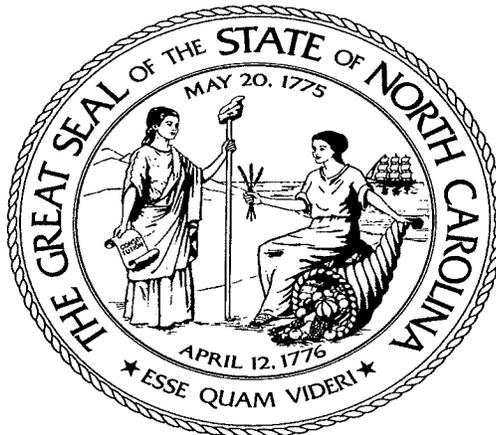

**COMMITMENT ISSUES
FOR LAW ENFORCEMENT**

This publication is only represented to be current as of the revision date on this cover page. Material in this publication may have been altered, added, or deleted since the revision date. Information contained in this publication should not be relied upon as legal advice in a particular scenario. This information is designed as a reference guide only.

ROY COOPER
ATTORNEY GENERAL



NORTH CAROLINA DEPARTMENT OF JUSTICE
LAW ENFORCEMENT LIAISON SECTION

REVISED DECEMBER 2014

TABLE OF CONTENTS

INTRODUCTION	1
I. OVERVIEW OF THE COMMITMENT PROCEDURES	1
A. NON-CLINICIAN INITIATED	1
B. CLINICIAN INITIATED	2
C. ISSUANCE OF A CUSTODY ORDER	2
II. RESPONSIBILITIES AND AUTHORITY OF THE LAW ENFORCEMENT OFFICER ...	2
A. TAKING A RESPONDENT INTO CUSTODY	2
1. FORCIBLE ENTRY TO TAKE CUSTODY OF RESPONDENT	2
2. USE OF FORCE TO TAKE RESPONDENT INTO CUSTODY	3
B. RESPONSIBILITY FOR TRANSPORTING THE RESPONDENT	3
C. OBTAINING THE INITIAL EXAMINATION	4
1. WHERE TO TAKE THE RESPONDENT	4
2. REMAINING WITH THE RESPONDENT	4
3. EXCEPTIONS TO THE INITIAL EXAM REQUIREMENT	5
D. TRANSPORTING RESPONDENT FROM INITIAL EXAM	5
1. INPATIENT COMMITMENT RECOMMENDED	5
2. OUTPATIENT OR NO COMMITMENT RECOMMENDED	5
E. TRANSPORTING RESPONDENT TO AND FROM A DESIGNATED 24-HOUR FACILITY	5
1. TRANSPORTING WITHIN THE COUNTY	5
2. TRANSPORTING OUTSIDE THE COUNTY	6
F. CONSIDERATIONS IN TRANSPORTING A RESPONDENT	6
G. COST OF TRANSPORTATION	7
III. SPECIAL EMERGENCY PROCEDURES	7
IV. AUTHORITY UNDER TRANSPORTATION ORDERS	7
CONCLUSION	8
FREQUENTLY ASKED QUESTIONS.....	9
APPENDIX A: AOC COMMITMENT FORMS	13

INTRODUCTION

In the course of their duties, law enforcement officers, both city and county, will be asked to serve orders on, and transport individuals who are the subject of involuntary commitment procedures. Involuntary mental health commitments can seem complex and overwhelming to a law enforcement officer who is unfamiliar with the process. This publication is designed to give officers a reference tool when they are fulfilling their role in the commitment process. It is recommended that agencies develop a written departmental policy for how to handle the various issues that arise during the course of involuntary commitment proceedings.

While navigating through the commitment process, it is important to keep certain underlying policies in mind. North Carolina's policy is to encourage voluntary admissions to facilities. It is State law that no individual shall be involuntarily committed to a twenty-four hour facility unless that individual is 1) mentally ill or a substance abuser, and 2) dangerous to self or others. All admissions and commitments must be accomplished under conditions that protect the dignity and constitutional rights of the individual. N.C.G.S. §122C-201.

I. OVERVIEW OF THE INVOLUNTARY COMMITMENT PROCESS

A. NON-CLINICIAN INITIATED -- N.C.G.S. 122C-261

Anyone, including a law enforcement officer, who has knowledge of an individual who is mentally ill and is either dangerous to self or others, or in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness, may appear before a clerk of superior court or magistrate and execute an affidavit to this effect (AOC-SP-300). The terms "mental illness," "danger to self," and "danger to others" are all defined in N.C.G.S. § 122C-3.

Being "dangerous to self" is defined in N.C.G.S. 122C-3(11)(a) as acting in a way to show:

- (1) The person is unable, without care, supervision and the continued assistance of others to exercise self-control, judgment, and discretion in the conduct of his daily responsibilities and social relations, or to satisfy his need for nourishment, personal or medical care, shelter or self-protection and safety; and
- (2) That there is a reasonable probability of his suffering serious physical debilitation within the near future unless adequate treatment is given; or
- (3) The person has attempted suicide or threatened suicide and that there is a reasonable probability of suicide unless adequate treatment is given; or
- (4) The person has mutilated himself or attempted to mutilate himself and that there is a reasonable probability of self-mutilation unless adequate treatment is given.

Being “dangerous to others” is defined in N.C.G.S. 122C-3(11)(b) if within the relevant past, the person has inflicted, attempted to inflict or threatened to inflict serious bodily harm on another, or has created a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that is a reasonable probability of future dangerous conduct.

B. CLINICIAN INITIATED – N.C.G.S. 122C-261(d)

The commitment process may also be initiated by certain clinicians. The clinician is not required to appear before a magistrate. They may swear to an affidavit before any official authorized to administer an oath, such as a notary public (AOC-SP-300). The affidavit and petition for involuntary commitment may then be faxed or couriered to the magistrate or Clerk of Court.

C. ISSUANCE OF A CUSTODY ORDER

Regardless of who initiates the petition for involuntary commitment, the magistrate or Clerk of Court shall review the affidavit and petition to determine if the involuntary commitment criteria are met. If the magistrate or Clerk of Court finds probable cause that the respondent is mentally ill or a substance abuser and dangerous to self and/or others, he/she must issue the Findings and Custody Order to law enforcement. If the petitioner is a non-clinician, the magistrate or Clerk of Court will use form AOC-SP-302A. If the petitioner is a clinician, the magistrate or Clerk of Court will use form AOC-SP-302B.

II. RESPONSIBILITIES AND AUTHORITY OF THE LAW ENFORCEMENT OFFICER

A. TAKING A RESPONDENT INTO CUSTODY/SERVING THE CUSTODY ORDER

N.C.G.S. §122C-261(e) requires a law enforcement officer who receives a custody order from the clerk or magistrate to take the respondent into custody within 24 hours after the order is signed. If the respondent cannot be located and taken into custody within this twenty-four hour period, the order should be returned unserved. If the respondent is located after this time, the order would have to be reissued prior to taking the respondent into custody.

