

Report to the Judicial Commission on Mental Health

August 10, 2018

Texas Judicial Council Committee

- Covers guardianship, mental health, and IDD
- Committee met in September 2017 and in February, April and June 2018
- Committee presented legislative recommendations to the Texas Judicial Council on June 29, 2018
- Council will vote on formal approval of legislative recommendations on September 14, 2018

June 2018 Recommendations to Council

- Refinements to Mental Health Legislation Passed During 85th Legislature
 - Clarify the meaning of “assessment” under Code of Criminal Procedure Article 16.22
 - Amend Health and Safety Code Section 614.0032(b) to authorize the Texas Correctional Office on Offenders with Medical or Mental Impairments to approve and make available an electronic form for use by qualified persons in connection with mental health reporting results under Code of Criminal Procedure Article 16.22; make this form confidential
 - Amend Code of Criminal Procedure Article 16.22’s monthly reporting requirement to avoid duplicative reporting from magistrates and trial courts

June 2018 Recommendations to Council

- New Legislative Proposals
 - Amend Code of Criminal Procedure Article 42.09 Section 8 to authorize a transfer of mental health-related information when a defendant is moved from county jail to state prison
 - 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
 - Create and fund a network of guardianship specialty courts modeled on the existing network of Child Protection Specialty Courts
 - Expand the Office of Court Administration's Guardianship Compliance Project to be a statewide program

June 2018 Recommendations to Council

- Chapter 574 Working Group; expect ongoing discussions with stakeholders
 - Clarify Health and Safety Code Section 574.034(b)'s standard for court-ordered temporary outpatient mental health services
 - Create a new provision in Title 7, Subchapter E of the Health and Safety Code covering transfer from inpatient to outpatient treatment
 - Ensure that provision addressing status hearings for noncompliance in Health and Safety Code Section 574.037(c-2) is clear, and move the provision to Title 7, Subchapter E
 - Amend Chapter 574 to require publicly funded facilities (including private psychiatric facilities receiving payment with public funding to treat an individual) to coordinate the admission, treatment plan, and discharge plan with Local Mental Health

Additional Proposals

- Meadows Mental Health Policy Institute
 - Legislative: Address current requirement to commit a defendant for competency restoration to a maximum security unit in certain circumstances under Code of Criminal Procedure Article 46B.073(c)
 - Working group: Look at role of psychiatric stabilization in connection with competency restoration procedure