

6.8 Rehearings

A. Right to Rehearing

A minor admitted to a facility upon concurrence of the court for either further evaluation and diagnosis or for continued treatment, has the right to a rehearing on whether the court authorizes additional time in the facility. G.S. 122C-224.4(a), (b).

B. Notice to Clerk of Superior Court

The responsible professional must notify the clerk at least fifteen days before the end of the approved stay if there is a request for an extension of the admission. G.S. 122C-224.4(c). The clerk is required to schedule a rehearing on the request prior to the expiration of the current admission. *Id.*

These time provisions cannot be met if the initial authorized stay is limited, for example, to one or two weeks. If the responsible professional determines at any time during the admission that additional time is needed, it will be too late to give the fifteen days' notice to the clerk.

C. Notice of Rehearing

Notices are to be sent by the clerk pursuant to the same procedures and time limits as for the initial hearing. G.S. 122C-224.1(c) (requiring clerk to “schedule all hearings and rehearings as required by this Part”). The clerk might not be able to serve and send the required notices within the statutory time periods if the prior admission term was relatively short. Because the minor's interest is not typically to extend the initial admission, counsel may waive timely notice of the rehearing.

D. Rehearing Procedures

Rehearings are to be conducted pursuant to the provisions of the statutes for the initial hearing. G.S. 122C-224.4(b).

E. Length of Authorized Admission Upon Rehearing

The court may authorize up to an additional 180 days' stay in the facility at each rehearing for admission of a minor. G.S. 122C-224.4(b). This is in contrast to the ninety-day maximum stay that may be authorized by the court at an initial hearing.