1. FORCIBLE ENTRY TO TAKE CUSTODY OF RESPONDENT

In *In re Reed*, 39 N.C. App. 227, 249 S.E.2d 864 (1978), the Court found that a custody order is analogous to an arrest warrant. Both function to deprive an individual of his liberty; one in a civil context, the other in a criminal context. A law enforcement officer may enter private premises in any of the following three situations to take a respondent into custody pursuant to a custody order.

First, an officer may enter the premises of the respondent under the same circumstances allowed for executing an arrest warrant. Which means the officer must:

- ▶ have probable cause to believe that the person to be taken into custody is on the premises;

- ▶ have given or made a reasonable effort to give the occupant notice of his presence unless there is reasonable cause to believe that giving such notice would present a clear danger to human life; and
- ▶ have the signed custody order in his possession.

If, after these conditions are satisfied, the officer reasonably believes his admittance onto the premises is being denied or unreasonably delayed, the officer may use force to enter.

Second, in accordance with N.C.G.S. §15A-285, an officer may enter buildings, vehicles, and other premises if he reasonably believes that doing so is urgently necessary to save a life, prevent serious bodily harm, or avert or control a public catastrophe.

Third, an officer may enter private premises when consent is given by an appropriate resident. Consent must be given by the person whose premises are to be entered or by a person who, by ownership or otherwise, is reasonably and apparently entitled to give or withhold consent. For example, assume the respondent and a third party share an apartment. The third party may give an officer permission to enter common areas of the apartment such as a kitchen or living room. However, the third party cannot consent to the officer entering areas of the apartment over which he does not possess common authority, such as the respondent's bedroom or private bath. If the respondent is in the residence of a third party and the third party refuses to give consent to law enforcement to enter and take custody of the respondent, the officer must weigh all the facts and circumstances to determine whether or not the situation rises to the level of urgent necessity as discussed in N.C.G.S. §15A-285 or whether an additional court order to gain entry should be sought.

2. USE OF FORCE TO TAKE RESPONDENT INTO CUSTODY

In providing transportation pursuant to a commitment order the law enforcement officer may use reasonable force to restrain the respondent if it appears necessary to protect the officer, the respondent, or others. N.C.G.S. §122C-251(e).

B. RESPONSIBILITY FOR TRANSPORTING THE RESPONDENT

When the respondent is a resident of the city, or is taken into custody within the city limits, N.C.G.S. §122C-251(a) requires the city to transport the respondent. If the respondent lives outside the city limits and in the county, or is taken into custody outside the city limits, then the county must transport the respondent. If the respondent is to be transported to a facility outside the county then the county is responsible for the transportation regardless of whether the respondent resides in the city or the county. However, cities and counties may contract with each other to provide transportation. N.C.G.S. §122C-251(a).

In addition, the governing body of a city or county may adopt a plan for transportation in involuntary commitment proceedings. Law enforcement personnel, volunteers, or other public or private agency personnel may be designated to provide all or parts of the transportation required by involuntary commitment proceedings. Persons so designated shall be trained and the plan shall

assure adequate safety and protection for both the public and the respondent. Law enforcement, other affected agencies, and the area authority must participate in the planning. If any person other than a law enforcement officer is designated to provide transportation, the person designated shall follow the procedures set up for a law enforcement officer to transport. N.C.G.S. §122C-251(g).

In certain circumstances, a magistrate, or district court judge, may authorize the family or immediate friends of the respondent, if they so request, to transport the respondent in accordance with the procedures of this article. This authorization should only be granted in cases where the dangers to the public, the family or friends of the respondent, or to the respondent himself are not substantial. The family or immediate friends of the respondent must bear the cost of providing this transportation. N.C.G.S. §122C-251(f).

C. OBTAINING THE INITIAL EXAMINATION

1. WHERE TO TAKE THE RESPONDENT

After taking custody of the respondent, N.C.G.S. §122C-263 requires the officer to transport the respondent to an area facility "without unnecessary delay." An area facility is operated by or under contract with the area authority and constitutes an entity whose primary purpose is to provide care, treatment, habilitation, and rehabilitation to the mentally ill, developmentally disabled, or substance abusers. This facility will usually be designated by the Local Management Entity (LME). Law enforcement officers should contact their LME to find out where to transport respondents for an initial examination. If the respondent is already located at the site of first examination when the custody order is issued, the law enforcement officer may serve the custody order on the respondent at that facility. It is imperative that the officer complete the "Return of Service/Custody Certification" at the time the respondent is taken into custody or when the custody order is served on the respondent.

At this facility, the respondent is to be examined by a physician, eligible psychologist, or other qualified clinician. If a qualified examiner is not available in the area facility, the officer must take the respondent to "any physician or eligible psychologist locally available." If a physician or eligible psychologist is not immediately available, the respondent may be temporarily detained in an area facility if one is available. If an area facility is not available, the respondent may be detained under "appropriate supervision" in the respondent's home, a private hospital or clinic, a general hospital, or a state facility for the mentally ill. **However, the respondent may not be detained in a jail or other penal facility.**

2. REMAINING WITH THE RESPONDENT

A law enforcement officer shall remain with the respondent until the officer has determined that a person qualified to perform a first examination is available to conduct the examination. N.C.G.S. 122C-263(a). While the respondent is waiting for an evaluation or waiting for an available bed at a designated 24-hour treatment facility, the law enforcement officer may leave the respondent under appropriate supervision. Determining what is appropriate supervision will depend on the circumstances. Factors to consider include: whether the respondent appears violent, whether he or she has a history of violence, the type of facility where respondent is being examined (i.e., is it a

secured facility) and, the personnel available to supervise the respondent (i.e., is there a security guard or company police officer on site?). A law enforcement officer should use his or her best judgment and consult with facility staff in making this determination.

3. EXCEPTIONS TO THE INITIAL EXAM REQUIREMENT

The initial examination is unnecessary in two situations. The first is if a physician or eligible psychologist completed the affidavit and petition for involuntary commitment. N.C.G.S. §122C-263(b)(1). The second is if the custody order states that the respondent was charged with a violent crime and was found incapable of proceeding. N.C.G.S. §122C-263(b)(2). If the initial examination is not needed, the officer must transport the respondent directly to a designated 24-hour facility. A designated 24-hour facility is a facility that provides a structured living environment and services for a period of 24 consecutive hours or more that has been designated by the Secretary of the N.C. Department of Health and Human Services for the custody and treatment of involuntary clients. A list of designated 24-hour facilities may be found at: <http://www.ncdhhs.gov/mhddsas/services/IVC/index.htm>.

D. TRANSPORTING THE RESPONDENT FROM INITIAL EXAMINATION

1. INPATIENT COMMITMENT RECOMMENDED

If the first examiner recommends inpatient treatment, law enforcement is responsible for transporting the respondent to a designated 24-hour facility identified by the site of the first evaluation and the LME.

2. OUTPATIENT OR NO COMMITMENT RECOMMENDED

If the physician recommends outpatient treatment, the law enforcement agency who originally took the respondent into custody is responsible for returning the respondent to either his residence or the home of a consenting third party. If the physician determines that the respondent needs neither inpatient nor outpatient treatment, N.C.G.S. §122C-263 mandates that proceedings be terminated. N.C.G.S. § 122C-263(d)(3) also mandates that the agency who originally took the respondent into custody shall return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county and the respondent shall be released from custody.

