis reported that there are many filed bills that pertain to services for children and youth. [House Bill 1359](#) streamlines certain Texas Family Code processes, strengthens the value of expert examinations and reports, and expands the use of outpatient restoration and services.

Louis Tomasetti reported a legislative overview for Megan LaVoie. 1,680 House bills and around 600 Senate bills had been filed as of the meeting date. The committees released interim reports and introduced budget bills with exceptional items outside the base budget. It was reported that the largest increase in 40 years was for state employees, with 5% salary increases in 2024 and 2025, totaling \$1.8 billion. OCA received \$6 million for a case-level data system to collect information on mental health. Judicial pay was not included in the base budget but is an exceptional item that will be discussed in both Senate and House budgetary hearings. The Senate Finance Committee hearing will be held on February 6th, and there are \$50 billion remaining for

legislators to address their legislative priorities. Mental health items in the base budget include \$9.5 billion in total funding: \$236.3 million to address workforce challenges, \$55.5 million to expand child and adult mental health services, \$60 million to expand community mental health, over \$30 million to expand multi-systemic therapy for at-risk youth and their families, and \$156.2 million to expand children's mental health services through Texas Child Mental Health Care. OCA is tracking 24.8 million takes, the loan repayment program, and emergency items for the first 60 days of the session.

Motivational Interviewing

Matt Smith, Assistant Chief of Williamson County Juvenile Services and JCMH Collaborative Councilmember, gave an informative presentation on the use of Motivational Interviewing techniques [link](#) when working with people involved in the adult and juvenile justice systems.

Data Committee

Dr. Connie Almeida announced that the [16.22 Guide](#) has been finalized and 100 printed copies are available for free. The next Data Committee meeting is scheduled for February 15th to discuss next steps and develop recommendations for a new project.

Long-Term Planning Committee

Judge John Specia reported that the Long-Term Planning Committee has been exploring how to support judges in their work, creating and augmenting mental health courts, incorporating best practices for youth, and improving disparate outcomes.

Criminal Legislative Proposals

Professor Brian Shannon reported that the criminal subcommittee of the LRC submitted seven proposals to the Texas Judicial Council, two of which were filed in [H.B. 1401](#) by Rep. Moody. H.B. 1401 includes two proposals, one addressing the statutory authority for Justices of the Peace and Municipal Court Judges to dismiss Class C misdemeanors when the defendant lacks capacity.

The remaining unfiled proposals are to amend 46B to limit or create alternatives to competency restoration services or competency proceedings in certain misdemeanor cases; amend CCP 46B.084 to address the situation of individuals whose condition degrades in the interim between determination of competency and resumption of adjudicative hearings or a trial; and amend CCP 16.22 to include Class C Misdemeanors, allowing judges to order a 16.22 interview and report on persons charged with Class C misdemeanors to identify the issue and connect them to mental

health services. The next proposal seeks to harmonize mental health personal bonds with last session's bond bill (SB 6). The passage of the bond bill in the 2021 second Special Legislative Session created a conflict between which offenses allow someone to be released on personal bond (under CCP 17.03) versus on a mental health personal bond (under CCP 17.032). The final proposal amends the Texas Code of Criminal Procedure to add in Article 14.036 that would allow for the delay of arrest for individuals who are charged with nonviolent offenses but who are undergoing emergency mental health or IDD treatment.

Civil Legislative Proposals

Judge Brent Carr reported on the civil subcommittee that submitted four proposals to the Texas Judicial Council, which were unfiled at the time of the meeting. The four proposals are: Electronic Application for Emergency Detention Warrants by Qualified Professionals at Hospitals and Mental Health Facilities; Security of Firearms Found in Possession of Persons in Emergency Detention Under a Warrant; Authorization for Blood Draws for Patients Receiving Court-Ordered Medication; and Clarification of a Law Enforcement Officer's Duties Upon Presenting an Individual for Mental Health Services. Judge Carr reported that in 2021, the JCMH experienced a high degree of success at the legislature and that ten of the proposals were passed into law.

Announcements

Justice Bland invited Commissioners and the Collaborative Council to make announcements.

Meeting adjourned

Justice Rebeca Huddle announced the upcoming Commission meeting on April 12, 2023 and thanked everyone for attending.

Tab 4
Budget

Judicial Commission on Mental Health FY2023

April 2023 Financial Report

FY2023 Available Funds

FY2022-2023 State Appropriation	
FY2022 Strategy B.1.4	\$ 75,620
FY2023 Strategy B.1.4	\$ 1,250,000
Total State Appropriation	\$ 1,325,620

FY2023 Budget vs. Actuals

	Actual	Budget	Balance
Operating	\$ 329,876	\$ 753,000	\$ 423,124
Commission Projects	\$ 76,511	\$ 386,625	\$ 310,114
Scholarships	\$ 1,002	\$ 4,000	\$ 2,998
Grants	\$ 0	\$ 119,000	\$ 119,000
Total Expenditures	\$ 407,390	\$ 1,262,625	\$ 855,235

Financial Status as of April 2023

State Appropriation FY2022-2023	
FY2022 Strategy B.1.4	\$ 75,620
FY2023 Strategy B.1.4	\$ 1,250,000
FY2023 Funds Available	\$ 1,325,620
FY2023 Expenditures to Date	\$ (407,390)
FY2023 Current Balance	\$ 918,231

Tab 5

Five Years of JCMH

FIVE YEARS OF JCMH

by the numbers



58

Commissioners

31 commissioners in 2018, 27 new since 2020

21

Grants Awarded

13 in 2020, 4 in 2021, 4 in 2022, including the Diversion Coordinator Pilot Program in Denton, Grayson, and Smith Counties



10

Laws

10 of 16 JMCH legislative proposals were passed into law in the 87th Legislative Session. This session, 11 JCMH proposals have been adopted into bills.

