



Involuntary Commitment

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Due Process

- Criteria—The grounds for court-ordered treatment.
- Procedure—The process for obtaining court-ordered treatment.

Because the commitment statutes provide for a drastic remedy, those that use them must do so with “care and exactness.” In re Ingram, 74 N.C. App. 579 (1985), quoting Samons, 9 NC App. 490 (1970).





The Magistrate's Role

Reasonable grounds to believe the respondent probably meets the criteria for commitment





The District Court Role

Clear, cogent, and convincing evidence that the respondent meets the criteria for commitment





Three Kinds of Commitment Orders

1. Outpatient commitment → mental illness
2. Inpatient commitment → mental illness
2. Substance abuse commitment → alcohol/drug abuse



Criteria for Commitment

Inpatient commitment

mental illness + dangerous to self or dangerous to others

Substance abuse commitment

substance abuse + dangerous to self or dangerous to others

1. mental illness
2. substance abuse
3. dangerous to self
4. dangerous to others



Criteria for Outpatient Commitment

- Mentally ill
- Based on psychiatric history, in need of treatment to prevent further disability or deterioration that would predictably result in dangerousness
- Capable of surviving safely in the community
- Mental status negates ability to seek or comply with recommended treatment

“preventive” commitment



Dangerous to Self

- Unable to care for self + reasonable probability of serious physical debilitation
- Attempted or threatened suicide + reasonable probability of suicide
- Attempted or engaged in self-mutilation + reasonable probability of serious mutilation



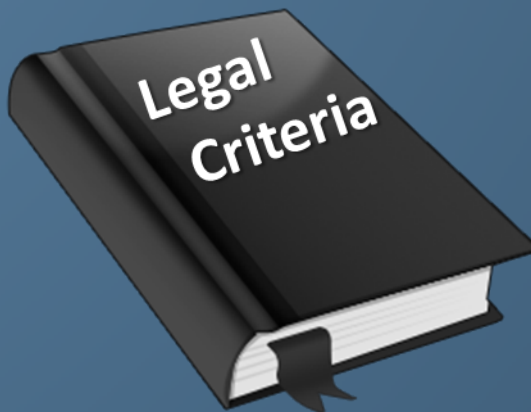
Dangerous to Others

Within the relevant past, the individual has:

1. Inflicted, attempted, or threatened serious bodily harm + reasonable probability of conduct repeating
2. Created a substantial risk of serious bodily harm + reasonable probability of conduct repeating
3. Engaged in extreme destruction of property + reasonable probability of conduct repeating



The Magistrate's Role



belief



Overview of Commitment Procedure—3 Potential Paths

Petitioner Affidavit

Magistrate Order

Clinician Exam

Clinician Exam

District Court Order

Clinician Petitioner Exam & Affidavit

Magistrate Order

Clinician Exam

District Court Order

Clinician Exam & Emergency Certificate

District Court Review

Clinician Exam

District Court Order