

North Carolina Laws Pertaining to Involuntary Commitment (IVC)

NCGS 122C, with focus on Parts 7 & 8

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Involuntary Commitment

- The purpose of this presentation is to provide a **high-level overview** of the Involuntary Commitment Laws in North Carolina.

- For more **detailed** information please reference:

https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_122c.html

Objectives

- **Introduction to IVC**
- **Understand the process for IVC in NC**

Involuntary Commitment

- The IVC process allows **an individual believed to be a danger to themselves or others to be remanded into the custody of a facility** that provides treatment for mental illness or substance use when that individual does not voluntarily seek treatment.
- Anyone can petition the local Magistrate to have commitment proceedings begin on someone. If the petition is determined to have been filed maliciously, corruptly, or unlawfully, the petitioner can face civil charges (NCGS 122C-204).

Danger to Self

- In the relevant past:
 - demonstrated inability to care for self and shown behavior that could result in “serious physical debilitation” in the near future
 - OR
 - has attempted or threatened suicide and there is ‘reasonable probability’ of such without proper treatment/intervention
 - OR
 - has attempted to or has actually mutilated self and ‘serious self-mutilation’ could occur without treatment/intervention

SOURCE: NCGS 122C-3(11)(a)

Danger to Others

- **In the relevant past:**
 - **threatened, attempted, or actually inflicted “serious bodily harm on another”**
 - OR**
 - **acted to create substantial risk of said harm to someone**
 - OR**
 - **engaged in extreme property destruction**
 - AND**
 - **this behavior is likely to be repeated without treatment /intervention**

SOURCE: NCGS 122C-3(11)(b)

Filing a Petition

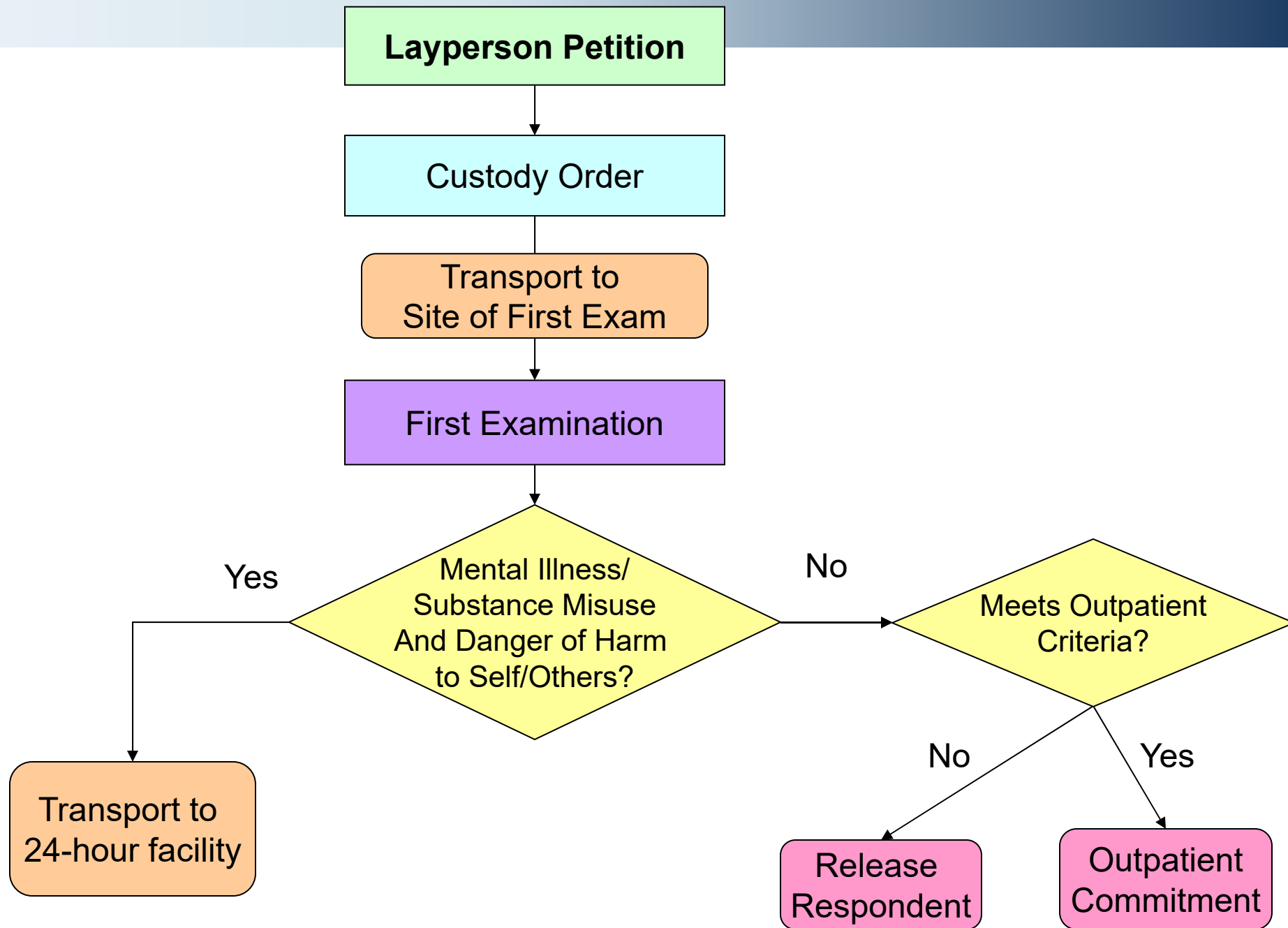
- An *Affidavit and Petition for Involuntary Commitment* can be filed in person by a nonclinical person with the county's Magistrate's Office or clerk of court.
- Based on the facts presented, a custody order can be issued for the individual to be transported to a site of first exam by someone designated to provide such transportation (most often law enforcement).
- The transporter has 24 hours to locate and transport the individual before a new custody order is required.

