

12.7 Civil Rights and Remedies

The statute states that, unless otherwise provided,

“each adult client of a facility keeps the same right as any other citizen of North Carolina to exercise all civil rights, including the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, register and vote, bring civil actions, and marry and get a divorce, unless the exercise of a civil right has been precluded by an unrevoked adjudication of incompetency. This section shall not be construed as validating the act of any client who was in fact incompetent at the time he performed the act.”

G.S. 122C-58.

Clients often have legal issues that are beyond the scope of counsel’s representation for the admission or commitment. Counsel should advise the client of the need to seek separate counsel for these issues. Special Counsel is not allowed to engage in the private practice of law. G.S. 122C-270(a). Representation by appointed counsel on other legal issues could lead to confusion concerning the attorney’s role with both the client and the treatment provider.