

2.2 Terminology Used in this Chapter

“Area authority” is the “area mental health, developmental disabilities, and substance abuse authority.” G.S. 122C-3(1). For a more detailed discussion of area authorities, see *infra* § 3.2.

“Area facility” is “a facility that is operated by or under contract with the area authority or county program.” G.S. 122C-3(14)a. An area facility is part of a local program of services and cannot be a state facility.

“Custody order” is the order signed by the clerk of superior court or a magistrate authorizing a law enforcement officer or other authorized person to take a respondent into custody for examination or to provide other transportation required within the commitment process.

“Dangerous to self” means that within the relevant past:

- “1. The individual has acted in such a way as to show:
 - I. That he would be unable, without care, supervision, and the continued assistance of others not otherwise available, to exercise self-control, judgment, and discretion in the conduct of his daily responsibilities and social relations, or to satisfy his need for nourishment, personal or medical care, shelter, or self-protection and safety; and
 - II. That there is a reasonable probability of his suffering serious physical debilitation within the near future unless adequate treatment is given pursuant to this Chapter. A showing of behavior that is grossly irrational, of actions that the individual is unable to control, of behavior that is grossly inappropriate to the situation, or of other evidence of severely impaired insight and judgment shall create a prima facie inference that the individual is unable to care for himself; or
2. The individual has attempted suicide or threatened suicide and that there is a reasonable probability of suicide unless adequate treatment is given pursuant to this Chapter; or
3. The individual has mutilated himself or attempted to mutilate himself and that there is a reasonable probability of serious self-mutilation unless adequate treatment is given pursuant to this Chapter.

Previous episodes of dangerousness to self, when applicable, may be considered when determining reasonable probability of physical debilitation, suicide, or self-mutilation.”

G.S. 122C-3(11)a.

“Dangerous to others” means that:

“within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.”

G.S. 122C-3(11)b.

“Local management entity” or “LME” means an area authority, county program, or consolidated human services agency that contracts with an area facility for services. *See* G.S. 122C-3(20b).

“Qualified Physician’s Examination report (QPE)” is the term commonly used to refer to the Department of Health and Human Services form completed by an examining physician when prepared for use in court. *See infra* Appendix A, DMH Form 5-72-01. It is forwarded to the clerk of court when involuntary commitment is recommended following the filing of a petition or when a rehearing on commitment is requested by the attending physician.

“Special Counsel” is the attorney assigned to represent all indigent respondents at state facilities for the mentally ill. The attorney is a state employee of the Office of Indigent Defense Services with an office at the state facility. G.S. 122C-270(a), (b); *see also infra* § 2.5A.

“State facility” is a facility under the supervision of the Secretary of the Department of Health and Human Services for the provision of “services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers.” G.S. 122C-3(14), 122C-3(14)f.

“24-hour facility” is a “facility that provides a structured living environment and services for a period of 24 consecutive hours or more.” G.S. 122C-3(14)g. A “‘residential facility,’ which is a 24-hour facility that is not a hospital, including a group home,” is included in this definition. G.S. 122C-3(14)e.