

1.1 Purpose of Manual

This manual reviews the provisions of the North Carolina mental health and substance abuse laws as they pertain to commitments and admissions to 24-hour facilities and to outpatient commitments. Relevant statutes are found in Chapter 122C of the North Carolina General Statutes (hereinafter G.S.), entitled “Mental Health, Developmental Disabilities, and Substance Abuse Act of 1985.” North Carolina appellate court and U.S. Supreme Court decisions are discussed where pertinent. Collateral consequences that may ensue as a result of commitment are explored as well as special provisions applicable to respondents committed through involvement with the criminal justice system.

The manual is designed to assist the attorney representing a respondent or minor facing a commitment, admission, or detention under an involuntary commitment custody order before admission to a 24-hour facility. The primary focus of the manual is on admissions and commitments requiring judicial review and thus on proceedings requiring the appointment of counsel. However, also discussed is pre-admission detention of respondents in involuntary commitment proceedings for which counsel may not have been appointed. This chapter presents a brief overview of the major topics presented.