



# Dallas County Probate Court

---

## GUARDIANSHIP & MENTAL ILLNESS

### ***IS GUARDIANSHIP THE ANSWER?***

#### **Topics Include:**

- Key Points
- Guide to Guardian of the Person
- Rights of an Guardian of the Person
- Rights of the Ward
- Frequently Asked Questions
- Declaration of Mental Health Treatment
- Mental Illness Warrants
- Resources

#### **DALLAS COUNTY PROBATE COURT NO. 3 MENTAL ILLNESS COURT**

**MENTAL HEALTH OFFICE  
RECORDS BUILDING ANNEX**

501 Main Street, 3<sup>rd</sup> Floor

Dallas, TX, 75202

214-653-7485

*~ we must take care that in our zeal for protecting those who cannot protect themselves,  
we do not unnecessarily deprive them of precious individual rights ~*

**~ Please note that this booklet is not intended as legal advice, particularly since the laws change from time to time and because there might be other factors involved which go beyond the scope of this booklet. If you have any questions about how the law applies to a specific situation, you should consult an attorney. ~**

Deciding to file for guardianship is a life-changing decision, both for you and for the person needing help, because guardianship can seriously limit a person's individual rights and freedoms.

As a guardian you will be responsible for the well-being of the person (known as the ward) for their entire life unless that person recovers and a doctor sends a report to the court or you are removed by the court. You cannot just quit or resign – to resign you must obtain court approval.

There are other ways to provide support to your loved one besides guardianship. Please see the list of less restrictive alternatives included in this packet.

It's very important to get all the facts before making a decision about whether guardianship is right for the person you care about.

Here are *some* questions to consider:

- Has a physician or psychologist, who is familiar with the person, written a statement saying the adult is incapacitated?
- Is this person suffering from an incapacity due to refusing medication, having a vitamin deficiency, or having an untreated physical illness (such as a urinary tract infection)?
- Do the benefits of having a full guardianship outweigh the restrictions and loss of rights the person will experience under full guardianship?
- Has everyone involved in the decision-making process learned about and ruled out less restrictive alternatives?
- Will guardianship change the person's behavior?
- Is the proposed guardian willing and able to take on the possible lifelong duties and responsibilities required by legal guardianship?
- Will a guardianship resolve the issues?
- Do I want to report to the court each year and answer for my actions regarding this person?
- Do I want a court visitor coming to my home each year to see the person?
- Can I pass the criminal and civil background checks to qualify?
- Do I have the funds needed to post a bond in the event I am named guardian?

## Key Points

1. Middle ground alternatives include legal documents, such as a power of attorney or an advance directive.
2. Full guardianship is considered one of the most restrictive options because this approach *significantly restricts* a person's rights and freedoms. The appointment of a guardian is generally for an indefinite period of time.
3. Full guardianship is *not* intended for people who occasionally make bad decisions or use poor judgment. Full guardianship is intended for people whose difficulty in receiving and processing information and making and carrying out decisions create *serious risks* to their health, safety, and financial well-being. In general only persons who cannot *permanently* provide for their own food, clothing, and shelter are considered incapacitated.
4. It is extremely important to get the facts before making a decision about whether guardianship is right for the person about whom you are concerned. Because a full guardianship strips an individual of many of his/her basic decision-making rights, it is important to identify what a person can do and consider other alternatives first.

## GUIDE FOR GUARDIAN OF THE PERSON

If you are appointed as guardian of a person, your duty is to protect and promote the well-being of the ward, and if possible, to encourage the ward's self-sufficiency. This guide has been prepared as a reference to remind you of deadlines and responsibilities.

*\*It is only a supplement and not a substitute for legal advice.\**

### 1. YOUR QUALIFICATION

Even though you have been appointed to take charge of the physical well-being of the ward, you must first "qualify" to become the guardian. It is important that you qualify as quickly as possible after your appointment. To qualify as a guardian of the person, you must satisfy the following requirements within twenty (20) days of the date the Judge signed the order establishing the guardianship:

- take an Oath of Office, which may be taken before the court clerk, a notary public or anyone else authorized to administer oaths in Texas and
- secure a bond in the amount specified by the court order.

If you do not give both your Oath and your bond within twenty (20) days, the court may set aside your appointment.

A bond is a written obligation with monetary penalty which ensures the proper performance of the guardian's duties to the ward. **The law states that a bond is necessary and cannot be waived by the court.** The bond is to provide a source of funds to cure problems in the event you do something wrong.

