

INVOLUNTARY COMMITMENT

What is Involuntary Commitment?

If someone else has decided that you need to be in the hospital, these are the steps that must be followed:

- An affidavit must be filed with the Clerk of Superior Court or Magistrate of District Court.
- The Clerk or Magistrate may issue an order to a law enforcement officer to take you into custody for examination by a qualified professional.
- If the qualified professional finds that you are mentally ill and dangerous to yourself or others, you will be taken to a hospital.
- Shortly after arrival at the hospital, you will be examined by a hospital physician.
- If the hospital physician agrees with the first examiner that hospitalization is necessary, you will be admitted for observation and treatment.
- If the physician does not believe you should be in the hospital, you will be released.

Will a Court Hearing be held?

- A court hearing must be held no later than 10 days after you are taken into custody.
- The hearing can be held either in the county where the commitment was started or at the hospital.
- Within a few days after you are admitted, a lawyer from the Office of Special Counsel will contact you.
- He or she will be your lawyer at the initial hearing.
- At the hearing, the judge will decide whether you should be treated in the hospital or in the community and discharged. The judge also will decide how many days you may be kept in the hospital before another hearing must be held.

What are my Legal Rights?

If you wish, you may retain your own lawyer at your expense. At the hearing, you may exercise the following rights.

- The right to an attorney. You may have your own, or an attorney can be provided for you.
- You can reach an attorney by calling 919-733-5544.
- The right to be present at the hearing.
- The right to speak for yourself.
- The right to challenge what is said about you.

What if I chose to leave the hospital?

If you leave the hospital without authorization, your physician may notify law enforcement agencies and request that you be returned.

Additional Information can be reviewed at these websites:

State Operated Healthcare Facilitates Voluntary and Involuntary Commitment

www.ncdhhs.gov/dsohf/services/commitment.htm

NC Facilities Designated to Accept Involuntary Commitments [..\IVC\ivcdesignatedfacilities3-21-11.pdf](#)