



# **THE TEXAS CCP ART. 16.22 GUIDE:**

**for Successful Early Identification of  
Defendants Suspected of Having Mental  
Illness or Intellectual Disability**

Step-by-Step Instructions for:

- Judges
- Attorneys
- Clerks
- County Leaders

September 2023



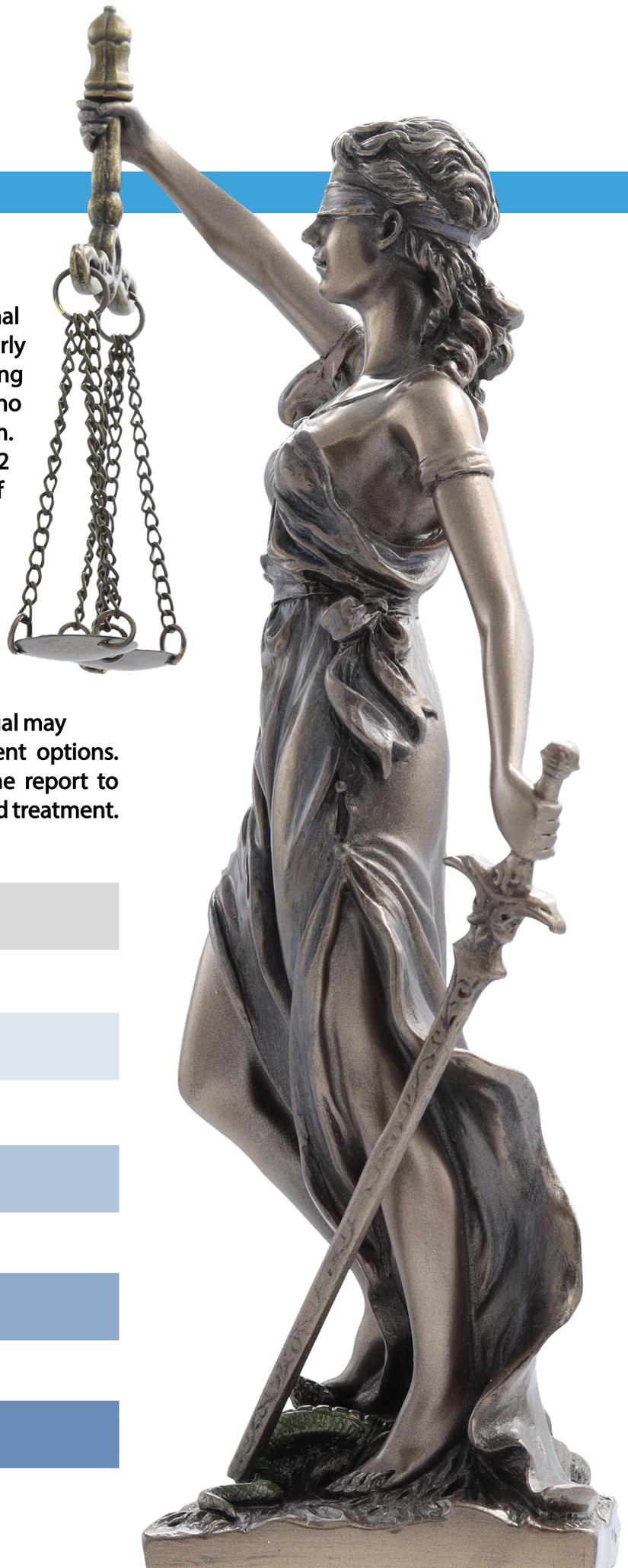
# The Texas CCP 16.22 Guide

## CONTENTS

<b>1. What is the 16.22 Report?</b> .....	3
<b>2. Why Should Every County Provide 16.22 Orders, Reports, and Notice?</b> .....	4
<b>3. Tips for Effective Use of art. 16.22</b> .....	5
<b>4. The 16.22 Process Step-by-Step</b> .....	6
<b>5. Frequently Asked Questions</b> .....	9
Confidentiality.....	9
Designated Responsibilities.....	10
16.22 Order.....	10
16.22 Interview.....	12
16.22 Report.....	14
<b>6. Reporting to OCA</b> .....	15
Statutory Authority Directing Clerks to Report 16.22s to OCA.....	15
Links to OCA Reporting Forms & Instructions.....	17
<b>7. References &amp; Resources</b> .....	18
<b>8. Sample Forms</b> .....	19
TCJS Screening Form for Suicide and Medical/Mental/Developmental Impairments.....	20
Example: 16.22 Order for the Collection of Information Regarding Mental Illness or Intellectual Disability.....	21
TCOOMMI Collection of Information Form for MI & IDD.....	23
Example: 16.22 Report Form.....	26
Example: CCP Art. 17.032 Mental Health Personal Bond Conditions.....	29
<b>9. Charts</b> .....	31
16.22 Process with Forms.....	32
Ways a Court Can Utilize a 16.22 Report.....	34

## 1. WHAT IS THE 16.22 REPORT?

**Article 16.22** of the Texas Code of Criminal Procedure prescribes the procedures for early identification of individuals suspected of having a mental illness or intellectual disability who are involved in the criminal justice system. The law requires magistrates to order a 16.22 interview and report regarding the individual if the magistrate has reasonable cause to believe the individual has a mental illness or is a person with an intellectual disability. The report is created from the interview process and includes information about whether the individual has a mental illness or is a person with an intellectual disability, whether there is evidence to support a belief that the individual may be incompetent, and recommended treatment options. Magistrates are required to give notice of the report to several parties to ensure early identification and treatment.



Arrested



Suspicion of MI or IDD



16.22 Order



16.22 Interview



16.22 Report

## 2. WHY SHOULD EVERY COUNTY PROVIDE 16.22 ORDERS, REPORTS, AND NOTICE?

It can save lives. It helps the professionals involved do their jobs well. And it's the law.

### **Immediately, the 16.22 Report:**

- Allows Magistrate Judges to make well-informed bond decisions and helps connect defendants to treatment before a defendant decompensates or possibly becomes incompetent;
- Notifies Sheriffs that this defendant may need special care;
- Helps Pretrial Service Departments create better connections to services and provides notice that, if released, the defendant may need to be included on a specialized mental health caseload;
- Assists Defense Attorneys in building the appropriate defense for the defendant and, if requested by the client, assists the defense in advocating for appropriate treatment or services;
- Provides Prosecutors notice that specialized pretrial bond conditions might be necessary, justice might look different in this case than in other cases, and that there maybe *Brady* material in this defendant's records; and
- Gives Trial Judges the notice that to effectively administer justice, the case may involve extra complexities, resources, and community supports.

### **Long-term, the 16.22 Process:**

- Saves counties time and money;
- Prevents suicides;
- Protects constitutional rights;
- Protects the community; and
- Prevents people from reentering the system repeatedly, stopping the revolving door in exchange for appropriate treatment and services.



With timely and appropriate services and support, most mental illnesses are treatable, and recovery is possible, thereby reducing the likelihood of behavior that may lead to incarceration. However, many responses to mental illness that rely on jails and prisons tend to block treatment and services that may lead to recovery and prevent crime.

Incarceration of persons with mental illness has been a growing problem for several years and shows no signs of abating. A 2002 report<sup>1</sup> warned of the growing population shift of persons with mental illness from psychiatric hospitals to prisons. Twenty years later, that trend continues to grow.