5

Summits

5,140 total attendees, 62.75 hours of Continuing Education provided for FREE, 187 counties represented at the 2022 Summit



9

Toolkits/Guides

Eliminate the Wait, Mental Health Court 10-Step Guide, 16.22 Guide, Diversion at Every Budget, CCA MH Resources Guide, and 4 bench cards

75

Forms

The Forms Committee vetted and updated 68 forms, 7 forms were officially approved and are subject to the new Supreme Court rule



6,375

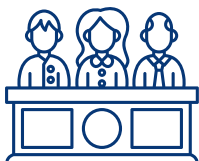
Books Distributed

Bench Books	2,425
Juvenile Bench Books	1,550
Mental Health Code	1,500
Judges Guide to MH	900

28

Media Articles

Newspapers, magazines, and tv stations have presented stories about the JCMH and our initiatives



11

Committees

Executive Committee, Legislative Research Committee (criminal & civil), SB362 Task Force (forms subcommittee), Bench Book, Juvenile Bench Book, Summit, Data, Long-Term Planning

33

Counties with TA

JCMH provided 33 counties Technical Assistance



Tab 6

Emergency Detention Round Table Report



Emergency Detention Round Table Report

March 2023

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I. Introduction

On December 14, 2022, the Texas Judicial Commission on Mental Health held its second Round Table on emergency detention procedures. The first emergency detention Round Table occurred on December 4, 2018 and focused on the practice of using sequential emergency detention orders due to delays in the issuance of orders of protective custody. A [report](#) summarizing the discussion points was released and can be found on the JCMH website.

JCMH Leadership participated in the second Round Table discussion, including Supreme Court of Texas Justice Jane Bland, JCMH Chair; Supreme Court of Texas Justice Rebeca Huddle, JCMH Deputy Liaison; Hon. John J. Specia, Jr., JCMH Jurist-in-Residence; and Kristi Taylor, JCMH Executive Director. Invited guests included judges from all levels of the judiciary, medical professionals, law enforcement, attorneys, hospital and medical association representatives, and leaders from state agencies such as the Health and Human Services Commission. The JCMH is thankful to the Texas Hospital Association for the use of their meeting room for this event.

In 2022, JCMH staff recognized the need for a second Round Table on emergency detention while conducting training and technical assistance. Community after community had challenges interpreting and executing the laws related to emergency detention procedures. JCMH leadership determined that these complex issues needed to be explored.

The Honorable David Jahn, Judge of the Denton County Probate Court and JCMH Commissioner, served as moderator of the discussion and provided participants with a brief overview of the statutes governing emergency detention. Judge Jahn began the Round Table reminding the participants that the Texas Mental Health Code¹ begins by clearly stating that the patient's right to liberty must always be respected and balanced against society's interest in safety.

The Mental Health Code refers to involuntary civil commitment as court-ordered mental health services. Because court-ordered mental health services involve the denial of freedom, these involuntary commitments are only authorized when, as a result of their mental illness, a person is likely to pose a substantial risk of serious harm either to themselves or to others and inpatient mental health treatment is the least restrictive appropriate setting.

The process for court-ordered mental health services can be broken into three distinct parts: 1) Emergency Detention; 2) Protective Custody; and 3) Commitment (Inpatient or Outpatient). This Round Table addressed issues involving the initial process of emergency detention. To better understand these complex issues, Judge Jahn led the Round Table according to stakeholder group, in the following order: the judiciary, law enforcement, hospitals, and jails. The report follows the same structure and outlines the issues raised during the Round Table as well as some key learning points that were raised during the preparation for the Round Table.

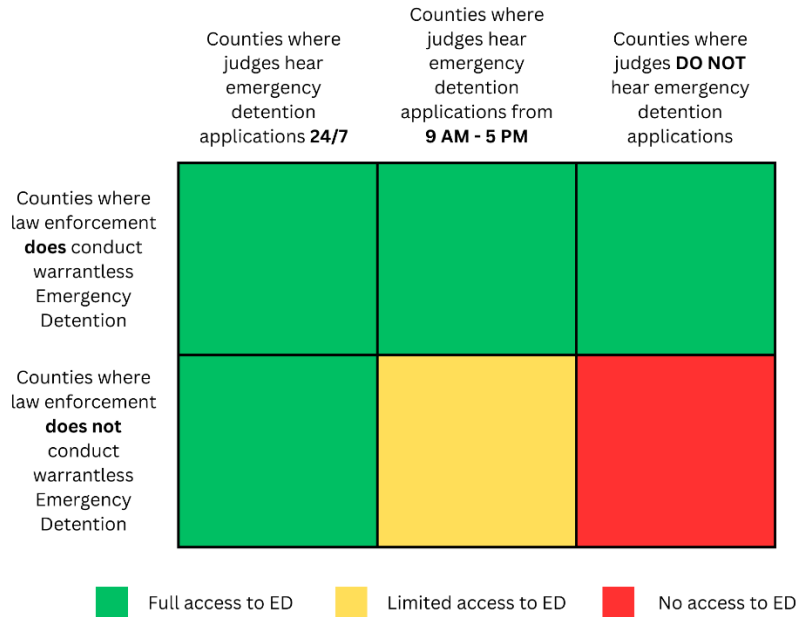
¹ Subtitle C of the Texas Health & Safety Code is referred to as the "Texas Mental Health Code."

