

Upcoming Trainings for Civil Defenders

I am planning two conferences for civil defenders that will be held at the School of Government (SOG). The Guardianship Proceedings for Appointed Counsel conference is scheduled for January 24, 2019 and the Civil Commitment Conference is the following day on January 25, 2019. Currently they are held bi-annually in odd years.

The guardianship conference is designed for attorneys who represent persons in guardianship proceedings. Guardianship proceedings are initiated when a person (respondent) is alleged to be incapacitated and in need of a guardian to make decisions about their care (guardian of the person), decisions concerning their finances and property (guardian of the estate) or both (general guardian). North Carolina law provides for the appointment of a guardian ad litem (GAL) attorney to represent an allegedly incapacitated respondent in the proceeding to determine capacity and appoint a guardian for the respondent. See G.S. 35 G.S. 35A-1107.

The civil commitment conference is for attorneys who represent respondents in involuntary commitment proceedings (IVC). IVC proceedings are initiated when it is believed that a person is a substance abuser or has a mental health condition and is a danger to themselves or others. Respondents are entitled to appointed counsel because the commitment infringes on their right to freedom of movement.

Some attorneys practice in both areas, so it is reasonable to hold the trainings on consecutive days. Additionally, there are topics of interests shared by attorneys for both guardianship and civil commitment proceedings. For example, persons subject to IVC or guardianship proceedings may have a mental health condition, which may cause the need for the appointment of a guardian or an involuntary commitment. At past trainings, a physician presented similar sessions at both trainings about traumatic brain injuries, dementia, schizophrenia, and other psychiatric conditions that may temporarily or permanently impair a person.

There usually is a theme that guides the individual sessions presented at the conference. This year the civil commitment conference will include hot topics requested by special counsel and private appointed attorneys to help them provide greater advocacy for their clients. It will also include a case law update and ethics session. Elder abuse is the theme for the guardianship training, which covers, abuse, neglect and financial exploitation. It will include sessions on the law and role of adult protective services (APS), and how GAL attorneys should investigate the cases and work with APS. I hope to also include sessions about interim and limited guardianships, and the effect of health care directives and power of attorney documents when APS and guardianship proceedings are initiated.

The Office of Special Counsel within the Office of Indigent Defense Services and a few private appointed attorneys helped identify important topics and expert speakers for the civil commitment

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conference. I have consulted with practitioners and advocates who work in the area of guardianship, elder law, and elder abuse, including Meredith Smith, Assistant Professor here at SOG. I appreciate their time and assistance with planning both conferences.

For further information about the trainings, please review the [Civil Commitment Conference](#) and [Guardianship Proceedings for Appointed Counsel](#) courses on the Indigent Defense Education website. You can also contact me directly at along@sog.unc.edu. Registration for both trainings will open mid to late November 2018.