



CHAPTER 122C
ARTICLE 5 - PROCEDURES FOR ADMISSION AND DISCHARGE OF CLIENTS

N.C.G.S. § 122C-268.

Inpatient commitment; district court hearing.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2025-93, s. 7(c) — fifteenth act in the lineage	RETRIEVED 21 September 2026, 05:30 UTC	SOURCE FINGERPRINT cf46755f56d78ade5dea8371 - c4cf11727eb9a6093ea65487 - 580653b709af0c2f
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§ 122C-268(a) A hearing shall be held in district court within 10 days of the day the respondent is taken into law enforcement custody pursuant to G.S. 122C-261(e) or G.S. 122C-262. If a respondent temporarily detained under G.S. 122C-263(d)(2) is subject to a series of successive custody orders issued pursuant to G.S. 122C-263(d)(2), the hearing shall be held within 10 days after the day that the respondent is taken into custody under the most recent custody order. A continuance of not more than five days may be granted upon motion of any of the following:

- (1) The court.
- (2) Respondent's counsel.
- (3) The State, sufficiently in advance to avoid movement of the respondent.

§ 122C-268(b) The attorney, who is a member of the staff of the Attorney General assigned to one of the State's facilities for the mentally ill or the psychiatric service of the University of North Carolina Hospitals at Chapel Hill, shall represent the State's interest at commitment hearings, rehearings, and supplemental hearings held for respondents admitted pursuant to this Part or G.S. 15A-1321 at the facility to which he is assigned.

In addition, the Attorney General may, in his discretion, designate an attorney who is a member of his staff to represent the State's interest at any commitment hearing, rehearing, or supplemental hearing held in a place other than at one of the State's facilities for the mentally ill or the psychiatric service of the University of North Carolina Hospitals at Chapel Hill.

- § 122C-268(c)** If the respondent's custody order indicates that the respondent was charged with a violent crime, including a crime involving an assault with a deadly weapon, and that the respondent was found incapable of proceeding, the clerk shall give notice of the time and place of the hearing to the chief district judge and the district attorney in the county in which the defendant was found incapable of proceeding as provided in G.S. 122C-264(d). The district attorney in the county in which the respondent was found incapable of proceeding may represent the State's interest at the hearing. Notwithstanding the provisions of G.S. 122C-269, if the district attorney elects to represent the State's interest, upon motion of the district attorney, the venue for the hearing, rehearings, and supplemental rehearings shall be the county in which the respondent was found incapable of proceeding.
- § 122C-268(d)** The respondent shall be represented by counsel of his choice; or if he is indigent within the meaning of G.S. 7A-450 or refuses to retain counsel if financially able to do so, he shall be represented by counsel appointed in accordance with rules adopted by the Office of Indigent Defense Services.
- § 122C-268(e)** With the consent of the court, counsel may in writing waive the presence of the respondent.
- § 122C-268(f)** Certified copies of reports and findings of commitment examiners and previous and current medical records are admissible in evidence, but the respondent's right to confront and cross-examine witnesses may not be denied.
- § 122C-268(g)** To the extent feasible, hearings shall be held in an appropriate room at the facility in which the respondent is being treated in a manner approved by the chief district court judge if the facility is located within the presiding judge's district court district as defined in G.S. 7A-133. Hearings may be held in the judge's chambers. A hearing may not be held in a regular courtroom, over objection of the respondent, if in the discretion of a judge a more suitable place is available. Regardless of the manner and location for hearings, hearings shall be held in a manner that complies with any applicable federal and State laws governing the confidentiality and security of confidential information. If the respondent has counsel, the respondent shall be allowed to communicate fully and confidentially with his attorney during the proceeding.
- § 122C-268(h)** The hearing shall be closed to the public unless the respondent requests otherwise.

§ 122C-268(i)

A copy of all documents admitted into evidence and a transcript of the proceedings shall be furnished to the respondent on request by the clerk upon the direction of a district court judge. If the respondent is indigent, the copies shall be provided at State expense.

§ 122C-268(j)

To support an inpatient commitment order, the court shall find by clear, cogent, and convincing evidence that the respondent is mentally ill and dangerous to self, as defined in G.S. 122C-3(11)a., or dangerous to others, as defined in G.S. 122C-3(11)b. The court shall record the facts that support its findings.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
15 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1985	c. 589, s. 2	ENACTED
02	1985	c. 695, s. 8	AMENDED
03	1985	1985 (Reg. Sess., 1986), c. 1014, s. 195(b)	AMENDED
04	1985	1987 (Reg. Sess., 1988), c. 1037, s. 114	AMENDED
05	1989	c. 141, s. 11	AMENDED
06	1989	1989 (Reg. Sess., 1990), c. 823, s. 7	AMENDED
07	1991	c. 37, s. 10	AMENDED
08	1991	c. 257, s. 2	AMENDED
09	1991	1995 (Reg. Sess., 1996), c. 739, s. 11(a), (b)	AMENDED
10	2000	S.L. 2000-144, s. 39	AMENDED
11	2014	S.L. 2014-107, s. 6.1	AMENDED
12	2017	S.L. 2017-158, s. 16	AMENDED
13	2018	S.L. 2018-33, s. 29	AMENDED
14	2021	S.L. 2021-47, s. 10(l)	AMENDED

APPARATUS II
9 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 122C-261(e)	(a)	"into law enforcement custody pursuant to"
G.S. 122C-262	(a)	"custody pursuant to G.S. 122C-261(e) or"
G.S. 122C-263(d)(2)	(a)	"If a respondent temporarily detained under"
G.S. 15A-1321	(b)	"admitted pursuant to this Part or"
G.S. 122C-264(d)	(c)	"incapable of proceeding as provided in"
G.S. 122C-269	(c)	"the hearing. Notwithstanding the provisions of"
G.S. 7A-450	(d)	"is indigent within the meaning of"
G.S. 7A-133	(g)	"district court district as defined in"
G.S. 122C-3(11)	(i)	"dangerous to self, as defined in"

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 122C-268 (2025).

PINPOINT
N.C. Gen. Stat. § 122C-268(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1985, c. 589, s. 2; c. 695, s. 8; 1985 (Reg. Sess., 1986), c. 1014, s. 195(b); 1987 (Reg. Sess., 1988), c. 1037, s. 114; 1989, c. 141, s. 11; 1989 (Reg. Sess., 1990), c. 823, s. 7; 1991, c. 37, s. 10; c. 257, s. 2; 1995 (Reg. Sess., 1996), c. 739, s. 11(a), (b); 2000-144, s. 39; 2014-107, s. 6.1; 2017-158, s. 16; 2018-33, s. 29; 2021-47, s. 10(l); 2025-93, s. 7(c).)

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