II. Issues Presented

Emergency detention is the legal procedure by which a person experiencing a severe mental health crisis may be detained for a preliminary examination and crisis stabilization, if appropriate. Emergency detention may be accomplished through a guardian, a law enforcement officer, or a warrant from a magistrate. A magistrate, defined as any Texas judge under [Art. 2.09 of the Texas Code of Criminal Procedure](#), can sign emergency detention orders by virtue of being a magistrate; however, per [Texas Health and Safety Code § 573.012](#), this authority can be limited by the county’s judge with probate jurisdiction through administrative order.

Structures vary by county as to how emergency detention is accomplished and the extent to which access to the procedure is provided. JCMH has identified the following structures:

- Counties in which law enforcement conduct warrantless emergency detention warrants AND judges hear emergency detention applications around the clock;
- Counties in which law enforcement conduct warrantless emergency detention and judges hear emergency detention applications during regular business hours;
- Counties in which law enforcement conduct warrantless emergency detention and there are few to no judges who hear emergency detention applications;
- Counties in which law enforcement do not conduct warrantless emergency detention, but there are on-call Justices of the Peace who hear emergency detention applications around the clock;
- Counties in which law enforcement do not conduct warrantless emergency detention, but there are judges who hear emergency detention applications during regular business hours;
- Counties in which law enforcement do not conduct warrantless emergency detention and there are few or no judges who hear emergency detention applications.



The variation in structure can be explored through the perspectives of the many stakeholders.

a. Judiciary

Lack of Access to Judges for Emergency Detention Via Warrant

At the Round Table, participants agreed that guardians rarely apply for emergency detention warrants and that most applications for emergency detention warrants originate from hospitals and family members. This may be an issue to explore further as the appropriate use of guardianships continues to grow through efforts from the Texas Office of Court Administration on guardianship certification and monitoring, as well as the promotion of Centers of Excellence, an OCA program recognizing excellent work done by courts across the state, including guardianship fraud and abuse prevention.²

There was discussion as to whether emergency detention warrants are still used in Texas now that law enforcement officers can conduct emergency detentions. Judge Roxanne Nelson of Burnet County asserted that many counties, especially rural counties, still use the judiciary to accomplish emergency detention and that Texas Justices of the Peace issued over 12,000 such warrants in the 12-month period of December 2021 through November 2022.³

i. Lack of Judges Hearing Emergency Detention Applications

Both hospitals and family members in some Texas counties have experienced a lack of access to magistrates who will hear the application. JCMH heard from a few rural counties who stated they do not have a judge in their county who will issue an emergency detention.

To understand why this may occur, JCMH asked judges and stakeholders about the barriers to judges hearing emergency detention applications. One explanation is that there is a misunderstanding that there must be a mental health facility in the county to issue an emergency detention, which is not true.

Another barrier is the belief reported to JCMH by many judges that they do not feel adequately prepared to issue emergency detentions. Participants in the Round Table stated that training on mental health laws is offered to all new judges and to any judges who are interested. Among the dedicated judicial education organizations in Texas are the [Texas Justice Court Training Center](#), [Texas Municipal Courts Education Center](#), the [Texas Association of Counties](#), and [Texas Center for the Judiciary](#), all of whom provide regular training on mental health laws and processes. Judge

² Texas Judicial Branch, *Centers of Excellence: A Judicial Branch Performance Initiative*, <https://www.txcourts.gov/programs-services/centers-of-excellence/> (last visited March 17, 2023).

³ Texas Office of Court Administration, *Court Activity Reporting and Directory System, Justice Court Activity Detail, December 2021 to November 2022*, <https://card.txcourts.gov/> (last visited March 15, 2023) (showing 12,802 Emergency Mental Health Hearings Held by Justice Courts during this time period). Actual report available here: [https://card.txcourts.gov/oca_ReportViewer.aspx?ReportName=Justice Courts/JC Justice Court Activity Detail_HB79_N.rpt&ddlFromMonth=12&ddlFromYear=2021&txtFromMonthField=@FromMonth&txtFromYearField=@FromYear&ddlToMonth=11&ddlToYear=2022&txtToMonthField=@ToMonth&txtToYearField=@ToYear&ddlPrecinct=0&txtPrecinctField=@PrecinctID&ddlPlace=0&txtPlaceField=@PrecinctPlaceID&ddlCountyPostBack=0&txtCountyPostBackField=@CountyID&chkAggregateMonthlyReport=0&export=1706](https://card.txcourts.gov/oca_ReportViewer.aspx?ReportName=Justice%20Courts/JC%20Justice%20Court%20Activity%20Detail_HB79_N.rpt&ddlFromMonth=12&ddlFromYear=2021&txtFromMonthField=@FromMonth&txtFromYearField=@FromYear&ddlToMonth=11&ddlToYear=2022&txtToMonthField=@ToMonth&txtToYearField=@ToYear&ddlPrecinct=0&txtPrecinctField=@PrecinctID&ddlPlace=0&txtPlaceField=@PrecinctPlaceID&ddlCountyPostBack=0&txtCountyPostBackField=@CountyID&chkAggregateMonthlyReport=0&export=1706).

