



JUDGE JOANNE GARCIA
HIDALGO COUNTY PROBATE COURT
100 N. CLOSNER, 2ND FLOOR
EDINBURG, TEXAS 78539
PHONE: 956-318-2385

March 23, 2020

CHANGE IN COURT PROCEDURE RELATING TO MENTAL HEALTH DOCKET
DUE TO COVID-19 EMERGENCY

Dear Mental Health Practitioners:

Considering the rapidly changing response to the COVID-19 emergency, the Court is updating court proceedings concerning mental health cases: probable cause hearings and temporary inpatient (final hearings).

Previously, the Court had ordered suspension of in-person visitation of proposed patients, video testimony in all mental health hearings, electronic discovery, and electronic acceptance of stipulations of evidence by counsel for proposed patients.

As most of you are now aware, in an effort to comply with disaster and emergency declarations issued by Governor Greg Abbott the Office of Court Administration (“OCA”) has recommended the use of Zoom for all court proceedings. In conferring with the local mental hospitals, they are now equipped with Zoom, and the Court is moving from video testimony to full remote hearings. Please download the Zoom App and acquaint yourself with the application for use in any court proceedings. You will receive personal invitations to remote hearings in the Zoom App.

There are provisions in the Texas Health & Safety Code that should be reviewed by all mental health practitioners for utilization in circumstances which we find ourselves. Of note is the following:

Tex. Health & Safety Code Sec. 574.031(d) – temporary inpatient hearings (final hearings) must be open to the public, unless counsel for the proposed patient requests the hearing to be closed. To comply with the requirement for an open hearing, OCA is recommending that remote hearings be posted to YouTube. Please discuss this with your clients.

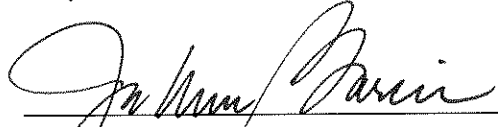
Any motions or filings by counsel such as, stipulations of evidence or motions for continuance must be emailed to the Court via Yolanda Hernandez – yolanda.hernandez@co.hidalgo.tx.us and the District Attorney’s Office via Belinda Salinas Anzaldúa – belinda.salinas@da.co.hidalgo.tx.us.

To reiterate, the following measures are now in place concerning mental health cases:

1. All in-person visitation of proposed patients is suspended until further notice by the Court. Telephonic communication must be utilized between counsel and client.
2. Electronic discovery. The District Attorney's office shall provide counsel with copies of all documents via email to be used in the respective mental health proceeding.
3. Electronic acceptance of motions and filings by counsel.
4. All probable cause hearings and final hearings on applications for temporary mental health services will be conducted via Zoom. Counsel must have a separate phone line to privately confer with client during the remote hearing.

Please do not hesitate to contact the court utilizing the emails listed above. Thank you for your cooperation.

At your service,



JoAnne Garcia, Presiding Judge of the
Hidalgo County Probate Court