

THE STATE OF TEXAS
FOR THE BEST INTEREST
AND PROTECTION OF

IN PROBATE COURT NUMBER ONE
OF
TRAVIS COUNTY TEXAS

**ORDER OF PROTECTIVE CUSTODY, ORDER REQUIRING SUBMISSION TO ADDITIONAL
MENTAL EXAMINATION, ORDER APPOINTING ATTORNEY, ORDER APPOINTING
ASSOCIATE JUDGE FOR PROBABLE CAUSE, AND NOTICE OF HEARINGS**

On **November 27, 2019**, 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, and the Court further finds, based upon the Texas Mental Health Code authorizing the Court to order protective custody. It is, therefore, ORDERED, ADJUDGED, and DECREED:

- 1 <If marked> That the Proposed Patient is to be detained at **Austin State Hospital** under an order of Protective Custody pending further orders of the Court;
- 2 <If marked> 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 <If marked> That a probable cause hearing has been set for _____ **APS West, Building 784 G, Courtroom;**
- 4 That a hearing on the Application for Court-Ordered Mental at Health Services is set for _____ **Acute Care Unit at Austin State Hospital;**
- 5 That the Court appoints an Associate Judge for Probable Cause pursuant to Section 574.025 of the Health and Safety Code for the Proposed Patient's hearing on probable cause, if one is necessary; such appointment to become effective upon the commencement of the of the probable cause hearing, and that this appointment of an Associate Judge shall expire immediately upon conclusion of said probable cause hearing, and the Associate Judge shall have no further authority or duties; and
- 6 That _____, Attorney at law, whose address is _____ in the city of **Austin, TX 78701** and whose phone number is _____ is hereby appointed for 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.
- 7 Applicant shall inform the appointed attorney immediately if the proposed patient is transferred from Applicant's facility to another location.

Signed on _____.

Judge Presiding,
Travis County Probate Court No.1

Received at _____ on _____, 20__

_____, Head of Facility
By _____, Designee

DUTIES OF ATTORNEY

Sec.574.004.

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) An attorney representing a proposed patient shall interview the proposed patient within a reasonable time before the date of the hearing on the application.

(b) The attorney shall thoroughly discuss with the proposed patient the law and facts of the case, the proposed patient's options, and the grounds on which the court-ordered mental health services are being sought. A court-appointed attorney shall also inform the proposed patient that the proposed patient may obtain personal legal counsel at the proposed patient's expense instead of accepting the court-appointed counsel.

(c) The attorney may 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 to or resist the efforts. Regardless of an 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) 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.