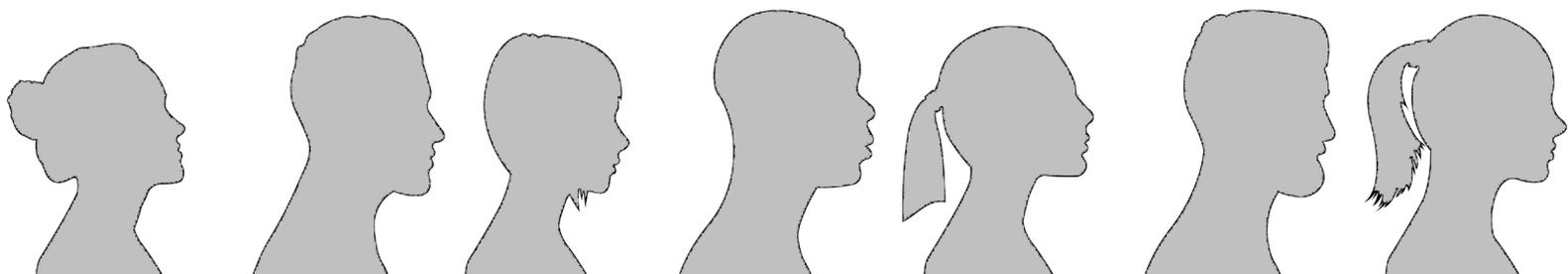
- **Prisoners with mental illness are more likely to be placed in solitary confinement and commit suicide.<sup>2</sup>**
- **The cost of psychiatric services spent in correctional environments, combined with the increased rate of recidivism for those with mental illness who are not appropriately supported means that these societal, fiscal, and human expenditures must be made again and again with no measurable benefit.**

If we are to be successful in reducing our reliance on our already overcrowded jails and prisons, we need Sheriffs and Jailers, Magistrates, Prosecutors, Defense Attorneys, Pretrial Services, Clerks, and Trial Court Judges and staff to address the needs of individuals with mental illness prior to their involvement with the criminal justice system or as early as possible. Doing so allows us to:

- **Expedite the time it takes to reach a disposition in cases where mental illness has been identified as a factor in the alleged crime.**
- **Work effectively with defendants who have been identified as having a serious mental illness and link defendants to community resources. Case management review teams can help.**
- **Use the 16.22 report, or full assessment if needed, to determine appropriateness for diversion decisions, such as CCP art. 17.032 Mental Health bonds, pretrial services, and pre- or post-plea diversion programs, or mental health courts.**
- **Use the 16.22 report, or full assessment if appropriate, to identify an individual's needs for services and provide the best placement and treatment plan for providing support, services, and stability.**

### 3. TIPS FOR EFFECTIVE USE OF ART. 16.22

1. Include the 16.22 Order (and Report, if available) with the notice of order of appointment to the defense attorneys.
2. Incorporate recommendations from the 16.22 Report into the bond conditions, particularly if the defendant is being released on a mental health personal bond under art. 17.032.
  - a. Note: With notice and a hearing, the trial court can modify the defendant's bond conditions to include the 16.22 recommendations, even after general conditions are set—consider this idea especially when the magistrate setting the conditions of bond did not yet have access to the 16.22 report.
  - b. See an example of 17.032 Mental Health Personal Bond conditions on page 29.



## 4. THE 16.22 PROCESS STEP-BY-STEP

### STEP 1: ARRIVAL AT JAIL

- The defendant is arrested for any offense and is brought to jail.

### STEP 2: IDENTIFICATION OF INDIVIDUAL SUSPECTED OF MENTAL ILLNESS

Initial identification can come from any source of credible information, which may include:

- **Information from:**
  - » Texas Commission on Jail Standards (TCJS) [Jail Screening Form](#) – mandatory for all jail intake (see page 20)
  - » TLETS CCQ (*Texas Law Enforcement Telecommunications System, Continuity of Care Query*)
  - » Witnesses / Witness Statements / Probable Cause Affidavit
  - » Staff familiar with the individual from the Local Mental Health Authority (LMHA), Local Intellectual or Developmental Disability Authority (LIDDA), or other care providers
  - » Defendant's family members or friends
  - » Medication brought into the jail with or for the defendant
- **Observations of:**
  - » Law Enforcement
  - » Jail Staff\*
  - » Magistrate Judge

*\*Magistrate Judge must be notified of any credible information within 12 hours of the discovery of that information by jail staff.*

### STEP 3: MAGISTRATE MAKES REASONABLE CAUSE DETERMINATION

1. Magistrate should:
  - Review the notification of credible information and any supporting documents
  - Review the defendant's charges and criminal history
  - Meet with the defendant
  - Communicate with the LMHA/LIDDA/LBHA/Mental Health Service Provider
2. Magistrate then decides whether there is reasonable cause to believe the defendant has a mental illness or IDD.

### STEP 4: IF REASONABLE CAUSE IS FOUND

- If reasonable cause is found that an individual has a mental illness or IDD, then the magistrate shall order a qualified mental health professional to interview the individual and complete a 16.22 report.

### STEP 4B: EXCEPTIONS TO ORDERING THE INTERVIEW AND REPORT

- If the defendant had a 16.22 interview and report done within the year prior to the arrest date, then Magistrate may, but does not have to, elect to use the previous report instead of ordering a new one.
- If the defendant is no longer in custody, then Magistrate may choose whether to order a 16.22 Interview and Report.
- If the defendant is charged with a class C misdemeanor, the judge may, but is not required to, order the 16.22 interview and report.

## STEP 5: MAGISTRATE REVIEWS THE 16.22 REPORT

- **Magistrate Receives Report:** For a newly ordered report, the interview and report must be completed and received by the Magistrate within 96 hours of the order (or 30 days of the order if the defendant is out of custody).
- **The Magistrate must review the 16.22 report.**
  - » The Report must contain:
    1. A description of the procedures used in the interview and collection of information; and
    2. Expert's observations pertaining to:
      - a. Whether the defendant has MI or IDD;
      - b. Whether the defendant may be incompetent; and
      - c. Any appropriate or recommended treatment or service.

## STEP 6: DISTRIBUTION OF THE 16.22 REPORT

Whether the Magistrate elects to use a previous report or a new report,

- **The Magistrate must send a copy of the 16.22 report to the following stakeholders:**
  - » Trial Court
  - » Prosecutor's Office (County or District Attorney's Offices, or both)
  - » Defense Counsel
  - » Sheriff (or other person that is responsible for the defendant's medical records while they are in custody)
  - » Personal Bond Office/ Director of Pretrial Supervision Office.
- **The Magistrate should send a copy of the report to:**
  - » The County or District Clerk for inclusion in the case file and recording; the clerk then uses the reports to report to the Office of Court Administration (OCA).

## STEP 7: TRIAL COURT USES & CONSIDERATIONS OF 16.22 REPORT

The Court can use the results of the 16.22 report for a variety of purposes, including:

- **Considering a mental health personal bond pursuant to CCP art. 17.032. CCP art. 16.22(c)(1).**
  - » *Note that MH personal bond is required in certain circumstances under CCP art. 17.032(b) unless good cause shown otherwise.*
- **Resuming or initiating competency proceedings under CCP art. 46B. CCP art. 16.22(c)(2).**
- **Consideration of 16.22 report during penalty phase as a part of the pre-sentence investigation report, or in imposition of conditions of a community supervision program. CCP art. 16.22(c)(3).**
- **Referring the defendant to a specialty court or docket. CCP 16.22(c)(4).**
- **Release on bail and transfer of individual to a civil court for court-ordered outpatient mental health services (regardless of competency status) CCP art. 16.22(c)(5).**
- **Appointment of defense counsel. CCP art. 26.04.**
- **Specifically tailored bond conditions. (See page 29) CCP art. 17.032.**

Post-adjudication: If an individual is remanded to the custody of TDCJ then the 16.22 report must be included in the individual's pen packet. Any other mental health records, screening reports, or similar information must also be included.

See JCMH Flow Chart showing CCP art. 16.22(c)(1-5) on page 33.

## COLLECTION OF 16.22 DATA BY OCA

To comply with a legislative mandate to record the number of written 16.22 reports, the magistrate should send the report to the clerk of the trial court for filing within the case file. The clerk should count this report in their mandatory Judicial Counsel's Monthly [Court Activity Report](#) through OCA. See [Tex. Admin Code 171.2](#).

