

SECTION .0300 - PRIVACY AND PERSONAL FREEDOM

10A NCAC 28C .0301 COMMUNICATION RIGHTS

(a) In order to ensure the protection of client rights specified in G.S. 122C-62(a)(1) and G.S. 122C-62(d)(2), each state facility shall post the state facility schedule for the collection and distribution of mail and packages in areas accessible to clients. Limited postage shall be made available to indigent clients. State facility employees shall provide assistance to clients as needed in sending and receiving correspondence. Such physical assistance may include writing letters, wrapping packages or reading letters to clients upon their request.

(b) Adult clients in state facilities shall have access to telephones in private areas in order to ensure the protection of the client right specified in G.S. 122C-62(b)(1). Access to telephones by minor clients in state facilities shall be in accordance with G.S. 122C-62(d)(1). State facility employees shall assist adult and minor clients in placing calls upon request of the client.

(c) In order to ensure the protection of client rights specified in G.S. 122C-62(b)(2) and G.S. 122C-62(d)(3), each state facility shall post visiting hours in areas accessible to clients. The State Facility Director may establish the same visiting hours for the entire state facility or different visiting hours for different client living areas within the state facility. Suitable areas indoors shall be made available for adult clients and visitors to visit in private, and minor clients and visitors to visit as free as possible from disturbance by other clients. The areas where clients may receive visitors may be specified by the State Facility Director.

(d) Clients being held at a state facility to determine capacity to proceed to trial pursuant to G.S. 15A-1002 may receive visitors as specified in G.S. 122C-62(b)(2) and G.S. 122C-62(d)(3). The following limitations shall be imposed in accordance with G.S. 122C-62(g); however, no limitations shall be imposed on visitations by those persons specified in G.S. 122C-62(a)(2), (a)(3), (c)(1), (c)(2), and (c)(3):

- (1) Each state forensic facility may establish a policy limiting visitations by:
 - (A) precluding visits for up to the first three days;
 - (B) imposing a visit duration limit; and
 - (C) limiting the number of visitors, as long as criteria are established making such limitations on an individual basis in order to promote the health, safety and welfare of the clients.
- (2) The client shall prepare a list of visitors whom he desires to see. Only those visitors specified by the client will be permitted to visit with the client. Clients shall be informed whenever a visitor arrives at the state facility who is not on the list of visitors designated by the client, and the client shall have the option to add the visitor to the list.
- (3) All visitors shall present proper identification upon request.
- (4) Visitors, other than the client's immediate family, clergyman and attorney, shall be approved for visitation by the client's responsible professional.
- (5) To ensure that no contraband is carried into the unit where the client is located, no purses, handbags or other items capable of concealing contraband will be permitted in the unit and visitors may be subject to routine searches.

(e) Adult clients retain the rights specified in G.S. 122C-62(a)(1), (2) and (3) at all reasonable times. Minor clients retain the rights specified in G.S. 122C-62(c)(1), (2) and (3) at all reasonable times. These rights may not be limited or restricted.

(f) Any imposed limitation or restriction on the client's freedom to exercise his rights as specified in G.S. 122C-62(b)(1), (2), (3) and (4) or G.S. 122C-62(d)(1), (2) and (3) by the responsible professional shall be documented in accordance with G.S. 122C-62(e).

History Note: Authority G.S. 122C-62; 131E-67; 143B-147; Eff. October 1, 1984; Amended Eff. April 1, 1990; July 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.