Tramer Woytek of the Texas Association of Counties (TAC) led this discussion, stating that although he believed there was good training available to judges, the state would benefit from a more unified approach among all of the judicial educators to ensure similar messages are being delivered.

JCMH also learned of the concern from judges that hearing emergency detentions applications is akin to asking the judge to serve as a mental health expert, leading some judges to decline to hear these applications. The Texas Municipal Courts Education Center and the Texas Justice Court Training Center (TJCTC) advise judges that they should perform this duty in their respective trainings. Specifically, TJCTC developed a presentation that states that a judge is bound by their Oath of Office in the Texas Constitution that the judge will “faithfully and impartially discharge the duties required by law.”⁴ TJCTC points to the Canons of the [Texas Code of Judicial Conduct](#) for guidance on the matter.⁵ Canon 3(A) states: “The judicial duties of a judge take precedence over all the judge's other activities. Judicial duties include all the duties of the judge's office prescribed by law.” Canon 3(B)(1) states: “A judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate.” Canon 3(B)(9) states: “A judge should dispose of all judicial matters promptly, efficiently and fairly.” These training organizations teach that issuance of an emergency detention warrant under [Texas Health & Safety Code § 573.012](#) is a magistrate function to which these provisions of the Code of Judicial Conduct would apply.⁶

ii. Limited Access to Courts After Hours

Another impediment to court access is that courts typically operate during regular business hours, but mental health crises often occur at night or on weekends. In large counties such as Tarrant and Bexar, judges are available during the day to issue emergency detention warrants and law enforcement officers are available to issue emergency detentions on nights and weekends, so there are no gaps in access.

Judges from the mid-size and smaller counties in attendance also reported that they issue emergency detentions warrants, but there could be a gap in access after-hours if local law enforcement officers do not issue emergency detentions. Judge Nelson offered that she issues emergency detention warrants at all times of day and night.

⁴ Myers, Amber, Texas Justice Court Training Center, Emergency Mental Health Warrants/Emergency Detention Orders Handout, available <https://provost.txst.edu/mjdf38i3tv0b56vz/dam/jcr:60e4927c-87f0-4b71-bd56-b4a306d7d335/Emergency%20Mental%20Health%20Warrants%20Updated%20Handout.pdf> referring to the Oath of Office found in the Texas Constitution, Tex. Const. art. 16, § 1, available at <https://statutes.capitol.texas.gov/Docs/CN/htm/CN.16.htm>.

⁵ Texas Code of Judicial Conduct, amended by the Supreme Court of Texas through July 10, 2019, available at <http://www.scjc.texas.gov/media/46779/code-of-judicial-conduct.pdf>. “The Code is intended . . . to state basic standards which should govern the conduct of all judges and to provide guidance to assist judges in establishing and maintaining high standards of judicial and personal conduct.”

⁶ *Infra* at 4.

Judge Dave Jahn asked whether there is an expectation of uninterrupted access to the judiciary for emergency detention. Judge Woytek replied that, among the counties he works with at the Texas Association of Counties, there is a generally an expectation of nonstop access. However, that expectation may depend on whether Justices of the Peace share uninterrupted, on-call duty for death inquests. In counties where JPs share these death inquest responsibilities, the same judges will typically cover emergency detention duty around the clock. However, not all jurisdictions with on-call Justices of the Peace utilize this rotation for emergency detentions, nor does this account for counties in which the authority of a Justice of the Peace to sign emergency detention orders has been limited by the judge with probate jurisdiction in that county.

iii. Limited Access to Courts Due to In-Person Requirement

Magistrates must electronically accept, hear, and transmit emergency detention applications and orders when the applicant is a physician under [Texas Health & Safety Code § 573.012](#). Non-physician applicants are not permitted to complete this procedure electronically and must make in-person contact with the magistrate in order for their application to be considered and for a warrant to be issued, which can be a barrier to access. During the pandemic, many judges began using Zoom or FaceTime to safely meet this requirement, as the magistrate can fully question a non-physician applicant in the same manner as if they are face-to-face. For example, Tarrant County expanded access to the courts in 2020 when Justices of the Peace began conducting emergency detention hearings on Zoom, which became the preferred medium for these hearings in 2021 and 2022.

In April 2021, a committee of the Texas Judicial Council comprised of District Court Judges studied the effects of remote proceedings during the pandemic. They found that “remote proceedings have worked for every type of case and every type of proceeding; [and have] improved participation in terms of parties and how parties are able to participate.” The committee reported that the use of technology allowed greater access to the courts by people without transportation, with disabilities, or with employment that made coming to court a challenge.⁷ In Tarrant, this technology solution is only available during traditional business hours. Judge Nelson recommended a change in the statute to specifically allow for Zoom or FaceTime applications, presentations, and transmission of warrants for emergency detention to end the need for judges to meet with applicants in-person in the middle of the night.

b. Law Enforcement

i. Lack of Access in Some Counties in which Law Enforcement Does Not Perform Warrantless Emergency Detentions.

