

Application for Emergency Apprehension and Detention
TEX. HEALTH & Safety Code 573.011-.012

NO. _____

IN THE MATTER OF

X
X
X

IN THE JUSTICE COURT
PCT _____ PLACE _____
GRAYSON COUNTY, TEXAS

APPLICATION FOR EMERGENCY APPREHENSION AND DETENTION

Date: _____ Name of Affiant: _____ DOB: _____

Street Address: _____ City: _____ State: Texas Zip: _____

Phone: Home: _____ Cell: _____ Other: _____

Name of whom apprehension and detention are sought: _____ DOB _____

Address: _____

Location where person can be found: _____

Sex: _____ Age: _____ Height: ___ ft. ___ \n. Weight: _____ lbs Race: _____

Hair (color & length): _____ Eye Color: _____

Other identifying information: _____

1. Relationship of Affiant to Person who is to be detained (check one): _____

Stranger Spouse Friend Former Spouse Adult Child

Other (please specify): _____

I have reason to believe and do believe that _____ is mentally ill and that, unless the person is immediately restrained, there is an imminent substantial risk of harm to the person's self or others; said risk of harm being: (describe and specify the harm that probably will occur):

My beliefs are based on the following specific recent behavior, overt acts, attempts or threats: _____

AFFIANT

ISSUED this the _____ day of _____, 20 _____

JUSTICE OF THE PEACE,
PCT GRAYSON COUNTY,
TEXAS

Revised April 2010

**ACKNOWLEDGMENT FOR MENTAL
ILLNESS EMERGENCY DETENTION
APPLICATION**

I, the Applicant, acknowledge the following:

Section 571.020 of the Texas Health & Safety Code provides:

- (a) A person commits an offense if the person intentionally causes, conspires with another to cause, or assist another to cause the unwarranted commitment of a person to a mental health facility.
- (b) A person commits an offense if the person knowingly violates a provision of this Subtitle.
- (c) An individual who commits an offense under this section is subject to conviction to:
 - (1) a fine of not less than \$50.00 or more than \$25,000.00 for each violation and each day of a continuing violation
 - (2) confinement in jail for not more than two years for each violation and each day of a continuing violation; or
 - (3) both fine and confinement

Dated this the _____ day of _____, 20 _____

Applicant

Subscribed and sworn to before me this _____ day of _____, 20 _____

Notary Public/Judge
Grayson County, Texas

WARRANT FOR IMMEDIATE APPREHENSION AND TRANSPORTATION
(Section 28, Texas Mental Health Code)

TO ANY PEACE OFFICER OF GRAYSON COUNTY, TEXAS GREETINGS:

WHEREAS, an application in writing and under oath has been filed with me by _____ and charging that _____ of _____
(Applicant) (Name of Person to Locate) (Age)

(Location where is Located)

Of Grayson County, Texas, evidences of mental illness, and alleging that the person evidences a substantial risk of serious harm to self or others; that the risk of harm is imminent unless the person is immediately restrained; and that the necessary restraint cannot be accomplished with emergency detention and

WHEREAS, this Magistrate finds that there is reasonable cause to believe such allegations and that said person meets all four criteria for detention and Subsection (a) of Section 27 of the Texas Mental Health Code;

THESE ARE, THEREFORE, to command you to immediately apprehend the said

_____ have him/her transported to the TMC/BHC or other Mental Health Facility for a preliminary examination in accordance with the provisions of Subsection (c) of Section 26 of the Texas Mental Health Code.

IT IS FURTHER ORDERED that copies of the Application for Warrant and this Warrant shall be immediately transmitted to said facility.

HEREIN FAIL NOT but of this Writ make due return to the Judge, showing how you have executed the same.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 20 ____

JUSTICE OF THE PEACE, PCT _____
GRAYSON COUNTY, TEXAS

OFFICER'S RETURN

Came to hand the _____ day of _____, 20____, and executed the _____ day of _____, 20____ by apprehending and transporting the above named person to the above named person to the above named facility.

By: _____

SANCTION 30, TEXAS MENTAL HEALTH CODE, REQUIRES THAT THE OFFICER ADVISES EACH PERSON APPREHENDED, WITH OR WITHOUT WARRANT, OF THE FOLLOWING RIGHTS:

- The right to be advised of the location of detention, the reason for his detention, and the fact that his detention could result in a longer period of involuntary commitment;
- The right to contact an attorney of his own choosing with a reasonable opportunity to contact that attorney;
- The right to be transported back to the location of apprehension or his place of residence in the state or other suitable place if not committed for emergency detention, unless he is arrested or objects to the return;
- The right to be released if the head of the facility determines that the four criteria for emergency detention set out in Subsection (a) of Section 27 of this code no longer apply; and
- The right to be advised that communications to a mental health professional may be used in proceedings for further detention. The word suitable controls this section, and for non residents of the County, transportation back to the place of apprehension should be sufficient unless circumstances dictate a more appropriate place within this County.