



THE SUPREME COURT OF TEXAS

THE TEXAS COURT OF CRIMINAL APPEALS

Judicial Commission on Mental Health

May 15, 2018

Meeting Notebook

The State Bar of Texas – Texas Law Center

1414 Colorado Street

Austin, Texas 78701

Judicial Commission on Mental Health

May 15, 2018
Meeting Notebook

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INSERT TAB 1

Judicial Commission on Mental Health

State Bar of Texas, Texas Law Center

Austin, Texas

May 15, 2018

9:30 a.m. to 3:00 p.m.

AGENDA

- | | |
|---|---|
| 9:30 Welcome | Chief Justice Nathan Hecht
Presiding Judge Sharon Keller |
| 9:45 Establishing a Judicial Commission on Mental Health | Justice Jeff Brown
Judge Barbara Hervey |
| 10:00 Commissioner Introductions | Judge Barbara Hervey |
| 10:50 Break | |
| 11:00 Commissioner Introductions cont'd | Judge Barbara Hervey |
| 12:30 Working Lunch | |
| 12:45 Executive Director Report | Kristi Taylor |
| 1:00 Collaborative Council Comment | Justice Jeff Brown |
| 1:15 Texas Judicial Council Presentation | Justice Bill Boyce |
| 1:45 Health and Human Services Commission Report | Assoc. Commr. Sonja Gaines
Dep. Exec. Commr. Mike Maples |
| 2:15 Jurist In Residence Report | Judge John Specia (ret.) |
| 2:30 Texas Office of Court Administration Report | David Slayton |
| 2:45 2018-19 Meeting Schedule | |
| | August 10, 2018 at State Bar of Texas |
| | October 22-23, 2018 Summit in Houston |
| | January 25, 2019 at State Bar of Texas |

Adjourn

Insert Tab 2

Judicial Commission on Mental Health
Commissioner Directory

Hon. Jeff Brown, Co-Chair

Supreme Court of Texas
P.O. Box 12248
Austin, TX 78711

Hon. Francisco Dominguez

205th Judicial District Court
500 E. San Antonio, Rm. 1002
El Paso, TX 79901

Hon. Barbara Hervey, Co-Chair

Texas Court of Criminal Appeals
P.O. Box 12308
Austin, TX 78711

Hon. Camile DuBose

38th Judicial District
Courthouse Box 17
Uvalde, TX 78801

Hon. Bill Boyce, Vice Chair

14th Court of Appeals
301 Fannin, Rm. 245
Houston, TX 77002

Dr. Tony Fabelo

Meadows Mental Health Policy
Institute
1901 South 24th Ave., Ste. 810
Austin, TX 78701

Camille Cain

Texas Juvenile Justice Department
P. O. Box 12757
Austin, TX 78758

Sonja Gaines

Texas Health and Human Services
Commission
P.O. Box 13247
Austin, TX 78711-3247

Hon. Brent Carr

Tarrant County Criminal Court No. 9
401 W. Belknap
Fort Worth, TX 76196-7678

Hon. Ernie Glenn

Bexar County
222 S. Comal St.
San Antonio, TX 78207

Terry Crocker

Tropical Texas Behavioral Health
1901 South 24th Ave.
Edinburg, TX 78539

Hon. Sid Harle

226th Crim. Dist. Ct., Admin.
Judicial Region 4
100 Dolorosa, 5th Fl.
San Antonio, TX 78205

Jerry Davis

Goodwill Industries of Central Texas
1015 Norwood Park Blvd.
Austin, TX 78753

Courtney Hjaltman
Office of the Governor
P.O. Box 12428
Austin, TX 78711

Dr. Andrew Keller
Meadows Mental Health Policy
Institute
2801 Swiss Ave.
Dallas, TX 75204

Adrienne Kennedy
National Alliance on Mental Illness
4110 Guadalupe, Bldg. 781, Rm. 419
Austin, TX 78751

Hon. Sue Kurita
El Paso County Court at Law No. 6
500 E. San Antonio, Ste. 1106
El Paso, TX 79901

Beth Ann Lawson
StarCare Specialty Health System
P.O. Box 2828
Lubbock, TX 79408

Major Mike Lee
Harris County Sheriff's Office 1200
Baker St.
Houston, TX 77002

Mike Maples
Texas Health and Human Services
Commission
P.O. Box 13247
Austin, TX 78711

Dr. Octavio Martinez
Hogg Foundation for Mental Health
3001 Lake Austin Blvd., 4th Fl.
Austin, TX 78703

Hon. Stacey Mathews
277th District Court
405 MLK Blvd.
Georgetown, TX 78626

Chief James McLaughlin
Texas Police Chiefs Association
P.O. Box 819
Elgin, TX 78621

Beth Mitchell
Disability Rights Texas 2222
West Braker Lane Austin, TX
78875

Tom Mitchell
United States Veterans
Initiative-Texas
1200 Binz, Ste. 290
Houston, TX 77004

Hon. Joe Moody
P.O. Box 2910
Austin, TX 78768

Hon. Roxanne Nelson
Burnet County Precinct 1
220 S. Pierce, Ste. 109
Burnet, TX 78611

Hon. Robert Newsom Hopkins
County
P.O. Box 288
Sulphur Springs, TX 75483

Denise Oncken
Harris County District Attorney's
Office
Mental Health Bureau
1201 Franklin, Ste. 600 Houston,
TX 77002

Hon. Harriet O'Neill
Harriet O'Neill Law Office
919 Congress Avenue, Ste. 1400
Austin, TX 78701

Hon. Polly Jackson Spencer
Bexar County Probate Courts
112 E. Pecan, Ste. 1300
San Antonio, TX 78205

Dr. William Schnapp
Harris County
1001 Preston, Ste. 410
Houston, TX 77002

Hon. Cynthia Wheless
417th Judicial District Court
2100 Bloomdale, Ste. 30290
McKinney, TX 75071

Prof. Brian Shannon
Texas Tech University School of Law
3311 18th St. MS0004
Lubbock, TX 79409

Reginald Smith
Communities for Recovery
4110 Guadalupe St., Bldg. 635
Austin, TX 78751

Insert Tab 3

Creating a Judicial Commission on Mental Health



**The Supreme Court of Texas and
The Texas Court of Criminal Appeals
Planning Committee
February 9, 2018**

Creating a Judicial Commission on Mental Health

The Supreme Court of Texas and
The Texas Court of Criminal Appeals
Planning Committee

Justice Jeff Brown

Presiding Judge Sharon Keller

Justice Eva Guzman

Judge Barbara Hervey

Judge Mark Atkinson

Judge Sue Kurita

Justice Bill Boyce

Dr. Octavio Martinez

Judge Nelda Cacciotti

Judge Roxanne Nelson

Judge Drue Farmer

Justice Harriet O'Neill (ret.)

Dr. Courtney Harvey

Phil Ritter

Trina Ita

Judge John Specia (ret.)

Dr. Andrew Keller

Staff:

Tina Amberboy

Jessica Arguijo

Nina Hess Hsu

Monica Mahoney

David Slayton

Kristi Taylor

In September 2017, the Supreme Court of Texas and the Texas Court of Criminal Appeals (“Courts”) appointed a Planning Committee to recommend the organizational structure, membership criteria, and a proposed plan and timeline for launching a statewide judicial

commission on mental health (“Commission”). The Planning Committee met four times and developed a plan with a broad range of goals and strategies.

To build the Commission on a firm foundation, the Courts first sought the advice of experts. The Planning Committee has expertise in mental health policy, civil and criminal law, and the structure and operations of judicial commissions. The Planning Committee was charged with the following:

- Recommend an organizational structure for the Commission;
- Recommend membership criteria, including terms and proposed rotations, to ensure that the Commission is effective, broad-based, and multi-disciplinary; and
- Develop a proposed plan and timeline for launching the Commission.