The court may require a corporate surety bond, a personal surety bond, or a cash bond from the guardian of the person. When posting a cash bond, the guardian of the person must personally pay the full amount of the bond set by the court.

Once you have taken the oath, executed the bond, and the court has approved the bond, you will have qualified as the guardian of the person. Your qualification date is

important because many of your duties must be performed within a certain number of days from your qualification as guardian of the person. Your Date of Qualification is the date (after you have taken the oath) that the judge approves your bond.

## 2. LETTERS OF GUARDIANSHIP

After qualifying, you may request your letters of guardianship. These letters are evidence of your appointment as guardian of the person when dealing with third persons concerning the ward's affairs. **Please note that the letters expire 16 months from the date of qualification.** Letters must be renewed each year in conjunction with the filing of your annual guardian of the person report (also called an Annual Report of the Person). The letters of guardianship are your “badge of authority” to act on behalf of the ward.

The cost for letters, as of the date this guide was prepared, is \$2.00 per certified document (please check the Dallas County website for the latest fee information). You will need at least one certified copy for your records and one certified copy when applying for any governmental benefits. Most Home and Community Based Services programs will accept copies of the letters.

## 3. MONTHLY ALLOWANCE

Do not under any circumstances expend guardianship funds on yourself. If you spend funds without the court's approval, you may be subject to removal as guardian and may be held liable for any deficiencies.

The ward may be receiving governmental benefits, either Social Security Disability (SSDI) or Supplemental Security Income (SSI). Texas Medicaid expects the ward to begin paying room and board upon receipt of government benefits. Typically a ward living in the community and receiving funds provided through Texas Medicaid can retain \$85.00 per month of their governmental benefits to be spent on personal needs. The remaining balance is expected to be paid as room and board to the owner or operator of

the residence or to be spent on items to benefit the ward. Please be advised this dollar figure may be revised on an annual basis.

#### 4. YEARLY REQUIREMENTS

Under Texas Estates Code 1163.101 (formerly §743(b) of the Texas Probate Code), you must also file a sworn ANNUAL REPORT OF THE PERSON once a year. There is an Annual Report of the Person form on the Dallas County Probate Courts' website. Under Texas Estates Code 1163.101 and 1163.102 (formerly §743(g) of the Texas Probate Code) it is your responsibility to know when your report is due and to complete and file the report with the court on or about your date of qualification. The report is required each year until you cease to be the guardian. The filing fee is currently \$12.00 unless you filed an affidavit of inability to pay costs. The affidavit is based on the ward's income.

Make copies of the blank Annual Report form and complete it each year with updated information on yourself and your ward. (While it is not mandatory that your attorney assist you in preparing the Annual Report, you may find an attorney's advice helpful in carrying out your duties and responsibilities.) You are responsible for filing the annual reports in a timely fashion.

If you fail to file this report, the court or any person interested in the ward may file a written complaint with the clerk of the court, causing you to be cited to appear and show cause as to why the report was not filed. If the report is not filed and good cause is not shown, the court may fine you up to \$1,000, revoke your letters of guardianship and possibly remove you as guardian. In addition, if you or your attorney fails to satisfy the requirements of the law, you and your bonding company or the sureties on your bond can be held personally liable for all costs incurred in getting the guardianship back on track.

It is no excuse that your attorney has misadvised you or has mishandled the case. You are personally liable for any mistakes and the court may appoint an attorney ad litem to sue you and the surety on your bond, if necessary. You may have the right to sue your attorney, but you will not avoid personal liability.

#### 5. CHANGES IN GUARDIANSHIP OF THE PERSON

IF IN THE PAST YEAR THE GUARDIAN OF THE PERSON HAS RECEIVED ANY OTHER FUNDS FOR THE WARD FROM ANY OTHER SOURCES, INCLUDING BUT NOT LIMITED TO STATE OR FEDERAL BENEFIT LUMP SUM PAYMENTS, AWARDS, INHERITANCE, SETTLEMENTS, CLAIMS, JUDGMENTS, LOTTERY, TRUSTS, MONETARY GIFTS IN EXCESS OF \$500 OR FROM ANY OTHER SOURCE, THE SOURCE(S) AND TOTAL AMOUNTS RECEIVED MUST BE REPORTED TO THE COURT IMMEDIATELY TO DETERMINE IF A GUARDIAN OF THE ESTATE NEEDS TO BE CREATED.