Collection of this data is **mandatory** and essential to the accurate assessment of the capacity of jails, magistrate courts, and trial courts to ensure required identification and treatment of individuals with mental illness or IDD. See page 15 showing OCA reporting requirements.

## OTHER CLERK CONSIDERATIONS & REQUIREMENTS

- **Upon receipt of a 16.22 report from a magistrate, the clerk of the trial court** (county or district clerk) should file the report within the individual's case file (as soon as a file exists in the system).
  - » Note: Some jurisdictions include a 16.22 Report in the individual's file, rather than the case file, so that it is maintained with the person, not a case that can be overlooked in the event of future cases.
- **The clerk should ensure that the 16.22 report remains sealed and made available** only to parties to the individual's case and with sufficient judicial order. Per statute, these parties include the Trial Court, Prosecutor, Defense Counsel, Sheriff or holder of medical records while defendant is in custody, and the Personal Bond Office or Pretrial Supervision Office.
- **A written 16.22 report should never be made part of the public record.**



## 5. FREQUENTLY ASKED QUESTIONS

### CONFIDENTIALITY

**Question: Is the 16.22 ORDER placed into the public record or made available to the public?**

Answer: The 16.22 order is not considered exempt from public disclosure and may be filed in the public case file.

**Question: Is the 16.22 REPORT placed into the public record or made available to the public?**

Answer: No. The 16.22 report is strictly confidential and should remain out of the public record. It can be filed in the case file, so long as it is sealed and made available only to parties to the individual's case and with sufficient judicial order. Per statute, these parties include the Trial Court, Prosecutor, Defense Counsel, Sheriff/holder of medical records while defendant is in custody, and the Personal Bond Office/Director of Pretrial Supervision.

**Question: As a judge/attorney/LMHA/pretrial bond office/jail, can I release the 16.22 report to another judge/attorney/LMHA/pretrial bond office/jail in a different county where the defendant has been arrested?**

Answer: If the asking entity is requesting the report for the purposes of continuity of care of the defendant, then YES. Not only can you release the report, you MUST release the report. State law requires that specifically listed agencies share information (accept and disclose information) for purposes of continuity of care and services for special needs offenders. [Texas Health and Safety Code § 614.017](#).

**What is considered an agency?** See [Texas Health and Safety Code § 614.017\(c\)\(1\)](#) for the complete list of agencies. The agencies most likely to deal with this provision regarding 16.22 include:

- **Jails regulated by the Commission on Jail Standards;**
- **a Judge of this state with jurisdiction over juvenile or criminal cases;**
- **an Attorney who is appointed or retained to represent a special needs offender or a juvenile with a mental impairment;**
- **Personal bond & pretrial release offices;**
- **CSCDs - Community Supervision and Corrections Depts.;**
- **JPDs - Juvenile Probation Depts.;**
- **TJJD - Texas Juvenile Justice Dept.;**
- **HHSC - Health and Human Services Commission (this includes the LMHA);**

What do I have to do? Specifically, an agency SHALL:

- **accept information** relating to a special needs offender or a juvenile with a mental impairment that is sent to the agency to **serve the purposes of continuity of care and services** regardless of whether other state law makes that information confidential; AND
- **disclose information** relating to a special needs offender or a juvenile with a mental impairment, including information about the offender's or juvenile's identity; needs; treatment; social, criminal, and vocational history; supervision status and compliance with conditions of supervision; and medical and mental health history, **if the disclosure serves the purposes of continuity of care and services.**

[Tex. Health & Safety Code § 614.017\(a\)](#).

**Who is considered a Special Needs Offender?** A person with mental impairments, physical disabilities, terminal illnesses, or other significant illnesses, or who are elderly. This applies to individuals for whom criminal charges are pending or, are in custody or any form of supervision after an adjudication.

## DESIGNATED RESPONSIBILITIES

### **Question: Who is responsible for notifying the Judge/Magistrate of individuals with a suspected mental illness or IDD?**

Answer: The Sheriff or Municipal Jailers who have custody of the defendant have a duty under [CCP art. 16.22\(a\)\(1\)](#) to notify the magistrate within 12 hours of receiving credible information that may establish reasonable cause to believe that the defendant has MI or IDD. However, this responsibility does not fall on one specific individual. Identification and notification of individuals suspected to have a mental illness or IDD is the responsibility of law enforcement, jail staff, mental health workers, court staff and/or any other involved party. Additionally, any person who notices credible information of MI or IDD should report it to the magistrate. The magistrate may also make these observations on their own.

### **Question: What if the criminal case isn't filed yet, where do the completed 16.22 Order and Report go?**

Answer: Different jurisdictions handle this situation differently. In some jurisdictions, the magistrate will retain the order and report until the criminal case has a file in the clerk's office. In other jurisdictions, the trial court (or their coordinator) holds on to these documents until the filing in the clerk's office. Lastly, in some jurisdictions, the county or district clerk will hold the order and report, or file the documents into their electronic filing system under the defendant's name, and potentially their jail booking, until the time when it can also be attached to the criminal case filing.

## 16.22 ORDER

### **Question: Is a 16.22 evaluation required if the judge/magistrate is notified of an individual who is suspected of having a mental illness or IDD?**

Answer: Not necessarily. Upon receiving notification of credible information, the magistrate must then use that information (along with other information, as specified in step 3, on page 6) to determine whether they have reasonable cause to believe that the defendant is a person who has MI or IDD. Upon a positive determination of reasonable cause to believe the defendant has MI or is a person with IDD, then a judge/magistrate must order a 16.22 evaluation and report. Note, there are two exceptions to this mandate: 1) If the defendant is no longer in custody, the magistrate may, but is not required to, order a 16.22 interview; and 2) If the defendant had a previous 16.22 interview and report conducted within the past year and was determined to have MI or IDD, the magistrate may choose to rely on that report instead of ordering a new one. [CCP art. 16.22\(a\)\(2\)](#).

### **Question: Can a magistrate make his or her own determination that a 16.22 interview is needed?**

Answer: Yes, a magistrate may make his or her own determination—no reasonable cause from the jailer is necessary. The determination of reasonable cause to believe that the Defendant has MI or is a person with IDD can arise from a jailer's notification or from the magistrate's own observations. These observations may include the magistrate's interactions with the defendant, review of the criminal history or probable cause affidavit, or communicating with the mental health service provider.

### **Question: Under art. 16.22(a)(2), ordering the interview is not required after release from jail, but does a magistrate have discretion to still order one after a defendant is released from jail?**

Answer: Yes. If an individual is released from custody, ordering a 16.22 interview becomes discretionary for the judge. Note that the defendant being out of custody changes the timeline to 30 days for the service provider's return of the report.

**Question: Is there a specific form that needs to be used to order the service provider to conduct the interview?**

Answer: No. There is not a mandated order that must be used for the magistrate to order the service provider to conduct the interview. However, a sample form is available on page 21 of this book, or on the JCMH's online [forms bank](#).

**Question: What if the magistrate doesn't know which service provider contracts with the jail?**

Answer: Ask the LMHA for [your region](#). The service provider who conducts the interviews might be the LMHA, but it also might be another mental health provider in the area. You might also ask other judges, the court coordinators, or the commissioners court who must approve the contract. There may also be a jail liaison in your community that works within the LMHA, the jail system, and the court system. Sometimes, the courts also have a coordinator specifically assigned to handle questions and logistics pertaining to mental health cases within the community.

**Question: If a defendant was just brought into my jail, how can I tell whether they had a previous 16.22 order/interview/report completed in the last year in a different county?**

Answer: This situation gets complicated, as there is no statewide collection of this information.