I. Background

In June 2016, the Texas Judicial Council established the Committee on Guardianship, Mental Health, and Intellectual and Developmental Disability (“Judicial Council Committee”) to:

- Gather stakeholder input and examine best practices in the administration of civil and criminal justice for those suffering from or affected by mental illness;
- Identify and review systemic approaches for diversion of individuals with mental illness from entering the criminal justice system;
- Make recommendations to the Texas Judicial Council on
 1. Systemic approaches for improving the administration of justice in cases involving mental health issues;
 2. Strategies to foster meaningful multi-disciplinary collaboration, enhance judicial leadership, develop and implement technology solutions, and explore potential funding sources; and
 3. Whether a permanent judicial commission on mental health should be created; and

- Recommend legislative changes that will improve the administration of justice for those suffering from or affected by mental illness and recommendations for diversion from the justice system, for consideration by the 85th Texas Legislature commencing in January 2017.

The Judicial Council Committee made many recommendations, including specific recommendations that resulted in legislation related to screening protocols, jail diversion, and competency restoration. The Judicial Council Committee's cornerstone recommendation was to establish a permanent judicial commission on mental health, similar to the Supreme Court Children's Commission, the Texas Access to Justice Commission, and the Texas Indigent Defense Commission. The Judicial Council Committee recommended the Commission develop strategic alliances to effectively move ideas to action.

II. Statement of Principles

The Planning Committee began by discussing many of the core values that the members believed to be integral to the Commission. The Planning Committee recommended that the Commission further develop its core principles to guide its members, with consideration of the following principles identified by this Planning Committee.

- Texas courts have an opportunity to improve the lives and life chances of the adults, youth, and children with mental health needs in the court system.
- Judges need specialized training, resources, and tools for the fair and efficient resolution of cases involving individuals with mental illness.
- Best practices should be evidence-based, data-driven, and outcome-focused.
- Collaboration among systems, participants, and the state, and input from diverse stakeholder groups that reflect local and state interests are essential for achieving the best possible outcomes for Texans.
- Technology solutions should be explored to assist the courts.

- Sharing appropriate information enhances judicial efficiency.
- Texas should coordinate with state and national organizations to promote innovative and effective practices, and enhance and maximize the availability and utilization of resources.

III. Recommendations

A. Goals and Strategies

The Planning Committee recommended that the following be among the goals and strategies for the Commission:

- Identify and assess current and future opportunities for the judiciary to be more effective in serving people with mental health needs in the Texas court system;
- Promote best practices that are evidence-based, data-driven, and outcome-focused;
- Educate the judiciary and attorneys on key concepts and definitions in mental health;
- Improve collaboration and communication among courts, local and state agencies, and other community partners;
- Improve court performance and accountability for better outcomes;
- Increase awareness of the courts' critical role in serving those with mental health needs in the criminal and civil courts, including the criminal justice, juvenile justice, and child welfare systems, and the need for enhanced resources;
- Identify funding and resource options for the Commission; and
- Provide leadership for meeting the needs of individuals with mental illness in the Texas court system.

B. Duties

The Planning Committee discussed the actions necessary to build and maintain an effective and sustainable statewide commission. The following key duties were recommended by the

Planning Committee for the Commission:

- Develop a mission statement and strategic plan, and consider opportunities for alignment with the goals and strategies of other stakeholders;
- Oversee state-appropriated funds and seek future funding;
- Establish procedures for evaluating program outcomes and financial compliance, including provisions for record keeping, reporting, and auditing;
- Adopt rules, including rules of order, as necessary for the performance of the Commission's duties; and
- Report regularly on Commission progress to the Courts.

C. Organizational Structure and Membership

The Planning Committee discussed the number of members that should serve on the Commission to allow the Commission to move to action quickly, while also providing a broad range of experience and diversity. The Planning Committee agreed the Commission should strive to select committee members who bring diverse perspectives and reflect varied ethnic, gender, legal, and geographic communities in Texas.

The Planning Committee recommended that the Commission membership be structured as follows:

- The Commission should consist of 18 to 25 members, but without a prescribed maximum;
- A member of the Commission serves either a two or four year term, without term limits;
- Commission members serve at the pleasure of the Courts;
- A vacancy on the Commission is created by three consecutive absences, subject to reappointment; and
- The Commission should be able to form new committees or disband existing ones as it deems appropriate.

The Planning Committee further recommended that the Courts appoint:

- A representative of the Texas Health and Human Services Commission;

- Ex-officio members designated by the Governor, the Speaker of the House, and the Lieutenant Governor; and
- A collaborative council comprised of community stakeholders to provide diverse perspectives, including representatives with lived experience. The Commission would determine the desired size and composition of a collaborative council. The collaborative council members would be invited to attend regularly scheduled meetings of the Commission and standing committees as the Commission deems appropriate.

D. Timeline

If the Courts accept the Planning Committee's recommendations, the Planning Committee recommends the following proposed plan and timeline for the launch of the Commission:

- Hold the first-ever, public joint hearing of both Courts to ensure broad public input and to build public support for the Commission in January 2018;
- Create the Commission by Order of the Courts so that the Commission is operational by April 2018;
- Transition appropriate duties from the Judicial Council Committee and be mindful of the transition in conducting its affairs;
- Evaluate staffing needs and funding sources for staffing needs;
- Consider appointing a Jurist in Residence;
- Develop an outreach campaign to create awareness of the Commission and its mission;
- Create a Judicial Summit on Mental Health in the fall of 2018; and
- Keep the Planning Committee intact to assist the Courts until the Commission's creation.

Insert Tab 4

IN THE SUPREME COURT OF TEXAS AND THE TEXAS COURT OF CRIMINAL APPEALS

**Supreme Court Misc. Docket No. 18-9025
Court of Criminal Appeals Misc. Docket No. 18-004**

ORDER ESTABLISHING JUDICIAL COMMISSION ON MENTAL HEALTH

Recognizing that improving the lives of Texans who are affected by mental health issues and are involved in the justice system requires judicial leadership at the highest level, in June 2016 the Supreme Court of Texas directed the Texas Judicial Council to establish a Mental Health Committee. The Court charged the Mental Health Committee with examining best practices in the administration of civil and criminal justice for persons with mental illness.

The Mental Health Committee determined that Texas requires additional resources to ensure that: (1) mental health providers and professionals are able to provide timely and complete mental health assessments; (2) community-based mental health services are available to defendants; (3) outpatient treatment services and education services are available to those providing competency restoration services; (4) inpatient mental health facilities other than those operated by the Department of State Health Services are available for purposes of competency restoration; and (5) jail-based competency restoration programs, either state-funded or county-funded or both, are available.

The Texas Legislature invests heavily each year in behavioral and mental health systems to address mental illness and associated disorders. Yet the criminal justice system still serves as a default provider of mental health services for many Texans. This impact is most often felt at the local level where jail costs related to mental illness exceed \$50 million each year in some counties.

Courts and the justice system have a profound impact on mental health services provided to children, adults, and families in this state, and the stakes are exceedingly high. As gatekeepers for families and individuals in crisis, courts must make life-altering decisions that require knowledge of multiple and complex issues such as childhood and adult trauma, abuse, neglect, intellectual and developmental disabilities, substance use, family violence, poverty, racism, and military combat, and how each affects a person's mental health. Too often, courts lack the technology, training, and resources needed to make well-informed decisions.

The Mental Health Committee identified other problems that traditionally exist where complex human service systems intersect with the judicial system, including:

- overcrowded dockets, leaving courts inadequate time to thoughtfully consider the multiple issues that persons with mental illness present and confront;
- a lack of communication, coordination, and collaboration between and among the courts, the state and local mental health providers, attorneys, and mental health advocates;
- a need for specialized, multidisciplinary legal training, and the means to develop and share best practices;
- a lack of technology to efficiently manage dockets and to track and analyze cases and caseloads involving mental health challenges;
- a lack of adequate training and fair compensation for attorneys;
- a need for the children and adults involved in the justice system to have a voice in decisions that affect their lives; and
- a lack of community resources to provide adequate mental health services to children, youth, and families.

The Mental Health Committee also recommended the establishment of a permanent judicial commission on mental health, similar to the Supreme Court’s Children’s Commission, the Texas Access to Justice Commission, and the Texas Indigent Defense Commission.

Many organizations and individuals throughout the state share a commitment to improving mental health services to Texans, but no single entity is able to coordinate and implement a comprehensive effort aimed at the improvement of the administration of justice in this area.

