



REPORTING MENTAL HEALTH CASES REQUIRED BY HB 3352

The Legislative Committee of the County and District Clerks' Association, with the assistance of the Office of Court Administration, is conducting a short survey to collect information on the status of the implementation of HB 3352 in the state.

As you know, HB 3352, passed during the last legislative session, requires district and county clerks to report case information for the past 20 years for the following types of cases:

- Commitments for temporary or extended inpatient mental health services;
- Acquittals in criminal cases for reasons of insanity or lack of mental responsibility, whether or not the person was ordered to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;
- Commitments of a person determined to have mental retardation for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;
- Adult guardianships; and
- Cases in which a person is found to be incompetent to stand trial under Chapter 46B, Code of Criminal Procedure.

Information collected from this survey will be used to provide the legislative team and policy makers with concrete information about the extent to which the requirements of the bill will be successfully implemented by September 1 and about the difficulties that clerks may be facing in trying to report the required information.

Information about the difficulties you may be facing will also be used to develop a grant proposal to apply for federal funds to assist in the implementation of the NICS Improvement Act.

Please complete the following survey and return it by **July 26, 2010** to Office of Court Administration, Attn: Angela Garcia, PO Box 12066, Austin, TX 78711, fax it to (512) 936-2423, or complete it online at:

<https://www.surveymonkey.com/s/HB3352>

1. Please indicate your clerk region.

Region 1	<input type="radio"/>
Region 2	<input type="radio"/>
Region 3	<input type="radio"/>
Region 4	<input type="radio"/>
Region 5	<input type="radio"/>
Region 6	<input type="radio"/>
Region 7	<input type="radio"/>
Region 8	<input type="radio"/>

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2. Please provide the name of your county.

3. Please indicate your office.

- County
- District
- Combination Clerk

4. Do you have any records to report for the past 20 years?

- Yes.** If yes, please continue to Question 5.
- No.** If no, skip to Question 14.
- Unknown.** If unknown, please skip to Question 10.

5. If you have records to report, approximately how many records do you have to report?

6. If you have records to report, have you started to report these cases to DPS?

- Yes.** If yes, please continue to Question 7.
- No.** If no, please skip to Question 9.

7. Approximately what percentage of these records have you reported to DPS?

If reporting less than 100%, please indicate the percentage and continue to Question 8.

- 10%
- 20%
- 30%
- 40%
- 50%
- 60%
- 70%
- 80%
- 90%
- 100% If reporting 100%, please skip to Question 11.

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8. Because you are reporting less than 100%, please describe the issues you are having and what you need to complete the reporting of these records. Skip to Question 11.

9. If you have records to report but have not started reporting, please explain why you are not reporting these records to DPS. Describe issues you are having and what you need to complete the reporting of these records. Skip to Question 11.

10. If you don't know if you have records to report, what needs to be done to identify records or to determine whether you have any records to report? Continue to Question 11.

11. The vast majority of mental health commitment cases will be reported by clerks in counties that have State Hospitals, as the court(s) in those counties are usually the courts responsible for committing most individuals to inpatient treatment. If you merely accept an application for inpatient mental health services and then forward the application to a county that has a hospital for the other county to re-file or to hear your original filing, then you do not need to report the case as only the committing court has the obligation to report the case. Also, bear in mind that emergency detention warrants and Orders of Protective Custody are not commitments. A commitment is that final order for temporary or extended mental health services that a court orders after a final hearing.

Do you hold "commitment hearings" in your county?

- Yes.** If yes, continue to Question 12.
- No.** If no, continue to Question 13.

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12. Have you contacted the state hospital for records on individuals committed by your county?

Yes

No

13. If you forward applications for commitment to another county, please list that county.

14. Please provide your contact information.

Name: _____

Email: _____

Thank you for completing the survey.

Please return the completed survey by **July 26, 2010**.

Mail to:

Office of Court Administration, Attn: Angela Garcia

PO Box 12066

Austin, TX 78711

Fax to: (512) 936-2423

OR

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