



DALLAS COUNTY  
JOHN CREUZOT  
DISTRICT ATTORNEY  
CIVIL DIVISION

**RECEIVED**

By Opinion Committee at 4:07 pm, Nov 14, 2023

**RQ-0521-KP**

November 10, 2023

Office of the Attorney General  
Attn: Opinion Committee  
P.O. Box 12548  
Austin, TX 78711-2548  
Via Email: [opinion.committee@oag.texas.gov](mailto:opinion.committee@oag.texas.gov)

*RE: Request for Attorney General Opinion regarding: 1) whether Texas Health and Safety Code Section 571.018 requires that a treating hospital or mental health facility, who is not a party to the suit, pay filing fees at the time of filing an Application?; 2) whether section 571.018(i) vests Dallas County with exclusive authority to determine whether a person, as defined in Section 571.018, has to pay costs associated with a hearing or proceeding (including filing fees), including a treating facility that files an Application (and is this a condition precedent). And, if authorized to make this determination, can Dallas County require a treating mental health facility or hospital that filed an Application pay the costs associated with the hearing or proceeding, including the filing fee, if they are not a party to the action?; and 3) does Section 571.018(h) create a requirement that filing fees be paid by a treating facility when it files an Application? And, does Section 571.018(h) authorization allowing the County, at its discretion, to pay filing fees, require actual payment of filing fees?*

Dear Opinion Committee:

The Dallas County District Attorney's Office requests your formal opinion regarding three (3) questions (including subcategories) pertaining to civil mental health applications filing fees and costs.

**FACTUAL BACKGROUND**

In Dallas County, an Application for Court Ordered Temporary Mental Health Services ("Application") is often filed by a hospital. Pursuant to Texas Health and Safety Code, 571.018(h), the County may choose to pay the filing fee for a patient committed to a private mental hospital. Additionally, under 571.018(i), the County may require a person other than a patient to pay the filing fee if the County determines: 1) the costs relate to services provided or to be provided in a private mental hospital; or 2) the person charged with the costs is a person or estate liable for the patient's support in a department mental health facility.

On or about September 1, 2023, the Presiding Judge of Probate Court No. 3—the designated mental health court for Dallas County—informed the County Clerk that all applications for an order of protective custody<sup>1</sup> must either: 1) be accompanied by an Affidavit of Inability to Pay ("AIP"); or

<sup>1</sup> For clarity, there is an Application for Court Ordered Temporary Mental Health Services. There is not an application for an order of protective custody ("OPC"). The Court can, however, on its own motion or on a motion by the County or District Attorney, review the Application to see if the proposed patient is a danger to self or others. If so, the court can issue an OPC.

2) the hospital serving as a mental health facility must pay the filing fee. On September 1, 2023, the Judge sent a letter to the Dallas County Clerk informing him that her Administrative Order (2023-001) was effective the same day (the letter and order is attached as Exhibit A). *See* Exhibit A, pg. 1. Thus, there is a dispute concerning whether filing fees must be paid by a treating facility when an Application is filed and whether the County is vested with the authority to determine who pays the filing fees under 571.018(i). Further, the argument has been put forward that Section 571.018(h) of the Texas Health and Safety Code requires treating facilities pay filing fees when an Application has been filed.

### **STATUTORY BACKGROUND**

Section 571.018 of the Texas Health and Safety Code states, in relevant part:

(h) The state or a county may not pay any costs for a patient committed to a private mental hospital, other than a filing fee or other cost associated with a hearing or proceeding under this subtitle, unless:

- (1) a public facility is not available; and
- (2) the commissioners court of the county authorizes the payment, if appropriate.

(i) The county may not require a person other than the patient to pay any costs associated with a hearing or proceeding under this subtitle, including a filing fee or other court costs imposed under Chapter 118, Local Government Code, Chapter 51, Government Code, or other law, unless the county first determines that:

- (1) the costs relate to services provided or to be provided in a private mental hospital; or
- (2) the person charged with the costs is a person or estate liable for the patient's support in a department mental health facility.

