

2.4 Outpatient Commitment Recommended by Physician or Eligible Psychologist Affiant

An involuntary commitment proceeding can begin as a request for outpatient commitment only when a physician or eligible psychologist initiates the process by affidavit. *See supra* § 2.3.H and *infra* Appendix A, Form AOC-SP-305. Under that procedure, the physician or eligible psychologist performs an examination in compliance with the requirements for the first examination under G.S. 122C-263(c) prior to filing the affidavit. The physician or eligible psychologist must provide the respondent with written notice of any scheduled appointment and the name, address, and telephone number of the proposed outpatient treatment physician or center. G.S. 122C-261(d).

The clerk or magistrate must review the affidavit and determine if there is “probable cause to believe that the respondent meets the criteria for outpatient commitment.” If so, an order must issue directing that a district court hearing be held to determine whether the respondent will be involuntarily committed to outpatient treatment. G.S. 122C-261(d).