#### 6. CLOSING THE GUARDIANSHIP

The guardianship may be closed by the court if:

- the ward dies,
- the ward is declared by law to be restored to full legal capacity, or
- the court determines that a guardianship of the person is no longer necessary and discharges the guardian (such as when a minor reaches the age of 18).

In order to request that a guardian of the person case be closed, the guardian must complete and file with the court a Final Report of the Guardian of the Person form. A copy of the form can be found on the Dallas County Guardianship web site under the Information for Guardians section.

#### **What happens when the Ward dies?**

Although the guardianship will end because of the ward's death, the guardian of the person is not immediately discharged. If your ward dies, you need to notify the Court

Visitor Program immediately by phone 214-653-6446. Additionally, a Final Report of the Guardian of the Person must be filed with the court within sixty (60) days of the ward's death explaining when and where the ward died and to whom the ward's personal effects were given. You may be required to provide a death certificate to the court.

If the ward did not have a separate guardian of the estate and the guardian of the person is unsure who should receive the ward's personal effects, the guardian of the person may wait, if a will is being probated within 60 days of the ward's death, until the court appoints a personal representative of the ward's estate or until the court approves a small estate affidavit. (If the ward also has a guardian of the estate, however, the guardian of the estate should handle the ward's personal effects).

#### WHAT ARE THE RIGHTS & RESPONSIBILITIES OF THE GUARDIAN OF THE PERSON?

The guardian of the person has the authority to arrange and provide for the physical well-being of the ward, subject to the powers set out in the “order of appointment.” As guardian, you must promote and protect the best interests of the ward in the following areas:

**Medical decisions** - The guardian of the person usually makes arrangements and decisions for the ward's medical, surgical, dental and psychological treatment, and communicates with the ward's doctors, nurses and caretakers; however these powers could be limited by the court. When possible, the guardian of the person should discuss and take into account the ward's preferences in choosing the ward's medical caregivers, such as a primary physician, dentist or ophthalmologist. The guardian of the person may also execute an out-of-hospital Do Not Resuscitate Order (also called as DNR) on the ward's behalf.

The guardian of the person may **not** authorize electroconvulsive therapy, abortion or sterilization, nor may the guardian of the person commit the ward to a mental hospital unless the ward is less than 16 years old. Such decisions require court authorization. The guardian of the person may transport the ward to a mental hospital with or without the assistance of a peace officer in order to apply for emergency detention if mental illness creates a substantial risk of serious harm to the ward or others. After psychiatric hospitalization and under the recommendation by the ward's doctor, the guardian of the person can authorize forced medications.

**JUST BECAUSE YOU HAVE BEEN GIVEN THE RIGHT TO MAKE DECISIONS ON BEHALF OF THE WARD DOESN'T MEAN THE WARD WILL COOPERATE WITH YOU.**

#### **What rights I can exercise as a guardian of the person?**

Rights a full guardian of the person can exercise include but are not limited to:

- Placement/residential decisions
- Employment decisions
- Dental, medical, and psychological tests and treatment
- Release of records (medical/psychological/etc.)
- Dealing with school district and ARD meetings
- Forced medications after psychiatric hospitalization
- Psychological treatments and psychological medications
- Application for and receipt of government benefits
- Execution of a Do Not Resuscitate Order
- The right to decide domicile, which includes the right to change counties within Texas and the right to move to another state. \*\*If you plan to move to another county or state, you must notify the court in writing.

## **What rights can I NOT exercise as a guardian of the person without a specific court Order of Authorization?**

- Involuntary placement in a mental hospital or facility;
- Approve the administration of psychotropic medication (except under every specific situations);
- Electroconvulsive therapy;
- Abortion; and
- Sterilization

## **In what areas can the ward's rights be restricted? (This is a list of example areas and is not intended to be all inclusive.)**

- voting,
- driving,
- writing a will/or signing a power of attorney,
- consenting to marriage,
- associating with third persons,
- changing beneficiary designations, and
- entering contracts.

## **If the ward will not cooperate can the guardian call the police?**

While you may have a legal right to make decisions, there can be mechanical difficulties in making a non-cooperative ward comply with those decisions. You cannot call the police to force the ward to take medicine or do what you have told the ward to do. However, if the ward poses a danger to you, others, or him/herself, you can and should call the police.

