

# SB 1326/HB 601 Mental Health Reporting Guidance

**Q: What is a mental health/intellectual disability report of an interview?** A written report of an interview ordered by the magistrate and **completed by the local mental health (MH) authority, intellectual and developmental (IDD) authority, or another qualified MH/IDD expert.**

The report of an interview must **be documented on the [form](#)** approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments.

The report of an interview is NOT:

- A screening form/notice sent by the jail or sheriff about a potential mental health issue, e.g., Screening Form for Suicide and Medical/Mental/Developmental Impairments (Figure 1);
- A magistrate notification form, e.g., Inmate Mental Condition Report to Magistrate (Figure 2); or
- An order for a report of an interview to be completed, e.g., Order for Texas C.C.P. Article 16.22 Interview with Written Report (Figure 3).

**DO NOT REPORT THE FOLLOWING:**

Figure 1: Screening Form for Suicide and Medical/Mental/Developmental Impairments

Figure 2: Inmate Mental Condition Report to Magistrate

\_\_\_\_\_ County Jail

**Inmate Mental Condition Report to Magistrate**

NAME \_\_\_\_\_ OFFENSE \_\_\_\_\_

ARRESTING AGENCY: \_\_\_\_\_

BOOKING OFFICER \_\_\_\_\_ BOOKING TIME \_\_\_\_\_ DATE \_\_\_\_\_

The above inmates may have mental health issues based on:

Observation of law enforcement officer at time of arrest

CCQ return show possible match

Self admission by inmate at booking

Subject is violent and appears to be a danger to themselves or others

Medical evaluation by Emergency Room or other Medical Professional

Previous arrest/medical records of the jail

Observation of Jail Staff

No Indication/No Notification Made

Details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

As required below, this notification is made to the magistrate in reference to an observation or report of possible mental illness by the above listed means. It is required within 12 hours after receiving credible information of reasonable cause to believe that a defendant committed to the Sheriff's custody: 1) Has mental illness 2) is a person with mental retardation or 3) the observations of the defendant's behavior immediately before, during and after the defendant's arrest and the results of any previous assessment of the defendant for mental illness. (Art. 16.22 (a))

MAGISTRATE SIGNATURE: \_\_\_\_\_

MAGISTRATE NOTIFIED AT \_\_\_\_\_ ON \_\_\_\_\_ BY \_\_\_\_\_

(Fax-Email-Direct)

OFFICER SENDING NOTIFICATION: \_\_\_\_\_

Figure 3: Order for Texas C.C.P. Article 16.22 Interview with Written Report

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

THE STATE OF TEXAS                    §                    MAGISTRATE FOR

VS.    §

    §

    §                    COUNTY, TEXAS

**ORDER FOR TEXAS C.C.P. ARTICLE 16.22 INTERVIEW WITH WRITTEN REPORT**

To: \_\_\_\_\_ [LMHA, LIDDA, or other qualified mental illness or intellectual disability expert]

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the magistrate has determined that there is reasonable cause to believe that \_\_\_\_\_ [defendant], date of birth \_\_\_\_\_, has a mental illness or is a person with an intellectual disability.

The defendant is incarcerated at the \_\_\_\_\_ Jail, \_\_\_\_\_, Texas, and is charged with \_\_\_\_\_.

**IT IS THEREFORE ORDERED** that, pursuant to Texas Code of Criminal Procedure article 16.22(a)(1)(A), \_\_\_\_\_ [LMHA, LIDDA, or other qualified mental illness or intellectual disability expert] (1) collect information regarding whether the defendant has a mental illness as defined by Texas Health and Safety Code section 571.003 or is a person with an intellectual disability as defined by Texas Health and Safety Code section 591.003 and (2) provide the magistrate a written report on the information collected.

The written report must be completed on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Texas Health and Safety Code section 614.0032(b). It must include, if applicable, information obtained from any previous report of the defendant and information regarding any previously recommended treatment.

**IT IS FURTHER ORDERED** that, unless good cause is shown, the written report must be submitted to the magistrate:

\_\_\_\_\_ within 96 hours (initial if the defendant is in custody), or

\_\_\_\_\_ within 30 days (initial if the defendant is not in custody).

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ Magistrate

cc: Attorney for the State  
Attorney for Defendant (if known or appointed)  
Trial court (if case filed)

**Q: What is a competency examination?** An examination **ordered by the court** to determine whether the defendant is incompetent to stand trial. It is NOT an emergency mental health commitment ordered by a magistrate.

**Q: Who is responsible for SB 1326/HB 601 reporting?** The magistrate, the trial court, and the district clerk or county clerk.

