

PROBATE COURT OF MOBILE COUNTY, ALABAMA
GENERAL ORDER - INVOLUNTARY
MENTAL HEALTH COMMITMENT CAUSES

In accordance with the existing State of Alabama emergency decrees (as amended), the Supreme Court of Alabama's emergency orders (as amended), the Mobile County Commission's emergency decrees (as amended), and the orders of the Circuit Court of Mobile County (as amended) relating to the COVID-19 pandemic, the Court **ORDERS** as follows *effective April 12, 2021*:

1. All lawyers, parties (except respondents) and witnesses are **DIRECTED** to fully complete the Court's COVID-19 assessment form before entering any courtroom of the Court.
2. All lawyers, parties and witnesses are **DIRECTED** to wear a face mask or covering upon entering the courtrooms of this Court and to continuously wear said face mask or covering until departure from the courtrooms of the Court **UNLESS** said persons have been fully vaccinated for the COVID-19 virus 14 days earlier and have satisfactorily furnished proof of said vaccination to the Court's staff immediately prior to entering any courtroom of this Court.
3. If a lawyer, party or witness is unable or refuses to furnish proof of their full vaccination for the COVID-19 virus, it shall be assumed that they are not fully vaccinated.
4. All lawyers, parties and persons present in the courtrooms of this Court are **DIRECTED** to socially-distance [three (3) feet apart] themselves from other persons while seated or standing in the courtrooms of this Court at all times **UNLESS** said persons are members of the same household.
5. All lawyers and parties are **DIRECTED** to **NOT** appear before the Court if they have tested positive for, or have experienced any of the symptoms of, the COVID-19 virus, or if they have been exposed to a person that has tested positive for, or is exhibiting symptoms of, the COVID-19 virus, during a certain period of time, described below, preceding the hearing they are scheduled to attend.
 - A. If anyone has tested positive for the COVID-19 virus **AND** has experienced symptoms, or has experienced symptoms of the COVID-19 virus but has not tested positive, that person may **NOT** come to Court unless **ALL** three (3) of the following conditions are met: (1) 10 days have passed since that person first experienced symptoms, (2) that person has remained fever-free for 24 hours (without the use of fever-reducing medications), and (3) symptoms have improved.
 - B. If anyone has tested positive for COVID-19 virus but is asymptomatic, that person may **NOT** come to Court until after ten (10) days have passed from the date of the positive test.

C. If anyone has been exposed to someone that has tested positive for, or is exhibiting symptoms of, the COVID-19 virus, AND the exposed person is asymptomatic and remains asymptomatic, that exposed person may NOT come to Court unless one (1) of the following conditions are met: (1) seven (7) days have passed from the date of the last exposure AND the person received a negative test five (5) days or later following the last exposure, or (2) ten (10) days have passed since the date of last exposure and the person does not get tested for COVID-19.

6. If any of the scenarios described in paragraph five (5) are applicable, the person in question is further **DIRECTED** to promptly contact Ms. Kelsey Baker [251.574.6011 or kbaker@probate.mobilecountyal.gov] to notify the Court of their circumstances.

7. All lawyers are **DIRECTED** to inquire of any person they desire to call as a witness at a hearing as to whether they have recently tested positive for, or have experienced any of the symptoms of, the COVID-19 virus, or if they have been exposed to a person that has tested positive for, or is exhibiting symptoms of, the COVID-19 virus. If any of those circumstances are applicable, that person may NOT come to Court unless they have satisfied the appropriate conditions stated in paragraph five (5) above. If that person has not satisfied the appropriate conditions in paragraph five (5) above, the lawyer or *pro se* party should promptly contact all other parties in interest in the cause (or their lawyer) to advise of the circumstances and ascertain their position regarding continuance of the hearing in question. The lawyer or *pro se* party should also promptly contact Ms. Kelsey Baker [251.574.6011 or kbaker@probate.mobilecountyal.gov] to notify the Court of the circumstances and request instruction.

8. All advocates are **DIRECTED** to instruct their client(s) and all witnesses they expect to call as a witness to testify at a hearing before the Court that said persons are **DIRECTED** to wear a face mask or covering upon entering the courtrooms of this Court and to continuously wear said face mask or covering until departure from the courtrooms of this Court unless they have been fully vaccinated for the COVID-19 virus.