⁷ Texas Judicial Council, Minutes of the April 21, 2021 Meeting, available at https://www.txcourts.gov/media/1452675/tjc_minutes_final_april-9-2021.pdf (last visited March 16, 2023).

As with access to court-ordered emergency detention, participants agreed that law enforcement officers are available to perform warrantless emergency detentions in some counties but not in others. Again, the structure of how counties accomplish emergency detention varies.

Large counties generally have law enforcement available at all hours to perform warrantless emergency detentions. Some counties use warrantless emergency detentions exclusively due to the availability of multiple mental health law enforcement officers, and thus provide consistent access at all times.

For example, Travis County judges do not issue emergency detention warrants, and have not done so for over 30 years. Their website states:

Travis County has for the past thirty years exclusively used warrantless detentions, because it would be under unusual circumstances for a magistrate to issue an emergency detention warrant after the mental health unit has refused to make a warrantless emergency detention. This is not only because the detention criteria are the same but also because the magistrate relies heavily on the evaluation of these mental health professionals.⁸

Bexar County uses all of the possible options for emergency detention, but law enforcement officers complete approximately ten times as many warrantless emergency detentions as probate judges issue emergency detention warrants. Another example is in Williamson County, where the larger law enforcement agencies have trained most or all of their peace officers to issue warrantless emergency detentions.

a. Lack of Awareness of Law Enforcement Authority to Conduct a Warrantless Emergency Detention

In some parts of Texas, law enforcement officers are unaware that they can perform warrantless emergency detentions, also referred to as Applications by a Peace Officer Without a Warrant also know as an APOWW. For example, at a conference by the South Texas Justice of the Peace and Constable Association, very few of the counties in attendance reported law enforcement agencies that carried out emergency detention.⁹ Not all of the organization's 50 counties were represented at the conference, but this was recognized as a widespread regional problem. Many

⁸ Emergency Detention, TRAVISCOUNTYTX.GOV, available at <https://www.traviscountytx.gov/probate/emergency-detention> (last visited March 15, 2023).

⁹ Kristi Taylor, Executive Director, Jud. Comm'n on Mental Health, Mental Health Issues in Magistration Including 16.22 Procedures, presentation at South Texas Justice of the Peace and Constable Association (November 17, 2022) <http://texasjcmh.gov/media/ps2pbro4/kristi-kama-at-stjpca.pdf>.

in attendance were shocked to learn law enforcement was authorized by law to perform emergency detentions and were requesting how to communicate this to local law enforcement.

b. Lack of Law Enforcement Workforce

The concern about lack of staffing was echoed by many, and in many contexts. Many smaller and rural counties do not have enough law enforcement officers available to transport people to the closest hospital, which can be 300 or more miles roundtrip. Often, law enforcement report that they drive these long distances only to discover that a recently available hospital bed has since been occupied. The repetition of this circumstance may lead a police department to decline to perform warrantless emergency detentions, which are just one of many duties that officers are sworn to carry out. Large counties also have staffing concerns; Judge Ralph Swearingin noted that occasionally in Tarrant County, there are not enough Sheriff's Deputies available to serve emergency detention warrants.

This problem extends to situations when a person who has voluntarily been admitted to a hospital or to an emergency department becomes a danger to themselves or others and expresses a desire to leave the hospital. It was reported that few hospitals have licensed peace officers onsite to complete warrantless emergency detentions. Representatives from hospitals and hospital associations expressed the need for the legal means to hold people until a warrantless emergency detention can be completed by law enforcement or until a judge issues an emergency detention warrant. Currently, there are bills being considered by the 88th Legislature to resolve this issue.

c. Differing Opinions on the Definition of Substantial Risk of Serious Harm

The law enforcement officers at the Round Table agreed that it is a challenge to align officers and all other stakeholders on the definition of substantial risk of serious harm under the emergency detention statute. This issue may be considered in the 89th Legislative Session in an attempt to overhaul the civil commitment laws to clarify and improve the process. The issue also has national momentum: the Equitas Project led a task force of national experts, including JCMH Commissioner Professor Brian Shannon, to develop model civil commitment laws.¹⁰ In the alternative, the issues may be discussed in the current legislative session because [H.B. 726](#), filed on November 16, 2022, seeks to broaden the civil commitment standards to allow ordering mental health services for deterioration.

