

**Mental Health Evaluation Process – Effective January 1, 2025**

1. Defendant is convicted of any of the following offenses, then they will be ordered to undergo a mental health evaluation prior to their sentencing hearing. Offenses include Domestic assault § 39-13-111; Child abuse § 39-15-401; Aggravated child abuse § 39-15-402; Cruelty to animals § 39-14-202; Aggravated cruelty to animals§ 39-14-212.
2. The court shall determine if the defendant is indigent using the [UNIFORM AFFIDAVIT OF INDIGENCY FOR PURPOSES OF MENTAL HEALTH EVALUATION](#).
3. The court shall select which community mental health center (CMHC) is to complete the evaluation using the [COMMUNITY MENTAL HEALTH CENTER MENTAL HEALTH EVALUATION LISTING](#) document. This document lists the eligible CMHCs by judicial district and county. The listing includes the site address and contact information to schedule the evaluation.
  - a) NOTE: The evaluation is to be completed prior to sentencing hearing. The defense is encouraged to reach out to the CMHC as soon as possible to ensure adequate time to schedule the evaluation.
4. The court shall complete the [UNIFORM ORDER TO MENTAL HEALTH EVALUATION](#) to:
  - a) indicate the eligible offense,
  - b) determine if the defendant is NOT indigent or IS indigent, and
  - c) identify which community mental health center will be referred for the outpatient mental health evaluation.
5. Payment for the evaluation is based on if the court determines the defendant is NOT indigent or IS indigent.
  - a) If the Defendant is NOT indigent:
    - Clerks must mail a copy of the order to CMHC
    - The defendant must pay the clerk of court the evaluation fee rate of \$229.
    - Clerk shall forward evaluation fee from the defendant to the CMHC and mark as “Attention: MH Eval” and include the Case Number
  - b) If the Defendant IS indigent:
    - Clerks must mail a copy of the order to CMHC
    - Clerks must mail a copy of the affidavit of indigency to CMHC
    - The CMHC shall submit for payment to TDMHSAS.
6. The CMHC shall setup the evaluation with the defendant either in-person or via telehealth. The mental health evaluation must be completed by a qualified mental health professional prior to the defendant’s sentencing hearing.
7. The CMHC shall complete the [MENTAL HEALTH EVALUATION REPORT](#) with any recommended mental health services for the defendant. The CMHC shall submit the evaluation report to the court in accordance with the court’s requirements.