

## **2.10 Rehearings for Outpatient Commitment**

### **A. Notice to Clerk by Treatment Provider**

The outpatient treatment physician or center must notify the clerk of superior court at least fifteen days before the end of initial or subsequent outpatient treatment if an additional period of outpatient commitment is required. Additionally, the treatment provider must notify the clerk if a respondent no longer meets the criteria for outpatient commitment. The clerk must then dismiss the case, unless the respondent was committed as a result of being charged with a violent crime and being found incapable of proceeding. In that case, the clerk also must schedule a hearing before the district court. G.S. 122C-275(a). This procedure is discussed *infra* in § 8.12.

### **B. Scheduling of Hearing and Notice**

The clerk must calendar the hearing at least ten days before the end of the outpatient commitment period. Notice is to be provided in accord with the requirements for the initial hearing. G.S. 122C-275(a), (b); *see also supra* § 2.3M.

### **C. Hearing Procedures**

Rehearings for outpatient commitment are held in accord with the procedures set forth for the initial hearing. The respondent is afforded the same rights, including the right to appeal. G.S. 122C-275(b).

### **D. Disposition**

The court has two dispositional alternatives at a rehearing on an outpatient commitment. First, if the court finds that the respondent no longer meets the criteria for outpatient commitment, the respondent must be unconditionally discharged. The clerk must transmit a copy of the discharge order to the outpatient treatment provider. G.S. 122C-275(c).

If the court finds that the respondent continues to meet the criteria for outpatient commitment, it may order outpatient commitment to continue for up to 180 days at each rehearing. G.S. 122C-275(c).