**Mental health/intellectual disability reports of an interview:**

- The **magistrate** is required to provide copies of the report of an interview to the defense counsel, the attorney representing the state, and the **trial court** (district or county court).
- The **magistrate** should send the report of an interview to the custodian of the district or county court records—the **district clerk or county clerk**—for inclusion in the defendant’s case file.
- The number of reports of an interview is captured from district and county courts on [Judicial Council Monthly Court Activity Reports](#), submitted by **district clerks and county clerks**.  
(See Ch. 171, Texas Administrative Code)

Role	Action Required to Report to OCA
Municipal or Justice Court Judges Serving as Magistrates, Justice or Municipal Court Clerks	Forward copy of MH/ID reports of an interview to district clerk or county clerk (or both if necessary). If case is from another county, send to the appropriate clerk in that county.
All Other Magistrates	Forward copy of MH/ID reports of an interview to district clerk or county clerk (or both if necessary). If case is from another county, send to the appropriate clerk in that county.
District and County Clerks	Document MH/ID reports of an interview on the Judicial Council Monthly Court Activity Report.

**Competency examination reports:**


- The **trial court** is required to report the number of competency examination reports received. The court should ensure that the **clerk** has the information necessary to report this information on the [Judicial Council Monthly Court Activity Report](#).

Role	Action Required to Report to OCA
District and County Clerks	Report competency examinations on the Judicial Council Monthly Court Activity Report.

**Q: Where do I report this information?** In the **Criminal – Additional Court Activity** section of the [Judicial Council Monthly Court Activity Reports](#) for the district and county courts ONLY.

Figure 4: Cover Page of Official District Court Monthly Report Instructions

**OFFICE OF COURT ADMINISTRATION  
TEXAS JUDICIAL COUNCIL**



**OFFICIAL DISTRICT COURT  
MONTHLY REPORT INSTRUCTIONS**

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Figure 5: Detailed Monthly Report Instructions for Mental Illness/Intellectual Disability Reports and Competency Examination Reports

**MENTAL ILLNESS/INTELLECTUAL DISABILITY REPORTS**

Report the number of mental illness/intellectual disability **written reports completed by a licensed professional** and provided to the trial court by a magistrate pursuant to Article 16.22, Code of Criminal Procedure:

An interview and report are ordered by the magistrate upon determining that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability. The interview is conducted by the local mental health authority, local intellectual and developmental disability authority, or another qualified mental health or intellectual disability expert, and the **findings are documented on a form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments.**

**Do not report screening forms received from the jail, magistrate notification forms, or orders for an interview and report.**

**COMPETENCY EXAMINATION REPORTS**

Report the number of competency examination reports submitted to the trial court pursuant to Article 46B.026, Code of Criminal Procedure:

On a suggestion that the defendant may be incompetent to stand trial, the court may appoint one or more disinterested experts to examine the defendant and report to the court on the competency or incompetency of the defendant. The expert's findings are submitted to the court on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments.

Figure 6: Data Entry Screen for Mental Illness/Intellectual Disability Reports and Competency Examination Reports

ADDITIONAL COURT ACTIVITY	TOTAL
21. CASES IN WHICH JURY SELECTED	0
22. CASES IN WHICH MISTRIAL DECLARED	0
23. MOTION TO SUPPRESS HEARINGS HELD	1
24. MENTAL ILLNESS/INTELLECTUAL DISABILITY ASSESSMENTS	0
25. COMPETENCY EXAMINATION REPORTS	2
26. CASES SET FOR REVIEW	0
27. CASES IN WHICH ATTORNEY APPOINTED AS COUNSEL	25
28. CASES WITH RETAINED COUNSEL	10

Note: Numbering is based on reporting entity, i.e., district court, county court, or county court at law.

**Q: My office has never received a mental health report of an interview. Those are done by the magistrates. How are we supposed to obtain this information for the Judicial Council Monthly District and County Court Activity Reports?** The requirement for the magistrate to provide a copy of the report of an interview to the trial court is not new. SB 1326 (2017) added a requirement that the report of an interview be on a specific form and that the number of reports of an interview be reported to OCA. HB 601 (2019) required the Texas Judicial Council to develop rules for reporting the reports of an interview. Given the now widespread awareness of the requirements, you should start receiving copies from the magistrates.

**Q: How are reports of an interview to be reported when there has not been an indictment or filing of a complaint or information?** A clerk may select the most convenient method of reporting for the office:

- A. The report of an interview will not be reported until indictment or filing of a case. If there is no indictment or filing of a case, the report of an interview will not be reported.
- OR
- B. All reports of an interview received by the clerk's office will be reported whether there is an indictment or information filed.

**Q: What date should be used when reporting a report of an interview or a competency examination?**

Document	Event	Date
Mental health/intellectual disability report of an interview	Report of an interview received from magistrate <b>prior</b> to indictment/filing of complaint or information  Report of an interview received from magistrate <b>after</b> filing of case	Indictment/case filing date  Date report of an interview received in the clerk's office
Competency examination report	Report received from evaluator	Date report received in the clerk's office

**Q: How many reports of an interview/competency examination reports should be reported when a defendant has multiple cases?** Count the reports of an interview or competency examination report in **each** of the defendant's cases. For example, if a report of an interview is issued for a person named in five separate indictments, count this as five reports of an interview.

**Q: How long should reports of an interview be kept?** Refer to your records retention plan.