(j) The judge of a court conducting a hearing or proceeding under this subtitle shall order the clerk of the court to refund court costs paid or advanced for a person by an inpatient mental health facility as defined under Section 571.003(9)(A), (B), (D), or (E) on the filing of an affidavit with the clerk of the court certifying that:

- (1) the facility has received no compensation or reimbursement for the treatment of the person;
- (2) the facility provided treatment for the person under a contract with a local mental health authority; or
- (3) the facility provided treatment for the person and only received reimbursement under Medicaid.

### **ANALYSIS**

At issue in this matter are fees and costs in civil mental health commitment cases, which are filed in the name of, and by, the State of Texas because individuals that are committed and/or held against their will under an OPC are deemed by a psychiatrist to be a danger to themselves, others, or both.

TEX. HEALTH & SAFETY CODE § 574.009(a), 574.106(a-1)(2(A) and 574.1065. Texas Government Code, Section 135.102 provides:

A person shall pay in a statutory county court, statutory probate court, or county court in addition to all other fees and court costs a fee of:

- (1) \$223 on filing any probate, guardianship, or mental health case; and
- (2) \$75 on any action other than an original action for a case subject to Subdivision (1), including an adverse probate action, contest, or suit in a probate court, other than the filing of a claim against an estate, in which the movant or applicant filing the intervention pleading seeks any affirmative relief.

TEX. GOV'T CODE § 135.102. Section 571.018 of the Texas Health and Safety Code, titled "Costs," sets forth who will bear the costs for a hearing or proceeding in mental health commitment cases, stating:

(a) The costs for a hearing or proceeding under this subtitle shall be paid by:

- (1) the county in which emergency detention procedures are initiated under Subchapter A or B, Chapter 573; or
- (2) if no emergency detention procedures are initiated, the county that accepts an application for court-ordered mental health services, issues an order for protective custody, or issues an order for temporary mental health services.

TEX. HEALTH & SAFETY CODE § 571.018(a)(1)-(2). Further, Section 571.018(b) states:

(b) The county responsible for the costs of a hearing or proceeding under Subsection (a) shall pay the costs of all subsequent hearings or proceedings for that person under this subtitle until the person is discharged from mental health services. The costs shall be billed by the clerk of the court conducting the hearings.

*Id.* § 571.018(b). However, the Texas legislature also enacted the following costs provisions:

- Section 571.018(h) concerning when the County, at its discretion, can choose to pay costs for a person committed to a private mental hospital.
- Section 571.018(i) concerning when the County, at its discretion, can require a person (defined in the statute) pay the costs and under what circumstances.

First, Section 571.018(h), recently amended by House Bill (HB) 4085, states:

(h) The state or a county may not pay any costs for a patient committed to a private mental hospital, other than a filing fee or other cost associated with a hearing or proceeding under this subtitle, unless:

- (1) a public facility is not available; and
- (2) the commissioners court of the county authorizes the payment, if appropriate.

Under 571.018(h), a county may pay the filing fees and other costs associated with a hearing or proceeding for “a patient committed to a private mental hospital.” Additionally, a county may pay costs for “a patient committed to a private mental hospital,” if a “public facility” is not available and the commissioners court authorizes the payment. Per Section 311.016 of the Texas Code Construction Act, “may” means “discretionary authority or grants permission or a power.” TEX. GOV'T CODE § 311.016(1). Thus, the authority to pay costs for a person committed to a private mental hospital under 571.018(h) is discretionary. Further, “private mental hospital” is defined as “a mental hospital operated by a person or political subdivision.” TEX. HEALTH & SAFETY CODE § 571.003(20). A “Political subdivision,” is defined as “includ[ing] a county, municipality, or hospital district in this state but does not include a department, board, or agency of the state that has statewide authority and responsibility.” *Id.* at 571.002(19). A “person” is defined to include “an individual, firm, partnership, joint-stock company, joint venture, association, and corporation.” *Id.* at 571.003(17). And, a “mental hospital” is one operated primarily to provide inpatient care and treatment for persons with mental illness or operated by a federal agency to provide inpatient care and treatment for persons with mental illness. *Id.* §§ 571.003(13), (20). Chapter 571 does not define “public facility.” Notably, section 571.002(h) applies after the commitment stage, i.e., “a patient committed to a private mental hospital.” Thus, Section 571.018(h) prohibits a county from paying the costs for a person committed to a private mental hospital unless the statutory requirements are satisfied; however, the county has the discretion to pay the filing fees and costs associated with the hearing or proceeding for “a patient committed to a private mental hospital.” This provision appears to allow a county, at its discretion, to reimburse certain costs, post commitment; thereby, it cannot be interpreted to require the payment of filing fees by a private hospital or treating facility upon filing an Application.<sup>2</sup> This interpretation is further supported by the Fifth District Court of Appeals opinion *In re Green*, wherein a private mental health facility challenged a judgment issued by a Dallas County probate judge who ordered filing fees and proceeding costs be assessed against Green Oaks. *In re Green Oaks Hosp. Subsidiary, L.P.*, 297 S.W.3d 452, 455-457 (Tex. App.—Dallas 2009, no pet.). In construing the prior version of 571.018(h), the court noted:

They rely on various provisions of the health and safety code that concern assessment of costs in mental health cases. The first provision relied on is a provision that prohibits the State or County from paying costs for commitments to private facilities. Under section 571.018(h) of the health and safety code, a County may not pay any costs for a patient committed to a private mental hospital unless (1) a public facility is not available, and (2) the commissioners court of the county authorizes the payment, if appropriate. See Tex. Health & Safety Code Ann . § 571.018(h). The primary gist of this argument is that, since the County cannot be required to pay attorney fees and court costs, Green Oaks can. Regardless of what section 571.018 says about the County's obligation to pay, it does not speak to a private hospital's liability for such costs. Thus, section 571.018 does not impose liability on Green Oaks. Moreover, even if it did, it certainly does not allow the trial court to enter judgment against a nonparty over which it has no jurisdiction.

*Id.* at 456 (internal citations omitted).

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<sup>2</sup> Unlike Section 571.018(i) which concerns “require[ing]” the payment costs, including filing fees, associated with “a hearing or proceeding,” Section 571.018(h) appears more specific in its application, because of the condition that the costs be “. . . for patient[s] committed to a private mental hospital.”

Second, Texas Health and Safety Code Section 571.018(i) states:

(i) The county may *not* require a person other than the patient to pay any costs associated with a hearing or proceeding under this subtitle, ***including a filing fee or other court costs imposed*** under Chapter 118, Local Government Code, Chapter 51, Government Code, *or other law*, unless the county first determines that:

- (1) the costs relate to services provided or to be provided in a private mental hospital; or
- (2) the person charged with the costs is a person or estate liable for the patient's support in a department mental health facility

*Id.* § 571.018(i) (emphasis added). The same definitions of “private mental hospital,” “political subdivision,” “patient,” and “person,” as set forth *supra*, applies. *Id.* at 571.003(13), (16)-(20). The statute does not define “hearing.” “Hearing” is defined by Black’s Law Dictionary as “a judicial session, usually open to the public, held for the purpose of deciding issues of fact or of law, sometimes with witnesses testifying.” *Black’s Law Dictionary* (11<sup>th</sup> ed. 2019). “Proceeding” is defined as “[t]he regular and orderly progression of a lawsuit, including all acts and events between the time of commencement and the entry of judgment.” *Id.* Unlike Section 571.018(h), however, the costs at issue under 571.018(i) appear to be at the pre-commitment stage. This is further supported by the fact that the costs under Texas Local Government Code Section 135.102 are included in the costs that the County can require a person to pay or not pay under 571.018(i), i.e., “other law.” TEX. HEALTH & SAFETY CODE § 571.018(i). And, it is also supported by the fact that 571.018(i) specifically incorporates “filing fees” as the cost that the county may require a person to pay. *Id.* Thus, Section § 571.018(i) authorizes a county to determine the “person” who will pay costs, including filing fees, associated with a mental health hearing or proceeding. As noted previously, “person” is defined to include “an individual, firm, partnership, joint-stock company, joint venture, association, and corporation.” *Id.* at 571.003(17). However, a county may not require someone other than the patient pay court costs in a hearing or proceeding, “including a filing fee or other court costs,” without first determining that the costs related to services provided or to be provided in a “private mental hospital” or to a person or estate liable for the patient’s support in a department mental health facility. *Id.* § 571.018(i). Notably, Section 571.018 delineates what authority is vested with the court and what authority is vested with the County. *Id.* § 571.018(h)(i), *compare* 571.018(j).

