



CHAPTER 122C

ARTICLE 3 - CLIENTS' RIGHTS AND ADVANCE INSTRUCTION

N.C.G.S. § 122C-54.

Exceptions; abuse reports and court proceedings.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2025-93, s. 1(f) — twenty-eighth act in the lineage	21 September 2026, 05:39 UTC	fb955dfe6b39eb97d2c73b9e - b68efddde31cd94812447a6e - b06d66647c4314ca

§ 122C-54(a) A facility shall disclose confidential information if a court of competent jurisdiction issues an order compelling disclosure.

§ 122C-54(a1) Upon a determination by the facility director or the facility director's designee that disclosure is in the best interests of the client, a facility may disclose confidential information for purposes of filing a petition for involuntary commitment of a client pursuant to Article 5 of this Chapter or for purposes of filing a petition for the adjudication of incompetency of the client and the appointment of a guardian or an interim guardian under Chapter 35A of the General Statutes.

§ 122C-54(b) If an individual is a defendant in a criminal case and a mental examination of the defendant has been ordered by the court as provided in G.S. 15A-1002, the facility shall send the results or the report of the mental examination to the clerk of court, to the district attorney or prosecuting officer, and to the attorney of record for the defendant as provided in G.S. 15A-1002(d). The report shall contain a treatment recommendation, if any, and an opinion as to whether there is a likelihood that the defendant will gain the capacity to proceed.

§ 122C-54(c) When an individual is held at a facility under involuntary commitment or voluntary admission proceedings that require district court hearings or rehearings pursuant to Article 5 of this Chapter, certified copies of written results of examinations, gathered during the course of the current commitment or admission, shall be furnished by the

facility to the client's counsel, the attorney representing the State's interest, and the court. Upon request, the facility shall disclose to respondent's counsel, the attorney representing the State's interest, and the court confidential information collected, maintained, or used in attending or treating the respondent during the proceeding for voluntary admission or involuntary commitment. Other medical records shall be furnished only upon court order. The confidentiality of client information shall be preserved in all matters except those pertaining to the necessity for admission or continued stay in the facility or commitment under review.

§ 122C-54(d)

Except as otherwise provided in this section, any individual seeking confidential information contained in the court files or the court records of a proceeding made pursuant to Article 5 of this Chapter may file a written motion in the cause setting out why the information is needed. A district court judge may issue an order to disclose the confidential information sought if he finds the order is appropriate under the circumstances and if he finds that it is in the best interest of the individual admitted or committed or of the public to have the information disclosed.

Counsel for the respondent and counsel for the State in the commitment hearing may receive access to the court file without filing a motion or obtaining a court order. A judge presiding over a criminal case that initiated the Article 5 proceeding may have access to the file without filing a motion.

Judicial officials determining whether a criminal defendant may be released before trial pursuant to G.S. 15A-533 may have access to the defendant's records of proceedings made pursuant to Article 5 of this Chapter for the purposes of determining whether a criminal defendant has been involuntarily committed within the previous three years.

§ 122C-54(d1)

Repealed by Session Laws 2015-195, s. 11(a), effective January 1, 2016.

§ 122C-54(d2)

Repealed by Session Laws 2023-8, s. 2(c), effective March 29, 2023, and applicable to pistols sold, given away, transferred, purchased, or received on or after that date.

§ 122C-54(d3)

The following persons may obtain a court file number of an involuntary commitment proceeding upon request to the clerk's office:

- (1) A commitment examiner and their administrative support staff for the purpose of filing subsequent documentation into a court file.

- (2) A person desiring to petition pursuant to G.S. 14-409.42 for the purpose of providing complete information in the petition.

