May 2-4, 2011
North Carolina Judicial College

The Magistrate's Role in Involuntary Commitment

"Nothing defines the quality of life in a community more clearly than people who regard themselves, or whom the consensus chooses to regard, as mentally unwell. "
Renata Adler

The Magistrate's Role in Involuntary Commitment: Agenda

Monday, May 2, 2011

9:00	Welcome
9:15	What Does Success Look Like? Dona Lewandowski
10:30	Break
10:45	Mental Health 101, Molly Richardson
12:30	Lunch at SOG
1:15	Involuntary Commitment: Law & Procedure, Mark Botts
3:00	Break
3:20	Law & Procedure, cont'd
5:00	Exercise: Writing a Petition
5:30	Recess

Tuesday, May 3, 2011

8:30	Check-In
8:45	Getting the Information You Need, Crystal Farrow
10:15	Break
10:30	Getting the Information, cont'd
12:00	Lunch
12:45	Station Activities
	Station A: Interviewing Video Exercise
	Station B: Feedback on Petitions Session
	Station C: Hearing Voices
	Station D: Taking It Back Home: Small Group Discussion
4:00	Break
4:15	Listening to the Voices of Family Members
4:45	Movie: *A Revolving Door*
5:30	Talking About the Day
6:15	Dinner at SOG

Wednesday, April 21, 2010

8:30	Check-In
8:45	Getting to Know Your LME
9:00	Emerging Issues Panel Discussion
11:00	Break
11:15	Developing a Plan of Action
12:00	Adjourn

COURSE OBJECTIVES

As a result of participating in this seminar, you will be able to:

1. Obtain the information you need to make a correct decision;

2. Correctly apply the law to the facts in determining whether to issue a custody order;

3. Assist petitioners with completing a petition containing detailed relevant facts and issue an appropriate custody order;

4. Supply petitioners with useful information about what happens next; and

5. Identify and implement one specific action to improve the IVC process in your county.

Day 1

THE MAGISTRATE'S ROLE IN INVOLUNTARY COMMITMENT

WELCOME

Welcome to the Magistrate's Role in Involuntary Commitment seminar. This seminar has been designed specifically for magistrates dedicated to improving their ability to perform a critically important task: to safeguard the freedom of citizens and provide protection to those citizens, while also assisting individuals who are mentally ill and dangerous to receive treatment. Your presence here is a testament to your commitment as a public servant. We hope that this course will be one of many steps you take toward making a difference in the lives of the citizens you serve.

AGENDA

These are the topics on today's agenda.

1. What to Expect While You're Here
2. Getting to Know One Another
3. What Does Success Look Like?
4. What a Magistrate Needs to Know About Mental Illness
5. Lunch
6. Involuntary Commitment Law and Procedure
7. Exercise: Writing a Petition

MATERIALS

You will be using this participant manual throughout the next three days. It is yours to write in and use for future reference. A copy of these materials will also be available through the SOG website for magistrates (www.ncmagistrates.unc.edu). You will receive additional materials from instructors as we progress through the course.

WHAT TO EXPECT

In addition to the content-based goals set out at the front of this notebook, other objectives were also identified as important by the planners of this educational experience. One of the most valuable opportunities arising out of coming together for a period of shared focus on a single topic is the chance to exchange ideas and experiences with your colleagues. This opportunity can be the source not only of intellectual growth, but also of recognition and support for what is sometimes a lonely, difficult job. We believe that the time you spend together away from the classroom can be as valuable as classroom time. We will have lunch at the SOG on Monday and Tuesday, and on Tuesday evening we will have our evening meal here as well. Throughout the seminar, instructors

will be present in the classroom and during breaks as well as at meals, and we hope you will not hesitate to spend informal time with them as well as with your fellow-students. As you'll hear more about later, we conceptualize this course as having begun before you arrived, and as continuing for a period of months after your departure from the classroom. A significant portion of that ongoing experience will involve continued communication with the students sitting at your table. More on that, later. . .

