



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-13-00025-CV

THE STATE OF TEXAS FOR THE BEST INTEREST
AND PROTECTION OF J.G.

On Appeal from the County Court at Law
Cherokee County, Texas
Trial Court No. 40080

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Chief Justice Morriss

MEMORANDUM OPINION

J.G. appeals a trial court's order¹ authorizing the administration of psychoactive drugs based on his physician's application. The trial court may enter an order authorizing the administration of psychoactive medication if the patient is under a court order to receive mental health services. *See* TEX. HEALTH & SAFETY CODE ANN. § 574.106(a)(1) (West 2010). In a separate appeal filed in cause number 06-13-00022-CV, J.G. argued that the trial court's order for inpatient extended mental health services, upon which the order authorizing the administration of psychoactive drugs was based, was not supported by sufficient evidence. Therefore, he argues that the order authorizing administration of psychoactive medication is likewise invalid. We agree.

In cause number 06-13-00022-CV, we found that the State failed to meet its burden to prove that J.G. met the requirements of Section 574.035 by clear and convincing evidence. *See* TEX. HEALTH & SAFETY CODE ANN. § 574.035 (West Supp. 2012). The order authorizing his involuntary commitment to extended mental health treatment was reversed. Accordingly, because J.G. is not under court order to receive mental health services, the order authorizing administration of psychoactive medication is also invalid.

¹Originally appealed to the Twelfth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. *See* TEX. GOV'T CODE ANN. § 73.001 (West 2013). We are unaware of any conflict between precedent of the Twelfth Court of Appeals and that of this Court on any relevant issue. *See* TEX. R. APP. P. 41.3.

We reverse the trial court's judgment granting the application to administer psychoactive medication and render judgment denying that application.

Josh R. Morriss, III
Chief Justice

Date Submitted: April 29, 2013
Date Decided: May 2, 2013