## **WHAT ARE THE RIGHTS OF THE WARD AFTER A GUARDIAN OF THE PERSON HAS BEEN APPOINTED?**

The ward retains all legal and civil rights and powers except those specifically granted by the court order to the guardian of the person. The court determines the scope of the authority of the guardian of the person based on the degree of the ward's ability to feed, clothe, and shelter him/herself, and to manage his/her medical and financial affairs. The ward's rights may include, but are not limited to, the following:

- the right to live in an environment free from abuse, one with safe, sanitary,

and humane living conditions within the least restrictive environment that meets the ward's needs;

- the right to receive reasonable visitation and phone calls from family and friends;
  - the right to be treated with dignity and respect;
  - the right to privacy, which includes the right to privacy of the body;
  - the right to exercise control over all aspects of life that the court has not delegated to the guardian;
  - the right to appropriate services suited to the ward's needs and conditions, including mental health services;
  - the right to have explanations of any medical procedures or treatment. This includes information about the benefits, risks, and side effects of the treatment, and any alternative procedures or medications available;
  - the right to have personal information confidential;
  - the right to petition the court to modify or terminate the guardianship;
  - the right to have the guardian consider the ward's personal desires, preferences, and opinions;
  - the right to procreate;
  - the right to equal treatment under the law, regardless of race, religion, creed, sex, age, marital status, sexual orientation, or political affiliations;
  - the right, unless restricted, to execute a will, although the adjudication of incapacity is prima facie evidence that the ward is not competent to execute a will;
  - the right to participate without interference in educational, vocational or recreational programs when possible under the restraints of the ward's estate;
  - the right personally to seek employment, unless restricted;
  - the right to determine a residence, unless the court finds the ward totally incapacitated or the court's order specifically finds the ward not capable of determining a residence;
  - the right to drive, unless the court's order specifically finds the ward is not capable of driving;
  - the right to vote, unless the court's order specifically addresses the issue;
- and/or

- the right to marry, unless the court finds the ward totally incapacitated.

**If the ward gains capacity, the guardian of the person has a duty to report the change to the court, which may restore any rights the ward can handle. A ward also has the right to submit an informal letter asking the court to restore his or her capacity and rights and no one can interfere with this request. Restoration of Rights requires a medical evidence letter from a licensed medical doctor.**

**ALL ANSWERS PROVIDED BELOW ARE SUBJECT TO THE CONTENTS OF THE ORDER ESTABLISHING THE GUARDIANSHIP**

**~FREQUENTLY ASKED QUESTIONS~**

- 1. My adult son is mentally ill and refuses to seek medical treatment and live in a safe place. My doctor suggested that I become his guardian so that I can get him the help he needs. Is that a good idea?**

In some situations it's helpful, but it is important that parents and relatives understand that there are no guarantees a guardianship will solve the issues facing you and the ward. Unless the person is committed to a mental hospital, it is not possible to force a person, even with a guardianship, to start taking his/her medication or cooperate with you.

- 2. If I'm the guardian of a person and the ward hurts someone or gets into an automobile accident, I am legally responsible?**

Consult your attorney. Each case is fact specific.

- 3. If I have a problem, will the court fix it for me?**

The court appointed you as the guardian. It is your job to be sure the ward's needs are met. For instance, if your ward is being abused in a placement, and you wait for a court to take action, the court will view you as failing to do your job by leaving the ward in an abusive situation. Make sure the ward is protected, then apply to the court for relief if necessary.

- 4. How do I keep bad people away from the ward?**

The guardian of the person is charged with protecting and promoting the well-being of the ward. If a person is exploiting or abusing the ward, the guardian of the person must protect the ward, notify the court and report the incidents of suspected abuse to Adult Protective Services. If necessary, hire an attorney and have a restraining order taken out against the bad actors. If the ward is not being abused, the guardian of the person should not selfishly or unduly interfere with the ward's visits from family or friends.

**5. Does the guardian of the person have to notify the court if he or she or the ward moves or has changed phone numbers?**

The guardian of the person must inform the court of any change of address and telephone number for either the guardian or the ward. Additionally, the guardian of the person must submit an annual report to the court that includes the guardian's current name, address and telephone number. The court may remove a person as guardian upon finding that the guardian of the person has eluded service or the whereabouts of the guardian of the person have become unknown.

**6. Are there other times the guardian of the person must notify the court?**

Yes, you should notify the court if the ward marries, becomes pregnant, changes names, or if the ward's health and safety are at risk.

**7. Does a guardian of the person have to consider the Ward's preferences when making decisions?**

The guardian of the person should consider the ward's preferences when making decisions, but the guardian of the person is the final decision maker for the ward, even if the ward disagrees with the decision. The guardian of the person must always consider the best interest of the ward.