The TLETS/CCQ data exchange does not indicate if a 16.22 assessment has been completed locally or in another county over; it will only indicate a "yes" if the defendant's name matches that of the name in the LMHA's system. In some cases, the LMHA or local mental health service provider will know if a 16.22 assessment has been completed, assuming, they were the organization to complete the assessment. In all cases, a jail administrator in the previous jail(s) will know if a 16.22 assessment has been completed in their jail, as this should be in the defendant's hard/electronic file.

If the judge desires this information, it seems most feasible that the judge/court administrator will need to first figure out where the individual has been in custody in the past year. This may involve investigation into the defendant's background through TCIC or asking the defendant about which jails they have been in recently. The judge/court administrator can consult with a staff person at other jails or someone in the magistrate and clerk's offices in the other counties to determine if an assessment had been completed.

It may be appropriate to consult with the LMHA in those jurisdictions where the LMHA is the contracted provider of MH services and/or has staff housed in the jail and are thus, likely intimately involved in conducting these assessments and maintenance of records. Because this information is being used for the purpose of the defendant's continuity of care, this information should be exchanged. If a 16.22 report was completed, you (as the judge, jail, service provider, attorney, etc.) are entitled to a copy of it under Health and Safety Code § 614.017. *Refer to page 9 in this report for more information on this law.*

Practically, it may be easier to order a 16.22 report in the new county rather than waiting for communication between multiple organizations.

## 16.22 INTERVIEW

**Question: The service provider will not come to the detention center to conduct the interview of the defendant until a personal bond is placed on the Defendant. If that is the case, under what authority do we hold the defendant?**

Answer: CCP art. 16.22(a-4) allows for the service provider to conduct in-person interviews in the jail, but also by telephone, or through a telemedicine medical service or telehealth service. These additional options might be one way for the LMHA to conduct the interview without entering the jail facility.

If they are waiting on a personal bond before conducting the interview, there is a possibility that the jail might hold the bond until the interview is complete, or that a release plan can be created with the MH Service Provider/Attorney/Jail/Judges where these items each occur in a certain order and the defendant is released from jail promptly upon completion of the interview.

The magistrate also has the authority to order that the defendant submit to an interview in jail or another place for up to 72 hours—although this provision is reserved for times when the defendant fails or refuses to submit to an interview under CCP art. 16.22(a)(4).

**Question: Is there a specific form that the service provider needs to use to conduct the 16.22 interview?**

Answer: Yes. Per 16.22(a)(1)(B), the form is approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) under Health and Safety Code § 614.0032(c). This form is available on page 23, on TCOOMMI's website, and in the [JCMH forms bank](#). \*\*\*Note that the service provider may add more information than that which is contained in the approved form but may not exclude information.

**Question: What do you do when the service provider continually refuses to do the 16.22 interview or report or even go into the jail?**

Answer: First, find out which organization is supposed to be conducting the 16.22 interviews—it could be the LMHA or it could be another entity that has the contract with the county. Communicate this problem first to leadership at the local mental health authority. If there are further questions, HHSC might be able to help.

The Health and Human Services Commission (HHSC) contracts with 39 LMHAs that provide mental health services in every county in Texas.<sup>3</sup> LMHAs are required by HHSC to provide mental health crisis response services if requested by a jail in the LMHA's specific geographic area for inmates who are experiencing a mental health crisis.<sup>4</sup>

Mental health crisis response services include:

- A **crisis screening;**
- A **crisis assessment; and**
- A **recommendation about the level of care required to resolve the crisis situation.**

In addition to mental health crisis response services, LMHAs are required to provide written reports with information about defendants suspected of having a mental illness or intellectual disability if ordered by the judiciary, i.e., 16.22 interviews and reports.

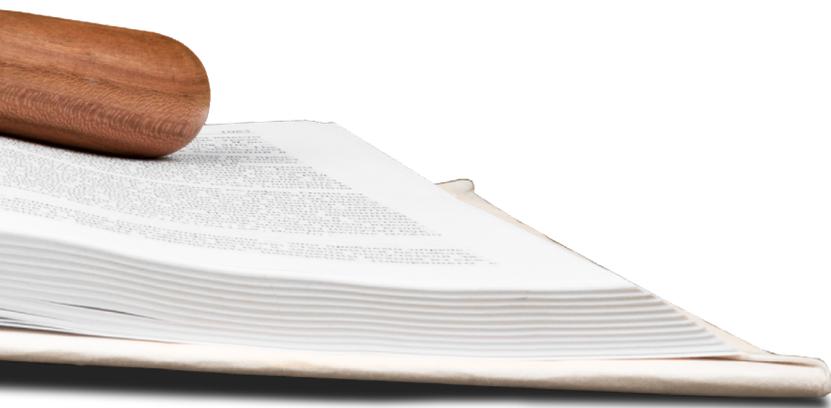
Jails do not pay for mental health crisis response services. HHSC provides funding to LMHAs for the purpose of providing mental health crisis response services, as specified above. However, jails may purchase additional services through contracts or memorandums of understanding with the LMHA in their jurisdiction.

Some jails currently contract with the LMHA in their area and pay for additional services, while jails without a contract with the LMHA in their area receive mental health crisis response services only and can receive other services through contracts with a provider outside of the LMHA. As a result of this local decision making, there is variation in the level of services jails receive from LMHAs.

If the entity contracted to provide the 16.22 service is not the LMHA, your local jurisdiction may need to find a new service provider with whom to contract your mental health services—at least until the issues are sorted out through the county, HHSC, and the LMHA.

All LMHAs have been advised by HHSC that if ordered by the judiciary, they need to conduct the 16.22 interview and report. According to art. 16.22(a-1), LMHAs will be reimbursed by the county.

As far as not coming to the jail, remember that the service providers may conduct the interview by telephone, or through a telemedicine medical service or telehealth service. These additional options might be one way to conduct the interview without entering the jail facility.



## 16.22 REPORT

### **Question: We receive a report that finds a mental illness and then includes a risk assessment re: suicidal ideation. Should we be receiving a more thorough report?**

Answer: By statute, the 16.22 Report must contain:

1. A description of the procedures used in the interview and collection of information; and
2. Expert's observations pertaining to:
  - a. Whether the defendant has MI or IDD;
  - b. Whether the defendant may be incompetent; and
  - c. Any appropriate or recommended treatment or service.

If you are not receiving the required items in your report, this is an issue. Make sure you or your office has formed a relationship with the individual providers who come into your jails, they may have overlooked these requirements. Occasionally, providers feel uncomfortable recommending appropriate treatments or services to a judge, even though this is statutorily required. If the problem goes beyond this issue, then communication with your local judges, local mental health authority higher level managers, HHSC, and possibly commissioners court may be required. You can also reach out to JCMH for technical assistance with these concerns.

### **Question: Who must receive a copy of the 16.22 report?**

Answer: Under [CCP art. 16.22\(b-1\)](#), the magistrate is responsible for providing copies of the written report to the defense counsel; the prosecutor; the trial court; the sheriff, or other individual that is responsible for the defendant's medical records while they are in jail; and the personal bond office or director of pretrial supervision. It is additionally recommended, although not codified in statute, that the magistrate provide a copy of the report to the county or district clerk's office (the clerk of the trial court) so that it may be included in the case file and properly reported to the Office of Court Administration.