E. TRANSPORTING RESPONDENT TO AND FROM A DESIGNATED 24-HOUR FACILITY

1. TRANSPORTING WITHIN THE COUNTY

The law enforcement agency who originally took the respondent into custody is responsible for transporting the respondent from the initial examination to the designated 24-hour facility if the facility is located within the county. If the respondent lives in the city or is taken into custody in the city, then the city is responsible for such transportation. If the respondent lives in the county or was taken into custody in the county, then the county has the responsibility to transport.

Likewise, upon the respondent's release from a designated 24-hour facility, the city has the duty to transport the respondent home if he or she lives inside city limits or was taken into custody inside city limits. Otherwise, the county is responsible for transporting the respondent home.

Cities and counties may contract with each other to provide these services. Additionally, the respondent being discharged may use his or her own transportation. N.C.G.S. §122C-251(b).

2. TRANSPORTING OUTSIDE THE COUNTY

If the respondent must be transported to a designated 24-hour facility in another county, then the county where the respondent was originally taken into custody is responsible for the transportation. This will be true even if the respondent lives inside the city limits or was initially taken into custody inside the city. When the designated 24-hour facility is outside the county where the respondent was originally taken into custody, transportation between counties upon discharge must be provided by the county of residence of the respondent.

F. CONSIDERATIONS IN TRANSPORTING A RESPONDENT

It is important to remember that individuals taken into custody under the involuntary commitment statutes have not committed a criminal offense. Law enforcement officers, to the extent possible, shall advise respondents when taking them into custody that they are not under arrest, but are being transported to receive treatment and for their own safety and for the safety of others. N.C.G.S. §122C-251(c).

Because the involuntary commitment process can be frightening and disorienting to the respondent, the law enforcement officer should make every effort to assure the respondent that he or she is there to help. The statute also says that, to the extent feasible, the transporting officer should be in plain clothes and travel in an unmarked vehicle. In addition, if the transporting officer is not of the same sex as the respondent, then an attendant of the same sex should accompany the law enforcement officer during transport. There is no requirement that this attendant be a sworn law enforcement officer. It may be appropriate to allow a member of the respondent's family to accompany the respondent during transport.

In providing the required transportation, N.C.G.S. §122C-251(e) states that the law enforcement officer "may use reasonable force to restrain the respondent if it appears necessary to protect self, the respondent or others." No law enforcement officer may be held criminally or civilly liable for an assault, false imprisonment, or other torts or crimes on account of reasonable measures taken under the authority of this article. N.C.G.S. §122C-251(e). In all cases, it is our recommendation that prior to transportation of a respondent, the transporting officer should contact dispatch and provide beginning mileage, location, destination and starting time. Upon reaching the destination the officer should again contact dispatch and give ending mileage, ending time and location.

G. COST OF TRANSPORTATION

According to N.C.G.S. §122C-251(h), the cost and expenses of transporting a respondent to or from a twenty-four hour facility is the responsibility of the county of residence of the respondent. The state, a city, or a county that incurs expense in transporting a respondent is entitled to recover the reasonable costs of transportation from the county of residence of the respondent. The county of residence of the respondent is entitled to recover the reasonable cost of transportation it has paid to the State, a city or a county. The county of residence may recover that cost from:

- (1) the respondent, if the respondent is not indigent;
- (2) any person or entity that is legally liable for the respondent's support and maintenance provided there is sufficient property to pay the cost;
- (3) any person or entity that is contractually responsible for the cost; or
- (4) any person or entity that otherwise is liable under federal, state, or local law for the cost, provided that the respondent or other individual liable for the respondent's support is provided a reasonable notice and opportunity to object to the reimbursement

III. SPECIAL EMERGENCY PROCEDURES -- N.C.G.S. 122C-262

This process is to be used only in the most unusual and extreme circumstances.

Anyone, including a law enforcement officer, who has knowledge of an individual who is subject to inpatient commitment and who requires immediate hospitalization to prevent harm to self or others, may transport the individual directly to an area facility, or state facility for the mentally ill, for examination by a physician or eligible psychologist. Upon examination by the physician or eligible psychologist, if the individual meets the criteria for inpatient commitment, the physician or eligible psychologist shall so certify in writing before any official authorized to administer oaths. The form used by the examiner is commonly called the "Emergency Certificate" and is form DMH-5-72-01A. If the physician or eligible psychologist completes the emergency certificate, appearance before a magistrate is waived. The physician or eligible psychologist would then send a copy of the certificate to the clerk of superior court as soon as possible. The emergency certificate must be presented for review by the Chief District Court Judge within 24 hours (excluded weekends and holidays). Anyone, including a law enforcement officer, may transport the individual to a designated 24-hour facility for examination and treatment pending a district court hearing. The emergency certificate shall serve as the custody order and the law enforcement officer or other designated person shall provide transportation. N.C.G.S. §122C-262.

IV. AUTHORITY UNDER TRANSPORTATION ORDERS

A transportation order (AOC-SP-220) is issued when a respondent who has been recommended for outpatient commitment has failed to meet requirements of his or her outpatient

commitment status. The outpatient center will notify the clerk of superior court who will issue an order to law enforcement to pick up the respondent and transport him or her to the outpatient facility for evaluation. If the respondent resides in the city or is taken into custody in the city, then the city is responsible for transporting. Similarly, if the respondent lives in the county or is taken into custody in the county, then the county is responsible for the transportation. The officer may wait and return the respondent home after the evaluation. A law enforcement officer may use reasonable force to transport a respondent pursuant to a transportation order. If it appears that the respondent is dangerous to self and/or others, involuntary inpatient commitment proceedings may be initiated. N.C.G.S. §122C-265(a),(c),(e).

CONCLUSION

Commitment procedures for individuals may involve officers in situations which are outside of the range of their usual law enforcement duties. We hope this publication is helpful in defining officer's roles and responsibilities. Questions concerning officers' roles in the commitment process may be directed to the Law Enforcement Liaison section of the North Carolina Attorney General's Office.

FREQUENTLY ASKED QUESTIONS

Q. HOW LONG MUST THE LAW ENFORCEMENT OFFICER WAIT AFTER DELIVERING THE RESPONDENT FOR AN INITIAL EXAMINATION?

- A. A law enforcement officer must remain with the respondent until the officer has determined that a physician or eligible psychologist at the area authority is available to conduct the examination. N.C.G.S. 122C-263(a). The law enforcement officer may then leave the respondent if the respondent will be left under appropriate supervision. Determining what is appropriate supervision will depend on the circumstances of each case. Factors to consider include: whether the respondent appears violent, whether he or she has a history of violence, the type of facility where respondent is being examined (for example, is it a secured facility?) and, the personnel available to supervise the respondent (i.e., is there a security guard or company police officer on site?).

Q. WHO IS RESPONSIBLE FOR TRANSPORTING THE RESPONDENT FROM THE INITIAL EXAMINATION IF OUTPATIENT COMMITMENT IS RECOMMENDED?

- A. If, after the initial examination, the clinician recommends outpatient treatment, the law enforcement agency who originally took the respondent into custody shall return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county, and the respondent shall be released from custody. N.C.G.S. §122C-263(d)(1)(d).

