

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:

1. Become familiar with the Texas Mental Health Code.
2. Interview the person, within a reasonable time, prior to the hearing. Determine if an interpreter is needed.
3. Discuss thoroughly with the proposed patient the facts of the case, the law, the person's options, and the criteria used to seek court-ordered services.
4. Explain that the person may hire private counsel at their expense if they wish.
5. Advise the person as to what course of action appears to be in their best interest.
6. Advocate the desire to avoid court-ordered services, if expressed by the person, using all reasonable efforts within the bounds of the law.
7. Review the application, medical certificates, and medical records. *
8. Interview any witnesses. Determine if subpoenas are needed.
9. Determine the availability of treatment alternatives, and if the client desires, advocate for the least restrictive alternatives.
10. Advise the person of the right to attend or waive presence at any hearing.
11. Inform the court of the reasons for the person's absence at a hearing.
12. Determine if an evaluation by an independent psychiatrist should be requested of the court.
13. Discuss procedures for appeal, release, discharge, and other rights during any period of court-ordered treatment.
14. Maintain responsibility for the person's legal representation until the conditions of §574.004(h) are met.

*** §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.**