¹⁰ Equitas Project, a National Initiative of Mental Health Colorado, Model Legal Processes to Support Clinical Intervention for Persons with Serious Mental Illnesses and Pathways to Care: A Roadmap for Coordinating Criminal Justice, Mental Health Care, and Civil Court Systems to Meet the Needs of Individuals and Society (August 2022), available at <https://www.mentalhealthcolorado.org/wp-content/uploads/2022/09/Model-Legal-Processes-to-Support-Clinical-Intervention-for-Persons-with-Serious-Mental-Illnesses-Final-9.2.2022.pdf>.

ii. Combining Two Distinct Problems, Jurisdictions in which Law Enforcement Does Not Perform Warrantless Emergency Detentions have No Access to the Procedure when Courts are Closed

As noted above, smaller, and rural counties do not always have the law enforcement personnel available to complete warrantless emergency detentions. When the courthouse is closed, there is a gap in access to emergency detention. Some counties reported that individuals in crisis were referred to other counties or told to come back on Monday morning, which is not ideal.

c. Hospitals

Problems with Some Medical Centers Releasing Individuals Who Met Criteria

i. Lack of Resources Causes Delays

Many participants voiced that resources are scarce, including human resources. There are not enough hospital beds to accommodate all of the individuals under emergency detentions. This lack of resources combined with the hospitals' inability to hold people in Texas may explain why some mental health facilities are unable to conduct preliminary exams under the emergency detention statute in a timely manner. When hospitals run out of time, the result is often requests for sequential emergency detentions. At least one officer at the Round Table agreed that requests for stacking emergency detentions are a problem in their jurisdiction. Other participants noted that hospitals might release an individual in this circumstance and then request that law enforcement complete another emergency detention after the release. Considering the prior discussion about the limited law enforcement workforce, it is concerning to law enforcement that they may have to double their work by detaining an individual again and returning them to the hospital because the timelines were not met.

Another problem identified during the Round Table that might cause delay is that patients under emergency detention are transferred from the emergency room or hospital to the mental health facility, but the second hospital must be named in the emergency detention order in order to receive the person. For example, the emergency detention might be issued in the name of the Local Mental Health Authority (LMHA) rather than the treating hospital, so the hospital was discharging patients. Judge J.R. Woolley noted that when faced with this problem, he solved it by conferring with the LMHA and changing their procedure. Now, the LMHA screens the potential patient, locates an available facility, and shares this information with the court. Judge Woolley then issues the emergency detention order with the name of the facility that has agreed to accept the potential patient.

ii. Transportation of Patients Home from the Hospital

Law enforcement representatives advised that there is no enforcement of the law that states the entity transporting a patient to the hospital must return the patient to their home. This results in certain law enforcement agencies transporting more than their fair share of people home. On

the other hand, hospital representatives stated that some agencies do not return to the hospital to safely transport discharged patients, as required in [Tex. Health & Safety Code § 573.024](#), and there is no mechanism to enforce this provision.

iii. Other Problems with Emergency Detention for Adults in Hospitals

At the Round Table, some participants stated they have encountered hospitals that are reluctant to accept patients under emergency detention because the civil commitment procedures that may follow require doctors to spend hours waiting in court to testify. One participant noted that the law allows, with proper notice, for a participant to appear at a court proceeding by videoconference, teleconference, or other available electronic means, which should partially alleviate this barrier.¹¹ Another participant opined that hospitals may not want contracts for state beds because the reimbursement rates are not competitive. The hospital representatives at the Round Table stated that the Emergency Medical Treatment and Labor Act (EMTALA)¹² prevents hospitals from rejecting patients based on their ability to pay.

iv. Confusion Regarding Youth Emergency Detention

Another discrete problem with emergency detention is a misunderstanding about how these procedures apply to youth. A person younger than 18 years of age may be taken into custody pursuant to an emergency detention.¹³ There are, however, different standards regarding age for related procedures such as voluntary mental health services, involuntary court-ordered mental health services, and consent for medication, which create confusion about emergency detention for youth.

A child 16 years of age or older may decide voluntarily to request mental health treatment.¹⁴ Voluntary admission does not involve the court, except when the involuntary commitment process is initiated because a voluntary patient, parent, managing conservator, or guardian of a person younger than 18 years of age requests discharge and a treating physician determines that the person poses a risk of serious harm to self or others unless continued treatment is provided.¹⁵ Generally, a child under the age of 18, including a child who is in the managing conservatorship of the Department of Family and Protective Services, may not be involuntarily committed unless provided by Chapter 572 of the Texas Health and Safety Code, Chapter 55 of the Texas Family Code, or department rule. Before a child can receive medical or mental health treatment, consent is required. Parents have both the duty to provide a child with medical care, and the right to consent to the child's medical and psychiatric care. Children under the age of 16 generally do not have the right to consent to medical or mental health treatment. However, children can consent to counseling for suicide prevention; chemical addiction or dependency; or sexual, physical, or

¹¹ [Tex. R. Civ. P. 21d](#).

¹² [42 U.S.C. § 1395dd](#) is also known as The Emergency Medical Treatment and Labor Act.

¹³ Tex. Health & Safety Code §§ [573.001](#), [573.011](#).

¹⁴ Tex. Health & Safety Code § [572.001\(a\)](#).

¹⁵ Tex. Health & Safety Code § [572.004](#).

emotional abuse.¹⁶ A more detailed explanation of these issues can be found in the *JCMH Texas Juvenile Mental Health and Intellectual and Developmental Disabilities Law Bench Book*.¹⁷

This chart serves as a quick reference of the above-described age standards:

Age	Can a person of this age be taken into custody under an emergency detention?	Can a person of this age consent to mental health treatment voluntarily?	Can a person of this age consent to counseling for suicide prevention; chemical addiction or dependency; or sexual, physical, or emotional abuse?	Can a person of this age be court-ordered to engage in involuntary mental health services?
Under age 16	Yes	No; consent of a parent, guardian, or appointed medical consenter is needed	Yes	Only as provided by Tex. Health & Safety Code Chapter 572; Tex. Fam. Code Chapter 55; or department rule
Age 16 or 17	Yes	Yes; or a parent, guardian, or appointed medical consenter can provide consent	Yes	Only if, after voluntarily receiving services, the person requests a discharge, and the treating physician determines the person poses a risk of serious harm to themselves or others unless continued treatment is provided
Age 18	Yes	Yes	Yes	Yes

¹⁶ Tex. Fam. Code § [32.004\(a\)](#).