**8. Should I apply for Social Security or any other governmental programs that the ward might be entitled to receive?**

Yes. Social Security, Medicaid or any other program for which the ward might qualify should be considered. You may be appointed representative payee of the ward's governmental benefits and you may use those funds for the benefit of the ward. You will be required to account to the Social Security Administration for those funds sent to you from the Social Security Administration, as well as the court.

**9. Can I just put the ward's Social Security check in my checking account?**

No. If you receive Social Security funds as a representative payee, open a separate bank account and place your name for the benefit of the ward on the account. Never put

the ward's Social Security check in your own account. If you do not receive the check as representative payee, you may apply to the Social Security Administration to be appointed as representative payee. It is inappropriate to sign the ward's name to checks made payable to the ward.

**10. If the guardian of the person wants to resign can they just send a letter to the court and quit?**

No. A guardian cannot just quit. The guardian of the person must file a Final Annual Report and an application to resign. BEFORE the guardian can quit the court must review the request then determine whether or not to accept and approve the application. Often, the court will appoint a successor guardian contemporaneously with accepting the resignation and discharging the previous guardian of the person. This procedure gives the court an opportunity to appoint a successor guardian of the person before discharging the current one, so the ward always has someone to protect his or her interests.

Please note, however, that your duty and liability are not discharged until the court approves your application to resign and discharges you.

**11. What do I do if the ward regains capacity?**

If the ward regains capacity, you have an affirmative duty to apply for restoration of all the rights that the ward can handle. This change may be reported to the court through pleadings, a doctor's letter, and potentially a doctor's testimony at a hearing.

A ward also has the right to submit an informal letter asking the court to restore his or her capacity and rights no more than once a year. The guardian of the person or any other person must not interfere with the ward's submission of such a letter to the court.

## **12. Can I appoint my successor?**

If you are the parent of a minor child or an adult incapacitated person, you can designate a series of people to serve as successor guardians in the event of your death or incapacity.

## **13. If the parent of a minor child or incapacitated person dies and I am named as a successor guardian, am I automatically a guardian?**

The fact that you are named as guardian in the parent's will does not give you any authority. You still have to go to court to be appointed as successor guardian.

## **14. Do we have to go back to court to change guardians?**

Yes. Unless otherwise specified by a court order, the guardian of the person remains in office until the ward dies or regains capacity or until the guardian of the person is discharged by the court. A successor guardian of the person may be appointed by the court in the following situations:

- the court accepts the resignation of the guardian of the person and the ward still needs a guardian
- an interested person files a petition for the removal of the guardian based on the guardian's incapacity, misconduct or failure to comply with the court's requirements and the ward still needs a guardian
- the court modifies the guardianship, institutes a removal action, if necessary, and appoints a successor guardian of the person on its own motion.

Tex. Civ. Prac. & Rem. Code § 137.011. FORM OF DECLARATION FOR MENTAL HEALTH TREATMENT.

The Declaration for Mental Health Treatment form must be substantially in the following form (always check the statute to insure that no statutory changes have been recently made):

**DECLARATION FOR MENTAL HEALTH TREATMENT**

I, \_\_\_\_\_, being an adult of sound mind, willfully and voluntarily make this declaration for mental health treatment to be followed if it is determined by a court that my ability to understand the nature and consequences of a proposed treatment, including the benefits, risks, and alternatives to the proposed treatment, is impaired to such an extent that I lack the capacity to make mental health treatment decisions. “Mental health treatment” means electroconvulsive or other convulsive treatment, treatment of mental illness with psychoactive medication, and preferences regarding emergency mental health treatment.

(OPTIONAL PARAGRAPH) I understand that I may become incapable of giving or withholding informed consent for mental health treatment due to the symptoms of a diagnosed mental disorder. These symptoms may include:

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

**PSYCHOACTIVE MEDICATIONS**

If I become incapable of giving or withholding informed consent for mental health treatment, my wishes regarding psychoactive medications are as follows:

\_\_\_\_\_ I consent to the administration of the following medications:

\_\_\_\_\_ I do not consent to the administration of the following medications:

\_\_\_\_\_ I consent to the administration of a federal Food and Drug Administration approved medication that was only approved and in existence after my declaration and that is considered in the same class of psychoactive medications as stated below:

Conditions or limitations: \_\_\_\_\_

**CONVULSIVE TREATMENT**

If I become incapable of giving or withholding informed consent for mental health treatment, my wishes regarding convulsive treatment are as follows:

\_\_\_\_\_ I consent to the administration of convulsive treatment.

