

6.9 Discharge and Conditional Release

A. Conditional Release

The responsible professional is allowed to conditionally release the minor for up to thirty days during the admission. G.S. 122C-224.6(b). This conditional release could be as limited as a day pass to go out with a parent, to as broad as returning home for thirty days. In all cases, the minor must abide by any conditions of the release imposed by the responsible professional. Violation of any conditions of release authorizes the responsible professional to contact a law enforcement officer to take the minor into custody for return to the facility. *Id.*

B. Duty of Responsible Professional to Discharge

If the responsible professional determines that the minor is no longer mentally ill or a substance abuser, or that the minor is no longer in need of treatment at the facility, the minor must be unconditionally discharged. G.S. 122C-224.7(a). This discharge can occur at any time during the admission. It is important to stress this possibility, as the minor client may believe the judicial concurrence in a maximum length of admission is a “sentence” to be served. This belief could hinder cooperation in treatment and thus result in a longer stay.

C. Request of Responsible Person

At any time, the legally responsible person may file a written request for discharge of the minor from the facility. G.S. 122C-224.7(b). The responsible professional must discharge the minor within seventy-two hours, unless it is determined that the minor is either mentally ill or a substance abuser and is a danger to self or others. In that case, the facility may utilize the seventy-two hours in order to initiate involuntary commitment proceedings. *Id.* This option must be explained to both the legally responsible person and the minor at admission. G.S. 122C-224(b); *see supra* § 6.3B.

D. Discharge Within 72 Hours of Reaching Age 18

If the minor reaches the age of eighteen while in the facility and refuses to sign an authorization within seventy-two hours of reaching eighteen, the client either must be discharged or involuntarily committed. 122C-224.7(c). Upon reaching the age of majority, the client could choose to sign in to the facility as a voluntarily admitted adult. If not, the facility must discharge the client, unless it is determined that the criteria for involuntary commitment exist. In that case, the facility may hold the individual for up to seventy-two hours, presumably after the minor has reached the age of eighteen, in order to institute the involuntary commitment procedure.