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Federal Court Declares Texas' Prolonged Jail Waits for Competency Restoration Unconstitutional

AUSTIN, TEXAS - Class action ruling finds that the Texas Health and Human Services Commission's decades' long practice of forcing pretrial detainees found incompetent to stand trial to wait months and sometimes years in jails for admission to State's mental health facilities for restoration services violates their constitutional rights. This ruling is in keeping with other similar rulings in other states.

The class action lawsuit was filed in 2016 by attorneys with Disability Rights Texas, who were later joined by the law firms Edwards Law and Winston Taylor. After a December 2025 trial, the court found that HHSC has long known that it lacked sufficient inpatient capacity to meet the demand for competency restoration services, but nonetheless failed to fix that problem.

At the time of trial, approximately 1,700 people found incompetent to stand trial were waiting an average of six months in county jails for transfer to state mental health facilities for restoration services, with some waiting more than 500 or even 600 days. The court found that these delays cause detainees "severe physical, psychological, and other harms" including psychiatric deterioration, malnourishment, self-harm, death, harm to their criminal cases, and confinement in jail far longer than competent detainees.

To address the ongoing constitutional violation, the Court issued an injunction requiring the State to admit all incompetency detainees confined in a Texas jail and committed to one of the State's mental health facilities for competency restoration within 21 days of receiving their commitment order. The Court gave the State four years to comply and ordered the parties to identify benchmarks for compliance.

"This is a significant victory for the thousands of people with mental illness who have been left in Texas jails for months—and, in many cases, more than a year—without the treatment and competency restoration services they were ordered to receive," said Beth Mitchell, lead counsel for Disability Rights Texas. "As the Court noted, the evidence here at trial was clear that without an injunction, HHSC would continue its practice and detainees found incompetent to stand trial would continue to suffer."

Lisa Snead, lead counsel for Edwards Law added, "since 2006, the State's choice to operate waitlists rather than sufficient inpatient capacity caused tens of thousands of pretrial detainees to needlessly suffer for months to years in county jails. The Court's order declaring HHSC's practice unconstitutional and enjoining HHSC from continuing to force incompetency detainees to wait in jails for more than 21 days will finally bring this terrible practice to an end."

A copy of the Court's order may be found at the following link: <https://tinyurl.com/yxcas4jd>

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