

TEXAS CIVIL COMMITMENT OFFICE



NUMBER: 3.11
EFFECTIVE: 03/14/2016
SUPERCEDES: None

POLICY AND PROCEDURE

SUBJECT: BIENNIAL REVIEW

PURPOSE: Pursuant to Section 841.101 of the Texas Health and Safety Code, a committed person is entitled to a biennial examination. To establish the process to schedule, coordinate and file a client's biennial review with the court of commitment.

DEFINITIONS:

"Biennial Examination" is a clinical examination performed once every two years to determine whether a client's behavior abnormality has changed to the extent that the client is no longer likely to engage in a predatory act of sexual violence.

PROCEDURES:

I. Clinical Examiner Credentials

All clinical examiners shall:

- A.** Maintain a current Texas Psychiatrist or Psychologist License with the examiner's respective licensing board.
- B.** Maintain professional malpractice insurance.
- C.** Conduct a face-to-face clinical examination based on testing for psychopathy, a clinical interview, and other appropriate assessments and techniques to include static and dynamic risk assessment and review of previous assessment to aid the Texas Civil Commitment Office (TCCO) and the court of commitment in its assessment.
- D.** Be available to provide expert testimony as needed.

II. Referral Process

- A.** The Case Analyst shall utilize the Biennial Exam Report in the case management automated system to determine the date the biennial examination is due to the court.
- B.** The Case Analyst shall refer the client to a contracted Clinical Examiner via email within ninety (90) days of the report due date and coordinate the date and time for the examination. If the examination has not been scheduled within three (3) working days of the date of referral, then a follow-up email shall be sent. Clients who are incarcerated in TDCJ-CID, in-custody in a county jail, or housed in a state hospital/state school do not need to be referred for a biennial examination in accordance with Section 841.150 of the Texas Health and Safety Code.
- C.** For clients residing at the Texas Civil Commitment Center (TCCC), the Case Analyst shall coordinate with facility staff to reserve space for the biennial examination to be conducted. For clients residing in the community, the Case Analyst shall coordinate with the assigned Case Manager for the location.
- D.** The Case Analyst shall notify the Case Manager of the examiner and the examination date and time.
- E.** The Case Manager shall ensure a polygraph requested by TCCO and a penile plethysmograph (PPG) have been completed within the most recent twelve (12) months prior to the biennial due date, as reflected in the case management automated system. The polygraph and PPG reports must be received and scanned into the case management automated system prior to the clinical examination.
- F.** The Case Manager shall notify the client of the biennial examination via the Biennial Exam Notice form, TCCO-44-16, a minimum of fourteen (14) calendar days prior to the examination. The completed and signed document shall be scanned into the case management automated system within two (2) working days of signature.
- G.** The Case Analyst shall update the biennial screen in the case management automated system with the doctor's name, exam date, exam time, and exam location within two (2) working days from Case Manager notification.

III. Biennial Reports

- A.** The Case Analyst shall schedule the report due date 28-30 calendar days prior to the date the biennial examination is due to the court. When several clients biennial examinations are due to the court on the same date, the Case Analyst shall stagger the report due dates while ensuring all are submitted prior to the due date to the court.
- B.** The Case Analyst shall notify the Clinical Examiner, Treatment Provider, and Case Manager of the report due date via email a minimum of sixty (60) days prior to the report due date. The Case Analyst shall update the case management automated system with the CM Notice date, TP Notice date, CM Report Due date, TP Report Due Date, and the Exam Report Due date.
- C.** The Clinical Examiner shall submit a signed, written report to the TCCO on or before the established due date.
- D.** The Treatment Provider shall submit a signed, written report to the TCCO on or before the established due date.
- E.** The Case Manager shall submit a signed, written report with the Declaration of Financial Inability to Hire Counsel and Financial Worksheet, if applicable, to TCCO on or before the established due date.
- F.** The Case Analyst shall scan the reports into the case management automated system within two (2) working days of receipt and update the Biennial Screen in the case management automated system with the dates the reports were received.
- G.** The Case Analyst shall redact any information that identifies a victim from the Clinical Examiner's report and scan the redacted copy into the case management automated system within two (2) working days of receipt. The Case Analyst shall seek guidance regarding redactions from the General Counsel on an as needed basis.

IV. Submission to Court

- A.** The Case Analyst shall compile the Clinical Examiner's report, the Treatment Provider's Report, and the Case Manager's report and attach the standardized cover letter (see attached). The entire biennial packet shall be scanned into the case management automated system on the date it is electronically filed with the court of commitment.

- B.** The Case Analyst shall complete the standardized biennial letter stating the client's status for all clients who are incarcerated in TDCJ-CID, in-custody in a county jail, or housed in a state hospital/state school (see attached). The letter shall be scanned into the case management automated system on the date it is electronically filed with the court of commitment.
- C.** The Case Analyst shall submit to the TCCO General Counsel the entire biennial packet or letter for electronic filing.
- D.** The General Counsel shall electronically file (e-file) the biennial packet or letter with the county of commitment via the state provided e-filing service provider. Once the e-file confirmation is received from the e-filing service provider, the General Counsel shall forward it via email to the Case Analyst.
- E.** The Case Analyst shall scan the e-file confirmation to the case management automated system within two (2) working days from receipt.
- F.** The Case Analyst shall notify the Case Manager via email that the biennial packet and biennial evaluation have been scanned to the case management automated system on the date it is e-filed with the county of commitment. The entire biennial packet along with the e-file confirmation shall be filed in the client's main file in the central office.
- G.** The Case Manager shall provide the client with a copy of the Clinical Examiner's report at the next home visit. The redacted copy must be provided to the client when it applies. The Case Manager shall have the client sign the Acknowledgement of Receipt of Biennial Exam, TCCO-10-16, when providing the client with the report. The Acknowledgement of Receipt of Biennial Exam shall be scanned to the case management automated system by the Case Manager within two (2) working days of signature.
- H.** The Case Manager shall print the entire biennial packet and place in the client's hard copy file.

V. Receipt of Biennial Review Orders

When the Biennial Review Order is received from the court of commitment, the Case Analyst shall:

- A.** Update the Extensions section on the Offense Screen in the case management automated system using the date the order was signed within three (3) working days of receipt.
- B.** Scan the Biennial Review Order to the case management automated system within three (3) working days of receipt.

- C. Notify the Case Manager when the Biennial Review Order is scanned to the case management automated system.

SIGNATURE ON FILE

Marsha McLane
Executive Director

Form TCCO-44-16 Biennial Exam Notice

Form TCCO-10-16 Acknowledgement of Receipt of Biennial Exam

Sample Letter of the Cover Letter to be sent with the Biennial Packet

Sample Letter regarding Incarcerated Clients