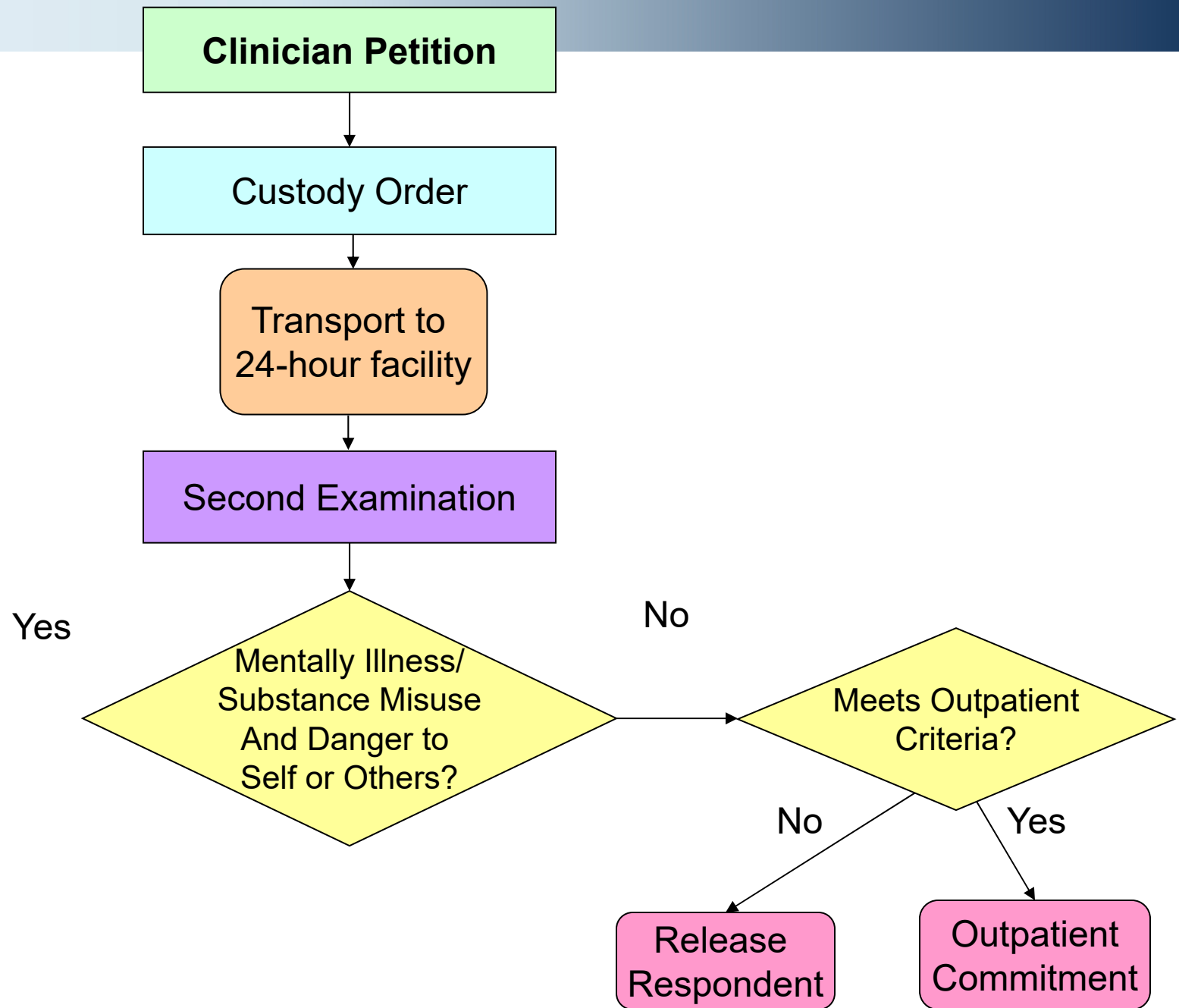
SOURCE: NCGS 122C-261

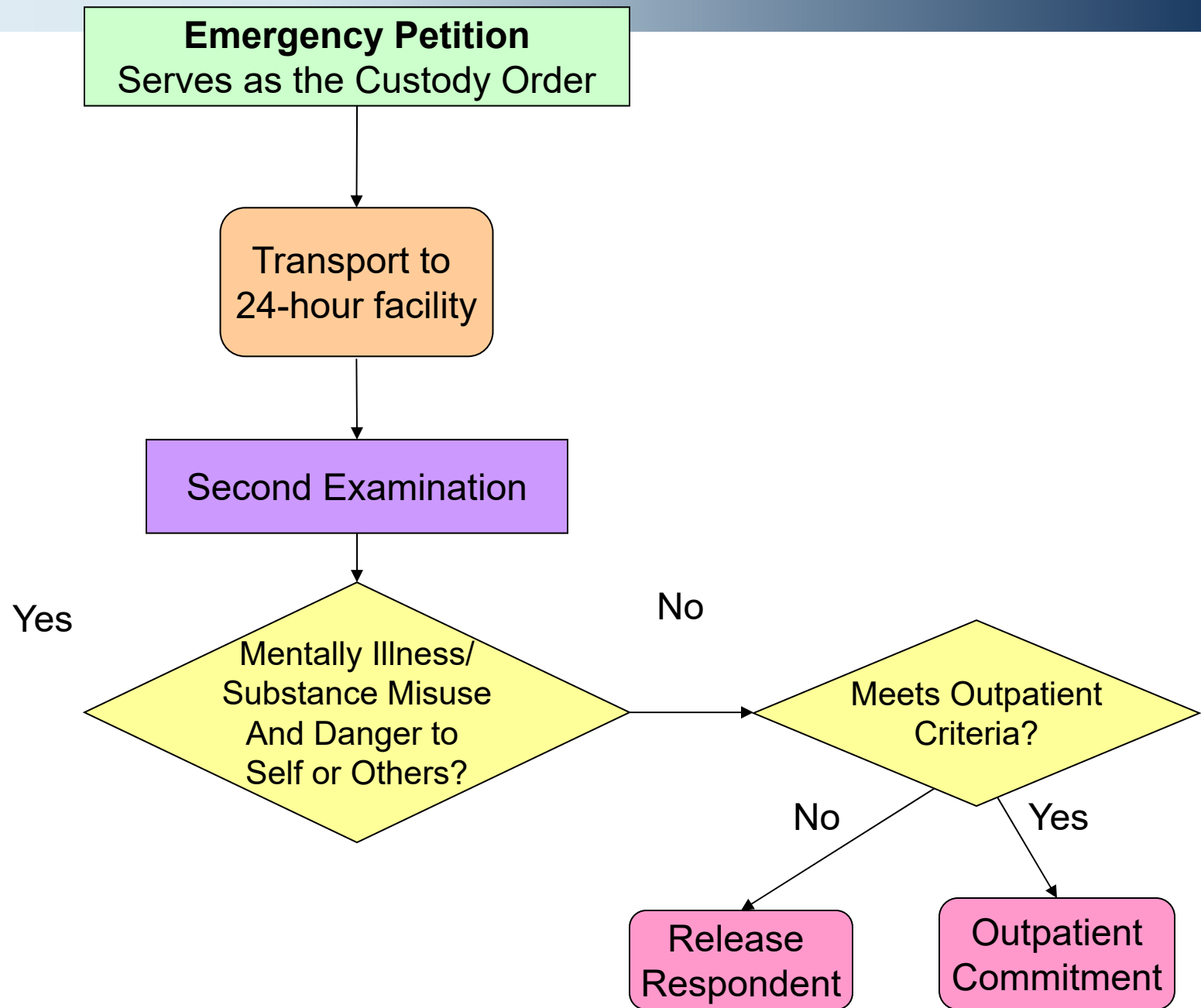
Other Paths to IVC

- **Clinician Petition**
 - Physician, Eligible Psychologist, Commitment Examiner*
(certified through NC DMH/DD/SUS)
- **Emergency Petition**
 - Clinician, EMS, law enforcement (overdosing, violent individual)

***The following can certify to become a Commitment Examiner: LCMHCs, LCSWs, LMFTs, NPs, PAs, and LCASs.**







Remaining with Individual

Law enforcement officers are to stay with the individual until it is determined that a commitment examiner is available to complete the first exam, and that the individual is under appropriate supervision.

