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Texas Statutes & Codes Annotated by LexisNexis(R)
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Health and Safety Code
Title 7 Mental Health and Intellectual Disability
Subtitle C Texas Mental Health Code
Chapter 571 General Provisions

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Tex. Health & Safety Code § 571.018 (2016)

Sec. 571.018. Costs.

(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.

(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.

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(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 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) When an inpatient mental health facility as defined under Section 571.003(9)(B) or (E) files an affidavit with the clerk of the court certifying that it has received no compensation or reimbursement for the treatment of a person for whom court costs have been paid or advanced, the judge of the probate court shall order the clerk of the court to refund the costs.

HISTORY: Enacted by Acts 1991, 72nd Leg., ch. 76 (H.B. 902), § 1, effective September 1, 1991; am. Acts 1993, 73rd Leg., ch. 107 (H.B. 947), § 6.44, effective August 30, 1993; am. Acts 1993, 73rd Leg., ch. 174 (H.B. 1596), § 1, effective August 30, 1993; am. Acts 1995, 74th Leg., ch. 770 (S.B. 572), § 3, effective June 16, 1995; am. Acts 1997, 75th Leg., ch. 1354 (H.B. 591), § 2, effective September 1, 1997; am. Acts 1999, 76th Leg., ch. 527 (S.B. 153), § 1, effective June 18, 1999; am. Acts 1999, 76th Leg., ch. 1512 (S.B. 539), § 1, effective September 1, 1999; am. Acts 2015, 84th Leg., ch. 723 (H.B. 1329), § 1, effective September 1, 2015.

LexisNexis (R) Notes:

CASE NOTES

1. Trial court had no personal jurisdiction over a private mental health facility and therefore had no jurisdiction to render a judgment for costs against it where the facility was not a party to the State's involuntary commitment proceedings because the facility was not served with process, was not represented by counsel, and did not otherwise appear. The reviewing court specifically found that: (1) because Tex. Health & Safety Code Ann. § 571.018 did not speak to a private hospital's liability for attorney fees and court costs, § 571.018 did not impose liability on the facility; (2) even if § 571.018 did impose liability, it did not allow the trial court to enter judgment against a nonparty over which it had no jurisdiction; (3) Tex. Loc. Gov't Code Ann. § 118.055 did not impose liability upon the facility because § 118.055(c) only required the applicant to pay costs if the applicant specifically requested placement in a private facility, and the applications at issue did not request placement at the facility; and (4) Tex. R. Civ. P. 141 did not give the trial court authority to enter a judgment against an entity over which it had no jurisdiction. *In re Green Oaks Hosp. Subsidiary, L.P.*, 297 S.W.3d 452, 2009 Tex. App. LEXIS 7082 (Tex. App. Dallas 2009, no pet.)

2. Regardless of what Tex. Health & Safety Code Ann. § 571.018 says about a county's obligation to pay attorney fees and court costs, it does not speak to a private hospital's liability for such costs. *In re Green Oaks Hosp. Subsidiary, L.P.*, 297 S.W.3d 452, 2009 Tex. App. LEXIS 7082 (Tex. App. Dallas 2009, no pet.)

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3. Trial court had no personal jurisdiction over a private mental health facility and therefore had no jurisdiction to render a judgment for costs against it where the facility was not a party to the State's involuntary commitment proceedings because the facility was not served with process, was not represented by counsel, and did not otherwise appear. The reviewing court specifically found that: (1) because Tex. Health & Safety Code Ann. § 571.018 did not speak to a private hospital's liability for attorney fees and court costs, § 571.018 did not impose liability on the facility; (2) even if § 571.018 did impose liability, it did not allow the trial court to enter judgment against a nonparty over which it had no jurisdiction; (3) Tex. Loc. Gov't Code Ann. § 118.055 did not impose liability upon the facility because § 118.055(c) only required the applicant to pay costs if the applicant specifically requested placement in a private facility, and the applications at issue did not request placement at the facility; and (4) Tex. R. Civ. P. 141 did not give the trial court authority to enter a judgment against an entity over which it had no jurisdiction. *In re Green Oaks Hosp. Subsidiary, L.P.*, 297 S.W.3d 452, 2009 Tex. App. LEXIS 7082 (Tex. App. Dallas 2009, no pet.)

4. Regardless of what Tex. Health & Safety Code Ann. § 571.018 says about a county's obligation to pay attorney fees and court costs, it does not speak to a private hospital's liability for such costs. *In re Green Oaks Hosp. Subsidiary, L.P.*, 297 S.W.3d 452, 2009 Tex. App. LEXIS 7082 (Tex. App. Dallas 2009, no pet.)

OPINIONS OF ATTORNEY GENERAL

Collection of Reimbursements.

1. The county clerk does not have a statutory duty to collect the reimbursements to which a county may be entitled for mental health services proceeding costs actually paid by the county, but the commissioners court may delegate that responsibility to an appropriate county official. *Tex. Op. Att'y Gen. JC-0102 (1999)*.

Costs.

2. Section 571.018(b) of the Health and Safety Code requires the clerk of the court in which a mental health services proceeding is held to bill the costs of the proceeding to the county that is responsible for paying those costs. The county clerk has a duty to collect from the responsible county the costs listed under section 571.018 of the Health and Safety Code. *Tex. Op. Att'y Gen. JC-0222 (2000)*.

Document Preparation Fees.

3. A county that is responsible for paying the costs associated with a patient at a hospital cannot be charged a separate fee for document preparation. Such costs are included within the "prosecutor's fees." *Tex. Op. Att'y Gen. JC-0364 (2001)*.

Salary Supplement.

4. Sections 571.018(c)(5) and 574.031(i) of the Health and Safety Code authorize a commissioners court to set a court cost to pay a salary supplement to a judge who holds hearings at locations other than the county courthouse. Section 571.018(g) directs that a judge who holds hearings at locations other than the county courthouse is entitled to receive a salary supplement as provided by section 574.031(i) as additional compensation. A commissioners court that has set a salary supplement court cost may not withhold the salary supplement from a judge who holds hearings at locations other than the county courthouse or reduce the judge's salary in an amount equal to the salary supplement. *Tex. Op. Att'y Gen. GA-0244 (2004)*.

TREATISES & ANALYTICAL MATERIALS

Tex. Health & Safety Code § 571.018

1. 2-22 Dorsaneo, Texas Litigation Guide § 22.200, Pretrial Practice (Chs. 1-114), General Claims for Relief (Chs. 20-22), Texas Statutes and Rules, Dorsaneo, Texas Litigation Guide.