Q. WHO HAS THE DUTY TO PROVIDE TRANSPORTATION DURING THE INVOLUNTARY COMMITMENT PROCESS?

- A. Transportation of respondent, including admission and discharge, shall be provided by either the city or the county. The agency responsible will be based on where the respondent lives or is taken into custody. The city has the duty to provide transportation of a respondent who is a resident of the city or who is taken into custody in the city limits. The county has the duty to provide transportation for a respondent who resides in the county outside city limits or who is taken into custody outside of city limits. However, cities and counties may contract with each other to provide transportation. N.C.G.S. §122C-251(a).

Q. WHO MUST TRANSPORT THE RESPONDENT TO AND FROM THE DESIGNATED TWENTY-FOUR HOUR FACILITY?

- A. The law enforcement officer or agency who originally took the respondent into custody will transport the respondent to and from the twenty-four hour facility. When the respondent is being moved to a twenty-four hour facility in another county,

transportation should be provided by the county where respondent was taken into custody. Where respondent has requested a change of venue from one twenty-four hour facility to another twenty-four hour facility, transportation should be provided by the county where the petition for involuntary commitment was initiated. N.C.G.S. §122C-251(b). Upon release from a twenty-four hour facility in another county, the respondent's county of residence is responsible for providing transportation from the twenty-four hour facility. A discharged respondent may provide his or her own transportation.

Q. WHAT ARE THE STATUTORY REQUIREMENTS FOR HOW A RESPONDENT SHOULD BE TRANSPORTED?

A. N.C.G.S. §122C-251(c) provides that, law enforcement officers, to the extent possible, shall advise respondents when taking them into custody that they are not under arrest and have not committed a crime, but are being transported to receive treatment and for their own safety and for the safety of others. The statute also says that, to the extent feasible, the transporting officer should be in plain clothes and travel in an unmarked vehicle. In addition, the transporting officer or attendant should be of the same sex as the respondent unless the officer allows a member of the respondent's family to accompany the respondent.

Q. HOW DO YOU HANDLE TRANSPORTATION OF A RESPONDENT WHEN THE LAW ENFORCEMENT AGENCY REQUIRED TO TRANSPORT DOES NOT HAVE AN AVAILABLE OFFICER OF THE SAME SEX AS THE RESPONDENT?

A. N.C.G.S. §122C-251(d) states that in providing transportation of respondent, the agency responsible for the transportation shall provide a driver or attendant who is the same sex as the respondent, unless a family member accompanies the respondent. Agencies are encouraged to attempt to get a family member to accompany the respondent during the process. If a family member is unavailable or unwilling and an agency does not have an officer who is the same sex as the respondent, the statute allows for an "attendant" to accompany the respondent with the officer during the transportation. There is no statutory requirement that the "attendant" be a sworn law enforcement officer. If an agency does not have someone of the same sex as the respondent working as a law enforcement officer, the respondent could be accompanied by anyone of the same sex. The details of who may and will serve as an attendant should be worked out in advance by agencies that might find themselves in this position. N.C.G.S. § 122C-294 requires each area authority to develop a local plan with local law enforcement agencies and courts for the commitment process. Such details can be worked out according to this plan or through departmental policy.

Q. WHAT ARE THE POSSIBLE CIVIL RIGHTS VIOLATIONS OR CONCERNS THAT ARISE FROM COMMITMENT PROCEEDINGS?

- A. No law enforcement officer may be held criminally or civilly liable for an assault, false imprisonment, or other torts or crimes on account of reasonable measures taken under the authority of this article. N.C.G.S. §122C-251(e).

Questions of law enforcement liability will most frequently arise when an officer has taken action pursuant to N.C.G.S. §122C-262, special emergency procedure for individual requiring immediate hospitalization. Such claims are usually based on an alleged violation of respondent's Fourth Amendment right. Gooden v. Howard County, MD, 917 f.2d 1355,1361 (4th cir. 1990). Such claims are scrutinized to determine if the officer had "probable cause" to believe the respondent is "both mentally ill and that her mental illness made her a danger to herself or others." Gooden at 1363. If the respondent claims that excessive force was used, the officer's conduct must be evaluated "from the perspective of a reasonable officer on the scene," and the "tense, uncertain, and rapidly evolving" circumstances must be taken into consideration. Janicsko v. Pellman, 774 F.Supp. 331, 340 (M.D.PA. 1991).

Q. HOW MUCH FORCE MAY A LAW ENFORCEMENT OFFICER USE TO RESTRAIN A RESPONDENT DURING THE COMMITMENT PROCESS?

- A. A law enforcement officer may use reasonable force to restrain the respondent if it appears necessary to protect himself, the respondent, or others. N.C.G.S. §122C-251(e).

Q. WHAT IS A TRANSPORTATION ORDER AND WHAT ARE THE LAW ENFORCEMENT OFFICER'S RESPONSIBILITIES REGARDING TRANSPORTATION ORDERS FOR RESPONDENTS WHO HAVE FAILED TO COMPLY WITH OUTPATIENT TREATMENT?

- A. A transportation order is issued when a respondent who has been recommended for outpatient commitment has failed to meet requirements of his or her outpatient commitment status. The treatment provider will notify the clerk of superior court who will issue an order to law enforcement to pick up the respondent and transport him or her to the treatment provider for evaluation. The officer may wait and return the respondent home after the evaluation. If it appears that the respondent is mentally ill and dangerous to self and/or others, involuntary inpatient commitment proceedings may be initiated. N.C.G.S. §122C-265(a)(c)(e).

Q. WHAT IS CONSIDERED THE RESPONDENT'S COUNTY OF RESIDENCE?

- A. The county of residence for the respondent is the county of his or her domicile at the time of his or her admission or commitment to a facility. A county of residence is not changed because the respondent is temporarily out of his or her county in a facility or otherwise. N.C.G.S. §122C-3(10).

Q. DO WE NEED ANY KIND OF PLAN OR AGREEMENT WITH AREA FACILITIES OR HOSPITALS TO KNOW HOW TO PROCEED WITH AN INVOLUNTARY COMMITMENT ORDER?

A. Yes, N.C.G.S. §122C-294 requires that each area authority shall develop a local plan with local law enforcement agencies, local courts, local hospitals, and local medical societies necessary to facilitate implementation of the involuntary commitment process. If your agency is unaware of a plan, contact your local area authority and discuss your concerns with them.

Q. WHAT IS AN “AREA AUTHORITY”?

A. N.C.G.S. §122C-3(1) defines area authority as the area mental health, developmental disabilities, and substance abuse authority.

APPENDIX A
AOC COMMITMENT FORMS

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division

_____ County

IN THE MATTER OF:

Name Of Respondent

**INVOLUNTARY COMMITMENT ORDER
MENTALLY ILL**

G.S. 122C-267, 122C-268, 122C-271, 122C-276

FINDINGS

The Court finds that:

- 1. The State was was not represented by counsel.
- 2. The respondent was was not represented by counsel.
- 3. The 24-hour facility was was not represented by counsel.