\_\_\_\_\_ I do not consent to the administration of convulsive treatment.

Conditions or limitations: \_\_\_\_\_

**PREFERENCES FOR EMERGENCY TREATMENT**

In an emergency, I prefer the following treatment FIRST (circle one)  
Restraint Seclusion Medication.

In an emergency, I prefer the following treatment SECOND(circle one)  
Restraint Seclusion Medication.

In an emergency, I prefer the following treatment **THIRD** (circle one)  
Restraint Seclusion Medication.

\_\_\_\_\_ I prefer a male/female to administer restraint, seclusion, and/or medications.

Options for treatment prior to use of restraint, seclusion, and/or medications:

\_\_\_\_\_

Conditions or limitations: \_\_\_\_\_

**ADDITIONAL PREFERENCES OR INSTRUCTIONS:**

\_\_\_\_\_

\_\_\_\_\_

Conditions or limitations: \_\_\_\_\_

Signature of Principal/Date: \_\_\_\_\_

**STATEMENT OF WITNESSES**

I declare under penalty of perjury that the principal's name has been represented to me by the principal, that the principal signed or acknowledged this declaration in my presence, that I believe the principal to be of sound mind, that the principal has affirmed that the principal is aware of the nature of the document and is signing it voluntarily and free from duress, that the principal requested that I serve as witness to the principal's execution of this document, and that I am not a provider of health or residential care to the principal, an employee of a provider of health or residential care to the principal, an operator of a community health care facility providing care to the principal, or an employee of an operator of a community health care facility providing care to the principal.

I declare that I am not related to the principal by blood, marriage, or adoption and that to the best of my knowledge I am not entitled to and do not have a claim against any part of the estate of the principal on the death of the principal under a will or by operation of law.

Witness Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

## **NOTICE TO PERSON MAKING A DECLARATION FOR MENTAL HEALTH TREATMENT**

This is an important legal document. It creates a declaration for mental health treatment. Before signing this document, you should know these important facts:

This document allows you to make decisions in advance about mental health treatment and specifically three types of mental health treatment: psychoactive medication, convulsive therapy, and emergency mental health treatment. The instructions that you include in this declaration will be followed only if a court believes that you are incapacitated to make treatment decisions. Otherwise, you will be considered able to give or withhold consent for the treatments. This document will continue in effect for a period of three years unless you become incapacitated to participate in mental health treatment decisions. If this occurs, the directive will continue in effect until you are no longer incapacitated. You have the right to revoke this document in whole or in part at any time you have not been determined to be incapacitated.

### **YOU MAY NOT REVOKE THIS DECLARATION WHEN YOU ARE CONSIDERED BY A COURT TO BE INCAPACITATED.**

A revocation is effective when it is communicated to your attending physician or other health care provider. If there is anything in this document that you do not understand, you should ask a lawyer to explain it to you. This declaration is not valid unless it is signed by two qualified witnesses who are personally known to you and who are present when you sign or acknowledge your signature.

Added by Acts 1997, 75th Leg., ch. 1318 (S.B. 972), Sec. 1, eff. Sept. 1, 1997.

## **Mental Health / Mental Illness Court**

Probate Court Number Three oversees the Dallas County Mental Health Court. The Mental Health Court is located in the auxiliary courtroom down the street from Green Oaks Hospital. Mental Health Court is on Tuesdays and Thursdays starting at 9:00 AM.

Green Oaks Hospital, 7808 Clodus Fields Drive, Dallas, Texas 75251 / 214-972-770-0818 or 972-392-7287

## **Mental Illness Warrant**

A Mental Illness Warrant will be issued in Dallas County when a person is either mentally ill or chemically dependent AND is a danger to him/herself, incapable of taking care of him/herself, or a danger to others.

A person applying for a Mental Illness Warrant must be 18 years of age or older and must have first-hand, direct knowledge of the behavior and state specific recent act(s), attempt(s), or threat(s). The person applying for the warrant must also be willing to sign a notarized statement about the behavior.

A warrant may be obtained at:

- 1) Mental Illness Court Office located in the Records Building at 501 Main Street, 3<sup>rd</sup> Floor, Dallas, Texas, 75202, from 8:00 AM to 3:00 p.m.
- 2) Magistrate's office in the Lew Sterrett Justice Center at 111 W. Commerce Street, Dallas, Texas, 75202 after 4:30 PM, on weekends, and on holidays.
- 3) Local Justice of the Peace office in your precinct.