On January 11, 2018, the Supreme Court and the Court of Criminal Appeals held a historic joint hearing to gather input on what should comprise the priorities of a statewide judicial commission. Mental health experts, state and tribal judges, law enforcement, veterans, juvenile services experts, psychologists, psychiatrists, and persons with lived experience with these systems, provided valuable insight at the hearing and voiced unqualified support for the creation of a statewide judicial commission.

Therefore, the Supreme Court of Texas and the Texas Court of Criminal Appeals (“the two Courts”), having reviewed the report of the Judicial Council’s Mental Health Committee, and

understanding the urgency expressed by various community stakeholders and participants in the Texas mental health system, HEREBY ORDER:

The Judicial Commission on Mental Health (“the Commission”) is created to develop, implement, and coordinate policy initiatives designed to improve the courts’ interaction with—and the administration of justice for—children, adults, and families with mental health needs.

The Judicial Council’s Mental Health Committee, chaired by the Honorable Bill Boyce of Houston, is commended for its examination of best practices and identification and review of innovative approaches to improve the administration of justice in cases involving mental health issues. The Judicial Council’s Mental Health Committee will remain intact until it is dissolved by the Judicial Council upon the Commission’s recommendation, at which time the Committee’s duties will transition to the Commission.

The Commission will:

- develop a strategic plan for strengthening courts and the administration of justice in relation to Texas’ mental health system;
- identify and assess current and future needs for the courts to be more effective in achieving positive outcomes for Texans with mental illness;
- promote best practices and programs that are data-driven, evidence-based, and outcome-focused;
- improve collaboration and communication among courts and the mental health system stakeholders;
- endeavor to increase resources and funding and maximize the effective and efficient use of available judicial system resources;
- promote appropriate judicial training regarding mental health needs, systems, and services;
- establish a collaborative model that will continue systemic improvement within the judiciary beyond the tenure of individual Commission members;
- oversee the administration of funds appropriated and granted to the Commission; and
- provide progress reports to the two Courts.

The Commission will consist of no fewer than fourteen (14) Commissioners. The Commission will be co-chaired by a justice of the Supreme Court of Texas and a judge of the Texas Court of Criminal Appeals appointed by their respective Courts. The two Courts shall appoint a justice from the Texas Courts of Appeals to serve as Vice Chair of the Commission. The first collection of Commissioners shall be appointed by a joint order of the two Courts. Thereafter, new Commissioners shall be appointed jointly by the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals (“the two chiefs”). Each Commissioner shall serve a two-year term and may be renewed by the two chiefs at their discretion. A vacancy on the Commission is created by a Commissioner’s three consecutive absences from scheduled Commission meetings, subject to reappointment or the resignation of the Commissioner.

The Commissioners shall include members of the judiciary, members of the juvenile, criminal, and child protection systems and community, representatives of the business and legal communities, representatives of foundations or organizations with a substantial interest in mental health matters, and other state and local leaders who have demonstrated a commitment to mental health matters affecting Texans.

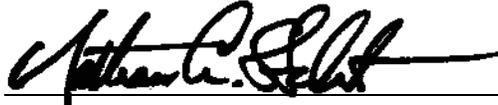
The Governor is invited to designate a person to serve as an ex-officio member of the Commission. The Lieutenant Governor and the Speaker of the House are invited to designate a member from the Texas Senate and the Texas House of Representatives, respectively, to serve as ex-officio members of the Commission. Ex-officio members appointed by the Governor, Lieutenant Governor, and Speaker serve at the pleasure of the appointing officer.

The two Courts recognize that participation by a broad spectrum of persons involved with the mental health, juvenile, criminal, and child welfare systems is critical to the Commission’s success. Accordingly, the Commission is empowered to appoint an advisory council as necessary to ensure the Commission is informed by experts in multiple disciplines. Members of the advisory council may attend Commission meetings and may serve on committees as determined by the Commission.

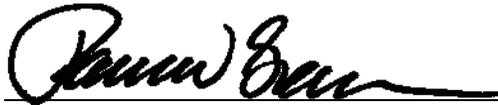
The Commission may adopt rules as necessary for the performance of the Commission’s duties and may form new committees or disband existing committees as it deems appropriate.

The Honorable Jeff Brown, Justice, Supreme Court of Texas, and the Honorable Barbara Hervey, Judge, Texas Court of Criminal Appeals, shall serve as the initial Co-Chairs of the Commission. The Honorable Bill Boyce, Justice, Fourteenth Court of Appeals, shall serve as the initial Vice Chair.

SIGNED BY THE SUPREME COURT OF TEXAS this 13th day of February, 2018.



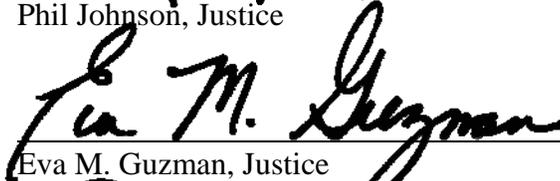
Nathan L. Hecht, Chief Justice



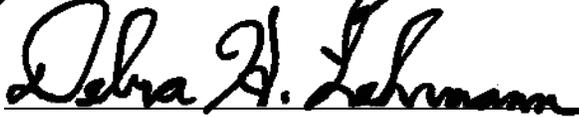
Paul W. Green, Justice



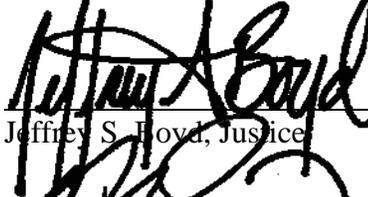
Phil Johnson, Justice



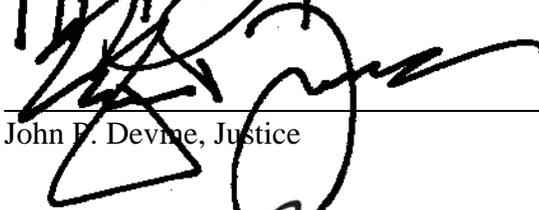
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



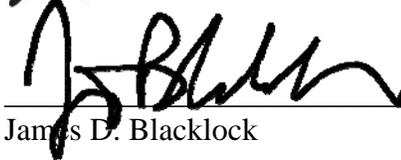
Jeffrey S. Boyd, Justice



John F. Devine, Justice

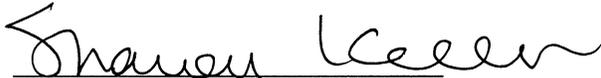


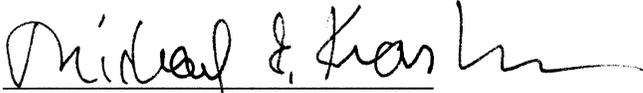
Jeffrey V. Brown, Justice

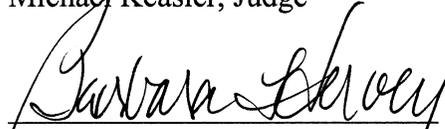


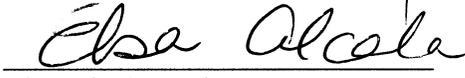
James D. Blacklock

SIGNED BY THE TEXAS COURT OF CRIMINAL APPEALS this 13th day of February, 2018.