9. All guardians ad litem are **DIRECTED** to instruct all witnesses (except the respondent) they expect to call as a witness to testify at a hearing before the Court that said persons are **DIRECTED** to wear a face mask or covering upon entering the courtrooms of this Court and to continuously wear said face mask or covering until departure from the courtrooms of this Court unless they have been fully vaccinated for the COVID-19 virus.

10. The social distancing guidelines of the United States Centers for Disease Control (“CDC”) shall be utilized within the courtrooms of the Court at all times.

11. Only essential witnesses shall be requested to appear before the Court. Spectators who are not going to offer testimony in a cause will not be permitted in the courtrooms of this Court. Notwithstanding the aforesaid, media representatives with credentials will be permitted in the courtrooms of this Court if space exists.

12. Witnesses (excluding petitioners, parties in interest and expert witnesses) shall remain outside the courtrooms of the Court until they are called to appear before the Court to offer testimony.

13. All law enforcement officers are **DIRECTED** to wear a face mask or covering upon entering the courtrooms of this Court and to continuously wear said face mask or covering until departure from the courtrooms of this Court.

14. All law enforcement officers are **DIRECTED** to require respondents to utilize hand sanitizer (to be provided by the Court at the doors of the courtrooms of the Court) prior to entry into the courtrooms of the Court.

15. All law enforcement officers are **DIRECTED** to require respondents to wear a face mask (to be provided by the Court) prior to entry into the courtrooms of the Court.

16. All persons (including respondents, advocates, guardians ad litem, petitioners, witnesses, representatives of AltaPointe Health Systems, Inc. and law enforcement officers) are **DIRECTED** to utilize hand sanitizer (to be provided by the Court at the doors of the courtrooms of the Court) prior to entry into the courtrooms of the Court.

17. Before a respondent is taken into custody by the Mobile County Sheriff's Department from a health care facility, said health care facility must have submitted to the Court on the prior business day a written statement confirming that the subject respondent is not known to have tested positive for, or have experienced any of the symptoms of the COVID-19 virus within the past ten (10) days, and has not been exposed to a person that has tested positive for, or is exhibiting symptoms of, the COVID-19 virus within the past ten (10) days. If any of the above scenarios apply to the respondent, the statement must also include confirmation that the conditions listed in paragraph five (5) above, whichever is applicable, have been satisfied so that the respondent may appear before the Court. If such statement is not timely provided, the scheduled hearing of said respondent is **CANCELLED** and will be rescheduled to another date.

18. Before a respondent is taken into custody by the Mobile County Sheriff's Department in the general community (not a health care facility), the deputy(ies) involved are **DIRECTED** to inquire of the respondent as to whether: (A) the respondent has experienced any of the symptoms of the COVID-19 virus within the previous 48 hours; and (B) the subject respondent is not known to have tested positive for the COVID-19 virus or exposed to any person with a diagnosed case of the COVID-19 virus within the past ten (10) days. If the respondent responds affirmatively to such query, the deputy(ies) are **DIRECTED** contact the Court [Ms. Kelsey Baker at 251.574.6011 or kbaker@probate.mobilecountyal.gov] to notify the Court of their circumstances and request instructions as to how to proceed.

19. This Order shall remain in effect until further order of the Court. This Order only applies to involuntary mental health commitment causes.

20. The Clerk of the Court is **DIRECTED** to forward copies of this Order immediately by electronic mail to all lawyers that regularly participate in involuntary mental health commitment causes. Thereafter, the Clerk of the Court is **DIRECTED** to forward copies of this Order to all lawyers in pending involuntary mental health commitment causes at least 72 hours before any scheduled probable cause hearing in said causes.

21. The Clerk of the Court is **DIRECTED** to forward copies of this Order to Mr. Tuerk Schlesinger, Mr. Phil Cusa, the Honorable Sam Cochran, by electronic mail and United States Mail.

Dated: April 2021



A handwritten signature in black ink, appearing to read "Don Davis". The signature is written in a cursive style and is positioned above a horizontal line.

DON DAVIS, Judge of Probate