An Apprehension by a Police Officer without a Warrant (APPOW) may also be obtained through a Sheriff or police officer if there is not enough time to obtain a warrant.

## **STEPS TO OBTAIN A MENTAL ILLNESS WARRANT**

**STEP 1:** Monday-Friday from 8:00 a.m. to 3:00 p.m. (closed 12-1 p.m.) you can apply for an MI WARRANT at:

**Mental Illness Court Office  
Records Building  
501 Main St., 3<sup>rd</sup> Floor  
Dallas, Texas 75202  
214-653-7485**

You will complete a brief behavioral questionnaire and swear to its validity, be interviewed by the Mental Illness Court Liaison (a mental health professional) and you will be asked to sign several legal documents, including a notarized application for court-ordered mental health services. The MH caseworker will determine if the patient's behavior meets criteria set forth in Section 462.042 of the Chemical Dependency Code or Section 571.011 of the Mental Illness Code. The Liaison will also help regarding private hospital options.

If the liaison determines that a MIW or CDW (Chemical Dependency Warrant) is appropriate, the legal forms and clinical data will be taken to the judge to be signed. **IF** signed, then the applicant (you) will be instructed to deliver the official documents to the Sheriff's Department at the Frank Crowley Building. This department will be the one to serve the actual warrant.

**STEP 2:** Take signed papers from the Mental Illness court to Warrant Department:

### **Sheriff's Department Warrant Division**

**Frank Crowley Courthouse  
133 N. Industrial Blvd.  
214-653-3530**

- **It is very important to inform everyone along this process as to whether the person has a gun, knife, or other weapons, or has a serious history of violence.**

**You must make arrangements for someone to be at the pickup location to allow officers entry to the premises and to identify the proposed patient. You must be certain the patient is at the location before calling.**

**Please call back if the patient leaves the location before the officers arrive.**

Dallas County Justice of the Peace Courts

Address		Precinct	Phone
<a href="#"><u>South Dallas Govt. Ctr.</u></a> 7201 S. Polk Dallas, TX 75232	Judge Thomas G. Jones	JP 1-1	972-228-0280
<a href="#"><u>Lancaster Sub-courthouse</u></a> 107 Texas Street Lancaster, TX 75146	Judge Valencia Nash	JP 1-2	972-228-2272
<a href="#"><u>Garland Office</u></a> 140 N. Garland Avenue Garland, TX 75040	Judge Gerry Cooper	JP 2-1	214-643-4773
<a href="#"><u>Mesquite Office</u></a> 823 N. Galloway Mesquite, TX 75149	Judge Michael Windham	JP 2-2	972-285-5429
<a href="#"><u>East Dallas Govt. Ctr.</u></a> 10056 Marsh Lane Dallas, TX 75229	Judge Al Cercone	JP 3-1	214-321-4106
<a href="#"><u>Richardson Office</u></a> 1411 W. Beltline Road Richardson, TX 75229	Judge Steve Seider	JP 3-2	972-231-1439
<a href="#"><u>Grand Prairie Office</u></a> 106 West Church Street, Suite 205 Grand Prairie, TX 75050	Judge N. "Stretch" Rideaux	JP 4-1	214-875-2100
<a href="#"><u>Irving Office</u></a> 841 W. Irving Blvd. Irving, TX 75060	Judge Katy Hubener	JP 4-2	214-589-7000
<a href="#"><u>Beckley Courthouse</u></a> 3443 St. Francis Dallas, TX 75228	Judge Sandra Ellis sitting for Judge Carlos Medrano	JP 5-1	214-943-6980
<a href="#"><u>Beckley Courthouse</u></a> 410 S. Beckley Avenue Dallas, TX 75203	Judge Juan Jasso	JP 5-2	214-943-5981

## **Mental Health Resources**

**Contact Crisis Line:** 972-233-2233

**Mental Illness court:** 214-653-7485

### **Metrocare Services**

#### **PATHWAYS CENTER & PHARMACY**

- Child & adult outpatient mental health center
- Center for Education & Research  
214-743-1202
- Center for Children with Autism  
214-333-7076

#### **GRAND PRAIRIE CLINIC**

- 832 S. Carrier Pkwy, Grand Prairie, TX (75051)
- Behavioral Health Services for children and adults  
214-330-2488