Based on the evidence presented, the Court

- 4. by clear, cogent and convincing evidence finds as facts all matters set out in the physician's/eligible psychologist's report, specified below, and the report is incorporated by reference as findings.

Date Of Last Examiner's Report

Name Of Physician/Eligible Psychologist

- 5. by clear, cogent and convincing evidence finds these other facts:

- respondent discharged before court date
- respondent signed voluntary commitment before court date
- special counsel stipulates there is sufficient evidence for commitment
- facts supporting involuntary commitment:

- 6. finds that the respondent does not meet the criteria for commitment.
- 7. finds that this proceeding was begun after the respondent was charged with a violent crime and was found incapable of proceeding.

NOTE: Use AOC-SP-911M for involuntary commitment of defendant found not guilty by reason of insanity.

NOTE TO CLERK: The clerk in the hearing county should enter this order into NICS, if appropriate, and forward the original order to the clerk in the originating county.

(Over)

CONCLUSIONS

Based on the above findings, the Court concludes that the respondent:

- 1. is mentally ill.
- 2. is not mentally ill.
- 3. in addition to being mentally ill, is mentally retarded.
- 4. is dangerous to self others.
- 5. is not dangerous to self or others.
- 6. (only for nondangerous mentally ill) is capable of surviving safely in the community with available supervision from family, friends or others; and based on respondent's psychiatric history, the respondent is in need of treatment in order to prevent further disability and deterioration which would predictably result in dangerousness to self or others. And, that the respondent's inability to make an informed decision to voluntarily seek and comply with recommended treatment is caused by:
 - the respondent's current mental status.
 - the nature of the respondent's mental illness.

ORDER

It is ORDERED that:

- 1. the respondent be committed/recommitted to the inpatient 24-hour facility named below for the period specified.
- 2. the respondent be committed/recommitted to outpatient commitment under the supervision and management of the center/physician named below for the period specified.
 - the respondent may be held at the 24-hour facility where he/she is now being held, for up to 72 hours in order for the facility to notify the designated outpatient center of respondent's treatment needs.
- 3. the respondent be committed/recommitted to an inpatient 24-hour facility named below not to exceed the specified period. Following discharge from the 24-hour facility, the respondent shall be committed to outpatient commitment under the supervision of the center/physician named below for the specified period.
- 4. the respondent be discharged and this matter dismissed.
- 5. this matter be dismissed.
- 6. the respondent be discharged. Since the respondent was charged with a violent crime and previously found incapable of proceeding, it is further ordered that the respondent be released to the custody of the law enforcement agency named below.

Name Of Law Enforcement Agency

- 7. this matter be transferred to the county named below for further proceedings.

County

INPATIENT COMMITMENT

OUTPATIENT COMMITMENT

Committed/recommitted to inpatient facility for a period not to exceed

- _____ days. 90 days.
- 180 days. 1 year.

Committed/recommitted to outpatient facility for a period not to exceed

- _____ days. 90 days. 180 days.

Name And Address Of 24-Hour Facility

Name And Address Of Treatment Center/Physician

Date

Signature Of District Court Judge

Name Of District Court Judge (Type Or Print)

STATE OF NORTH CAROLINA _____ County	<div style="border-bottom: 1px solid black; margin-bottom: 5px;">File No. _____</div> In The General Court Of Justice District Court Division
IN THE MATTER OF:	
<i>Name And Address Of Respondent</i>	AFFIDAVIT AND PETITION FOR INVOLUNTARY COMMITMENT
<i>Date Of Birth</i>	G.S. 122C-261, 122C-281
<i>Drivers License No. Of Respondent</i>	<i>State</i>

I, the undersigned affiant, being first duly sworn, and having sufficient knowledge to believe that the respondent is a proper subject for involuntary commitment, allege that the respondent is a resident of, or can be found in the above named county, and is:

(Check all that apply)

1. mentally ill and dangerous to self or others or mentally ill and in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness.
 in addition to being mentally ill, respondent is also mentally retarded.
2. a substance abuser and dangerous to self or others.

The facts upon which this opinion is based are as follows: *(State facts, not conclusions, to support ALL blocks checked.)*

<i>Name And Address Of Nearest Relative Or Guardian</i>		<i>Name And Address Of Person Other Than Petitioner Who May Testify</i>	
<i>Home Telephone No.</i>	<i>Business Telephone No.</i>	<i>Home Telephone No.</i>	<i>Business Telephone No.</i>

Petitioner requests the court to issue an order to a law enforcement officer to take the respondent into custody for examination by a person authorized by law to conduct the examination for the purpose of determining if the respondent should be involuntarily committed.

SWORN/AFFIRM AND SUBSCRIBED TO BEFORE ME		<i>Signature Of Petitioner</i>	
<i>Date</i>	<i>Signature</i>	<i>Name And Address Of Petitioner (Type Or Print)</i>	
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Magistrate			
<input type="checkbox"/> Notary <i>(use only with physician or psychologist petitioner)</i>	<i>Date Notary Commission Expires</i>		
SEAL	<i>County Where Notarized</i>	<i>Relationship To Respondent</i>	
		<i>Home Telephone No.</i>	<i>Business Telephone No.</i>

Original-File Copy-Hospital Copy-Special Counsel Copy-Attorney General
(Over)

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name And Address Of Respondent

FINDINGS AND CUSTODY ORDER
INVOLUNTARY COMMITMENT
(PETITIONER APPEARS BEFORE MAGISTRATE OR CLERK)

G.S. 122C-252, -261, -263, -281, -283

Social Security No. Of Respondent

Date Of Birth

Drivers License No. Of Respondent

State

I. FINDINGS

The Court finds from the petition in the above matter that there are reasonable grounds to believe that the facts alleged in the petition are true and that the respondent is probably:

(Check all that apply)

- 1. mentally ill and dangerous to self or others or mentally ill and in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness.
In addition to being mentally ill, the respondent probably is also mentally retarded. (If this finding is made, see G.S. 122C-261(b) and (d) for special instructions.)
2. a substance abuser and dangerous to self or others.

II. CUSTODY ORDER

TO ANY LAW ENFORCEMENT OFFICER:

The Court ORDERS you to take the above named respondent into custody WITHIN 24 HOURS AFTER THIS ORDER IS SIGNED and take the respondent for examination by a person authorized by law to conduct the examination. (A COPY OF THE EXAMINER'S FINDINGS SHALL BE TRANSMITTED TO THE CLERK OF SUPERIOR COURT IMMEDIATELY.)

- IF the examiner finds that the respondent IS NOT a proper subject for involuntary commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.
IF the examiner finds that the respondent IS mentally ill and a proper subject for outpatient commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.
IF the examiner finds that the respondent IS mentally ill and a proper subject for inpatient commitment, then you shall transport the respondent to a 24-hour facility designated by the State for the custody and treatment of involuntary clients and present the respondent for custody, examination and treatment pending a district court hearing.
IF the examiner finds that the respondent IS a substance abuser and subject to involuntary commitment, the examiner must recommend whether the respondent be taken to a 24-hour facility or released, and then you shall either release him/her or transport the respondent to a 24-hour facility designated by the State for the custody and treatment of involuntary clients and present the respondent for custody, examination and treatment pending a district court hearing.