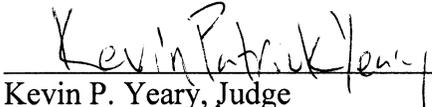

Sharon Keller, Presiding Judge


Michael Keasler, Judge

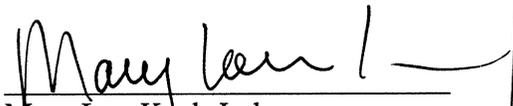

Barbara Hervey, Judge

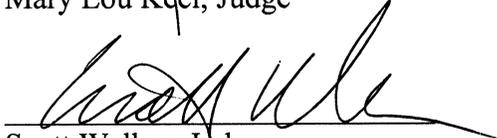

Elsa Alcala, Judge


Bert Richardson, Judge


Kevin P. Yeary, Judge


David Newell, Judge


Mary Lou Keel, Judge


Scott Walker, Judge

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IN THE SUPREME COURT OF TEXAS AND THE TEXAS COURT OF CRIMINAL APPEALS

Supreme Court Misc. Docket No. 18-9059
Court of Criminal Appeals Misc. Docket No. 18-009

ORDER APPOINTING JUDICIAL COMMISSION ON MENTAL HEALTH

Pursuant to the Order Establishing the Judicial Commission on Mental Health Commission which was jointly issued by the Supreme Court of Texas and the Texas Court of Criminal Appeals on February 13, 2018, the following members are hereby appointed for a term effective immediately and expiring August 31, 2020:

Hon. Bill Boyce, Houston	Chief James McLaughlin, Jr. (ret.), Elgin
Hon. Brent Carr, Fort Worth	Mike Maples, Austin
Camille Cain, Austin	Dr. Octavio Martinez, Austin
Terry Crocker, Edinburg	Hon. Stacey Matthews, Round Rock
Jerry Davis, Austin	Beth Mitchell, Austin
Hon. Francisco Dominguez, El Paso	Tom Mitchell, Houston
Hon. Camile DuBose, Hondo	Hon. Roxanne Nelson, Marble Falls
Dr. Tony Fabelo, Austin	Hon. Robert Newsom, Sulphur Springs
Sonja Gaines, Austin	Hon. Harriet O'Neill (ret.), Austin
Hon. Ernie Glenn, San Antonio	Denise Oncken, Houston
Hon. Sid Harle, San Antonio	Dr. William B. Schnapp, Houston
Dr. Andrew Keller, Dallas	Dr. Brian Shannon, Lubbock
Adrienne Kennedy, Austin	Reginald Smith, Austin
Hon. M. Sue Kurita, El Paso	Hon. Polly Jackson Spencer (ret.), San Antonio
Beth Ann Lawson, Lubbock	Hon. Cynthia Wheless, Plano
Major Mike Lee, Houston	

The Honorable Jeff Brown, Justice, Supreme Court of Texas, and the Honorable Barbara Hervey, Judge, Texas Court of Criminal Appeals, shall serve as the initial Co-Chairs of the Commission. The Honorable Bill Boyce, Justice, Fourteenth Court of Appeals, shall serve as the initial Vice Chair.

The Governor is invited to designate a person to serve as an ex-officio member of the Commission. The Lieutenant Governor and the Speaker of the House are invited to designate a member from the Texas Senate and the Texas House of Representatives, respectively, to serve as ex-officio members of the Commission. Ex-officio members appointed by the Governor, Lieutenant Governor, and Speaker serve at the pleasure of the appointing officer.

SIGNED BY THE SUPREME COURT OF TEXAS this 10th day of April, 2018.



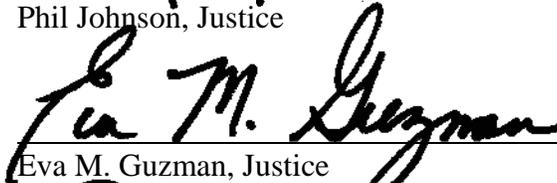
Nathan L. Hecht, Chief Justice



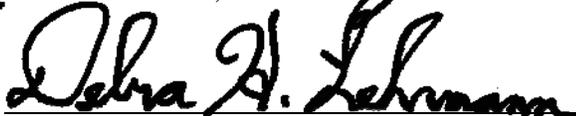
Paul W. Green, Justice



Phil Johnson, Justice



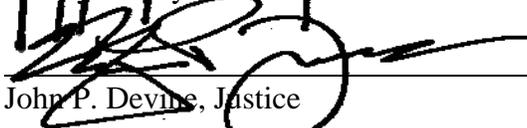
Eva M. Guzman, Justice



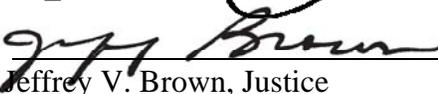
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



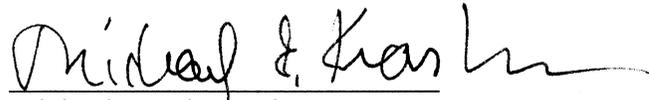
Jeffrey V. Brown, Justice

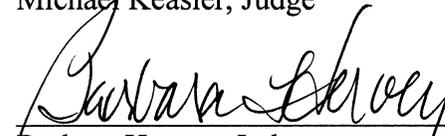


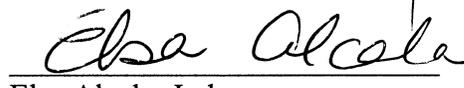
James D. Blacklock, Justice

SIGNED BY THE TEXAS COURT OF CRIMINAL APPEALS this 10th day of April, 2018.

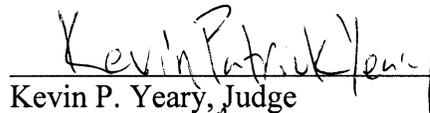

Sharon Keller, Presiding Judge

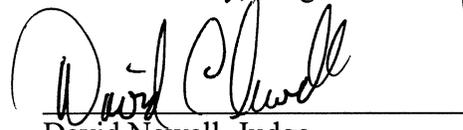

Michael Keasler, Judge

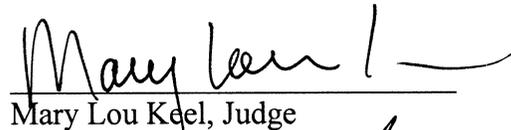

Barbara Hervey, Judge

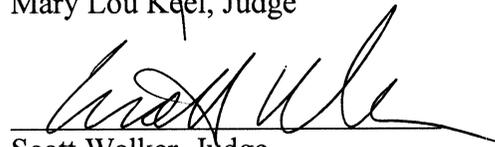

Elsa Alcalá, Judge


Bert Richardson, Judge


Kevin P. Yeary, Judge


David Newell, Judge


Mary Lou Keel, Judge


Scott Walker, Judge

Insert Tab 5

JCMH Operating Budget

April 1, 2018 - August 30, 2018

G/L Code	Account Title	Expenses to Date	Budget	Remaining \$	Remaining %
501.00	Salaries	\$10,657.82	\$93,698.12	\$83,040.30	88.63%
503.40	Staff Travel	\$964.93	\$5,000.00	\$4,035.07	80.70%
503.90	Office Supplies, Equipment & Software	\$320.00	\$5,000.00	\$4,680.00	93.60%
503.12	Printing	\$39.86	\$1,000.00	\$960.14	96.01%
503.15	Website	\$515.95	\$516.00	\$0.05	0.01%
504.00	Commission/Committee Travel	\$237.96	\$5,000.00	\$4,762.04	95.24%
542.00	Mental Health Summit (Fall 2018)	\$0.00	\$154,352.00	\$154,352.00	100.00%
Total		\$12,736.52	\$264,566.12	\$251,829.60	95.19%

Insert Tab 6

Report to the Judicial Commission on Mental Health
May 15, 2018

Executive Summary

As the Judicial Commission on Mental Health is being launched, activity continues for the Texas Judicial Council committee tasked with addressing issues and procedures related to mental health.

The Texas Judicial Council's committee met in April to consider proposals for the 86th Legislature. These proposals will be presented to the Texas Judicial Council in June. They focus on

- refinements to mental health legislation passed during the 85th Legislature, and continued funding for mental health procedural initiatives;
- authorizing the transfer of mental health information when a defendant is transferred from county jail to state prison; and
- authorizing training on mental health screening and related procedures for part-time and full-time magistrates and associate judges.

The committee also has created a study group to examine potential improvements for procedures governing court-ordered mental health treatment under Chapter 574 of the Health and Safety Code.

Background

The Texas Judicial Council's Mental Health Committee was created in June 2016 to address (1) the administration of civil and criminal justice for those suffering from or affected by mental illness; (2) systemic approaches for diversion of individuals with mental illness from entering the criminal justice system; (3) recommendations to the Judicial Council on (a) systemic approaches for improving the administration of justice in cases involving mental health issues, (b) strategies to foster meaningful multi-disciplinary collaboration, enhance judicial leadership, develop and implement technology solutions, and explore potential funding sources, and (c) whether a permanent judicial commission on mental health should be created; and (4) recommended legislative changes for consideration by the 85th Texas Legislature commencing in January 2017.