In construing a statute, “. . . a court shall diligently attempt to ascertain legislative intent and shall consider at all times the old law, the evil, and the remedy.” TEXAS GOV’T CODE § 312.005. In discerning legislative intent:

1. an unambiguous statute is interpreted according to the plain meaning of the words contained in the statute, *see Id.* at § 312.002(a); *see TGS-NOPEC Geophysical Co. v. Combs*, 340 S.W.3d 432, 439 (Tex. 2011); *State ex rel. State Dep’t of Highways & Pub. Transp. v. Gonzalez*, 82 S.W.3d 322, 327 (Tex. 2000); *Fitzgerald v. Advanced Spine Fixation Sys., Inc.*, 996 S.W.2d 864, 865 (Tex. 1999);
2. words are . . . given their ordinary meaning,” *see TGS-NOPEC*, 340 S.W.3d at 439; *Gonzalez*, 82 S.W.3d at 327; *Fitzgerald*, 996 S.W.2d at 865;

3. the court “presume[s] the Legislature included each word in the statute for a purpose,” *see Eddins-Walcher Butane Co. v. Calvert*, 156 Tex. 587, 298 S.W.2d 93, 96 (1957); and
4. the court presumes “that words not included were purposefully omitted,” *see Cameron v. Terrell & Garrett, Inc.*, 618 S.W.2d 535, 540 (Tex. 1981).

In other words, “[w]here text is clear, text is determinative of...[legislative] intent.” *Entergy Gulf States, Inc. v. Summers*, 282 S.W.3d 433, 437 (Tex. 2009) (op. on reh’g); *see Alex Sheshunoff Mgmt. Servs., L.P. v. Johnson*, 209 S.W.3d 644, 651-52 (Tex. 2006); *State v. Shumake*, 199 S.W.3d 279, 284 (Tex. 2006) (“... when possible, we discern [legislative intent] from the plain meaning of the words chosen.”). Here, the text grants a county specific authority to decide who is required to pay the costs associated with a hearing or proceeding, including filing fees. A county can require the costs under Texas Local Government Code Section 135.102, be paid by: 1) a patient; or 2) another “person:” i) if the county determines the costs relate to services provided or to be provided in a “private mental hospital” or ii) the person charged with the costs is a person or estate liable for the patient’s support. Unless a county requires the payment of Texas Local Government Code Section 135.102 filing fees pursuant to its authority under 571.018(i), there is no authority to charge such costs to others. In construing Section 118.055 of the Texas Local Government Code, which has since been repealed, the Fifth District Court of Appeals in *In re Green Oaks* noted:

Section 118.055 requires the person executing the application for mental health services to pay the filing fee, which includes mental health commitment costs, if the commitment concerns services provided or to be provided in a private facility. TEX. LOCAL GOV'T CODE ANN. § 118.055(c) (Vernon 2008). Section 118.055 concerns filing fees paid at the time an action is filed. The consequence of refusing to pay such a filing fee would be the clerk’s refusal to file the application. The provision does not provide a mechanism for entering a judgment against a nonparty. Moreover, most of the applications in this case were not filed by Green Oaks or even employees of Green Oaks. **Further, as we construe section 118.055(c), we believe it only requires the applicant to pay costs if the applicant specifically requests placement in a private facility. The applications before us did not request placement at Green Oaks. We conclude section 118.055 does not impose liability upon Green Oaks.**

*In re Green Oaks Hosp.*, 297 S.W.3d at 457. Likewise, here, Section 571.018(i) sets out a condition precedent to the payment of costs, including filing fees by a person other than the patient (including the fees under Texas Local Government Code Section 135.102), i.e.:

- a requirement that “the county first determines:”
  - the costs relate to *services provided or to be provided* in a private mental hospital; or
  - the person charged with the costs is a person or estate liable for the patient’s support in a department mental health facility.