- § 122C-54(e)** Upon the request of the legally responsible person or the minor admitted or committed, and after that minor has both been released and reached adulthood, the court records of that minor made in proceedings pursuant to Article 5 of this Chapter may be expunged from the files of the court. The minor and the minor's legally responsible person shall be informed in writing by the court of the right provided by this subsection at the time that the application for admission is filed with the court.
- § 122C-54(f)** A State facility and the psychiatric service of the University of North Carolina Hospitals at Chapel Hill may disclose confidential information to staff attorneys of the Attorney General's office whenever the information is necessary to the performance of the statutory responsibilities of the Attorney General's office or to its performance when acting as attorney for a State facility or the psychiatric service of the University of North Carolina Hospitals at Chapel Hill.
- § 122C-54(g)** A facility may disclose confidential information to an attorney who represents either the facility or an employee of the facility, if such information is relevant to litigation, to the operations of the facility, or to the provision of services by the facility. An employee may discuss confidential information with the employee's attorney or with an attorney representing the facility in which the employee is employed.
- § 122C-54(h)** A facility shall disclose confidential information for purposes of complying with Article 3 of Chapter 7B of the General Statutes and Article 6 of Chapter 108A of the General Statutes, or as required by other State or federal law.
- § 122C-54(i)** G.S. 132-1.4 shall apply to the records of criminal investigations conducted by any law enforcement unit of a State facility, and information described in G.S. 132-1.4(c) that is collected by the State facility law enforcement unit shall be public records within the meaning of G.S. 132-1.
- § 122C-54(j)** Notwithstanding any other provision of this Chapter, the Secretary may inform any person of any incident or event involving the welfare of a client or former client when the Secretary determines that the release of the information is essential to maintaining the integrity of the Department. However, the release shall not include information that identifies the client directly, or information for which disclosure is

prohibited by State or federal law or requirements, or information for which, in the Secretary's judgment, by reference to publicly known or available information, there is a reasonable basis to believe the client will be identified.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
28 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.



№	YEAR	ACT	CHARACTER
01	1955	c. 887, s. 12	ENACTED
02	1963	c. 1166, s. 10	AMENDED
03	1973	c. 47, s. 2	AMENDED
04	1973	c. 476, s. 133	AMENDED
05	1973	c. 673, s. 5	AMENDED
06	1973	c. 1408, s. 2	AMENDED
07	1977	c. 696, s. 1	AMENDED
08	1979	c. 147	AMENDED
09	1979	c. 915, s. 20	AMENDED
10	1983	c. 383, s. 10	AMENDED
11	1983	c. 491	AMENDED
12	1983	c. 638, s. 22	AMENDED
13	1983	c. 864, s. 4	AMENDED
14	1985	c. 589, s. 2	AMENDED
15	1987	c. 638, ss. 1, 3.1	AMENDED
16	1989	c. 141, s. 9	AMENDED
17	1993	c. 516, s. 12	AMENDED
18	1998	S.L. 1998-202, s. 13(dd)	AMENDED
19	2003	S.L. 2003-313, s. 2	AMENDED

20	2008	S.L. 2008-210, s. 1	AMENDED
21	2009	S.L. 2009-299, s. 6	AMENDED
22	2013	S.L. 2013-18, s. 7	AMENDED
23	2013	S.L. 2013-369, ss. 7, 8	AMENDED
24	2015	S.L. 2015-195, s. 11(a), (e)	AMENDED
25	2018	S.L. 2018-33, s. 4	AMENDED
26	2023	S.L. 2023-8, s. 2(c)	AMENDED
27	2024	S.L. 2024-33, s. 15	AMENDED
28	2025	S.L. 2025-93, s. 1(f)	AMENDED

APPARATUS II
7 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. 15A-1002	(b)	<i>"by the court as provided in"</i>
G.S. 15A-1002(d)	(b)	<i>"for the defendant as provided in"</i>
G.S. 15A-533	(d)	<i>"be released before trial pursuant to"</i>
G.S. 14-409.42	(d3)(2)	<i>"person desiring to petition pursuant to"</i>
G.S. 132-1.4	(i)	
G.S. 132-1.4(c)	(i)	<i>"State facility, and information described in"</i>
G.S. 132-1	(i)	<i>"public records within the meaning of"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 122C-54 (2025).

PINPOINT

N.C. Gen. Stat. § 122C-54(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

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1955, c. 887, s. 12; 1963, c. 1166, s. 10; 1973, c. 47, s. 2; c. 476, s. 133; c. 673, s. 5; c. 1408, s. 2; 1977, c. 696, s. 1; 1979, c. 147; c. 915, s. 20; 1983, c. 383, s. 10; c. 491; c. 638, s. 22; c. 864, s. 4; 1985, c. 589, s. 2; 1987, c. 638, ss. 1, 3.1; 1989, c. 141, s. 9; 1993, c. 516, s. 12; 1998-202, s. 13(dd); 2003-313, s. 2; 2008-210, s. 1; 2009-299, s. 6; 2013-18, s. 7; 2013-369, ss. 7, 8; 2015-195, s. 11(a), (e); 2018-33, s. 4; 2023-8, s. 2(c); 2024-33, s. 15; 2025-93, s. 1(f).)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

