



What Are My Discharge Rights from a 24-Hour Mental Health Facility?

You and your legal guardian have the right to actively participate in your treatment:

- You, your legal guardian, and the internal advocate have the **right to attend** and actively participate in creating your **treatment plan**. This plan must be reviewed by staff at least once every three months and you have a right to review your plan at any time.
- Your treatment plan must include a written **discharge plan**. This must give information on how and where to receive treatment, food, housing, employment, etc., in the community after your release.

You have the right to know your legal status:

- In general, a minor is someone who is under the age of 18.
- Your rights can depend on whether or not you are a “voluntary” or “involuntary” patient. If you are unsure, ask your internal advocate or your social worker.

Voluntarily Admitted Minors:

- A “voluntary minor” means a patient under the age of 18 who was willfully placed in a facility by his or her guardian.
- Prior to being admitted, the facility must **explain the procedures** for discharge and judicial review to you and your guardian.
- Within 15 days of being admitted, you must be given a **judicial hearing** where a judge decides whether or not you should be in the hospital. If you do not meet the criteria for admission, you must be released.
 - You have the **right to an attorney** and he must meet with you before the hearing to explain everything to you and to answer any questions you have.

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- You have the **right to be present** at the hearing and the **right to provide your own testimony** and answer the judge's questions.
- If the judge admits you to the hospital, you can be held for treatment for up to 90 days. Before the 90 days are up, you will go before a judge again for a **rehearing** where the judge will see if you still need treatment. At rehearings, you can be readmitted for up to 180 days before your next rehearing.
- At *any* time the doctor or judge determines that you no longer need treatment from the hospital, you must be released.
- In general, you should be released whenever your guardian formally requests.
- However, once admitted, there is a **process** to being discharged. You **cannot** simply walk out or leave whenever you choose.
- Discharge Process:
 - Your guardian must provide a request for your discharge in writing.
 - The facility may hold you for up to 72 hours during which time one of three things may happen:
 1. ***The hospital agrees with the request:*** you get to leave.
 2. ***The hospital thinks you should stay:*** the hospital can file a statement with the court asking to commit you to the hospital involuntarily (see below). You will be given notice of this court hearing.
 3. ***The hospital does nothing:*** you must be released.
- If you turn 18 while at the hospital, you must consent for further treatment. You may continue to be held for up to 72 hours during which time the facility may try to commit you involuntarily.

Involuntarily Admitted Minors:

- The biggest difference between a “voluntary minor” and an “involuntary minor” is that an involuntary minor is a patient under the age of 18 kept at a hospital for treatment against the wishes of his/her guardian.
- You must be given a **judicial hearing** within 10 days. You must be represented by an **attorney**. If you can't afford one, one will be appointed to you. You have the **right to appear** at this hearing, but you may waive this right if the court agrees.

- If the court finds that you need treatment, they may order an initial commitment for up to 90 days.
- Before the end of this initial 90-day commitment period, you must have a **rehearing**. If the court here finds that you still need treatment, they may continue your inpatient commitment for up to 180 days.
- Before the end of this second 180-day commitment period, you must have another rehearing. At this and any later rehearings, the court may continue your commitment for up to 365 days.
- You have the **right to appeal** a final determination of the court.

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Its team of attorneys, advocates, paralegals and support staff provide advocacy and legal services at no charge for people with disabilities across North Carolina to protect them from discrimination on the basis of their disability. All people with disabilities living in North Carolina are eligible to receive assistance from Disability Rights NC.

Contact us for assistance or to request this information in an alternate format.

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