¹⁷Texas Judicial Commission on Mental Health, *Texas Juvenile Mental Health and Intellectual and Developmental Disabilities Law Bench Book* (2d ed. 2021-2022) available at <http://texasjcmh.gov/media/2Injs3xz/jcmh-juvenile-bench-book-2nd-edition-2021.pdf>



d. Jails

Small Counties Struggle to Deal with Mental Health Crises in the Jail

The Texas Health and Human Services Commission (HHSC) recommends that emergency detention be used for people in the community, not in jail. Issues arise in small, rural jails both pre- and post-conviction where they feel emergency detention is the only way to get emergency psychiatric treatment. Many jail staff see sending a defendant to the state hospital for stabilization as similar to a defendant going to the hospital for a few days for an appendectomy.

An HHSC representative clarified that post-conviction emergency detention is not appropriate but pre-conviction is acceptable. Some judges in the room stated they used the state hospital in rare occasions post-conviction, but that it did happen. There was also the distinction made that there is another option with private hospitals: county jails could contract with local hospitals for stabilization services.

e. Public

Families and Individuals are Unaware of Emergency Detention Process

Judge Swearingin added another group of stakeholders to the conversation. He noted that the public is unaware that the emergency detention process exists until law enforcement, or the fire department, responds to their call. Adrienne Kennedy, Past President of the National Alliance on Mental Illness, seconded this notion and expressed the importance of educating the public on what to do when they need an emergency detention. Ms. Kennedy noted that while the rights of the individual are always important, there is also a humanitarian right to care.

III. Solutions Identified

Education & Collaboration

There is an opportunity to educate the public about mental health laws, procedures, and resources. Some participants suggested that a public service announcement campaign be developed to educate parents and family members of people with mental health conditions and

to encourage greater collaboration among families, schools, community agencies, and medical providers.

Increased collaboration among judges at different levels—for example, between justices of the peace and statutory probate judges—was also recommended as a priority solution, as were better relationships among judges of all levels, law enforcement, and hospitals.

While training on mental health laws and processes is available for judges and law enforcement from the various judicial education organizations, participants requested that the training message be cohesive across disciplines, that adherence to the relevant statutes be taught, and that the training be scalable to the individual county. It was suggested that the Judicial Commission on Mental Health offer a curriculum regarding emergency detention law and procedures. Other participants touted the value of the Commission's [Bench Book](#) and [Forms Bank](#) as resources but opined that they could be improved with more practical, step-by-step instructions on common procedures.

Finally, it was noted that the statutory warrantless emergency detention form is merely adequate. In contrast, many judges have a more detailed form that they use for applications. To present the best evidence to the court, the statutory warrantless emergency detention form could be rewritten to collect more or all of the information that is typically collected when hospital staff apply for an emergency detention warrant.

Technology

Many participants remarked that technology could improve legal procedures. It would be helpful to hospitals if some older paper forms for face-to-face hearings were converted to electronic forms for virtual meetings. Teleconference hearings would especially reduce the time that doctors spend traveling to court and increase the time they can see patients. Software or other technology that automates some or all of the legal process of obtaining a warrantless emergency detention could make it easier for law enforcement to use an emergency detention rather than book a person into jail.

Finding hospital beds continues to be a problem. A database, a system, or a point person to find beds would help law enforcement in the short term. One good example of this is the [Southwest Texas Crisis Collaborative](#) initiative of the [Southwest Texas Regional Advisory Council](#), which routes people to the next available hospital that is available. It was reported that the Crisis Collaborative is not without issues, as it can cause imbalance in the system.

Support for Law Enforcement

Attendees from law enforcement and the courts agreed that support for law enforcement would help the court system make good decisions, as courts rely on law enforcement for information in mental health cases. It was recommended that rural counties have at least one Mental Health Peace Officer or that Mental Health Peace Officers could be pooled among rural counties for wider coverage.

A call for increased funding from the legislature for more hospital beds was echoed by participants from all disciplines. More than 60 counties do not have a hospital and many rural hospitals cannot provide psychiatric care. Law enforcement officers can spend hours attempting to locate an open hospital bed and transporting an individual to that hospital. A long-term solution would be a continued increase in funding for more public and private hospital beds, along with all of the HHSC efforts to attract more workforce and repair any hospital wings that are offline due to safety concerns from structural problems. Currently, many open beds are private hospital beds that are paid for through state contracts. While private hospitals are required to accept individuals under an emergency detention, that does not always happen, due to the cost of operating that bed. Law enforcement time could be recovered if there were more open hospital beds for people under emergency detentions.