The committee issued its recommendations in October 2016. The legislative recommendations focused primarily on (1) revisions to screening procedures under Code of Criminal Procedure Art. 16.22; (2) bail procedures for defendants with mental illness under Code of Criminal Procedure Art. 17.032; and (3) statutory authorization for jail-based and community-based competency restoration for defendants charged with Class B misdemeanors. These recommendations were incorporated in SB 1326 (Author: Sen. Zaffirini; Sponsor: Rep. Price, et al.), which was passed by the Legislature and signed into law by Governor Abbott in 2017.

The Office of Court Administration created extensive training materials addressing and describing these new procedures, and posted the materials on its website: www.txcourts.gov/publications-training/training-materials/mental-health/

OCA has received feedback from courts, court staff, and stakeholders since these changes went into effect. Feedback also has been gathered in the course of introducing these changes at multiple conferences since mid-2017.

In 2017, the Mental Health Committee was reconstituted as the Guardianship, Mental Health, and IDD Committee. It was charged with continuing to study potential areas of improvement in the administration of civil and criminal justice for persons affected by mental illness or intellectual or developmental disability; it also was charged with studying potential areas of improvement in connection with guardianship in Texas.

In addition to legislation, the committee also recommended the creation of a permanent Texas Judicial Commission on Mental Health. Following a joint hearing held by the Texas Court of Criminal Appeals and the Supreme Court of Texas in January 2018, this recommendation was implemented in a joint order signed in February 2018.

The Guardianship, Mental Health, and IDD Committee has continued to meet and fulfill its charge during the interim period preceding the Commission's launch. The following proposals were presented for the committee's consideration at its April 10 meeting. The next Texas Judicial Council meeting is scheduled for June 29, 2018.

Proposals Presented to the Judicial Council’s Committee on Guardianship, Mental Health, and Intellectual and Developmental Disability

1. Refinements to mental health legislation passed during 85th Legislature

The 2017 legislation went into effect on September 1, 2017. Feedback from courts, court staff, and stakeholders since that effective date points to the need for three refinements that will clarify procedures and the meaning of statutory language.

a. Clarify meaning of “assessment” under Code of Criminal Procedure Article 16.22

As amended in 2017, Article 16.22 contains multiple references to the performance of an “assessment” if there is reasonable cause to believe that a defendant has a mental illness or is a person with an intellectual disability. The phrases “collect” or “collection of information” or “information collected” also are used in Article 16.22(a)(1)(A), (a)(1)(B), (a)(2), and (a)(3). “Assessment” also appears in Article 17.032(b)(3).

Feedback indicates that there is uncertainty about the credentials necessary for an individual to perform an “assessment;” whether this assessment focuses on competency to stand trial; and payment responsibility for the assessment.

A single uniform term such as “screening” should be used in place of “assessment” or “collection of information” to convey that a full-blown examination and mental health or IDD diagnosis is not required at this juncture.

b. Clarify authority for TCOOMMI form; confidentiality

Article 16.22(a)(1)(B) provides that the magistrate shall receive “a written assessment of the information collected under Paragraph (A) on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.00032(b), Health and Safety Code.”

In its current form, Section 614.0032(b) refers to a form for use in connection with a competency examination under Article 46B; this section does not expressly

refer to a screening form for use under Article 16.22.¹ A new subsection should be added to Section 614.0032(b) authorizing TCOOMMI to

“(3) approve and make generally available in electronic format a standard form for use by experts in reporting mental health reporting results under Article 16.22, Code of Criminal Procedure.”

Additionally, a provision should be added to Section 614.0032 to make the form confidential by law. Such a provision could be modeled after the provision addressing juvenile records in Section 58.007 of the Family Code.

c. Clarify OCA reporting requirements

Feedback indicates concern over the potential for a redundant reporting requirement for screenings performed pursuant to Article 16.22. Subsection (e) should be amended as follows:

“(e) The ~~magistrate~~ [clerk of the trial court] shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis the number of written assessments provided to the court under Subsection (a)(1)(B).”

This change will avoid duplicative reporting from magistrates and trial courts.

d. Funding

The committee discussed the need for continued and increased funding for the creation of community-based and jail-based competency restoration programs under Article 46B. Funding to launch these programs currently is authorized under SB 292 and HB 13.

¹ TCOOMMI has promulgated a screening form specifically for this purpose.

2. New legislative proposals

In addition to refinements of legislative changes enacted in 2017, the committee also explored new proposals for the 86th Legislative Session beginning in January 2019.

a. Authorize transfer of mental health-related information when a defendant is moved from county jail to state prison

Under Code of Criminal Procedure Article 42.09 section 8, a county transferring a defendant to TDCJ must deliver twelve categories of information to TDCJ including court records, a PSI if one was prepared, and criminal history. This provision should be amended to include any mental health records or mental health screening reports among the items to be provided to TDCJ so that there is awareness of an incoming prisoner's mental condition and an ability to anticipate how that condition may need to be addressed.

b. Amend Government Code section 54.003(b) to include part-time and full-time magistrates and associate judges appointed under Chapters 54 and 54A of the Government Code

During the course of multiple seminar presentations since mid-2017, there has been significant enthusiasm among courts, court personnel, and other stakeholders for training opportunities focused on these new procedures.

This enthusiasm dovetails with a 2016 recommendation made by the Texas Judicial Council's Criminal Justice Committee, excerpted here with emphasis added:

* * *

Texas Government Code 56.003(b) provides the statutory basis for funds to be appropriated to the Court of Criminal Appeals for the "continuing legal education of judges of the appellate courts, district courts, county courts at law, county courts performing judicial functions, *full-time associate judges and masters appointed pursuant to Chapter 201, Family Code, and full-time masters,*

magistrates, referees, and associate judges appointed pursuant to Chapter 54 as required by the Court of Criminal Appeals.”

Sec. 56.003(c) and (d) of the Government Code provide the statutory basis for funds to be appropriated to the Court of Criminal Appeals for the continuing legal education of judges of the justice courts and municipal courts.

Rules 2, 3, and 5 of Judicial Education promulgated by the Court of Criminal Appeals require judicial education for judges of the appellate, district, county, justice and municipal courts. Rule 4 of Judicial Education promulgated by the Court of Criminal Appeals requires “judicial officers” to “complete within one year after taking office, at least 12 hours of instruction in the administrative duties of office and substantive procedural and evidentiary laws. Thereafter, the “judicial officer” is required to complete at least 12 hours of instruction in substantive, procedural and evidentiary laws and court administration. *The term “judicial officer” is defined to include full-time masters, magistrates, or referees appointed pursuant to Chapter 54 of the Government Code.*

* * *

The committee recommends that the legislature amend Government Code Sec. 54.003(b) to include part-time and full-time magistrates and associate judges appointed under Chapters 54 and 54A of the Government Code. The committee also recommends that the Court of Criminal Appeals amend its Rules of Judicial Education to require continuing legal education for part-time and full-time magistrates and associate judges under Chapters 54 and 54A of the Government Code.

The committee recommends that the Court of Criminal Appeals examine its funding levels for judicial education and supports the Court's efforts to increase funding to a level sufficient to provide the education discussed above.

The committee discussed adopting the Criminal Justice Committee's 2016 recommendation, which will allow for additional training to implement new mental health-related procedures enacted in 2017.

3. Continuing study

Chapter 574 of the Texas Health and Safety Code was added in 1991 to provide a mechanism for courts to order involuntary mental health treatment. However, there are barriers to the use of these provisions by courts; as a result, they are rarely used to order involuntary outpatient mental health treatment. Interested stakeholders indicate that the update of these provisions based upon current practices and research on best practices in mental health treatment could provide a mechanism to divert individuals with mental health conditions from the criminal justice system and the inpatient mental health treatment system. A working group of involved stakeholders will meet to discuss possible recommendations for improving procedures governing court-ordered mental health treatment.