Without a determination by the county that the costs relate to *services provided or to be provided* in a private mental hospital or that the person or estate charged with the costs is liable for the patient’s support, there can be no such imposition of costs, including 135.102 filing fees, on anyone other

than the patient. Further, other statutes may exempt payment of filing fees for certain institutions. *See, e.g.*, TEX. CIV. PRAC. & REM. CODE § 6.001; Tex. Att'y Gen. Op. No. DM-459 (1997)(“ Section 6.001 of the Civil Practice and Remedies Code exempts the state from paying security for court costs, such as filing fees and fees for service of process.”).

Notably, *In re Green Oaks*, the Dallas Court of Appeals also held that even though Green Oaks was the “applicant” on an application for an order for protective custody in a mental illness proceeding, it was not a “party” to the proceeding. The court held that the trial court did not have personal jurisdiction over Green Oaks and could not enter a judgment against an entity for whom the court did not acquire personal jurisdiction. The court explained:

... real parties rely on rule of civil procedure 141 as authority for assessing costs against Green Oaks. Rule 141 allows a trial court, for good cause, to adjudge costs otherwise than as provided by law or these rules. We cannot agree that rule 141 gives a trial court authority to enter a judgment against entities over which it has no jurisdiction. Instead, rule 141 merely allows a court to impose costs against parties that are actually before it in a manner different than as otherwise provided by the rules.

*Id.* 297 S.W.3d at, 457 (internal quotations and citations omitted).<sup>3</sup>

#### **QUESTIONS PRESENTED:**

**Question 1:** Does Texas Health and Safety Code Section 571.018 require that a treating hospital or mental health facility, who is not a party to the suit, pay filing fees at the time of filing an Application? If so, based on the definition of “private mental hospital,” and the incorporated definition of “mental hospital,” are all hospital facilities that file an Application required to pay filing fees under Texas Health and Safety Code Section 571.018? Specifically, are general care hospitals or hospital districts (such as Parkland), which are not operated by a federal agency and which provide a plethora of services and do not operate to primarily treat mental illness, required to pay filing fees when an Application is filed?

**Question 2:** Does Section 571.018(i) vests Dallas County with exclusive authority to determine whether a person, as defined in Section 571.018, will be required to pay costs associated with a hearing or proceeding (including filing fees), including a treating facility that files an Application? Is a determination by Dallas County, under 571.018(i), that a treating hospital or mental facility (i.e., a “person,”) must pay costs associated with a mental health hearing or proceeding, including filing fees, a condition precedent to requiring or collecting such costs from a treating facility that files an Application? That is, if a treating facility files an Application, can the facility be required to pay the Texas Local Government Code Section 135.102 filing fees at the time the Application is filed if the county does not require it under 571.018(i)? Also, if a treating facility files an Application, can it be

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<sup>3</sup> *In re Green Oaks*, the real parties in interest also argued that 571.018(j) “‘indirectly appears to authorize’ assessment of costs against mental health facilities.” The Fifth District Court of Appeals disagreed, holding:

this section merely recognizes that a private facility may well choose to pay or “advance” such fees when seeking to have patients admitted to its care. If it does so, subsection (j) allows it to seek reimbursement from the County under limited circumstances. It does not impose liability.

required to pay filing fees, by the county or a court, at the time the Application is filed, even though the case is in the name of the State of Texas and the treating facility is not a party to the case? Finally, if treating facilities that file Applications are required to pay a filing fee, are State and county hospitals required to pay such filing fees pursuant to 571.108 and Tex. Civ. Prac. & Rem. Code § 6.001?

*Question 3:* Does Section 571.018(h) require the payment of a filing fee by a treating facility that files an Application, at the time the Application is filed? If Dallas County, at its discretion, chose to pay filing fees under 571.018(h), would the filing fee have to be paid by the County at the time of the Application? And, if a county chooses to pay the filing fee under 571.018(h), does it actually have to pay the filing fee to the clerk or can it waive or write-off the filing fee?

I appreciate your attention to and consideration of these questions.