## 6. REPORTING TO OCA<sup>5</sup>

### STATUTORY AUTHORITY DIRECTING CLERKS TO REPORT 16.22 REPORTS TO OCA

Statute	Summary	Statutory Language
Tex. Code Crim. Pro. art. 16.22(e)	Requires Texas Judicial Council to adopt rules that require the monthly reporting of the number of 16.22 reports to OCA.	<p>The Texas Judicial Council shall adopt rules to require the reporting of the number of written reports provided to a court under Subsection (a)(1)(B).</p> <p>The rules must require submission of the reports to the Office of Court Administration of the Texas Judicial System on a monthly basis.</p>
Tex. Admin Code § 171.1  citing  Texas Gov't Code § 71.035	Authorizes the Texas Judicial Council to require clerks (and other judicial officials) to comply with reasonable requirements for reporting statistics pertaining to court business.	<p><b>Tex. Admin Code § 171.1</b> cites to <b>§ 71.035 of the Texas Gov't Code (a)</b> The council shall gather judicial statistics and other pertinent information from the several state judges and other court officials of this state. In addition, the council shall implement a monthly tracking system to ensure accountability for counties and courts which participate in the statewide integrated system for child support, medical support, and dental support enforcement established under <a href="#">Section 231.0011</a>, Family Code. As a duty of office, the district clerks and county clerks serving the affected courts shall report monthly such information as may be required by the council, including, at a minimum, the time required to enforce cases from date of delinquency, from date of filing, and from date of service until date of disposition. Such information as is necessary to complete the report and not directly within the control of the district or county clerk, such as date of delinquency, shall be provided to the clerk by the child support registry or by the enforcement agency providing Title IV-D enforcement services in the court. The monthly report shall be transmitted to the Office of Court Administration of the Texas Judicial System no later than the 20th day of the month following the month reported, in such form as may be prescribed by the Office of Court Administration, which may include electronic data transfer. Copies of such reports shall be maintained in the office of the appropriate district or county clerk for a period of at least two years and shall be available to the public for inspection and reproduction.</p> <p><b>(b)</b> The council may require a state justice, judge, clerk, or other court official, as an official duty, to comply with reasonable requirements for supplying statistics pertaining to the amount and character of the civil and criminal business transacted by the court or other information on the conduct, operation, or business of his court or the office of the clerk of his court that is within the scope of the functions of the council. If the official does not supply the information within a reasonable time after the request, he is presumed to have willfully refused the request. The council shall prescribe procedures, definitions of terms, and forms for supplying the statistics and other information.</p>

<p>Tex. Admin Code § 171.2</p>	<p><b>General Reporting Requirements</b></p> <p>Clerks of each court shall submit a summary level court activity report each month to OCA.</p>	<p>District clerks, county clerks, justices of the peace, and municipal judges shall submit a summary-level court activity report and other required reports each month to the Office of Court Administration (OCA) using the methods required by this chapter. Unless specifically provided otherwise in this chapter, all reports are due no later than 20 days following the end of the month reported.</p>
<p>Texas Admin Code § 171.4</p>	<p><b>District Court Reports</b></p> <p>Statute describes the method of reporting.</p>	<p>§ 171.4 (a) Method. The district clerk of each county shall submit a district court activity report of the criminal, civil, family law and juvenile cases in the county's district courts...</p> <p>§ 171.4(b)(1)(D)(ii) The clerk SHALL also report the number of reports provided to the court under art. 16.22(a)(1)(B) of the Code of Criminal Procedure (16.22 reports).</p>
<p>Texas Admin Code § 171.5</p>	<p><b>Statutory County Reports</b> have the same method as District Courts</p>	<p>§ 171.5 (b)(1)(D)(ii) The clerk SHALL also report the number of 16.22 reports provided to the court under art. 16.22(a)(1)(B) of the Code of Criminal Procedure.</p>
<p>Texas Admin Code § 171.6</p>	<p><b>Constitutional County Courts Reports</b> have the same method as District Courts</p>	<p>§ 171.6 (b)(1)(D) - Other Case Activity Reporting. The clerk SHALL also report the number of 16.22 reports provided to the court under art. 16.22(a)(1)(B) of the Code of Criminal Procedure.</p>



## LINKS TO OCA REPORTING FORMS & INSTRUCTIONS

Pertains to:	Links to Report Forms & Instructions (Scan QR Code)	16.22 Reporting – Location on Reporting Form
<b>District Court Reports</b>	 <p>FORM</p>  <p>INSTRUCTIONS</p>	16.22 Reporting found on Page 3, Line 24:  Criminal Section – Additional Court Activity 24. MENTAL ILLNESS/INTELLECTUAL DISABILITY ASSESSMENTS
<b>Statutory County Courts Report (County Courts at Law/Statutory Probate Courts):</b>	 <p>FORM</p>  <p>INSTRUCTIONS</p>	16.22 Reporting found on Page 5, Line 4.  Criminal Section – Additional Court Activity Line 4. MENTAL ILLNESS/INTELLECTUAL DISABILITY ASSESSMENTS
<b>Constitutional County Court Report:</b>	 <p>FORM</p>  <p>INSTRUCTIONS</p>	16.22 Reporting found on Page 3, Line 23:  Criminal Section – Additional Court Activity 23. MENTAL ILLNESS/INTELLECTUAL DISABILITY ASSESSMENTS
<b>Frequently Asked Questions</b>		
<b>Submit Court Reports and Run Data Queries</b>		Can also Run Reports here and see what data has been collected from each county since 1992.



## 7. REFERENCES & RESOURCES

1. THE SENTENCING PROJECT, MENTALLY ILL OFFENDERS IN THE CRIMINAL JUSTICE SYSTEM: AN ANALYSIS AND PRESCRIPTION 3 (2002), <http://perma.cc/4R6X-NFRE>.
2. MILTON L. MACK, JR., CONFERENCE OF STATE COURT ADMINS., DECRIMINALIZATION OF MENTAL ILLNESS: FIXING A BROKEN SYSTEM 3, 9–10 (2017), [https://cosca.ncsc.org/data/assets/pdf\\_file/0018/23643/2016-2017-decriminalization-of-mental-illness-fixing-a-broken-system.pdf](https://cosca.ncsc.org/data/assets/pdf_file/0018/23643/2016-2017-decriminalization-of-mental-illness-fixing-a-broken-system.pdf).
3. HEALTH AND HUMAN SERVICES COMMISSION, PERFORMANCE CONTRACT NOTEBOOK 43 (2022), <https://www.hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/behavioral-health-provider/community-mh-contracts/performance-contract-notebook-program-attachment.pdf>.
4. HEALTH AND HUMAN SERVICES COMMISSION, INFORMATION ITEM V, CRISIS SERVICES STANDARDS (2021), <https://www.hhs.texas.gov/sites/default/files/documents/doing-business-with-hhs/provider-portal/behavioral-health-provider/community-mh-contracts/info-item-v.pdf>.
5. *Reporting to OCA*, TEXAS JUDICIAL BRANCH, <https://www.txcourts.gov/reporting-to-oca/> (last visited Jan. 12, 2023).

TEXAS JUDICIAL COMMISSION ON MENTAL HEALTH & TEXAS HEALTH AND HUMAN SERVICES COMMISSION, ELIMINATE THE WAIT: THE TEXAS TOOLKIT FOR RIGHTSIZING COMPETENCY RESTORATION SERVICES (1st ed. 2021), <http://texasjcmh.gov/media/erwfq1mp/eliminate-the-wait-toolkit-1-19-22-final.pdf>.

JUDICIAL COMMISSION ON MENTAL HEALTH, TEXAS MENTAL HEALTH AND INTELLECTUAL DISABILITIES LAW BENCH BOOK (4th Ed. 2023-2024), <http://benchbook.texasjcmh.gov/>.

## 8. SAMPLE FORMS

TEXAS COMMISSION ON JAIL STANDARDS SCREENING FORM FOR SUICIDE AND MEDICAL/MENTAL/ DEVELOPMENTAL IMPAIRMENTS.....	20
EXAMPLE: 16.22 ORDER FOR THE COLLECTION OF INFORMATION REGARDING MENTAL ILLNESS OR INTELLECTUAL DISABILITY.....	21
TCOOMMI COLLECTION OF INFORMATION FORM FOR MI & IDD.....	23
EXAMPLE: 16.22 REPORT FORM*.....	26
EXAMPLE: CCP ART. 17.032 MENTAL HEALTH PERSONAL BOND CONDITIONS.....	29

*Find our forms online:*



\* The 16.22 Report form example found on page 26 is the printed version of an online form used by an LMHA in lieu of the TCOOMMI form. This form includes all the questions that are required by statute and included on the TCOOMMI form, but this example form was created in a different format to allow practitioners to use the LMHA's reporting technology to quickly complete their reports. This form asks additional questions—above and beyond what is required by law—that might be useful to stakeholders ultimately who receive the 16.22 report.

