



FILED FOR RECORD
HOPKINS COUNTY, TEXAS

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**Hopkins County Constitutional Court &
Hopkins County Court at Law**

Phone (903) 438-4004 Fax (903) 438-4107
118 Church Street Sulphur Springs, Texas 75482

TRACY SMITH
COUNTY CLERK

BY _____ DEPUTY

STANDING ORDER REGARDING ACCESS TO MENTAL HEALTH CASE FILES

1. This standing order applies to all proceedings conducted under the Mental Health Code in Hopkins County, Texas, including protective custody, court-ordered mental health services, and court-ordered psychoactive medication.
2. In all such cases, the attorney appointed to represent the patient is specifically authorized to obtain a copy of the patient's entire mental health case file, whether in paper or digital form. If in digital form, the file shall be at all times encrypted (password-protected). If in paper form, the attorney shall take reasonable steps to keep the file in a locked, secure, and private place.
3. Until the attorney destroys the file, their heightened duty of privacy and security shall continue. In other words, after the case has concluded, the file should continue to remain encrypted or locked away until it is destroyed.
4. If an attorney elects to not receive a copy of the case file, they may inspect the County Clerk's original file during business hours.
5. The County Clerk has the exclusive duty to maintain, file-mark, and keep original documents.
6. A copy of the patient's case file may be made by the County Clerk's office or the staff of the County Judge or CCL Judge. Said copy may only be made for the patient's attorney.
7. This standing order complies with Texas Health & Safety Code 571.015, federal medical privacy laws such as HIPAA, and the patient's Due Process rights under the U.S. and Texas Constitutions.

March 11, 2020

Robert Newsom
Hopkins County Judge

Clay Harrison
Hopkins County CCL Judge

Attachment to Standing Order Regarding Access to Mental Health Cases

Texas Health & Safety Code 571.015

- (a) Each paper in a docket for mental health proceedings in the county clerk's office, including the docket book, indexes, and judgment books, is a public record of a private nature that may be used, inspected, or copied only under a written order issued by the county judge, a judge of a court that has probate jurisdiction, or a judge of a district court having jurisdiction in the county in which the docket is located.
- (b) A judge may not issue an order under Subsection (a) unless the judge enters a finding that:
 - (1) the use, inspection, or copying is justified and in the public interest; or
 - (2) the paper is to be released to the person to whom it relates or to a person designated in a written release signed by the person to whom the paper relates.
- (c) In addition to the finding required by Subsection (b), if a law relating to confidentiality of mental health information or physician-patient privilege applies, the judge must find that the reasons for the use, inspection, or copying fall within the applicable statutory exemptions.
- (d) The papers shall be released to an attorney representing the proposed patient in a proceeding held under this subtitle.
- (e) This section does not affect access of law enforcement personnel to necessary information in execution of a writ or warrant.