Another request from law enforcement was legislation to prevent the abandonment of people involved with civil commitment processes. Counties that are home to hospital systems reported that people are brought to the hospital from distant locations for assessment and treatment. When those people are released, they have no local housing or transportation support, so they become part of the growing homeless population. Although [Texas Health & Safety Code § 573.024](#) requires that a released person be returned to their home or to where they were found, there is no mechanism to enforce this provision and attendees confirmed that it rarely occurs.

Legislation

In addition to the anti-abandonment legislation that was suggested above, there was discussion regarding the possibility of a four-hour hold in which medical professionals could temporarily hold a person in the medical facility while paperwork for an emergency detention is completed. Representatives from the hospital and medical associations supported this proposal, although there was opposition from some advocates. Many participants voiced the need to balance an individual's rights with the safety of the individual and medical professionals.

A second legislative proposal concerning the formation of a pool of visiting judges who would be on call around the clock to complete emergency detention warrants was also discussed. Some attendees opined that it could be confusing, but representatives from the hospital and medical associations expressed openness to the idea.

Another legislative solution would be to explicitly allow hospitals to hold patients who are under a warrant for emergency detention.

County Mental Health Law Plans

County Mental Health Law Plans are one idea born from the Round Table discussions. JCMH will create templates to help pilot counties assess their current procedures regarding emergency detention. The templates will help develop plans to reduce any gaps or redundancies and inform community members of the procedures utilized by their county, thereby increasing access to

justice. The plans could include multi-disciplinary agreements but will first focus on the structure of the judicial assignments.

IV. Next Steps

At the conclusion of the Round Table, it was clear that the discussion was an important step in the JCMH's ongoing effort to collaborate and lead in the area of mental health law education. The Commission is committed to continuing this effort with Round Table participants and other key stakeholders.



V. Appendix

Round Table Participant List

Hon. Dave Jahn, Moderator

Judge
Denton County Probate Court #1

Hon. Clint Alexander

Associate Judge
Williamson County Court at Law #2

Chief Jeffrey Clark

Deputy Chief
Temple Police Department

Colleen Davis, J.D.

Assistant County Attorney
Burnet County Attorney's Office

Alyse Ferguson, J.D.

Chief Attorney
Collin County Mental Health Managed
Counsel

Dr. Benigno Fernandez

Chief Medical Officer
Laurel Ridge Treatment Center

Sara Gonzalez

Vice President, Advocacy and Public Policy
Texas Hospital Association

Hon. Guy Herman

Judge
Travis County Probate Court

Lee Johnson, M.P.A.

Chief Executive Officer
Texas Council of Community Centers

Kathy Johnston

Rural Health Specialist
State Office of Rural Health

Hon. Oscar Kazen

Judge
Bexar County Probate Court #1

Adrienne Kennedy, M.A.

Past President
National Alliance on Mental Illness

Megan LaVoie, J.D.

Administrative Director
Office of Court Administration

Chris Lopez, J.D.

Assistant General Counsel
Texas Health and Human Services
Commission

Vilma Luna, J.D.

Consultant
Vilma Luna L.L.C.

Officer Brittany Moreno

Crime Prevention Police Officer
Sugar Land Police Department

Amber Myers, J.D.

Staff Attorney
Texas Justice Court Training Center

Hon. Roxanne Nelson

Justice of the Peace
Burnet County Precinct One

Officer Terry Qualls

Crisis Intervention Coordinator
McKinney Police Department

Luis Santos, M.S.W.

Director of Behavioral Healthcare
Coordination
University Health System

Ashley Seitz, J.D.

Assistant District Attorney
Hays County District Attorney's Office

Professor Brian Shannon, J.D.

Horn Distinguished Professor
Texas Tech University of Law

Michael Sipes

Legislative Services Specialist
Texas Hospital Association

Lisa Snead, J.D.

Litigation Attorney
Disability Rights Texas

Lt. Scott Soland

Patrol Lieutenant
Fort Bend County Sheriff's Office

Hon. John J. Specia, Jr. (Ret.)

Senior District Judge, Jurist in Residence
Texas Judicial Commission on Mental Health

Hon. Charles Stephens

Judge
Comal County Court at Law #2

Hon. Ralph Swearingin

Justice of the Peace
Tarrant County Precinct One

Louis Tomasetti, M.S.M.L

Court Services Manager
Office of Court Administration

Steve Wohleb, J.D.

Senior Vice President and General Counsel
Texas Hospital Association

Hon. J.R. Woolley

Justice of the Peace
Waller County Precinct Two

Hon. Tramer Woytek

Judicial Resource Liaison and County
Relations Officer
Texas Association of Counties

Supreme Court of Texas

Hon. Jane Bland

Chair, Texas Judicial Commission on Mental Health

Hon. Rebeca Huddle

Deputy Liaison, Texas Judicial Commission on Mental Health

Texas Court of Criminal Appeals

Elise Villers, J.D., for Hon. Barbara Hervey and Hon. Jesse McClure, III

Chair, Judicial Commission on Mental Health; and Deputy Liaison, Judicial Commission on Mental Health

Texas Judicial Commission on Mental Health Staff

Kristi Taylor, J.D.

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Molly Davis, J.D.

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Staff Attorney

Cynthia Martinez

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Rose McBride

Communications Manager

Patrick Passmore

Grant Administrator

Willette Sedwick

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