Date

Time

AM PM

Signature

Deputy CSC CSC
Assistant CSC Magistrate

This Order is valid throughout the State. If the respondent is taken into custody, this Order is valid for seven (7) days from the date and time of issuance.

III RETURN OF SERVICE
A. CUSTODY CERTIFICATION

- Respondent WAS NOT taken into custody for the following reason:
I certify that this Order was received and respondent served and taken into custody as follows:

Date Respondent Taken Into Custody

Time

AM PM

Name Of Law Enforcement Officer (Type Or Print)

Signature Of Law Enforcement Officer

Name Of Law Enforcement Agency

Badge No. Of Officer

NOTE TO LAW ENFORCEMENT OFFICER: If respondent is not taken into custody within 24 hours after this Order is signed, check the appropriate box above and return to the Clerk of Superior Court immediately. If respondent is served and taken into custody, complete return of service on the reverse. When taking respondent into custody you must inform him or her that he or she is not under arrest and has not committed a crime, but is being transported to receive treatment and for his or her own safety and that of others.

Original-File Copy-24-Hour Facility Copy-Special Counsel Copy-Attorney General
(Over)

B. PATIENT DELIVERY TO FIRST EXAMINATION SITE

The respondent was presented to an authorized examiner as shown below:

Date Presented	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Examiner (Type Or Print)
Name Of Examining Facility		County Of Examining Facility
Name Of Law Enforcement Officer (Type Or Print)		Signature Of Law Enforcement Officer
Name Of Law Enforcement Agency		Badge No. Of Officer

**C. FOR USE WHEN TRANSPORTING AFTER FIRST EXAMINATION:
PATIENT RELEASED OR DELIVERED TO 24-HOUR FACILITY**

- 1. The examiner found that the respondent does not meet the commitment criteria, or meets the criteria for outpatient commitment, or meets the criteria for substance abuse commitment and should be released pending a hearing. I returned respondent to his/her regular residence or the home of a consenting person and released respondent from custody.
- 2. The examiner found that the respondent is mentally ill and meets the criteria for inpatient commitment, or meets the criteria for substance abuse commitment and should be held pending a district court hearing. I transported and placed the respondent in the custody of the 24-hour facility named below for observation and treatment.

Name Of 24-Hour Facility	County Of 24-Hour Facility
--------------------------	----------------------------

- 3. Respondent was temporarily detained under appropriate supervision at the site of first examination because the first examiner recommended inpatient commitment and a 24-hour facility was not immediately available or medically appropriate. Upon further examination, an examiner determined that the respondent no longer meets inpatient commitment criteria or meets the criteria for outpatient commitment. I returned the respondent to his/her regular residence or the home of a consenting person and released respondent from custody.

Date Delivered	Time Delivered <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Examiner (Type Or Print)
Name Of Examining Facility		County Of Examining Facility
Name Of Law Enforcement Officer (Type Or Print)		Signature Of Law Enforcement Officer
Name Of Law Enforcement Agency		Badge No. Of Officer

NOTE TO LAW ENFORCEMENT OFFICER: Upon completing this section, immediately return this form and a copy of the examiner's written report (Form No. DMH 5-72-01) to the Clerk of Superior Court of the county where the petition was filed and the custody order issued (See top of reverse side).

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name And Address Of Respondent

FINDINGS AND CUSTODY ORDER
INVOLUNTARY COMMITMENT
(PETITIONER IS CLINICIAN WHO HAS EXAMINED RESPONDENT)

G.S. 122C-252, -261, -263, -281, -283

Social Security No. Of Respondent

Date Of Birth

Drivers License No. Of Respondent

State

I. FINDINGS

The Court finds from the petition in the above matter that there are reasonable grounds to believe that the facts alleged in the petition are true and that the respondent is probably:

(Check all that apply)

- 1. mentally ill and dangerous to self or others.
In addition to being mentally ill, the respondent probably is also mentally retarded. (If this finding is made, see G.S. 122C-261(b) and (d) for special instructions.)
2. a substance abuser and dangerous to self or others.

II. CUSTODY ORDER

TO ANY LAW ENFORCEMENT OFFICER:

The Court ORDERS you to take the above named respondent into custody WITHIN 24 HOURS AFTER THIS ORDER IS SIGNED and transport the respondent directly to a 24-hour facility designated by the State for the custody and treatment of involuntary clients and present the respondent for custody, examination and treatment pending a district court hearing.

Form with fields for Date, Time (AM/PM), Signature, and checkboxes for Deputy CSC, CSC, Assistant CSC, Magistrate.

This Order is valid throughout the State. If the respondent is taken into custody, this Order is valid for seven (7) days from the date and time of issuance.

III. RETURN OF SERVICE
A. CUSTODY CERTIFICATION

- Respondent WAS NOT taken into custody for the following reason:
I certify that this Order was received and the respondent served and taken into custody as follows:

Form with fields for Date Respondent Taken Into Custody, Time, Name Of Law Enforcement Officer, Signature Of Law Enforcement Officer, Name Of Law Enforcement Agency, Badge No. Of Officer.

NOTE TO LAW ENFORCEMENT OFFICER: If respondent is not taken into custody within 24 hours after this Order is signed, check the appropriate box above and return to the Clerk of Superior Court immediately. If respondent is served and taken into custody, complete return of service on the reverse. When taking respondent into custody you must inform him or her that he or she is not under arrest and has not committed a crime, but is being transported to receive treatment and for his or her own safety and that of others.

Original-File Copy-24-Hour Facility Copy-Special Counsel Copy-Attorney General

(Over)

B. FOR USE WHEN 24-HOUR FACILITY NOT IMMEDIATELY AVAILABLE OR MEDICALLY APPROPRIATE

A 24-hour facility is not immediately available or medically appropriate. The respondent is being temporarily detained under appropriate supervision at the facility named below.

Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Examiner (Type Or Print)
Name Of Examining Facility		County Of Examining Facility
Name Of Law Enforcement Officer (Type Or Print)		Signature Of Law Enforcement Officer
Name Of Law Enforcement Agency		Badge No. Of Officer

C. FOR USE WHEN RESPONDENT RELEASED BEFORE TRANSPORT TO 24-HOUR FACILITY

Respondent was temporarily detained under appropriate supervision at the site of first examination because the first examiner (petitioning clinician) recommended inpatient commitment and a 24-hour facility was not immediately available or medically appropriate. Upon further examination, an examiner determined that the respondent no longer meets the inpatient commitment criteria or meets the criteria for outpatient commitment. I returned the respondent to his/her regular residence or the home of a consenting person and released respondent from custody.

Date Delivered	Time Delivered <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Examiner (Type Or Print)
Name Of Examining Facility		County Of Examining Facility
Name Of Law Enforcement Officer (Type Or Print)		Signature Of Law Enforcement Officer
Name Of Law Enforcement Agency		Badge No. Of Officer

NOTE TO LAW ENFORCEMENT OFFICER: Upon completing this section, immediately return this form and the examiner's written report (Form No. DMH 5-72-01) to the Clerk of Superior Court of the county where the petition was filed and the custody order issued (See top of reverse side).

