

Montgomery County to launch pilot program for representing mentally ill

By Jay R. Jordan, jjordan@hcnonline.com Updated 5:52 pm, Tuesday, November 18, 2017



Photo: Jason Fochtman, Staff Photographer

Building profile of the Montgomery County Courthouse Friday, Feb. 2, 2017, in Conroe.

Montgomery County may revamp the way some mentally ill residents are represented in court.

Commissioners on Tuesday approved a pilot program for County Court-at-Law 4, which, among other responsibilities, handles a majority of the county's mental health commitment proceedings. The proceedings usually are brought on by a judge, police officer, parent or guardian who believes a person with mental illness is in need of emergency treatment, according to Assistant Montgomery County Attorney Daniel Plake.

State law dictates any mentally ill person who is being sought for treatment must have a court hearing within 48 hours of detention. That initial hearing allows a judge, usually CCL 4 Judge Mary Ann Turner, to decide whether there is enough probable cause to keep them inside a lockdown facility until an official ruling can be made about their commitment.

In Texas, attorneys are appointed and paid by the state to represent these mentally ill patients in court to fight for their best interests. In Montgomery County, there are currently 15 of these attorneys who are rotated to represent individuals in these cases on a volunteer basis.

While most of them pledge to be available within 48 hours, Montgomery County Court Administration Director Nate Jensen said they might not always be as available as they hoped, meaning some attorneys get bogged down with a high caseload.

"They've had a particular problem getting attorneys," Jensen said. "Person A can't do it, Person B can't do it, Person C is out on vacation, Person D can't make it because they have a sick parent. The idea of the wheel is that you're supposed to appoint Person A, then Person B then Person C. The problem is these attorneys have no ability to see their clients within the 48 hours before the hearing has to take place."

The pilot program instead will have three attorneys sign \$20,000-per-year contracts with the county to help streamline the process. These attorneys would be contractually bound to visit with these clients within the first 48-hour period and help keep a core group of lawyers, including those with the County Attorney's Office and Turner, attached to the cases.

Although the cases have a quick turnaround, they require an expertise and "niche" from the attorneys because of how complex they can become, Jensen said.

Jensen said he's working closely with the County Attorney's Office to draft the contracts while Turner and her court staff will start recruiting lawyers to apply for the positions. She ultimately will decide which lawyers will take the three spots, although the contracts first must be approved by commissioners.

Officials hope to have the pilot program up and running by the new year.