



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

N.C.G.S. § 122C-281.

Affidavit and petition before clerk or magistrate; custody order.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2024-33, s. 17 — thirteenth act in the lineage	21 September 2026, 03:31 UTC	20ab4f4519492486cc5e7fe5 - f57016ab3b2af59892c95b84 - 97b7887cd7dce83d

- § 122C-281(a)

Any individual who has knowledge of a substance abuser who is dangerous to self or others may appear before a clerk or assistant or deputy clerk of superior court or a magistrate, execute an affidavit to this effect, and petition the clerk or magistrate for issuance of an order to take the respondent into custody for examination by a commitment examiner. The affidavit shall include the facts on which the affiant's opinion is based. Jurisdiction under this subsection is in the clerk or magistrate in the county where the respondent resides or is found.
- § 122C-281(b)

If the clerk or magistrate finds reasonable grounds to believe that the facts alleged in the affidavit are true and that the respondent is probably a substance abuser and dangerous to self or others, the clerk or magistrate shall issue an order to a law enforcement officer or any other person designated under G.S.122C-251(g) to take the respondent into custody for examination by a commitment examiner.
- § 122C-281(c)

If the clerk or magistrate issues a custody order, the clerk or magistrate shall also make inquiry in any reliable way as to whether the respondent is indigent within the meaning of G.S. 7A-450. A magistrate shall report the result of this inquiry to the clerk.
- § 122C-281(d)

If the affiant is a commitment examiner who has examined the respondent, he or she may execute the affidavit before any official authorized to administer oaths. The commitment examiner is not required to appear before the clerk or magistrate for this purpose. The commitment examiner's examination shall comply with the requirements of the initial examination as provided in G.S. 122C-283(c). The aff -

iant shall file the affidavit and examination findings with the clerk of court in the manner described in G.S. 122C-261(d)(1) for affiants filing in counties that have not implemented an electronic filing system approved by the Director of the Administrative Office of the Courts and G.S. 122C-261(d1) for affiants filing in counties that have implemented an electronic filing system approved by the Director of the Administrative Office of the Courts. If the commitment examiner recommends commitment and the clerk or magistrate finds probable cause to believe that the respondent meets the criteria for commitment, the clerk or magistrate shall issue an order to a law enforcement officer to take the respondent into custody for transportation to a 24-hour facility, or, if the respondent is released pending hearing, as described in G.S. 122C-283(d)(1), order that a hearing be held as provided in G.S. 122C-284(a). If a physician or eligible psychologist executes an affidavit for commitment of a respondent, a second qualified professional shall perform the examination required by G.S. 122C-285. Any person or entity who or which has been designated in compliance with G.S. 122C-251 shall be permitted to complete all or part of the duties of a law enforcement officer, in accord with the designation.

§ 122C-281(e) Upon receipt of the custody order of the clerk or magistrate, a law enforcement officer or other designated person identified in the order shall take the respondent into custody within 24 hours after the order is signed. The custody order is valid throughout the State.

§ 122C-281(e1) No commitment examiner, area facility, acute care hospital, general hospital, or other site of first examination, or their officials, staff, employees, or other individuals responsible for the custody, examination, detention, management, supervision, treatment, or release of an individual examined for commitment, who is not grossly negligent, shall be held liable in any civil or criminal action for taking measures to temporarily detain an individual for the period of time necessary to complete a commitment examination, submit an affidavit to the magistrate or clerk of court, and await the issuance of a custody order as authorized by subsection (d) of this section.

§ 122C-281(f) Repealed by Session Laws 2018-33, s. 32, effective October 1, 2019.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
13 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	1973	c. 726, s. 1	ENACTED
02	1973	c. 1408, s. 1	AMENDED
03	1977	c. 400, s. 3	AMENDED
04	1979	c. 164, s. 2	AMENDED
05	1979	c. 915, ss. 3, 18	AMENDED
06	1983	c. 383, s. 5	AMENDED
07	1983	c. 638, ss. 3-5	AMENDED
08	1983	c. 864, s. 4	AMENDED
09	1985	c. 589, s. 2	AMENDED
10	1985	c. 695, ss. 2, 4	AMENDED
11	2004	S.L. 2004-23, s. 1(b)	AMENDED
12	2018	S.L. 2018-33, s. 32	AMENDED
13	2024	S.L. 2024-33, s. 17	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-251(g)	(b)	<i>"or any other person designated under"</i>
G.S. 7A-450	(c)	<i>"is indigent within the meaning of"</i>
G.S. 122C-283(c)	(d)	<i>"the initial examination as provided in"</i>
G.S. 122C-261(d)(1)	(d)	<i>"court in the manner described in"</i>
G.S. 122C-261(d1)	(d)	<i>"Administrative Office of the Courts and"</i>
G.S. 122C-283(d)(1)	(d)	<i>"released pending hearing, as described in"</i>
G.S. 122C-284(a)	(d)	<i>"hearing be held as provided in"</i>

G.S. 122C-285	(d)	<i>"shall perform the examination required by"</i>
G.S. 122C-251	(d)	<i>"has been designated in compliance with"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 122C-281 (2024).

PINPOINT

N.C. Gen. Stat. § 122C-281(a) (2024).

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

(1973, c. 726, s. 1; c. 1408, s. 1; 1977, c. 400, s. 3; 1979, c. 164, s. 2; c. 915, ss. 3, 18; 1983, c. 383, s. 5; c. 638, ss. 3-5; c. 864, s. 4; 1985, c. 589, s. 2; c. 695, ss. 2, 4; 2004-23, s. 1(b); 2018-33, s. 32; 2024-33, s. 17.)

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