

10.3 Collateral Proceedings

A. Voluntary Admission to Have No Effect on Incompetency Proceeding

Voluntary admission, as well as involuntary commitment, to a facility for treatment of mental illness, substance abuse, mental retardation, or developmental disability, is to have no effect on incompetency proceedings. G.S. 122C-203. This presumably means that the fact of admission or commitment alone is not determinative in a guardianship proceeding under Chapter 35A, or former Chapters 33 or 35, of the General Statutes. The underlying facts regarding the respondent's symptoms or behavior may be admissible, however, if relevant to the incompetency proceeding. For an in-depth treatment of incompetency proceedings, see JOHN L. SAXON, NORTH CAROLINA GUARDIANSHIP MANUAL (UNC School of Government 2008), available at www.ncids.org (under reference manuals).

B. Voluntary Admission Not Admissible in Involuntary Proceeding

The voluntary admission for treatment of mental illness "shall not be competent evidence in an involuntary commitment proceeding." G.S. 122C-208. There is a statutory exception for use of evidence of "treatment history" in an involuntary *outpatient* proceeding. *Id.* Presumably, the respondent's underlying symptoms and behavior may be admissible if relevant.