

CAUSE NO. M-_____

THE STATE OF TEXAS
FOR THE BEST INTEREST
AND PROTECTION OF

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IN THE COUNTY COURT

AT LAW NO. 2 OF

THE PROPOSED PATIENT

HUNT COUNTY, TEXAS

**ORDER OF PROTECTIVE CUSTODY,
ORDER REQUIRING SUBMISSION TO ADDITIONAL MENTAL EXAMINATION,
ORDER APPOINTING ATTORNEY, AND
NOTICE OF HEARINGS**

On this this the ____ day of _____, **20**____, the Court considered the application for Court-Ordered Mental Health Services, and, if applicable, the Motion for an Order of Protective Custody, as supported by the Medical Certificate of Examination, that were filed with the Clerk of this Court in this cause on _____ requesting Court-Ordered Mental Health Services and an Order of Protective Custody for _____, hereinafter termed Proposed Patient.

The Court finds that said application complies with the terms and provisions of the Texas Mental Health Code. The Court further finds that based upon the Texas Mental Health Code, the Court is authorized to order protective custody.

It is therefore **ORDERED, ADJUDGED and DECREED:**

- 1. That the Proposed Patient is to be detained at _____ under an Order of Protective Custody pending further orders of the Court.
- 2. That a facility physician is hereby appointed to examine the Proposed Patient and file a Certificate of Medical Examination with the Court, and that the Proposed Patient is hereby ORDERED to submit to said Examination.
- 3. That a probable cause hearing has been set for _____ **AM** on _____ in the Hunt County Court at Law No. 2 at the Hunt County Courthouse, 2500 Lee Street, 2nd Floor, Greenville, Texas 75401.
- 4. That a hearing on the Application for Court-Ordered Mental Health Services is set for _____ **AM** on _____ in the Hunt County Court at Law No. 2 at the Hunt County Courthouse, 2500 Lee Street, 2nd Floor, Greenville, Texas 75401.
- 5. That the following Attorney at law is hereby appointed for the Proposed Patient and the attorney shall be furnished with all records and papers, and shall have access to all hospital and doctors' records in said cause; and that, to ensure effective communication

between said attorney and the Proposed Patient, any necessary interpreters be likewise appointed:

6. Applicant shall inform the appointed attorney immediately if the Proposed Patient is: (i) transferred from Applicant's facility to another location, (ii) signs in voluntarily; or (iii) is released or discharged.

SIGNED this the _____ day of _____, 20_____.

**JOEL D. LITTELFIELD, PRESIDING JUDGE
COUNTY COURT AT LAW NO. 2
HUNT COUNTY, TEXAS**

Received at _____ on _____, 20_____.

_____ Head of Facility

By _____ Designee

DUTIES OF ATTORNEY

Pursuant to §574.004, Texas Health & Safety Code, an attorney representing a person who is the subject of proceedings for court-ordered mental health services under the Texas Mental Health Code shall fulfill at least the following duties:

- (a) Interview the proposed patient within a reasonable time, prior to the hearing date on the Application; determine if an interpreter is needed.
- (b) Discuss thoroughly with the proposed patient the facts of the case, the law, the person's options, and the grounds on which the court-ordered mental health services are being sought. Inform the proposed patient that the proposed patient may obtain personal legal counsel at their expense instead of accepting the court-appointed counsel.
- (c) Advise the proposed patient of the wisdom of agreeing to or resisting efforts to provide mental health services, but the proposed patient shall make the decision to agree or resist the efforts. Regardless of the attorney's personal opinion, the attorney shall use all reasonable efforts within the bounds of law to advocate the proposed patient's right to avoid court-ordered mental health services if the proposed patient expresses a desire to avoid the services. If the proposed patient desires, the attorney shall advocate for the least restrictive treatment alternatives to court-ordered inpatient mental health services.
- (d) Before a hearing, the attorney shall:
 - (1) Review the application, the certificates of medical examination for mental illness, and the proposed patient's relevant medical records. *
 - (2) Interview supporting witnesses and other witnesses who will testify at the hearing; and
 - (3) Explore the least restrictive treatment alternatives to court-ordered inpatient mental health services.
- (e) The attorney shall advise the proposed patient of the proposed patient's right to attend a hearing or to waive the right to attend a hearing and shall inform the Court why a proposed patient is absent from a hearing.
- (f) The attorney shall discuss with the proposed patient:
 - (1) the procedures for appeal, release and discharge if the Court orders participation in mental health services; and
 - (2) other rights the proposed patient may have during the period of the Court's order.
- (g) To withdraw from a case after interviewing a proposed patient, an attorney must file a motion to withdraw with the Court. The Court shall act on the motion as soon as possible. An attorney may not withdraw from a case unless the withdrawal is authorized by court order.
- (h) The attorney is responsible for a person's legal representation until:
 - (1) the application is dismissed;
 - (2) an appeal from an order directing treatment is taken;
 - (3) the time for giving notice of appeal expires by operation of law; or
 - (4) another attorney assumes responsibility for the case.

*** §574.003 (c), Texas Health & Safety Code, provides that you shall be furnished with all records and papers relating to the cause, and that you shall have access to all hospital or doctors' records.**