

Civil Commitment of People with IDD to SSLCs webinar

July 23, 2025

Questions and Answers

1. What happens when the IDT determines that admission to an SSLC is not appropriate, even though the LAR, legislator, or other interested party is advocating for the person's placement?

This is a complex question without a single answer. This scenario could proceed down several different procedural paths, depending on the role of the person who continues to advocate for admission.

If the person who continues to advocate for admission is a parent of a minor or a legal guardian of an adult, the parent/guardian can independently file an application for commitment with the court without an IDT recommendation and the court may assess the individual's eligibility relying on sources of information other than an IDT report and recommendation. However, the court is still required to find beyond a reasonable doubt that the individual satisfies all four statutory criteria for commitment under the law.

After a civil commitment order has been issued, whether the court relied on an IDT recommendation or proceeded without one, the Local IDD Authority is responsible to assist the individual/family with compiling necessary documentation for submission to the SSLC and coordinating with SSLC admission staff. The Local IDD Authority plays a critical role in service planning and ensuring a smooth, person-centered transition.

It's also important to note that continued commitment is only lawful as long as the individual continues to meet the statutory criteria. If the individual is admitted and the IDT at the SSLC later determines that the person no longer meets commitment criteria, the facility is required to immediately initiate a Community Living Discharge Plan (CLDP) and begin discharge planning.

Under Texas Health & Safety Code § 594.014, both the individual and their legally authorized representative (guardian or parent) have the right to challenge that proposed discharge through an administrative hearing.

If the person is not the parent or legal guardian, but is a member of the IDT, the question is about what happens when the members of an IDT have diverging evaluations of whether the individual meets eligibility criteria. All IDT members are required to sign the report, but there is no explicit standard for how a final recommendation is reached (e.g. majority

rules). Important to note, an IDT's evaluations and considerations are not limited to a single meeting or interaction. The IDT can continue to meet and consider new information.

Finally, although not directly implicated in this question, if the court determines a person does not meet criteria for admission, the court shall enter a finding to that effect, dismiss the application, and may recommend other IDD services to meet the person's needs. The court's decision can be appealed to the relevant Court of Appeals.

2. Is there a contact person or portal for consultation on civil commitment cases?

Beth: There is currently no official state-run consultation portal. However, attorneys, guardians, or stakeholders are always welcome to reach out to **Disability Rights Texas (DRTx)** for guidance. Please note, though, that due to limited capacity, DRTx cannot guarantee availability for consultation in all cases.

Erin: I concur with Beth.

3. What if the LAR requests that the individual not participate in the IDT meeting?

Texas Health and Safety Code 593.013(c) states: "**The interdisciplinary team shall give the person, the person's parent if the person is a minor, and the person's guardian an opportunity to participate in team meetings**" (emphasis added). 26 TAC 904.5(24)(A) directs: "The team must include: (i) **the individual**; (ii) the individual's LAR, if any [...]" (emphasis added).

There may be circumstances where a legal guardian or other legally authorized representative may "step into the shoes" of the individual and is able to agree – or not – to the individual's participation, but clearly the person's participation is generally expected.

4. Can civil commitment proceedings be initiated if criminal charges are still pending?

Beth: **Generally, no.** In the mental health commitment context, civil commitment by a court with probate jurisdiction is typically not pursued while criminal charges are pending—especially if the charges involve serious bodily injury.

Specifically:

- **Texas Health & Safety Code § 574.034(h)** states that *"A judge may not issue an order for temporary inpatient mental health services for a proposed patient who is*

charged with a criminal offense that involves an act, attempt, or threat of serious bodily injury to another person.”

- For **emergency detention** and **orders of protective custody**, admission with pending charges is allowed only if the facility administrator agrees (**§ 574.022(e)**).

As for **intellectual or developmental disabilities (IDD)** civil commitments under Chapter 593, the law is **silent** on whether criminal charges bar commitment. There is no explicit prohibition—but also no affirmative authorization. In practice, a person facing active prosecution would almost always proceed through **Chapter 46B of the Code of Criminal Procedure** (Incompetency to Stand Trial) before any civil process under the IDD statutes would be considered.

Erin: I will defer to Beth’s response.