

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 600

Short Title: Outpatient Commitment Criteria.

(Public)

Sponsors: Representative Gardner.

Referred to: Human Resources.

March 15, 1989

A BILL TO BE ENTITLED

AN ACT TO REFINE THE OUTPATIENT COMMITMENT CRITERIA FOR PERSONS WITH MENTAL ILLNESS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-271 reads as rewritten:

"(b) If the respondent has been held in a 24-hour facility pending the district court hearing, the court may make one of the following dispositions:

(1) If the court finds by clear, cogent, and convincing evidence that the respondent is mentally ill; that he is capable of surviving safely in the community with available supervision from family, friends, or others; that based on respondent's ~~treatment~~ psychiatric history, the respondent is in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness as defined by G.S. 122C-3(11); and that the respondent's current mental status or the nature of his illness limits or negates his ability to make an informed decision voluntarily to seek or comply with recommended treatment, it may order outpatient commitment for a period not in excess of 90 days. If the commitment proceedings were initiated as the result of the respondent's being charged with a violent crime, including a crime involving an assault with a deadly weapon, and the respondent was found not guilty by reason of insanity or incapable of proceeding, the commitment order shall so show.

(2) If the court finds by clear, cogent, and convincing evidence that the respondent is mentally ill and is dangerous to himself or others or is

1 mentally retarded and, because of an accompanying behavior disorder,
2 is dangerous to others, it may order inpatient commitment at a 24-hour
3 facility described in G.S. 122C-252 for a period not in excess of 90
4 days. However, an individual who is mentally retarded and, because of
5 an accompanying behavior disorder, is dangerous to others may not be
6 committed to a State, area or private facility for the mentally retarded.
7 An individual who is mentally ill and dangerous to himself or others
8 may also be committed to a combination of inpatient and outpatient
9 commitment at both a 24-hour facility and an outpatient treatment
10 physician or center for a period not in excess of 90 days. If the
11 commitment proceedings were initiated as the result of the
12 respondent's being charged with a violent crime, including a crime
13 involving an assault with a deadly weapon, and the respondent was
14 found not guilty by reason of insanity or incapable of proceeding, the
15 commitment order shall so show. If the court orders inpatient
16 commitment for a respondent who is under an outpatient commitment
17 order, the outpatient commitment is terminated; and the clerk of the
18 superior court of the county where the district court hearing is held
19 shall send a notice of the inpatient commitment to the clerk of superior
20 court where the outpatient commitment was being supervised.

21 (3) If the court does not find that the respondent meets either of the
22 commitment criteria set out in subdivisions (1) and (2) of this
23 subsection, the respondent shall be discharged, and the facility in
24 which he was last a client so notified.

25 (4) Before ordering any outpatient commitment, the court shall make
26 findings of fact as to the availability of outpatient treatment. The court
27 shall also show on the order the outpatient treatment physician or
28 center who is to be responsible for the management and supervision of
29 the respondent's outpatient commitment. When an outpatient
30 commitment order is issued for a respondent held in a 24-hour facility,
31 the court may order the respondent held at the facility for no more than
32 72 hours in order for the facility to notify the designated outpatient
33 treatment physician or center of the treatment needs of the respondent.
34 The clerk of court in the county where the facility is located shall send
35 a copy of the outpatient commitment order to the designated outpatient
36 treatment physician or center. If the outpatient commitment will be
37 supervised in a county other than the county where the commitment
38 originated, the court shall order venue for further court proceedings to
39 be transferred to the county where the outpatient commitment will be
40 supervised. Upon an order changing venue, the clerk of superior court
41 in the county where the commitment originated shall transfer the file to
42 the clerk of superior court in the county where the outpatient
43 commitment is to be supervised."

1 Sec. 2. This act shall become effective October 1, 1989, and applies to
2 outpatient commitment orders issued on or after that date.