Respectfully,



John Creuzot

District Attorney

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Dallas County, Texas 75202

Phone: (214) 653-3600

Fax: (214) 653-5774

cc: Barbara Nicholas, Chief, Civil Division, Dallas County Assistant District Attorney



# EXHIBIT A

<p>ADMINISTRATIVE ORDER</p>  <p>2023-001</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>IN THE PROBATE COURT</p>  <p>NUMBER THREE IN AND FOR</p>  <p>DALLAS COUNTY, TEXAS</p>
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**ADMINISTRATIVE ORDER REGARDING**  
**DALLAS COUNTY MENTAL ILLNESS FILING FEES**

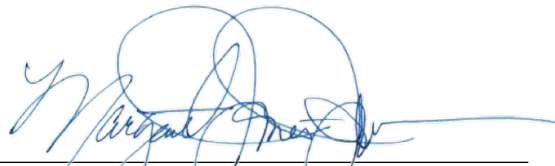
The Court finds that the 88<sup>th</sup> legislative session resulted in enactment of several laws, including and not limited to **House Bill 4085** amend of Sections 571.018(h) and (j), of the Texas Health and Safety Code to provide for the payment of filing fees by inpatient mental health facilities as follows:

Effective September 1, 2023, filing fees in the amount of \$360.00 shall be paid at the time of filing of an Application for Temporary Court-Ordered Temporary Mental Health Services by all mental health facilities, subject to a reimbursement of said fees upon the filing of an Affidavit certifying that the facility received no compensation or reimbursement for the treatment of the person, the facility provided treatment for the person under a contract with a mental health authority, or the facility provided treatment for the person and only received reimbursement under Medicaid. Upon receipt of said Affidavit, the judge of the court is to order the clerk of the court to refund costs paid or advanced for a person by an inpatient mental health facility as defined under Section 571.003(9)(A) of the Health & Safety Code.

The documentation required to be filed at the time the Application for Temporary Court-Ordered Mental Health Services is as follows:

1. Detention Document: Voluntary admission, Warrant – MIW or JP Warrant, Law enforcement - APPOW, Emergency Detention;
2. Filing Fee Receipt
3. Affidavit of Inability to Pay and/or Affidavit of hospital/mental health facility; certifying No Non-Medicaid compensation or reimbursement for Treatment of mental health services;
4. North Texas Behavioral Health Authority NTBHA, Single Port Authority, SPA Letter aka Bed letter;
5. Application for Court-Ordered Temporary Mental Health Services; and
6. Physician’s Certificate of Medical Examination & Addendum.

SIGNED this 1st day of September 2023.


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**JUDGE PRESIDING**

(a) The **costs for a hearing or proceeding under this subtitle shall be paid by:**

(1) the county in which **emergency detention procedures** are initiated under Subchapter A or B, 1 Chapter 573; or

(2) if no emergency detention procedures are initiated, **the county that accepts an application for court-ordered mental health services, issues an order for protective custody, or issues an order for temporary mental health services.**

(b) The **county responsible for the costs of a hearing or proceeding under Subsection (a) shall pay the costs of all subsequent hearings or proceedings for that person under this subtitle until the person is discharged from mental health services.** The county may not pay the costs from any fees collected under [Section 51.704, Government Code](#). The costs shall be billed by the clerk of the court conducting the hearings.

(c) Costs under this section include:

(1) attorney's fees;

(2) physician examination fees;

(3) compensation for court-appointed personnel listed under [Section 571.017](#);

(4) expenses of transportation to a mental health facility or to a federal agency not to exceed \$50 if transporting within the same county and not to exceed the reasonable cost of transportation if transporting between counties;

(5) costs and salary supplements authorized under [Sections 574.031\(i\)](#) and [\(j\)](#); and

(6) prosecutor's fees authorized under [Section 574.031\(k\)](#).

(d) A county is entitled to reimbursement for costs actually paid by the county from:

(1) the patient; or

(2) a person or estate liable for the patient's support in a department mental health facility.

(e) The state shall pay the cost of transporting a discharged or furloughed patient to the patient's home or of returning a patient absent without authority unless the patient or someone responsible for the patient is able to pay the costs.

(f) A proposed patient's county of residence shall pay the court-approved expenses incurred under [Section 574.010](#) if ordered by the court under that section.

(g) A judge who holds hearings at locations other than the county courthouse is entitled to additional compensation as provided by [Sections 574.031\(h\)](#) and [\(i\)](#).