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Report to the Judicial Commission on Mental Health

May 15, 2018

Texas Judicial Council Mental Health Committee

- Created in June 2016 as committee of the Texas Judicial Council to gather stakeholder input and address best practices in administration of justice for those suffering from or affected by mental illness
- Legislative recommendations in October 2016; adopted by the Council
- Recommendations incorporated into multiple bills passed during the 85th Legislature, signed into law in 2017, with focus on (1) screening procedures under CCP Art. 16.22; PR bonds under CCP Art. 17.032; competency restoration under CCP Art. 46B
- Recommended creation of permanent Judicial Commission on Mental Health
- Committee reconstituted in 2017; encompasses guardianship, IDD

Looking to the 86th Legislative Session

- Address feedback on prior legislation; refinements to language; funding
 - Meaning of “assessment” under Article 16.22
 - Authority for TCOOMMI form under Health and Safety Code Section 614.0032(b)
 - Clarify OCA reporting requirements under Article 16.22
- New legislative proposals
 - Transfer of mental health-related information under CCP Article 42.09, section 8
 - Amend Government Code Section 54.003(b) to include part-time and full-time magistrates and associate judges appointed under Chapters 54 and 54A of the Government Code
- Study procedures for court-ordered involuntary mental health treatment under Chapter 574 of the Texas Health and Safety Code

Feedback Based on 2017 Legislation

- Article 16.22 contains multiple references to the performance of an “assessment” if there is reasonable cause to believe that a defendant has a mental illness or is a person with an intellectual disability
- The phrases “collect” or “collection of information” or “information collected” also are used in Article 16.22(a)(1)(A), (a)(1)(B), (a)(2), and (a)(3)
- There is uncertainty about the credentials necessary to perform the “assessment;” whether this assessment focuses on competency to stand trial; and payment responsibility
- A single uniform term such as “screening” should be used in place of “assessment” or “collection of information” to convey that a full-blown examination and mental health or IDD diagnosis by a clinician is not required

Feedback Based on 2017 Legislation

- Under Article 16.22(a)(1)(B), the magistrate shall receive “a written assessment of the information collected under Paragraph (A) on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.00032(b), Health and Safety Code”
- Section 614.0032(b) refers to a form for use in connection with a competency examination under Article 46B
- A new subsection should be added to Section 614.0032(b) authorizing TCOOMMI to “approve and make generally available in electronic format a standard form for use by experts in reporting mental health reporting results under Article 16.22, Code of Criminal Procedure”
- Add confidentiality provision, similar to Section 58.007 of the Family Code

Feedback Based on 2017 Legislation

- To avoid duplicative reporting, amend article 16.22(e) as follows: “(e) The ~~magistrate~~ [clerk of the trial court] shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis the number of written assessments provided to the court under Subsection (a)(1)(B)”

New Proposals

- Under Code of Criminal Procedure Article 42.09 section 8, a county transferring a defendant to TDCJ must deliver twelve categories of information to TDCJ including court records, a PSI if one was prepared, and criminal history
- This provision should be amended to include any mental health records or mental health screening reports among the items to be provided to TDCJ so that there is awareness of an incoming prisoner's mental condition and an ability to anticipate how that condition may need to be addressed

New Proposals

- During the course of multiple seminar presentations since mid-2017, there has been significant enthusiasm among courts, court personnel, and other stakeholders for training opportunities focused on these new procedures
- This enthusiasm dovetails with a 2016 recommendation made by the Texas Judicial Council's Criminal Justice Committee to amend Government Code Section 54.003(b) to include part-time and full-time magistrates and associate judges appointed under Chapters 54 and 54A of the Government Code.
- The Criminal Justice Committee also recommended that the Court of Criminal Appeals amend its Rules of Judicial Education to require continuing legal education for part-time and full-time magistrates and associate judges under Chapters 54 and 54A of the Government Code

Continuing Study

- Examine effectiveness of Health and Safety Code Chapter 574 governing court-ordered involuntary mental health treatment

Insert Tab 7

HEALTH

Looking beneath the surface: Courts and mental health

By Nathan Hecht and Sharon Keller, Jan. 10, 2018



Christopher Ajayi, a psychiatric technician, makes his rounds at Harris County Jail. (2/24/11) Photo by Todd Wiseman

We often think of mental illness as an invisible disease, but its effects can clearly be seen in our courts, as Texans with these challenges find themselves in the criminal justice, juvenile justice and child welfare systems. Because people in mental health crises are more likely to encounter law enforcement than medical professionals, the courts often serve as their point of entry to access mental health services. Texas courtrooms are filled with children being parented by the state because their parents have unmet mental health needs. Many times, these same children return to court as they face juvenile detention, homelessness and prison. Our veterans often return from service with life-changing PTSD and land in court, struggling with employment, housing and family.

What is the scope of the problem? The Texas Judicial Council Mental Health Committee [recently shared data](#) that out of the 27 million people in Texas, about 1 million adults experience serious

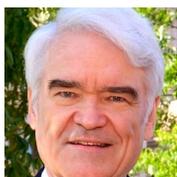


mental illness. Notably, up to 70 percent of youth coming into contact with the juvenile justice system meet criteria for a mental health disorder. Adults with untreated mental illness are eight times more likely to be incarcerated. Finally, the Meadows Mental Health Public Policy Institute estimates that every year, Texas spends \$1.4 billion in emergency room costs and \$650 million in local justice system costs to address mental illness that is not adequately addressed in the community.

Currently, courts and other institutions operate in silos with little interaction, at great expense to the individuals impacted by these systems and the community. Over the past few legislative sessions, lawmakers in our state have made great strides in bridging the gaps between these systems, instituting reforms and allocating funding for better screening protocols, jail diversion and competency restoration procedures. When the justice system serves as a safety net for individuals struggling with mental illness, courts also have an obligation to play an active role in expanding our state's capacity to respond.

The Supreme Court of Texas and the Texas Court of Criminal Appeals are working together for a historic joint hearing (on Jan. 11) on how courts can better serve individuals with mental health challenges. This is an opportunity for the two highest courts in Texas to hear from people with professional and personal experience navigating the legal system and its intersection with unmet mental health needs. Texas has realized improvements in the administration of justice on other highly complex issues through long-term, judicially-led, interdisciplinary initiatives, and this issue demands a similar approach. The hearing will inform efforts to create a Judicial Commission on Mental Health that will be aimed at strengthening collaboration between systems and developing innovative solutions to nuanced problems.

Courts are in a unique position to help youth and adults move from illness to wellness, but for the promise of justice to be realized, we must take a closer look at how we see mental health and how we work together for meaningful improvement in the administration of justice for those affected by mental illness.



Nathan Hecht

Chief Justice, Texas Supreme Court



Sharon Keller

Presiding judge, Texas Court of Criminal Appeals



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my

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Texas' highest courts launch review of mental health and incarceration

METRO-STATE By **Ryan Autullo** - American-Statesman Staff

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NICK WAGNER

Burnet County Judge Roxanne Nelson gives testimony about mental health in her county during a hearing at the Texas Supreme Court of Texas on Thursday. NICK WAGNER / AMERICAN-STATESMAN

Posted: 5:37 p.m. Thursday, January 11, 2018

Highlights

597 inmates who had been found incompetent to stand trial for major offenses await a bed at a mental facility.

Many speakers said the state has made strides to address mental health concerns, but could be doing more.

Concerned about exceeding the eight minutes she was given to address the tricky relationship between mental health disorders and the state's criminal justice system, Burnet County Justice of the Peace Roxanne Nelson saved her best story for a private audience in the hallway.

Nelson was among 20 mental health experts and advisers invited to testify Thursday at the Texas Supreme Court at a hearing to establish a new judicial commission on mental health. The commission — made up of judges from the state's two highest courts, the Supreme Court and the Court of Criminal Appeals — is a brainstorming group aiming to serve defendants who suffer from mental illness.

In the coming weeks, an order will be signed to formally launch the Texas Judicial Commission on Mental Health.

Nelson told a crowded room that the biggest problem the state faces with mental health is a shortage of beds in mental hospitals. As of about a week ago, 597 inmates who had been found incompetent to stand trial for major offenses were being forced to stay in jail while waiting for space to open at a mental health facility. The average wait is 139 days. Those who are found to be incompetent cannot assist in their own defense and their cases are placed on hold until they are treated.

"They're not getting treatment in our jails," Nelson said. "They should not be in jails."

Nelson became passionate about mental health in the justice system about eight years ago, she said in her discussion outside of the courtroom. A woman who had been taken to jail for passing a bad check attempted to commit suicide at the jail, first by swallowing her own hair and then by manipulating her restraint chair so she could choke herself. The small jail did not have medicine to treat the woman, so she was given Benadryl.