#### **HILLSIDE CAMPUS**

- 1353 N. Westmoreland (75211)
- Early Childhood Mental Health  
214-333-7015
- Career Design & Development Services  
214-331-0111
- Early Childhood Intervention  
214-331-0109
- Eligibility & Determination Unit for Dev. Disabilities  
214-333-7000
- Fostering  
214-333-7015
- Program for Juvenile Offenders  
214-333-7015
- RAP Team  
214-333-7068

- Therapeutic Nursery  
214-333-7015

- Westside Child & Adolescent Center  
214-331-0107

#### WESTMORELAND CLINIC & PHARMACY

- Adult outpatient clinic  
1350 N. Westmoreland (75211)  
214-330-0036

#### LOCAL AUTHORITY & IDD SERVICES

- Serving those with Intellectual or Developmental Disabilities  
101 N. Zang Blvd. (75208)  
214-948-9950

#### LANCASTER KIEST CENTER & PHARMACY

- Adult only outpatient mental health center  
3330 S. Lancaster Road (75216)  
214-371-6639

#### SPECIAL NEEDS OFFENDER PROGRAM

3330 S. Lancaster Road, Annex Bldg (75216)  
214-371-0474

#### HOMELESS SERVICES at THE STEW POT

408 Park Ave. (75201)  
214-939-3933

#### ACT TEAM at MLK

2922 MLK Jr Blvd, Ste 124 (75215)  
214-670-8446

#### ALTSHULER CENTER & PHARMACY

- Child and adult outpatient mental health center  
4645 Samuell Blvd. (75228)  
214-275-7393

## LOCAL AUTHORITY & IDD SERVICES

- Serving those with Intellectual or Developmental Disabilities
- Formerly referred to as the Mental Retardation Authority (MRA)

4701 Samuell Blvd. (75228)  
972-861-5001

## GARLAND HUB

- Located at the Cooperative Behavioral Center School
  - Serving children only
- 221 S. 9th Street (75040)  
972-494-8164

## Dual Diagnosis Residential Treatment Center (DDC)

200 Greene Rd. (75146)  
214-689-5106

## **Value Options NorthSTAR Service Center (888) 800-6799**

## **FINDING HELP IN TEXAS**

<https://www.211texas.org/211/>

### **Legal Help**

People can apply for free legal help at any of the following Dallas Volunteer Attorney Program Neighborhood Legal Clinics:

#### **East Dallas Legal Clinic**

1st & 3rd Thursdays of each month – 6:00 p.m., 4105 Junius at Haskell, Dallas, TX 75246

#### **South Dallas Legal Clinic**

1st, 2nd and 4th Tuesdays of each month - 6:00 p.m., Martin Luther King, Jr. Center, Core Services Building, Room 122, 2922 Martin Luther King Blvd., Dallas, Texas 75215

#### **West Dallas Legal Clinic**

2nd & 4th Thursdays of each month – 6:00 p.m., Marillac Social Services Center Senior Citizens Building, 2843 Lapsley Street, Dallas, TX 75212

#### **Garland Legal Clinic**

3rd Thursday of each month – 6:00 p.m., Salvation Army – Downtown Garland, 341 W. Avenue D, Garland, Texas

#### **Friendship West Baptist Church Legal Clinic**

3rd Wednesday of each month - 5:30 p.m., 2020 West Wheatland Road, Dallas, Texas 75232

#### **Triangle Neighborhood Clinic**

3rd Tuesdays of each month - 6:00 p.m., St. Phillip's Community Center, 1600 Pennsylvania Avenue, Dallas, Texas 75215

#### **Veterans Legal Clinic (for Veterans and their families)**

1st Friday of the month - 1:30 p.m., By Appointment Only - Call 214-857-0388, Dallas VA Medical Center, 4500 S. Lancaster Rd., Dallas, TX 75216

\*Please note: Clinics may be cancelled because of bad weather, federal holidays or voting. Please contact 214-748-1234, extension 2242 to confirm that a clinic will occur

as scheduled. Please bring proof of income and residency. If you have been sued, please bring your legal documents.

People can also apply over the telephone through Legal Aid of NorthWest Texas (LANWT). At the discretion of LANWT and DVAP, the cases may be referred to the volunteer attorney pro bono program.

Call 214-744-5277, Monday through Friday from 9:00 a.m. to 12:00 noon and from 1:00 p.m. to 4:00 p.m.