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STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

IN THE MATTER OF:

CIVIL COMMITMENT
RESPONDENTS

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~~FILED~~ GENERAL COURT OF JUSTICE
DISTRICT COURT CIVIL DIVISION
CIVIL COMMITMENTS

2020 APR -1 A 10:01

CRAVEN COUNTY ADMINISTRATIVE ORDER
FOR PROVISION OF REMOTE
BY ATTORNEY VISITS AND
CIVIL COMMITMENT HEARINGS
DURING CURRENT HEALTH CRISIS

THIS CAUSE coming to be heard and being heard by the undersigned Chief District Court Judge, and for good cause shown as set forth in the Motion for an Administrative Order for Provision of Remote Attorney Visits and Civil Commitment Hearings in Civil Commitment Cases appointed by Public Defender Daniel E. Potter, the Court makes the following:

FINDINGS OF FACT:


1. That the Public Defender's Office of Judicial District 3B and designated Private Assigned Counsel are appointed to represent Adult Respondents in Civil Commitment Proceedings, pursuant to N.C.G.S. Article 122C, and that the undersigned is currently the Assistant Public Defender handling those cases.
2. That to provide proper representation in accordance with Constitutional and Statutory requirements, Respondents' Attorneys need to have reasonable access to Respondents prior to and at the hearings.
3. That there is currently one hospital with an in-house treatment facility, Crossroads at Carolina East Medical Center that participate in the Civil Commitment Process in Craven County.
4. That upon information and belief, one or more of the above hospitals or treatment facilities may require a separate Court Order to provide such access, and that to do so on a case by case basis may prove burdensome, inefficient and ineffective for all concerned.
5. That the State of North Carolina is under a State of Emergency as of 10 March 2020 and NC Supreme Court Chief Justice Cheri Beasley has closed court for the next 30 days except for essential and exceptional activities. Because of the compelling state interest for the health and safety of all involved and given the nature of the emergency and the need for social distancing to minimize the threat to everyone, modifications to the usual practices for in-person visits at the hospitals and in-person civil commitment hearings need to be implemented until the State of Emergency has ended.
6. That in-person interviews at the hospitals prior to or after court sessions need to be temporarily replaced with telephone or live video and in such a way that can be coordinated in a timely way with the other hospitals to allow enough time to interview Respondents from all facilities prior to hearing. At a minimum, the request is for the Attorney to be able to call the housing unit and arrangements will be made to meet by phone or video with the client/patient in a private area of the unit, most likely a consult room.

7. That if an in-person visit is needed, then arrangements need to be made for that visit to be in a private and secure room proximate to the housing unit, and that Hospital staff will escort the patient for the interview and remain nearby for the duration of the meeting.
8. That each hospital should have a secure and accessible room for teleconferencing the court hearing with the Judge and Clerk at the Courthouse and that if the Respondent and Attorney are to be remotely connected to the hearing, that a secure and confidential line of communication be available to allow confidential conversations that may become necessary prior to, during and after the hearing. If no such confidential line is reasonably available, then the hearing shall take place as usual with the Bailiff, Hospital Security, Respondent, Attorney, Physician, Court Liaison, Technicians, Nurses, Witnesses and others being present in the Hearing Room of the appropriate hospital. Interviews with Respondents, Witnesses, Doctors and Others for the duration of the court session will be by telephone, video or in-person as available and appropriate.
9. That if there is a technical problem that prevents the hearing from proceeding, and if a continuance is not otherwise a viable option, then arrangements should be made to hold the hearing with the Judge and Clerk at the hospital as usual. Depending on the need and circumstances, Respondents may be transported to a hospital with the active session of court for the appropriate day and time.
10. That all involved in the Civil Commitment process needs to observe the precautionary measures as set out by the CDC, which includes notifying one another of any visits out of the country or exposure to those with or suspected of having the COVID-19 virus, washing hands, keeping a safe distance from one another, and covering any coughs or sneezes.
11. That an Administrative Order directing that the hospitals or treatment facilities provide these Emergency Remote Accommodations in timely manner for the Civil Commitment Process would aid in fulfilling and protecting the State and Federal requirements to protect the due process rights and rights of privacy of the Respondents.

Based upon the above FINDINGS OF FACT, IT IS HEREBY ORDERED:

1. That Carolina East Medical Center and its in-house treatment facility, Crossroads allow appointed counsel for Respondents participate in remote attorney visits and remote hearings as set forth in the above FINDINGS OF FACT during the current health crisis for those Respondents scheduled for Civil Commitment Hearings.

This the 1 day of April, 2020, *nunc pro tunc* March 16, 2020.



Hon. Walter Mills
Chief District Court Judge Presiding