

TEXAS CIVIL COMMITMENT OFFICE



POLICY AND PROCEDURE

NUMBER:	3.20
EFFECTIVE DATE:	03/09/2016
SUPERCEDES:	N/A

SUBJECT: PETITION FOR RELEASE FROM CIVIL COMMITMENT

AUTHORITY: Texas Health and Safety Code §§841.121, 841.122.

PURPOSE: To establish procedures for notice to the client of the right to file an unauthorized petition for release and establish guidelines for the Texas Civil Commitment Office (TCCO) to authorize a petition for release from civil commitment.

POLICY: Pursuant to the Texas Health and Safety Code, Chapter 841, a civilly committed person has the right to file an unauthorized petition for release. The TCCO shall authorize a client to petition the court for release from civil commitment if the TCCO determines that the client's behavioral abnormality has changed to the extent that the client is no longer likely to engage in a predatory act of sexual violence.

PROCEDURE:

I. Authorized Petition for Release

- A.** If the TCCO Management determines that a client's behavioral abnormality has changed to the extent that the client is no longer likely to engage in a predatory act of sexual violence, TCCO Management may authorize the client to petition the court for release. The TCCO Executive Director or designee will issue the Authorization to File Petition for Release (TCCO-42-16), which shall be provided to the client.
- B.** In order to make the determination, the TCCO Management shall review the client's biennial report. If further information is needed to make the determination, the TCCO Management may review additional information including but not limited to:
 - 1.** A summary report of the client's history from the Case Manager;
 - 2.** Treatment team recommendation;
 - 3.** Previous or subsequent plethysmograph(s);
 - 4.** Previous or subsequent polygraph exams;
 - 5.** Incident reports;
 - 6.** Medical information;
 - 7.** Parole supervision, if applicable;

8. Client interview by Management;
 9. Interview of support system by Management; and
 10. Request a subsequent expert assessment as directed by the Executive Director.
- C. If the TCCO Management determines the biennial report or the supporting documents are not indicative of the client no longer having a behavioral abnormality, the TCCO Management may not authorize the client to petition for release from civil commitment.
- D. A Case Manager shall not initiate or authorize a client to petition for release from civil commitment.

II. Client's Right to File Unauthorized Petition for Release

- A. A client who has been civilly committed shall receive written notice of their right to file with the court an unauthorized petition for release of civil commitment. All clients shall receive the notice of their right upon being civilly committed and annually thereafter.
- B. Clients shall receive their annual notice regarding their right to file an unauthorized petition.
1. Clients shall receive the annual notice in January of each year.
 2. The Case Manager shall provide the Notice of Right to File Unauthorized Petition for Release (TCCO-43-16) for all assigned cases who are available to sign the form.
 3. The Case Manager shall mail a letter using the standardized format notifying the client of their right to file an unauthorized petition to clients who are not available to sign the form e.g., clients in the county jail, state school, state hospital. The Case Manager shall send the notices in an envelope that does not identify the agency's name or mailing address when sending them via the US Postal Service.
 4. The Case Analyst in the TCCO central office shall mail a letter to all clients who are in the Texas Department of Criminal Justice – Correctional Institutions Division (TDCJ-CID) or in a penal institution out-of-state. The Case Analyst shall send the notices in an envelope that does not identify the agency's name or mailing address when sending them via the US Postal Service.
 5. The Case Manager or Case Analyst shall scan a copy of the applicable TCCO-43-16 or letter to the client's case management automated system within two (2) working days of signature or mailing the letter.

III. Notification of Release from Civil Commitment

- A.** The Case Analyst shall notify the Texas Department of Criminal Justice – Rehabilitation Programs Division (TDCJ-RPD) within three (3) working days when the county of commitment releases a client from civil commitment. The notification shall also serve as notification to the Risk Assessment Review Committee (RARC).
- B.** The Case Analyst shall provide the RARC with documentation of the client’s treatment and supervision history upon request.
- C.** The Case Analyst shall notify the Texas Department of Public Safety – Sex Offender Program Monitor, Criminal Investigations Division-Special Investigations Section (DPS-CID) within three (3) working days when the county of commitment releases a client from civil commitment.

SIGNATURE ON FILE

Marsha McLane
Executive Director

Attachments

- Authorization to File Petition for Release (TCCO-42-16)
- Notice of Right to File Unauthorized Petition for Release (TCCO-43-16)
- Standardized Letter to notify client of their right to file an unauthorized petition