About 12 hours after the woman first tried to hurt herself, a bed finally opened at Austin State Hospital.

"There are probably hundreds of stories similar to hers," Nelson said.

The state has made progress in other areas. In the recent legislative session, a new law was passed to create grant programs to reduce arrests, recidivism, and incarceration of individuals who suffer from mental illness. House Bill 13, which also became law, could bring the state \$30 million through a matching grant program to support community health programs for people experiencing mental illness.

Mental health programs for military veterans were established in the 2013 and 2015 sessions.

"We have more alternatives today than we've ever had," said Sonja Gaines, associate commissioner for intellectual and developmental disabilities and behavioral health services at the Health and Human Services Commission. "There is still a great need, but we have made great strides."

The Supreme Court got the idea of forming the commission after reviewing a 2016 mental health committee report by the Texas Judicial Council that explored the judiciary's role in the intersection of courts and mental health. In an uncommon move, the Supreme Court invited the Court of Criminal Appeals to join the commission, leaning on their expertise in criminal cases. The Supreme Court handles civil cases and juvenile matters.

The commission will hold its first meeting this spring. A two-day summit is being considered for the fall to explore what issues need to be addressed.

Justice Jeff Brown said Thursday's testimony was "very powerful," and lays the groundwork for change.

"The problem's even more immense than I thought it was," he said. "There are a lot of ideas around the state to address it."

About the Author



RYAN AUTULLO Ryan Autullo
covers courts for the Austin
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Austin

Texas' two highest courts begin addressing mental health challenges

By: Steffi Lee ✉ (mailto:steffi.lee@kxan.com)

Updated: Jan 11, 2018 12:52 PM CST

(Interactive Media Not Supported by Print)

- [AISD gets \\$4.5M to offer mental health support for child crime victims](#)
- [Report: Mental health patients in Texas often forced out-of-network](#)
- [With thousands more crisis calls, APD welcomes new mental health center](#)

AUSTIN (KXAN) - Two of the highest courts in Texas say mental health challenges are taking a toll on the judicial system.

Numbers from the Meadows Mental Health Public Policy Institute show the state spends around \$1.4 billion in emergency room costs and \$650 million in local judicial expenses to deal with mental illnesses.

Reasons like that motivated the Texas Supreme Court and the Texas Court of Criminal Appeals to collaborate and form the Judicial Commission Mental Health. Both courts held a joint hearing that took place at the Texas Supreme Court on Thursday and much of the discussion focused on working together rather than separately. Judges heard testimonies from several mental health advocates.

"There's much work to be done and the third branch will do its part to improve the administration of justice and preserve the integrity of the rule of law," Chief Justice Nathan Hecht said.

Justice Bill Boyce from the 14th Court of Appeals and chair of the Judicial Council Mental Health Committee said steps are being taken statewide to address outpatient treatment capacity, but a lot of individuals still end up seeking services from the Texas Criminal Justice System and the Civil Justice System.

"Most who are incarcerated are eventually going to return home," he said. "Once there, the consequences of inadequate treatment capacity play out in predictable and damaging ways for these individuals, their families and their communities."

Boyce said launching this commission shows the need for active judicial involvement in the search for effective solutions when dealing with mental health challenges.

Sonja Gaines, associate commissioner for intellectual and developmental disabilities & behavioral health services with the Texas Health and Human Services Commission, said specialty courts and jail diversion programs across the state have played key roles in helping individuals with mental illnesses.

Senior District Judge John Specia said judges need to drive this conversation within their communities.

"When a judge calls a meeting, people come - whether it's the superintendents, the doctors or the mental health people," he said. "So judges are in a unique position to be able to call people together and identify problems and not fix them, but send those folks off to fix them."

Judges plan to review legislation as part of the commission's work and will participate in a [criminal justice conference next month in Austin](#).

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TEXAS SUPREME COURT ADVISORY

Contact: Jessica M. Arguijo
Communications Manager
Supreme Court Children's Commission
Judicial Commission on Mental Health
512.463.7226 or [email](#)

BOLD PLEAS, BOLD IDEAS, A BOLD PROPOSAL: COORDINATING HOW TEXAS TREATS ITS MENTALLY ILL IN CRIMINAL, CIVIL COURTS

State's top courts, in historic first step, create a Judicial Commission on Mental Health

In a hearing before the two highest Texas courts, onetime juvenile offender Angel Carroll from Williamson County testified about a justice system that did not know how to treat her mental illness – until a court-appointed attorney ad litem trained to recognize mental issues listened and intervened.

“While I am a junior at Texas Tech studying communications studies and social work,” she told the Texas Supreme Court and Court of Criminal Appeals, “statistically I’m supposed to be in prison, on drugs, homeless or dead.”

Carroll’s testimony in the hearing in January, touted as the first-ever joint session by the two courts, was among 20 perspectives advocating a statewide commission as a foundation for collaboration among judges, policymakers and mental-health experts.

The Supreme Court and Court of Criminal Appeals [jointly created the Judicial Commission on Mental Health](#) on Tuesday. Court of Criminal Appeals Judge Barbara Hervey and Supreme Court Justice Jeff Brown will initially serve as the commission’s co-chairs. Justice Bill Boyce of Houston’s 14th Court of Appeals will initially be vice-chair.

At the hearing Angel Carroll represented hope and despair. Sexually and emotionally abused at 14, suffering anxiety and depression at 15, misdiagnosed and prescribed an “unnecessary” medication, she said she was labeled a troublemaker and aggressive. “They said I lacked motivation, had uncontrollable anger and had an utter disdain for authority figures.

“As an adult I’ve often wondered how many times I could have avoided being sent to jail, detention, being on probation, if someone only knew what I was going through and I could have received proper treatment.”

The joint hearing followed recommendations in the Texas Judicial Council’s [2016 Mental Health Committee Report](#).

Of 27 million people in Texas, as many as 1 million adults experience serious mental illness with perhaps half suffering serious and persistent mental illness. About 500,000 children 17 or

younger have severe emotional disturbance. An estimated 1.6 million adult Texans and 181,000 children from 12 to 17 have substance-use disorders that frequently accompany mental illness and, as with all involved, frequently finds them in jail, hospital emergency rooms, the criminal-justice system and in child-protective services.

Another witness, Adrienne Kennedy of Austin, told of a son whose delusions spiraled out of control and left him eventually unwilling to be treated, either for his mental illness or insulin-dependent diabetes. In two manic episodes he fired pistols in a movie theater and near a hospital in central Austin. His troubles eventually forced Kennedy and her husband to refinance a house and empty retirement for hundreds of thousands of dollars for treatment and for charges against him in state and federal criminal courts. He died in 2016 at 41.

“A broken system and a broken brain are a terrible combination,” she told the hearing.

Kennedy, active in the National Alliance on Mental Illness, and witnesses whose views encompass medical, psychiatric and law-enforcement expertise, as well as many with street-level experience, commended the proposal for a mental-health commission.

Law-enforcement officers in Houston and Harris County respond to calls involving mental-health problems on average every 15 minutes, Harris County Sheriff’s Major Mike Lee said. And mental-health “crises” force nearly seven of 10 events SWAT responders answer.

“We often think of mental illness as an invisible disease,” Chief Justice Nathan L. Hecht said, “but its effects can be seen in our courts as Texans with these challenges find themselves in every part of the justice system.”

“Courts have an obligation to play an active role in expanding the state’s capacity to respond,” Presiding Judge Sharon Keller said.

The new joint commission will be charged with:

- Strategic planning for strengthening courts and the administration of justice in confronting and helping treat mental-health problems among Texans.
- Identifying and assessing current and future needs for courts to be more effective in working with Texans with mental illness.
- Promoting effective practices and programs for working with the mentally ill.
- Improving collaboration and communication among courts and people working in and for the mental-health system.
- Working to increase resources and funding for effective and efficient use of available judicial resources.
- Promoting appropriate judicial training regarding mental-health needs, systems and services.
- Establishing a model, based on collaboration, that will continue judicial improvements beyond the tenures of individual commission members.