Are personnel able to effectively manage the individual's possibly volatile or violent behaviors, if necessary?

First Examination – Possible Outcomes

- Within 24 hours of arrival at site of first exam, the first evaluation must occur.
 - Criteria Not Met: Law enforcement will return individual home.
 - Outpatient Criteria Met: Law enforcement returns individual home after individual receives info for required scheduled appointment.
 - Inpatient Criteria Met: Inpatient bed is sought/secured for individual.

SOURCE: GS 122C-263

Bed Assignment

- A site of first exam can detain an individual under a custody order for up to seven (7) days while an inpatient bed is located and secured. Proceedings must be terminated after seven days if no bed is found.
- While waiting for a bed, treatment can occur.
- New IVC proceedings may be initiated before end of timeframe provided criteria for IVC are still met.
- An individual can be released at any point they no longer meet commitment criteria.

SOURCE: NCGS 122C-263(d)(2)

Custody/First Examination

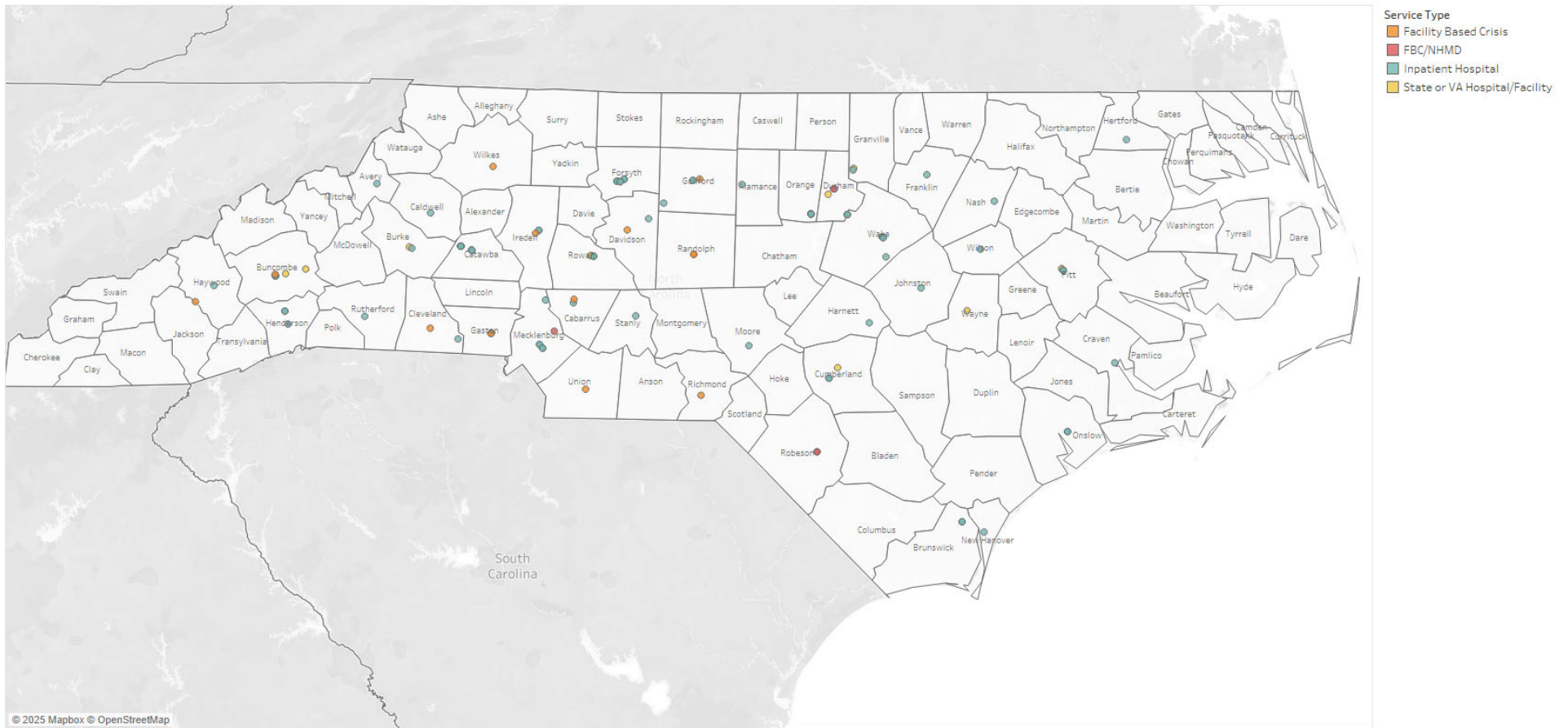
- When the commitment examiner recommends inpatient commitment and the need is documented on the examination report, **transportation to a 24-hour facility shall occur *within six (6) hours of notification**** of availability from the accepting facility.