**Screening Form for Suicide and Medical/Mental/Developmental Impairments**

County:	Date and Time:	Name of Screening Officer:	
Inmate's Name:	Gender:	DOB:	If female, pregnant? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>
Serious injury/hospitalization in last 90 days? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:			
Currently taking any prescription medications? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what:			
Any disability/chronic illness (diabetes, hypertension, etc.) Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:			
Does inmate appear to be under the influence of alcohol or drugs? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:			
Do you have a history of drug/alcohol abuse? If yes, note substance and when last used			
*Do you think you will have withdrawal symptoms from stopping the use of medications or other substances (including alcohol or drugs) while you are in jail? If yes, describe			
*Have you ever had a traumatic brain injury, concussion, or loss of consciousness? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:			

**\*If yes, Notify Medical or Supervisor Immediately**

***Place inmate on suicide watch if Yes to 1a-1d or at any time jailer/supervisor believe it is warranted***

	YES	NO	"Yes" Requires Comments
<b><i>IF YES TO 1a, 1b,1c,or 1d BELOW, NOTIFY SUPERVISOR, MAGISTRATE, AND MENTAL HEALTH IMMEDIATELY</i></b>			
Is the inmate unable to answer questions? If yes, note why, notify supervisor and place on suicide watch until form completed.			
1a. Does the arresting/transporting officer believe or has the officer received information that inmate may be at risk of suicide?			
1b. Are you thinking of killing or injuring yourself today? If so, how?			
1c. Have you ever attempted suicide? If so, when and how?			
1d. Are you feeling hopeless or have nothing to look forward to?			
<b><i>IF YES TO 2-12 BELOW, NOTIFY SUPERVISOR AND MAGISTRATE. Notify Mental Health when warranted</i></b>			
2. Do you hear any noises or voices other people don't seem to hear?			
3. Do you currently believe that someone can control your mind or that other people can know your thoughts or read your mind?			
4. Prior to arrest, did you feel down, depressed, or have little interest or pleasure in doing things?			
5. Do you have nightmares, flashbacks or repeated thoughts or feelings related to PTSD or something terrible from your past?			
6. Are you worried someone might hurt or kill you? If female, ask if they fear someone close to them.			
7. Are you extremely worried you will lose your job, position, spouse, significant other, custody of your children due to arrest?			
8. Have you ever received services for emotional or mental health problems?			
9. Have you been in a hospital for emotional/mental health in the last year?			
10. If yes to 8 or 9, do you know your diagnosis? If no, put "Does not know" in comments.			
11. In school, were you ever told by teachers that you had difficulty learning?			
12. Have you lost / gained a lot of weight in the last few weeks without trying (at least 5lbs.)?			

***IF YES TO 13-16 BELOW, NOTIFY SUPERVISOR, MAGISTRATE, AND MENTAL HEALTH IMMEDIATELY***

13. Does inmate show signs of depression (sadness, irritability, emotional flatness)?			
14. Does inmate display any unusual behavior, or act or talk strange (cannot focus attention, hearing or seeing things that are not there)?			
15. Is the inmate incoherent, disoriented or showing signs of mental illness?			
16. Inmate has visible signs of recent self-harm (cuts or ligature marks)?			

Additional Comments (Note CCQ Match here):

Magistrate Notification Date and Time: Electronic or Written (Circle)	Mental Health Notification Date and Time:	Medical Notification Date and Time:
Supervisor Signature, Date and Time:		

Service / Offense Report No.	Offense	City Jail

**ORDER FOR THE COLLECTION OF INFORMATION REGARDING MENTAL ILLNESS OR INTELLECTUAL DISABILITY**

On this day, the Court having determined, pursuant to article 16.22 of the Texas Code of Criminal Procedure, that there is reasonable cause to believe the Defendant, \_\_\_\_\_, has a mental illness or is a person with an intellectual disability;

**IT IS HEREBY ORDERED** that (the local LMHA) interview the Defendant pursuant to article 16.22 (a-4) if the Defendant has not previously been interviewed by a qualified mental health or intellectual and developmental disability expert on or after the date the Defendant was arrested for the offense for which the Defendant is in custody and otherwise collect information regarding whether the Defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with intellectual disability as defined by Section 591.003, Health and Safety Code, including if applicable, information obtained from any previous assessment of the Defendant and information regarding any previously recommended treatment or service; and

**IT IS FURTHER ORDERED** that a written report of the interview described by the foregoing paragraph and the other information collected regarding the Defendant shall be provided to the \_\_\_\_\_ County magistrate on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.0032(c), Health and Safety Code not later than 96 hours after the time an order was issued for a Defendant held in custody or not later than the 30th day after the date an order was issued for a Defendant released from custody. The written report must include a description of the procedures used in the interview and collection of other information and the applicable expert's observations and findings pertaining to:

- (1) whether the Defendant is a person who has a mental illness or is a person with an intellectual disability;
- (2) whether there is clinical evidence to support a belief that the Defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B, of the Texas Code of Criminal Procedure; and
- (3) any appropriate or recommended treatment or service.

It is so ordered this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_.

\_\_\_\_\_  
**Magistrate [type name]**

**CERTIFICATION OF COMPLIANCE TO MAGISTRATE**

I, \_\_\_\_\_ [LMHA, LIDDA, or other qualified mental illness or intellectual disability expert], certify that a written report as required by Texas Code of Criminal Procedure article 16.22(b) has been submitted to the Magistrate in compliance with the above stated Order for Interview with Written Report on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
LMHA, LIDDA, or other qualified mental illness or intellectual disability expert

*[Provider: Append this certification to your written report]*

**CERTIFICATION OF DELIVERY BY MAGISTRATE**

I, \_\_\_\_\_, Justice of the Peace, Precinct \_\_\_ / Magistrate, certify that a copy of the report has been forwarded to the following individuals as required by Article 16.22(b) and (b)(1), Code of Criminal Procedure, on the following date(s):

- ( ) County Attorney \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_
- ( ) District Attorney \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_
- ( ) Attorney for the Defendant \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_
- ( ) Trial Court \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_
- ( ) County Sheriff \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_
- ( ) Bond or PreTrial Supervision Office \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_

**SIGNED** this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
*Justice of the Peace / Magistrate*

*[Magistrate: Append this certification to the written report.]*

**COLLECTION OF INFORMATION FORM FOR  
MENTAL ILLNESS AND INTELLECTUAL DISABILITY**

*AUTHORITY: Texas Code of Criminal Procedure art. 16.22; Texas Health and Safety Code § 614.0032  
Approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)*

---

**SECTION I: DEFENDANT INFORMATION**

Defendant Name (*Last, First*): \_\_\_\_\_ Offense: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ CARE Identification # (*If available*): \_\_\_\_\_ SID or CID # (*If available*): \_\_\_\_\_

Last Four Digits of Social Security Number: \_\_\_\_\_

Current County or Municipality of Incarceration: \_\_\_\_\_ Date of Magistrate Order: \_\_\_\_\_

---

**SECTION II: PREVIOUS HISTORY**

Has the defendant been determined to have a mental illness or to be a person with an intellectual disability within the last year?

*Yes*                                       *No*                                       *Unknown*

**Date of Previous Written Report of Collected Information (*if applicable*):** \_\_\_\_\_

**Previous Mental Health and/or Intellectual Disability Information (*if available*):**

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

---

**SECTION III: CURRENT INFORMATION**

Most Recent Diagnosis(es) and Date(s) (*if available*):

\_\_\_\_\_

At time of the collection of information or as indicated on the jail screening form for suicide and medical/mental/developmental impairments, is the defendant acutely decompensated, suicidal, or homicidal according to self-report?