(h) **The state or a county may not pay any costs for a patient committed to a private mental hospital , other than a filing fee or other cost associated with a hearing or proceeding under the Texas Mental Health Code.**

(1) a public facility is not available; and

(2) the commissioners court of the county authorizes the payment, if appropriate.

(i) The county may not require a person other than the patient to pay any costs associated with a hearing or proceeding under this subtitle, including a filing fee or other court costs imposed under Chapter 118, Local Government Code, Chapter 51, Government Code, or other law, unless the county first determines that:

(1) the costs relate to services provided or to be provided in a private mental hospital; or

(2) the person charged with the costs is a person or estate liable for the patient's support in a department mental health facility.

(j) **The judge of a court conducting a mental health hearing or proceeding must order the clerk to refund court costs paid or advanced for a person by an inpatient mental health facility as defined under Section 571.003(9)(A), (B), (D) or (E) on the filing of an affidavit certifying that:**

**The facility has received no compensation or reimbursement for the treatment of the person;**

**The facility provided treatment for the person under a contract with a local mental health authority; or**

**The facility provided treatment for the person and only received reimbursement under Medicaid.**

***NOTE: The bill analysis states that this bill seeks to alleviate the financial burden on private mental health facilities by expanding the circumstances under which a county is required to reimburse a private mental health facility for court costs.***



Margaret Jones-Johnson  
Presiding Judge  
Probate Court No. Three

September 1, 2023

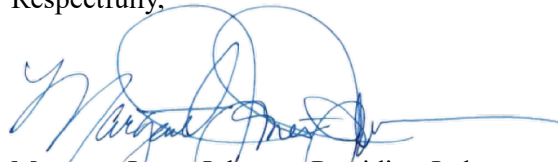
Dallas County Clerk, John Warren  
500 Elm Street, Suite 2100  
Dallas, TX 75202

***Re: Required Documentation for Applications for Mental Health  
Services effective September 1, 2023***

Dear Mr. Warren,

Please find enclosed Dallas County Mental Illness Court Administrative Order 2023-001. The Order is effective as of September 1, 2023, and it pertains to ALL Applications for Mental Health Services pursuant to Health and Safety Code Chapter 571.018(a) (b) and **House Bill 4085** amendment of Sections 571.018(h) and (j), with respect to reimbursement of fees associated with the filings of “committed” patients. A facility is ONLY entitled to reimbursement for fees of a “committed” patient. A patient is only “committed” pursuant to a hearing AND entry of an Order for Commitment. Reimbursement logically follows a payment at the time of filing the Application and the subsequent entry of the Order for Commitment. Webster defines reimbursement as to pay back to someone. Hence, we cannot Order reimbursement of a fee/costs that have not been paid. I believe this to be an accurate analysis and interpretation of the applicable law and by copy of this letter, I am requesting an opinion by the Texas Attorney General’s Office of this issue.

Respectfully,



Margaret Jones-Johnson, Presiding Judge  
Dallas County Probate Court No. 3

CC: Texas Supreme Court, Texas Attorney General’s Office, Presiding Judge of the Texas Statutory Probate Courts, Honorable Guy Herman; Dallas County Presiding Magistrate, Steven Autry; North Texas Behavioral Health Authority, NTBHA; Dallas County Public Defender, Lynn Richardson; Dallas County Justice of the Peace, Valencia Nash; Dallas County District Attorney, John Cruzot; Dallas County Administration; Texas Office of Court Administration; Dallas Behavioral Hospital; Texas Health Presbyterian- Dallas; Glen Oaks Hospital; Terrell State Hospital; Medical City Green Oaks Hospital; Texoma Behavioral; Hickory Trail Hospital; VA North Texas Medical Center; Medical City McKinney; Wellbridge Healthcare of Greater Dallas; Methodist Richardson Medical Center; William P. Clements University Hospital; Parkland Health & Hospital System; Haven Behavioral Hospital of Frisco; Baylor Dallas ER; Baylor Rowlett ER; Baylor Irving ER; Methodist Dallas Medical Center; Methodist Charlton Medical Center; City White Rock Lake; Dallas Regional Medical Center; Baylor Lakepoint; Behavioral Health Connections; and Perimeter Behavioral Hospital of Dallas.