

3.8 Rehearings

A. Rehearing Distinguished from Supplemental Hearing

See supra § 3.7A.

B. Notice to Clerk by Facility

The area authority or physician must send a request for a rehearing to the clerk at least fifteen days before the end of the commitment period. This notice is sent to the clerk of the county where the respondent's treatment is being supervised. G.S. 122C-292(a).

C. Calendaring of Hearing Notice

The clerk must calendar the hearing at least ten days before the end of the commitment period. Notice is to be provided in accord with the requirements for the initial hearing. G.S. 122C-292(a), (b); *see infra* Appendix A, Form AOC-SP-301.

D. Hearing Procedures

Rehearings for substance abuse commitment are held in accord with the procedures for the initial hearing. The respondent is afforded the same rights, including the right to appeal. G.S. 122C-292(b); *see supra* §§ 3.5, 3.6.

E. Disposition

At any rehearing, if the court determines that the respondent continues to meet the criteria, it may order commitment for up to 365 days. If the court finds that the respondent no longer meets the criteria, it must order unconditional discharge. G.S. 122C-292(c).

F. No Waiver by Respondent of Right to Rehearing

The respondent is not allowed to waive the right to a rehearing in a substance abuse commitment proceeding. G.S. 122C-286(b), 122C-292(b). This differs from a mental health commitment, in which the respondent may waive the right to second and subsequent rehearings. *See* G.S. 122C-276(f).