*Yes- Circle Above*                                       *No*                                       *Not Applicable- Reason* \_\_\_\_\_

Other relevant information pertaining to mental health and intellectual disability history and/or previous treatment or service recommendations:

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

**Observations and Findings Based on Information Collected:**

- Defendant is a person who has a mental illness.                       Defendant is a person who has an intellectual disability.  
 There is clinical evidence to support the belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B, Code of Criminal Procedure.  
 Any appropriate or recommended treatment or service:

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

None of the above.

**Procedures Used to Gather Information:**

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

---

**SECTION IV: INFORMATION OF PROFESSIONAL SUBMITTING FORM**

Name, Credentials & Organization of Person Submitting Form: \_\_\_\_\_ Date of Submission: \_\_\_\_\_

*This form and the contents herein may only be shared in accordance with Texas Health and Safety Code § 614.017 and Texas Code of Criminal Procedure article 16.22(f). This form and its contents are otherwise confidential and not subject to disclosure under Chapter 552 of the Government Code.*

# COLLECTION OF INFORMATION FORM FOR MENTAL ILLNESS AND INTELLECTUAL DISABILITY

*AUTHORITY: Texas Code of Criminal Procedure art. 16.22; Texas Health and Safety Code § 614.0032*  
Approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)

## INSTRUCTIONAL GUIDELINES

This form is not to be confused or supplemented by the “Screening Form for Suicide and Medical/Mental/Developmental Impairments” as required by the Texas Commission on Jail Standards

---

### Section I: DEFENDANT INFORMATION

- **Defendant Name** should be filled out by last name followed by first name.
- **Offense** information should include arresting offense information.
- **Date of Birth** and **last four digits of social security number** are to be obtained to assist in validating identity.
- **CARE Identification #** – *If available*, this number should be complimentary to the CCQ match.
- **SID or CID Number** – *If available*, this number should include the State Identification Number (SID) or the County Identification (CID) Number.
- List the **Current County** or **Municipality** of the current incarceration.
- **Date of Magistrate Order** should be the date the magistrate signed the order which initiates the timeframes for completing the collection of information (not later than 96 hours for a defendant in custody; not later than 30 days for a defendant not in custody).

---

### Section II: PREVIOUS HISTORY

- **Has the defendant been determined to have a mental illness or to be a person with an intellectual disability within the last year?**
  - **If Yes** – The Magistrate *is not required* to order the interview and collection of other information if the defendant *in the year proceeding* the defendant’s applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, local mental health authority, local intellectual and developmental disability authority, or another mental health or intellectual disability expert described.
  - **If No** – Further collection of information under this form will be necessary for applicable defendants.
  - **If Unknown** - Further collection of information under this form *may* be necessary for applicable defendants.
- **Previous Mental Health and/or Intellectual Disability Information and Date** - *If available*, collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability as defined by Section 591.003, Health and Safety Code, including, if applicable, information obtained from any previous assessment of the defendant and information regarding any previously recommended treatment.  
Note: Include source of information. Examples are self-report, CARE or CCQ match, or clinical records available from local mental health authority of local intellectual developmental disability authority.

---

### Section III: CURRENT INFORMATION

- **Most Recent Diagnosis(es) and Date(s)** - *If available*, include information here.
- **Is the client acutely (at time of written report of collected information or as indicated on the jail screening form for suicide and medical/mental/developmental impairments) decompensated, suicidal, or homicidal according to self-report?**
  - **If Yes** – select yes.
  - **If No** – select no.

*This form and the contents herein may only be shared in accordance with Texas Health and Safety Code § 614.017 and Texas Code of Criminal Procedure article 16.22(f). This form and its contents are otherwise confidential and not subject to disclosure under Chapter 552 of the Government Code.*

## COLLECTION OF INFORMATION FORM FOR MENTAL ILLNESS AND INTELLECTUAL DISABILITY

*AUTHORITY: Texas Code of Criminal Procedure art. 16.22; Texas Health and Safety Code § 614.0032*  
Approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)

- ***If Not Applicable*** – Indicate the reason why here.

Note: This information may be helpful to the magistrate or judge, as it will allow the magistrate or judge to know the severity of the defendant’s mental health status for prioritization purposes.

- **Other relevant information pertaining to mental health history and/or previous treatment or service recommendations** – Note: Examples may include the following:

- Previous competency examination results or outcome of examination results;
- Parole, Probation or Pre-Trial Supervision status;
- Military history is applicable to treatment history;
- If this section is not applicable, indicate as such.

- **Observations and Findings Based on Information Collected**– Select option as appropriate.

Note: **Any appropriate or recommended treatment or service** – Include whether the defendant warrants a competency examination, outpatient services, etc. Provide any recommendation for further assessment/evaluation by higher level clinical providers.

- **Procedures Used to Gather Information** – Include informational sources used to collect information. Examples may include: Sources of information such as, self-report, CARE or CCQ match, previous psychological evaluations, assessments or clinical records available from local mental health authority of local intellectual developmental disability authority. *An interview to prepare the written report of collected information for the purposes of this document may be gathered in the following ways: in person in the jail, by telephone, or through a telemedicine medical service or telehealth service.*

---

### Section IV: INFORMATION OF PROFESSIONAL SUBMITTING FORM

- **Name, Credentials and Organization of Person Submitting Form** – Person completing the form along with his or her credentials, is to be listed here. Note: *This form is to be completed by the local mental health authority, local intellectual and developmental disability authority, or another qualified mental health or intellectual disability expert.*
- **Date of Submission** – Include the date the form is submitted to the Magistrate.

---

Note: Texas Code of Criminal Procedure art. 16.22(f) provides that this written report is confidential and not subject to disclosure under Chapter 552, Government Code, but may be used or disclosed as provided by article 16.22.

Additionally, Texas Health and Safety Code section 614.017 requires the exchange of information relating to a special needs offender or juvenile with a mental impairment between agencies to serve the purposes of continuity of care and services *regardless whether other state law makes that information confidential.* The term “agency” includes but is not limited to: A person with an agency relationship or contract with one of the following entities or individuals: Texas Department of Criminal Justice; Texas Commission on Jail Standards; community supervision and corrections departments and local juvenile probation departments; personal bond pretrial release offices established under Article 17.42, Code of Criminal Procedure; local jails regulated by the Texas Commission on Jail Standards; a municipal or county health department; hospital district; judge of this state with jurisdiction over juvenile or criminal cases; an attorney who is appointed or retained to represent a special needs offender, and/or the Health and Human Services Commission.

*This form and the contents herein may only be shared in accordance with Texas Health and Safety Code § 614.017 and Texas Code of Criminal Procedure article 16.22(f). This form and its contents are otherwise confidential and not subject to disclosure under Chapter 552 of the Government Code.*

Client Name:	Test, Test	DOB:	01/01/2001	ClientId:	4109940
Document Name:	Court Order Assessment			Effective Date:	02/06/2020

**Bluebonnet Trails Community Services  
Court Order Assessment**

CARE ID: \_\_\_\_\_ SID or CID: \_\_\_\_\_ Current County: \_\_\_\_\_

Municipality of Incarceration: \_\_\_\_\_

Date of Magistrate Order: \_\_\_\_\_

Sex: \_\_\_\_\_ SSN: \_\_\_\_\_

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

Parent/Guardian Name: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Referral Source: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Residence County: \_\_\_\_\_ Marital Status: \_\_\_\_\_

Legal Status: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

Race: \_\_\_\_\_ Living Arrangement: \_\_\_\_\_

Insurance Type: \_\_\_\_\_

Military Service:  Yes  No Branch: \_\_\_\_\_ VA Services:  Yes  No

**Risk Assessment**

Current Suicidal Ideation:  Yes  No Current Suicidal Plan:  Yes  No

Current Suicidal Intent:  Yes  No Means to carry out suicide attempt :  Yes  No

Current Homicidal Ideation:  Yes  No Current Homicidal Plan:  Yes  No

Current Homicidal Intent:  Yes  No Means to carry out attempt:  Yes  No

If "Yes" to any of the above questions, Explain: \_\_\_\_\_

Refer to Psych:  Yes  No Refer to Medical:  Yes  No

Has the defendant been determined to have a mental illness or to be a person with an intellectual disability within the last year?  
 Yes  No

Date of Previous 16.22 Report (if applicable): \_\_\_\_\_

**Current Status**

PRESENTING PROBLEM: \_\_\_\_\_

Current Diagnosis from BBT or Community Provider:

Bipolar D/O  Schizophrenia  Major Depression  IDD or Related Condition  Substance Use Disorder

Unknown  Other: \_\_\_\_\_

Symptoms: \_\_\_\_\_

**Prior Criminal Justice History and Involvement**

Does client have any of the following criminal justice history or involvement?

