

**TITLE: INVOLUNTARY INTERVENTION**

**PURPOSE:** To establish a Center for Health Care Services (Center) policy which ensures the most appropriate approach when using involuntary interventions. This policy supersedes policy 6.07, Involuntary Intervention, dated March 20, 2003 .

[Keywords: Involuntary Intervention, Emergency Detention, Order of Protective Custody]

---

**POLICY STATEMENT:**

The Board will ensure that whenever an involuntary intervention must be utilized, the most humane and appropriate procedures are followed in order to ensure that the best interests of both our consumers and our community are served.

**POLICY ELABORATION:**

**I. DEFINITIONS**

- A. "Involuntary Intervention" - a process under which a person's liberty is temporarily restrained under color of law for a limited period of time for the purpose of conducting an examination by a physician to determine if the person is mentally ill and evidences substantial risk of serious harm to self or others, which risk of harm is imminent unless the person is immediately restrained.
- B. "Emergency Detention" - an involuntary intervention by a peace officer to take a person into custody under a warrant issued by a judge or a magistrate, or initiated by a peace

officer without a warrant, who apprehends and takes a person into custody on the reason and belief that the person is mentally ill and, because of that mental illness, there is a substantial risk of harm to self or others unless the person is immediately restrained. The person in custody shall be taken to the nearest appropriate mental health facility for a preliminary examination by a physician for mental illness and continued detention. Upon completion of the preliminary examination, the person shall be either subsequently temporarily admitted into a facility for treatment, or released and transported back to the location of the apprehension or other suitable place in the community.

- C. "Order of Protective Custody" - an involuntary intervention under an order issued by a judge of a court that has jurisdiction of a probate court in mental illness, or the court's designated magistrate, which commands a peace officer to take a person into custody and transport the person to a mental health facility as a result of the person presenting a substantial risk of serious harm to self or others, before a hearing can be held on a pending application for court-ordered mental health services.

## **II. GUIDING PRINCIPLES**

- A. Staff will implement involuntary intervention procedures only when necessary and in accordance with rules promulgated by the Texas Department of State Health Services/Department of Aging & Disability Services.
- B. The Center, as the local Mental Health Authority, will be the intervener of last resort for institutional commitment procedures.
- C. The Center will treat persons subject to involuntary interventions in accordance with applicable laws, policies, and operational procedures. The Center's Chief of Staff,

Medical Services will ensure staff compliance with this policy and its procedures.

**REFERENCES/BIBLIOGRAPHY:**

25 Texas Administrative Code Part 2, Chapter 402, Subchapter A and Chapter 404, Subchapter E  
Texas Health and Safety Code, Title 7 – Mental Health & Mental Retardation, Subtitle C  
Texas Mental Health Code, Chapter 573, Subchapter A and Chapter 574, Subchapter(s) A & B

**OFFICE OF PRIMARY RESPONSIBILITY:**

Chief of Staff, Medical Services