* For law enforcement: “to the extent feasible, the law enforcement officer shall act within 6 hours of notification.”

SOURCE: GS 122C-263(d)(2)

IVC-Designated Facilities

IVC Facilities



Map based on Longitude (generated) and Latitude (generated) and Latitude (generated). Details are shown for Name. For pane Latitude (generated): The marks are labeled by Name. For pane Latitude (generated) (2): Color shows details about Service Type. Details are shown for various dimensions. The view is filtered on Age Group and Name of Facility. The Age Group filter keeps 7 of 7 members. The Name of Facility filter keeps 115 of 115 members.

NC Facilities Designated for the Custody and Treatment of Individuals Under Petitions for Involuntary Commitment | NCDHHS

SOURCE: GS 122C-252

[Results of] Second Examination

- If the detained individual is subsequently released following the second examination, due to
 - no longer meeting criteria for inpatient commitment, or
 - now meeting criteria for outpatient commitment,

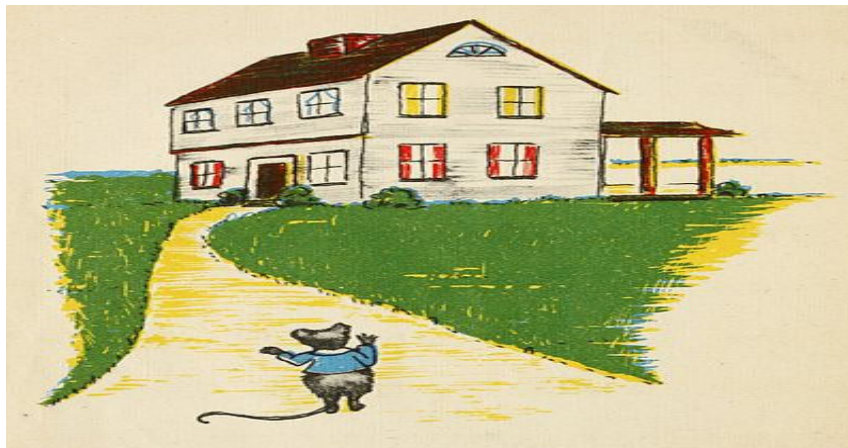


law enforcement shall provide transportation back to the individual's residence or another location in the originating county.

SOURCE: GS 122C-266(a)(4)

Transportation From Facility

- Upon individual's release from a 24-hour facility:
 - The city has the duty to transport the individual home if the individual lives inside the city limits or was taken into custody inside the city limits and other transportation is not available.
 - Otherwise, the county is responsible for transportation.
 - Discharged individual may use own transportation.



SOURCE: GS 122C-251(b)

Involuntary Commitment

More information about involuntary commitment can be found on our website at <https://www.ncdhhs.gov/ivc>.



Thank you!

QUESTIONS?

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okay,
Byeeee!

