

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

**THE STATE OF TEXAS** § **IN THE PROBATE COURT**  
**For the Best Interest and Protection of** § **OF**  
**\_\_\_\_\_** § **HAYS COUNTY, TEXAS**  
**THE PROPOSED PATIENT**

**MOTION FOR AN ORDER OF PROTECTIVE CUSTODY**

Now comes the \_\_\_\_\_ by and through \_\_\_\_\_, hereafter called "Movant", and files this Motion for an Order of Protective Custody, accompanied by a Certificate of Medical Examination for Mental Illness, sworn to by a physician who has examined the person who is the subject of this Motion within three days of its filing, and, as grounds for said Motion, would state to the Court as follows:

1. That there is pending in this Court a sworn Application for Court-Ordered Mental Illness Services for \_\_\_\_\_, hereinafter called "Proposed Patient", in which the applicant alleged that the Proposed Patient is Mentally Ill and meets the criteria for Court-Ordered Mental Illness Services.
2. That, within the accompanying Certificate, a certifying physician has stated detailed basis for his opinions that the Proposed Patient is Mentally Ill and presents a substantial risk of serious harm to self or others if not immediately restrained.
3. That upon the sworn representations of the applicant and the certifying physician, both of whom being credible persons, as well as upon the basis of the conduct of the Proposed Patient or the circumstances under which he/she was found, Movant has reason to believe and does believe that the Proposed Patient meets the criteria set forth in Section 574.022 of the Texas Health & Safety Code, namely that the Proposed Patient is Mentally Ill and presents a substantial risk of serious harm to self or others if not immediately restrained pending the hearing on probable cause.
4. That if deemed necessary by the Court, it may take further evidence; otherwise, Movant would respectfully show the Court that, upon the basis of the information of the Application and Certificate, it may fairly determine and conclude that a physician has stated his opinion and the detailed basis for his opinion that the Proposed Patient is Mentally Ill, that the Proposed Patient presents a substantial risk of serious harm to self or others if not immediately restrained pending the hearing, and that the conclusions and beliefs of the applicant, certifying physician, and Movant are adequately supported by the information presented.

**WHEREFORE**, Movant prays that the Court issue an Order of Protective Custody directing a peace officer or other designated person to take the Proposed Patient into protective custody and immediately transport such person to an appropriate in-patient Mental Health facility

deemed suitable by the County's Mental Health Authority, and to their legally detain the Proposed Patient pending Probable Cause Hearing.

Signed and dated \_\_\_\_\_.

Respectfully submitted,

BY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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