CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THE STATE OF TEXAS FOR THE § IN THE \_\_\_\_\_\_\_\_\_ COURT OF

§

BEST INTEREST AND PROTECTION §

§

OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (initials only) § \_\_\_\_\_\_\_\_\_ COUNTY, TEXAS

**MOTION FOR PROTECTIVE CUSTODY**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the State of Texas through the COUNTY/DISTRICT ATTORNEY and would show the Court as follows:

I.

An application for Court-Ordered Mental Health Services (Application for Temporary Commitment) is pending in the Court.

II.

This Motion is accompanied by a Certificate of Medical Examination for Mental Illness by a physician who has examined\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereafter called “Patient” within three (3) days of the filing of this Motion. Said certificate is incorporated into this Motion by reference as if copies herein verbatim.

III.

Movant has reason to believe, and does believe, upon the representation of a credible person and/or upon the basis of the conduct of Patient and/or the circumstances under which the Patient was found, that: (1) a physician has stated in their opinion and the detailed basis for their opinion that the Patient is a person with mental illness; and (2) the Patient presents a substantial risk of serious harm to themselves or others if not immediately restrained pending the hearing for Court-Ordered Mental Health Services.

IV.

If deemed necessary by the Court, it may take additional evidence; otherwise, Movant would respectfully show the Court that, upon the basis of the information in the Application and Certificate, it may fairly determine and conclude that a physician has stated in their opinion and the detailed basis for their opinion that the Patient (1) is a person with mental illness; and (2) presents a substantial risk of serious harm to themselves or others if not immediately restrained pending the hearing. The Court may further determine and conclude upon the Application and Certificate that the conclusions and beliefs of the Applicant, certifying physician, and Movant are adequately supported by the information presented.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Movant prays that the Court issue an Order of Protective Custody, ordering that the Patient be taken into protective custody by a peace officer or other designated person to be immediately transported to\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for observation, evaluation, and examination, and to be detained pending a probable cause hearing or further order of the Court.

RESPECTFULLY SUBMITTED,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

COUNTY/DISTRICT ATTORNEY

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DATE