



CHAPTER 122C

ARTICLE 5 - PROCEDURES FOR ADMISSION AND DISCHARGE OF CLIENTS

N.C.G.S. § 122C-286.

Commitment; district court hearing.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2018-33, s. 37 — sixth act in the lineage	21 September 2026, 03:37 UTC	11679912915332daf1243352 - 7724da9f03f1a42aad807d56 - 940bc8cf5234d8d9

- § 122C-286(a)** A hearing shall be held in district court within 10 days of the day the respondent is taken into custody. 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 the respondent is taken into custody under the most recent custody order. Upon its own motion or upon motion of the responsible professional, the respondent, or the State, the court may grant a continuance of not more than five days.
- § 122C-286(b)** The respondent shall be present at the hearing unless the respondent, through counsel, submits a written waiver of personal appearance. A subpoena may be issued to compel the respondent's presence at a hearing. The petitioner and the responsible professional of the area facility or the proposed treating physician or a designee of the proposed treating physician may be present and may provide testimony.
- § 122C-286(c)** Certified copies of reports and findings of physicians, psychologists, and other commitment examiners and medical records of previous and current treatment are admissible in evidence, but the respondent's right to confront and cross-examine witnesses shall not be denied.
- § 122C-286(d)** The respondent may be represented by counsel of choice. If the respondent is indigent within the meaning of G.S. 7A-450, counsel shall be appointed to represent the respondent in accordance with rules adopted by the Office of Indigent Defense Services.

- § 122C-286(e)

Hearings may be held at a facility if it is located within the judge's district court district as defined in G.S. 7A-133 or 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.
- § 122C-286(f)

The hearing shall be closed to the public unless the respondent requests otherwise. The hearing for a respondent being held at a 24-hour facility shall be held in a location and in the manner provided in G.S. 122C-268(g).
- § 122C-286(g)

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-286(h)

To support a commitment order, the court shall find by clear, cogent, and convincing evidence that the respondent meets the criteria specified in G.S. 122C-283(d)(1). The court shall record the facts that support its findings and shall show on the order the area facility or physician who is responsible for the management and supervision of the respondent's treatment.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
6 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.

1985

2002

2018

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

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. 863, ss. 29, 30	AMENDED
04	1985	1987 (Reg. Sess., 1988), c. 1037, s. 117	AMENDED
05	2000	S.L. 2000-144, s. 43	AMENDED
06	2018	S.L. 2018-33, s. 37	AMENDED

APPARATUS II
5 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-263(d)(2)	(a)	<i>"If a respondent temporarily detained under"</i>
G.S. 7A-450	(d)	<i>"is indigent within the meaning of"</i>
G.S. 7A-133	(e)	<i>"district court district as defined in"</i>
G.S. 122C-268(g)	(f)	<i>"and in the manner provided in"</i>
G.S. 122C-283(d)(1)	(h)	<i>"respondent meets the criteria specified in"</i>

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 122C-286 (2018).

PINPOINT
N.C. Gen. Stat. § 122C-286(a) (2018).

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. 863, ss. 29, 30; 1987 (Reg. Sess., 1988), c. 1037, s. 117; 2000-144, s. 43; 2018-33, s. 37.)

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