D. PATIENT DELIVERY TO 24-HOUR FACILITY

I transported the respondent and placed him/her in the custody of the 24-hour facility named below.

Date Delivered	Time Delivered <input type="checkbox"/> AM <input type="checkbox"/> PM
Name Of 24-Hour Facility	County Of 24-Hour Facility
Name Of Law Enforcement Officer (Type Or Print)	Signature Of Law Enforcement Officer
Name Of Law Enforcement Agency	Badge No. Of Officer

NOTE TO LAW ENFORCEMENT OFFICER: Upon completing this section, immediately return this form to the Clerk of Superior Court of the county where the petition was filed and the custody order issued (See top of reverse side).

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name And Address Of Respondent

INVOLUNTARY COMMITMENT
CUSTODY ORDER
DEFENDANT FOUND
INCAPABLE TO PROCEED
(For Offenses Committed On Or After Dec. 1, 2013)

G.S. 15A-1003, -1004; 122C-261, -262, -263

I. FINDINGS

The respondent has been charged in File No. with a criminal offense in the above named county and has been found incapable of proceeding to trial under G.S. 15A-1002.

Based on the evidence presented, the Court finds that there are reasonable grounds to believe that the respondent is probably mentally ill and either dangerous to self or others or in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness in that (insert appropriate findings)

In addition, the Court finds that the respondent

1. is probably mentally retarded, in that (insert appropriate findings)

2. is charged with a violent crime in violation of G.S., in that (insert appropriate findings)

CUSTODY ORDER

To the Sheriff of County:

The Court ORDERS you to take the above named respondent into custody and transport the respondent:

1. to a local person authorized by law to conduct an examination, for examination. (Use when not charged with a violent crime.)

2. directly to the 24-hour facility named below for temporary custody, examination and treatment pending a district court hearing. (Use when charged with a violent crime.)

Notice To Hospital, Institution, 24-Hour Facility:

Criminal charges are still pending against the respondent. If defendant-respondent is released he/she must be released to the law enforcement agency named below. If the defendant-respondent is not charged with a violent crime and no law enforcement agency is specified, you may release him/her to whomever you think appropriate. You must examine the defendant-respondent to determine whether he/she has gained the capacity to proceed to trial prior to releasing him/her from custody. A report of the examination must be provided to the court pursuant to G.S. 15A-1002.

Name Of Law Enforcement Agency

Name And Address Of 24-Hour Facility

Date

Signature Of Judge

Or Following Facility Designated By Area Authority:

Name Of Judge (Type Or Print)

NOTE: Use AOC-SP-910M for involuntary commitment if defendant found not guilty by reason of insanity.

(Over)

II. RETURN OF SERVICE

I certify that this Order was received and served as follows:

<i>Date Respondent Taken Into Custody</i>	<i>Time</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM
---	-------------	---

A. FOR USE WHEN RESPONDENT NOT CHARGED WITH VIOLENT CRIME

- 1. The respondent was presented to an authorized examiner locally available as shown below.
- 2. The respondent was temporarily detained at the facility named below until the respondent could be examined by an authorized examiner locally available.

<i>Date Presented</i>	<i>Time</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Examiner</i>
-----------------------	-------------	--	-------------------------

Name Of Local Facility

- 1. Upon examination, the examiner named above found that the respondent did meet the criteria for outpatient commitment. I returned the respondent to his/her regular residence or to the home of a consenting person.
- 2. Upon examination, the examiner named above found that the respondent did meet the criteria for inpatient commitment.
 - I transported the respondent and placed the respondent in the temporary custody of the 24-hour facility named below for observation and treatment.
 - I placed the respondent in the custody of the agency named below for transportation to the 24-hour facility.
- 3. Upon examination, the examiner named above found that the respondent did not meet the criteria for inpatient or outpatient commitment.
 - I examined the respondent for capacity to proceed to trial and returned him/her to his/her regular residence or the home of a consenting person. *(Use for offenses occurring on or after December 1, 2013.)*
(NOTE: Submit report of capacity examination to Clerk of Superior Court in accordance with G.S. 15A-1002.)
- 4. The examiner's written statement is attached. will be forwarded.

<i>Name Of 24-Hour Facility</i>	<i>Date Delivered</i>	<i>Time Delivered</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Date Of Return</i>
---------------------------------	-----------------------	-----------------------	--	-----------------------

<i>Name Of Transporting Agency</i>	<i>Signature Of Law Enforcement Official</i>
------------------------------------	--

B. FOR USE WHEN RESPONDENT CHARGED WITH VIOLENT CRIME

I transported the respondent directly to and placed him/her in the temporary custody of the facility named below.

<i>Name Of 24-Hour Facility</i>	<i>Date Delivered</i>	<i>Time Delivered</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Date Of Return</i>
---------------------------------	-----------------------	-----------------------	--	-----------------------

<i>Name Of Transporting Agency</i>	<i>Signature Of Law Enforcement Official</i>
------------------------------------	--

C. FOR USE WHEN ANOTHER AGENCY TRANSPORTS THE RESPONDENT

I took custody of the respondent from the officer named above, transported the respondent and placed him/her in the temporary custody of the facility named below for observation and treatment.

<i>Name Of 24-Hour Facility</i>	<i>Date Delivered</i>	<i>Time Delivered</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Date Of Return</i>
---------------------------------	-----------------------	-----------------------	--	-----------------------

<i>Name Of Transporting Agency</i>	<i>Signature And Rank Of Law Enforcement Official</i>
------------------------------------	---

D. FOR USE WHEN STATE FACILITY TRANSFERS WITHOUT ADMISSION

Pursuant to G.S. 122C-261(f), I took custody of the respondent from the state 24-hour facility named above, where he/she was not admitted, and transported the respondent and placed him/her in the temporary custody of the facility named below for observation and treatment.

<i>Name Of Facility To Which Transferred</i>	<i>Date Delivered</i>	<i>Time Delivered</i>	<input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Date Of Return</i>
--	-----------------------	-----------------------	--	-----------------------

<i>Name Of Transporting Agency</i>	<i>Signature Of Law Enforcement Or State Facility Official</i>
------------------------------------	--

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name And Address Of Respondent (Including Zip Code)

**AUTOMATIC
INVOLUNTARY COMMITMENT OF
DEFENDANT FOUND NOT GUILTY
BY REASON OF INSANITY**

G.S. 15A-1321; 122C-268.1

FINDINGS AND COMMITMENT

The respondent has been charged in File No. _____ with a criminal offense in the above named county and has been found not guilty by reason of insanity.

Therefore, the Court ORDERS the respondent committed to the State 24-hour facility named below.

The Court also ORDERS the law enforcement agency named below to take the respondent into custody and transport the respondent directly to the State 24-hour facility named below for commitment.

Name Of State 24-Hour Facility

Date

Signature Of Judge

Name Of Law Enforcement Agency To Transport

Name Of Judge (Type Or Print)

RETURN OF SERVICE

I certify that this Order was received and served as follows:

- I took respondent into custody and transported respondent directly to and placed respondent in the custody of the facility named below.