The commission will have at least 14 members, to be appointed initially by the courts for two-

year terms and representing the judiciary; juvenile, criminal and child-protection systems; business and legal communities; representatives of foundations or organizations with a substantial interest in mental-health matters; and other state and local leaders who have demonstrated a commitment to mental-health matters affecting Texans. The governor, the lieutenant governor and speaker of the Texas House of Representatives have been invited to appoint ex-officio members.

Web post

Watch the hearing

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MEDIA RELEASE

For January 11, 2018

HIGH COURTS HOLD HISTORIC JOINT HEARING TO ESTABLISH PERMANENT JUDICIAL COMMISSION ON MENTAL HEALTH

AUSTIN – The Supreme Court of Texas and Court of Criminal Appeals held a historic joint hearing today in the Supreme Court Courtroom to establish the Judicial Commission on Mental Health. Justices and Judges from Texas’ two highest courts heard testimony regarding the need for a statewide judicial commission and collaboration between the judiciary, policymakers, and mental health experts.

The historic event follows the Texas Judicial Council’s 2016 Mental Health Committee Report and Recommendations found [online](#).

Of the 27 million people who live in Texas, approximately 1 million adults experience serious mental illness with roughly half experiencing serious and persistent mental illness. Approximately 500,000 children aged 17 or younger have severe emotional disturbance. An estimated 1.6 million adult Texans and 181,000 children aged 12 to 17 have substance use disorders which frequently accompany mental illness. Consequently, these Texans and the communities in which they live frequently find themselves navigating the challenges of mental illness in jails, hospital emergency departments, adult criminal and juvenile justice agencies, schools, and child protective services.

“Currently, the courts and the many systems involved operate in silos, at great expense to the individuals impacted by these systems and the community,” said Supreme Court of Texas Chief Justice Nathan Hecht. “Over the past few legislative sessions, lawmakers in our state have made great strides in bridging the gaps between these systems including instituting reforms and allocating funding for better screening protocols, jail diversion, and competency restoration procedures. When the justice system serves as a safety net for individuals struggling with mental illness, courts also have an obligation to play an active role in expanding our state’s capacity to respond, Chief Justice Hecht said.

Court of Criminal Appeals Presiding Judge Sharon Keller added, “Texas has realized improvements in the administration of justice on other highly complex issues through long-term, judicially-led, interdisciplinary initiatives, and this issue demands a similar approach.”

The hearing marked the first-ever joint hearing of both high courts. A recording of the joint hearing is available online and archived at [TexasBarCLE.com](#).

Contact:

Megan LaVoie

Director of Public Affairs

Texas Office of Court Administration

Megan.LaVoie@TXCourts.gov

512.971.3854

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MEDIA ADVISORY

For Immediate Release:

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Texas' Two Highest Courts Announce Members for Judicial Commission on Mental Health

Texas' two high courts have appointed 31 members to lead the [newly established Judicial Commission on Mental Health](#). The commission, the first body jointly created by the Texas Supreme Court and the Texas Court of Criminal Appeals, will examine best practices in the administration of civil and criminal justice for persons with mental illness.

In February, the Courts issued a joint order to establish the commission following the [January 11, 2018 hearing](#) where mental health professionals, judges and law enforcement officers attested to the need for a permanent judicial body on mental health.

The first meeting of the newly-appointed commission is scheduled for Tuesday, May 15 in Austin. The meeting will be webcast and later archived at [TexasBarCLE.com](#).

The new commissioners will serve through August 2020.

Hon. Brent Carr, Fort Worth

Camille Cain, Austin

Terry Crocker, Edinburg

Jerry Davis, Austin

Hon. Francisco Dominguez, El Paso

Hon. Camile DuBose, Hondo

Dr. Tony Fabelo, Austin

Sonja Gaines, Austin

Hon. Ernie Glenn, San Antonio

Hon. Sid Harle, San Antonio

Dr. Andrew Keller, Dallas

Adrienne Kennedy, Austin

Hon. M. Sue Kurita, El Paso

Beth Ann Lawson, Lubbock

Major Mike Lee, Houston

Chief James McLaughlin, Jr. (ret.), Elgin

Mike Maples, Austin

Dr. Octavio Martinez, Austin

Hon. Stacey Matthews, Round Rock

Beth Mitchell, Austin

Tom Mitchell, Houston

Hon. Roxanne Nelson, Marble Falls

Hon. Robert Newsom, Sulphur Springs

Hon. Harriet O'Neill (ret.), Austin

Denise Oncken, Houston

Dr. William B. Schnapp, Houston

Dr. Brian Shannon, Lubbock

Reginald Smith, Austin

Hon. Polly Jackson Spencer (ret.), San Antonio

Hon. Cynthia Wheless, Plano

Justice Jeff Brown, Supreme Court of Texas, and Judge Barbara Hervey, Texas Court of Criminal Appeals, will serve as the initial co-chairs of the Commission. Fourteenth Court of Appeals Justice Bill Boyce, will serve as the initial vice chair.

The governor has been invited to designate a person to serve as an ex-officio member of the Commission. The lieutenant governor and the speaker of the house have also been invited to designate a member from the Texas Senate and the Texas House of Representatives, respectively, to serve as ex-officio members of the Commission.

The signed order can be found at TexasJCMH.gov.

Contact:

Jessica Arguijo

Communications Manager

[Supreme Court Children's Commission](#)

[Judicial Commission on Mental Health](#)

Jessica.Arguijo@TXCourts.gov

512-463-7226

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JCMH Press

1. Supreme Court online advisory post: BOLD PLEAS, BOLD IDEAS, A BOLD PROPOSAL: COORDINATING HOW TEXAS TREATS ITS MENTALLY ILL IN CRIMINAL, CIVIL COURTS:
<http://www.txcourts.gov/supreme/news/commission-to-address-mental-health-issues-in-civil-criminal-courts/>
2. State's top courts, in historic first step, create a Judicial Commission on Mental Health
<http://www.txcourts.gov/supreme/news/commission-to-address-mental-health-issues-in-civil-criminal-courts/>
3. TribTalk
 - <https://www.tribtalk.org/2018/01/10/looking-beneath-the-surface-courts-and-mental-health/>
4. Texas' two highest courts begin addressing mental health challenges
 - <http://kxan.com/2018/01/11/texas-two-highest-courts-begin-addressing-mental-health-challenges/>
 - <http://www.arklatexhomepage.com/news/texas-two-highest-courts-begin-addressing-mental-health-challenges/911006812>
5. Texas' highest courts launch review of mental health and incarceration
 - <http://www.mystatesman.com/news/texas-highest-courts-launch-review-mental-health-and-incarceration/BI4mH8SrCREb0psiwQeScI/>
6. Texas Tribune, The Blast: PHOTO OF THE DAY



Caption: The Texas Judicial Commission on Mental Health holds a hearing in Austin on Jan. 11, 2018, to discuss how courts can better serve individuals facing mental health challenges.

Photo by Laura Skelding for The Texas Tribune

7. Texas' high courts hold historic joint hearing, establish mental health commission
 - <https://blog.texasbar.com/2018/01/articles/news/texas-high-courts-hold-historic-joint-hearing-establish-mental-health-commission/>
8. Mental health docket addresses needs in Texas jails:
 - <http://www.newschannel10.com/story/37257120/mental-health-docket-addresses-needs-in-texas-jails>
9. Judicial Commission discusses the role of mental health in civil and criminal justice:
 - <http://www.texasstandard.org/stories/judicial-commission-discusses-the-role-of-mental-health-in-civil-and-criminal-justice/>
10. Texas Courts Not Equipped to Deal With Mental Health Issues, Courts Find:
 - <https://www.law.com/texaslawyer/sites/texaslawyer/2018/02/15/texas-courts-not-equipped-to-deal-with-mental-health-issues-courts-find/>

Newest articles:

11. Lack of mental health services burden on justice system
<https://www.mysanantonio.com/opinion/editorials/article/Lack-of-mental-health-services-burden-on-justice-12777472.php>
12. These are medical not criminal justice issues
<https://www.lmtonline.com/opinion/editorials/article/These-are-medical-not-criminal-justice-issues-12852194.php>
13. Texas View: Failure to address mental health, drug issues in prison costly
http://www.oaoa.com/editorial/views/texas_opinion/article_5ad9d2c6-48eb-11e8-9059-5f7fc464d794.html