- Police involvement/frequent police contact:  Yes  No
- Probation  Yes  No
- Parole  Yes  No
- Contact with mental health deputies  Yes  No
- Contact with school-based police officers  Yes  No
- Incarceration  Yes  No
- Contact with court/county/state officials in a legal capacity  Yes  No

### Prior Treatment History

- Person in Treatment:  Yes  No If yes, where:
- Actively Participating in Treatment:  Yes  No
- Probation/ Parole:  Yes  No If Yes, Name of PO:
- Criminal Charges Pending:  Yes  No Charges are:
- Prior Hospitalizations:  Yes  No
- Where: When: How many times last year?
- History of Substance Abuse:
- Marijuana  Cocaine  Alcohol  Meth  Amphetamines  Pills
- Crack  Inhalants  Heroin  Hallucinogens  PCP  Ecstasy
- Other  N/A
- Last Use: Last Use Amount:
- Assessment (consider all the data presented along with your interview conclusions):

Recommendation for Treatment or Crisis Intervention Plan (include Recommendations for Least Restrictive Treatment Setting):

DOES CLIENT MEET CRITERIA FOR DIVERSION:  Yes  No

If No, Why Not?

Observations and Findings Based on Information Collected:

- Defendant is a person who has a history of mental illness.
- Defendant is a person who has a history of an intellectual disability.
- There is clinical evidence to support the belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B, Code of Criminal Procedure.
- None of the above

### Methods Used to Gather Information:

- Interview  Review of Psychiatric Records  CARE Database

Collateral Contact: \_\_\_\_\_ (name, relationship)

Bluebonnet Trails Community Services recommends immediate admission and treatment at a State Psychiatric Facility. If court proceedings are required to administer psychiatric care, Bluebonnet Trails would support such efforts.

Referred for State-Facility Hospitalization?  Yes  No If yes, where?

Name, Credentials & Organization of Person Submitting Form:

Date of Submission:

This form and the contents herein may only be shared in accordance with Texas Health and Safety Code § 614.01 Code of Criminal Procedure article 16.22(f). This form and its contents are otherwise confidential and not subject to disclosure under Chapter 552 of the Government Code.

Clinician: \_\_\_\_\_

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

## TERMS AND CONDITIONS OF BOND

*Check all applicable conditions*

- 1. Completely abstain from the use of alcohol or drugs while on bond
- 2. Report to the \_\_\_\_\_ District Community Supervision and Corrections Department within 24 hours of release as follows:
  - Contact \_\_\_\_\_ at \_\_\_\_\_
  - Continue to report as instructed by the CSCD
  - Pay a bond supervision fee of \$ \_\_\_\_\_ per month
- 3. Submit to drug tests for the purpose of determining if you are using or are under the influence of alcohol, narcotic drugs, or any other controlled substance as directed by the Court, Magistrate, or the CSCD, and pay the cost of testing (\_\_\_\_\_ annually to the CSCD).  
**\*Defendant will completely abstain from the use of alcohol and drugs while on bond**
- 4. Participate in  an alcohol,  a drug abuse,  treatment,  education program,  MHMR services directed by the Court, Magistrate, or the CSCD  
 Contact \_\_\_\_\_ (LMHA name and phone) within 72 hours of your release to participate in their outpatient treatment program.
- 5. Maintain or actively seek gainful employment
- 6. Do not communicate with the alleged victim of the offense or go near the residence, school, place of employment, or any \_\_\_\_\_ other location frequented by the alleged victim. Do not violate any conditions of the Magistrate's Order for Emergency Protection
- 7. Must remain at all times within your home and/or within 100 feet of your home
- 8. Must have:
  - SCRAMx (Secure Continuous Remote Alcohol Monitor) ankle bracelet under the supervision of the CSCD. MONITOR MUST BE INSTALLED BEFORE LEAVING THE JAIL.
  - Ignition interlock device installed within 14 days of your release from jail.
- 9. Not be arrested or charged for a violation of any criminal law of the State of Texas or of the United States.

- 10. Must comply with attached “Conditions of Bond for Defendants Accused of Any Sexual Crime Against a Child”
- 11. Prohibited from committing family violence or an assault on the alleged victim or an act in furtherance of an offense under Section 42.072 of the Penal Code
- 12. To be determined by the county of jurisdiction
- 13. Within 72 hours of your release from jail you must contact any Justice of the Peace Court or County Court of Law and inquire about your eligibility and/or application for an Occupational Driver’s License.
- 14. Other: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Defendant’s Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Judge’s Signature**

\_\_\_\_\_  
**Name/Title**

**RIGHT THUMB PRINT**

## 9. CHARTS

16.22 PROCESS WITH FORMS.....	32
WAYS A COURT CAN UTILIZE A 16.22 REPORT.....	34





Police | Jail | Magistrate | LMHA | Clerk

Jailer fills out Magistrate Notification Form 16.22(a)(1)

\_\_\_\_ 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
- CCO returns 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 by law, 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 72 hours after receiving and the information of reasonable cause to believe that a defendant committed to the State's custody. It is required to be made to a person with mental retention or to the observation 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 \_\_\_\_\_ (For E-mail Direct)

OFFICER: \_\_\_\_\_ (For E-mail Direct)

Within 12 hours, provides form as notification to Magistrate

Example Form

Magistrate :

- Reviews notification form
- Reviews charges/ criminal history
- Meets with Defendant
- Communicates with LMHA/MH /LIDDA Provider

If Magistrate determines there is reasonable cause to believe the Defendant has MI or is a person with IDD, then continue. 16.22(a)(1)

Note: The determination of reasonable cause to believe can arise from jailer notification or from Magistrate's own observations

LMHA/LIDDA/MH Provider Interviews defendant and makes report

Magistrate shall\* order MH Provider to conduct 16.22 interview. 16.22(a)(1)

Magistrate conducts 15.17 hearing (magistration)

- Consider if CCP 17.032 is applicable
- Set terms & conditions of bond
- Enter bond terms into TCIC per CCP art. 17.50

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

THE STATE OF TEXAS \_\_\_\_\_ MAGISTRATE \_\_\_\_\_  
VS. \_\_\_\_\_  
COUNTY \_\_\_\_\_

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

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

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

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

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

The written report must be completed on the form approved by the Texas Department of Criminal Justice, Office of Mental Impairments under Texas Health and Safety Code section 571.003(1) and (2). It must include, if applicable, information obtained from any previous assessment of the defendant and information regarding any previously recommended treatment.

**IT IS FURTHER ORDERED** that, unless good cause is shown, the written report 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) \_\_\_\_\_

- \*Not required if:
- D no longer in custody; OR
- D only arrested on Class C Misd.; OR
- D had 16.22 interview & report done within year prior to arrest date AND court elects to use that report.

Example Form

16.22(a)(2)

# Ways a Court can Utilize a 16.22 Report