Date Respondent Taken Into Custody

Date Delivered

Name Of State 24-Hour Facility

- I did not carry out the order for the following reason:

Date Order Received

Signature Of Law Enforcement Officer

Date Of Return

Name Of Transporting Agency

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
Superior Court Division

IN THE MATTER OF:

Name And Address Of Respondent

**FINDINGS AND ORDER
INVOLUNTARY COMMITMENT
PHYSICIAN-PETITIONER
RECOMMENDS OUTPATIENT COMMITMENT**

G.S. 122C-261

NOTICE: *This form is to be used instead of the Findings And Custody Order (AOC-SP-302) only when the petitioner is a physician or psychologist who recommends outpatient commitment or release pending hearing for a substance abuser.*

FINDINGS

The petitioner in this case is a physician/eligible psychologist who has recommended outpatient commitment/substance abuse commitment with the respondent being released pending hearing.

The Court finds from the petition in the above matter that there are reasonable grounds to believe that the facts alleged in the petition are true and that the respondent is probably:

- mentally ill and in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness.
- a substance abuser and dangerous to himself/herself or others.

ORDER

It is ORDERED that a hearing before the district court judge be held to determine whether the respondent will be involuntarily committed.

Date

Signature

Deputy CSC

Assistant CSC

Clerk Of Superior Court

Magistrate

NOTE TO CLERK: *Schedule an initial hearing for the respondent pursuant to G.S. 122C-264 or G.S. 122C-284 and give notice of the hearing as required by those statutes.*

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name Of Respondent

ORDER INVOLUNTARY
COMMITMENT PROCEEDINGS -
SUBSTANCE ABUSER

G.S. 122C-287

FINDINGS

The Court finds that:

- 1. The State was was not represented by counsel.
- 2. The respondent was was not represented by counsel.
- 3. The 24-hour facility was was not represented by counsel.

Based on the evidence presented, the Court

- 4. by clear, cogent, and convincing evidence, finds as facts all matters set out in the physician's/eligible psychologist's/qualified professional's report, specified below, and the report is incorporated by reference as findings.

Date Of Last Examiner's Report

Name Of Examiner

- 5. by clear, cogent, and convincing evidence, finds these other facts:

- 6. finds that the respondent does not meet the criteria for commitment.

CONCLUSIONS

Based on the above findings, the Court concludes that the respondent:

- 1. is a substance abuser.
- 2. is not a substance abuser.
- 3. is dangerous to self to others.
- 4. is not dangerous to self or others.

(See Order on reverse)

ORDER

It is ORDERED that:

- 1. the respondent be committed/recommitted to the area authority/physician named below for the period specified.
 - The respondent is now being held at the 24-hour facility listed below and the respondent is ordered returned to that facility to be held until the area authority/physician to whom the respondent is committed authorizes release.
 - It is ordered that venue be transferred to _____ County.
- 2. the respondent be discharged and this matter dismissed.

Committed/recommitted to the area authority/physician for a period not to exceed <input type="checkbox"/> _____ days. <input type="checkbox"/> 18 days. <input type="checkbox"/> 1 year.	Name And Address Of 24-Hour Facility
Name And Address Of Area Authority/Physician	Date
	Signature Of District Court Judge
	Name Of District Court Judge (type or print)

NOTE TO CLERK: *If the respondent is involuntarily committed for the treatment of alcoholism or drug addiction, then in all cases send a certified copy of this Order to the Division of Motor Vehicles, 3118 Mail Service Center, Raleigh, NC 27699-3118. G.S. 20-17.1(b).*

NOTE TO CLERK: *The Clerk in the hearing county should enter this order into NICS, if appropriate, and forward the original order to the Clerk in the originating county.*

CERTIFICATION

I certify that this Order, Involuntary Commitment Proceedings - Substance Abuser is a true and complete copy of the original on file in this case.

Date	Name (type or print)	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court	SEAL
------	----------------------	-----------	--	-------------

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division

_____ County

IN THE MATTER OF:

Name And Address Of Respondent

Drivers License No., If Known

State

Date Of Birth Of Respondent

**PETITION AND CUSTODY ORDER
FOR SPECIAL EMERGENCY
SUBSTANCE ABUSE
INVOLUNTARY COMMITMENT**

G.S. 122C-282

I, the undersigned affiant, being first duly sworn, and having sufficient knowledge to believe that the respondent is a proper subject for involuntary commitment, allege that the respondent is a resident of, or can be found in the above named county, and is a substance abuser who is dangerous to himself or others. I have taken the respondent into custody and brought the respondent immediately before the Court because he/she is violent and requires restraint and the delay which would result from obtaining a medical examination would endanger life or property.

Name And Address Of Nearest Relative Or Guardian (Including Zip Code)

Name And Address Of Other Person Who May Testify To Facts (Including Zip Code)

Home Telephone No.

Business Telephone No.

Home Telephone No.

Business Telephone No.

I request the Court to authorize the transportation of the respondent to a 24-hour facility for temporary custody, observation and treatment pending a district court hearing.

SWORN AND SUBSCRIBED TO BEFORE ME

Signature Of Petitioner-Officer

Date

Name And Address Of Petitioner-Officer (Including Zip Code) (Type Or Print)

Signature

- Deputy CSC Assistant CSC Clerk Of Superior Court
- Magistrate

Original-File Copy-hospital Copy-Special Counsel Copy- torney General
(Over)

FINDINGS

The Court finds that there are are not reasonable grounds to believe that the facts alleged in the petition are true and that the respondent is probably a substance abuser and dangerous to himself or others.

The Court further finds by clear, cogent, and convincing evidence that the respondent is is not in fact violent and requires restraint, and delay in taking the respondent to a person authorized by law to conduct an examination, for examination would endanger life or property.

CUSTODY ORDER

TO ANY LAW ENFORCEMENT OFFICER

The Court orders you to take the named respondent into custody and transport the respondent directly to the 24-hour facility named below, for temporary custody, examination and treatment pending a district court hearing.

Name And Address of 24-Hour Facility For Substance Abuser	Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
	Signature	
	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Magistrate	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

RETURN OF SERVICE

The respondent WAS NOT taken into custody for the following reason:

I certify that this Order was received and served as follows:

Date Respondent Taken Into Custody	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
------------------------------------	--

I transported the respondent directly to and placed him in the temporary custody of the facility named below.

Name Of 24-Hour Facility For Substance Abuser	Date Order Received	Date Of Return
Date Delivered	Signature Of Law Enforcement Officer	
Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Transporting Agency	

PETITIONER'S WAIVER OF NOTICE OF HEARING

I voluntarily waive my right to notice of all hearings and rehearings in which the Court may commit the respondent or extend the respondent's commitment period, or discharge the respondent from the treatment facility.

Signature Of Witness	Date
	Signature Of Petitioner-Officer

ORDER

It is ORDERED that:

- the respondent's commitment to the State 24-hour facility named below be continued for the period specified.
- the respondent be discharged and this matter dismissed.

Commitment continued for a period not to exceed
 90 days 180 days 1 year

Name And Address Of 24-hour Facility

Name And Address Of Counsel For Petitioner

Name And Address Of Counsel For Respondent

Date

Signature Of Judge

Name Of Judge (Type Or Print)