EXERCISE: WHO ARE YOU AND WHAT ARE YOU DOING HERE?

What are the other people sitting at your table? Where are they from and why are they here? If this seminar met their wildest hopes and most unrealistic expectations, what would it look like? Have they talked to anyone who attended the previous seminar? What have they heard? What are they worried about?

Person across from me

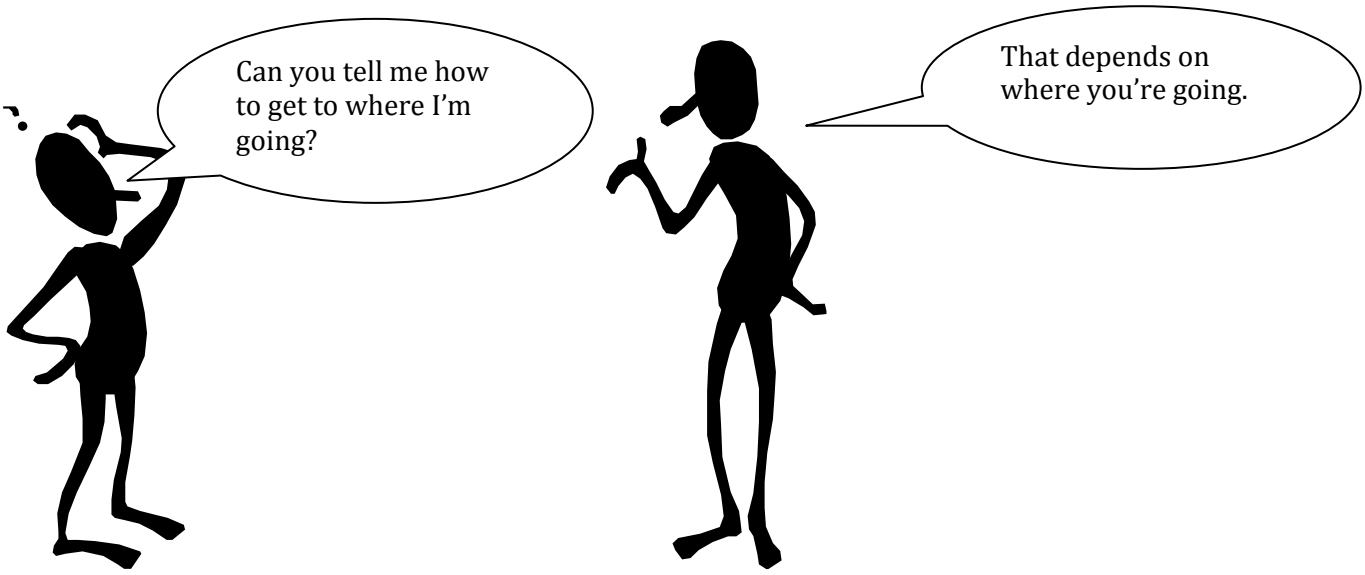
Person to my right

Person to my left:

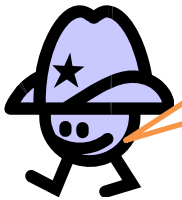
Additional:

WHAT DOES SUCCESS LOOK LIKE?

As you know, a system for determining whether an individual should be compelled to submit to treatment for mental illness involves people playing many different roles, each with their own unique challenges and responsibilities. An essential component of doing your job effectively is a clear grasp of what you're trying to accomplish.

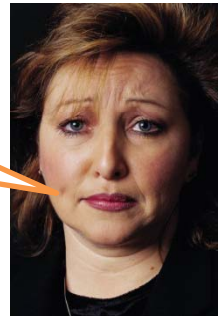


Take a moment to ask yourself this question: if I were evaluating a new magistrate's performance in handling a petition for involuntary commitment, what would I be looking for? What would I need to see in order to conclude that I had witnessed an exemplary performance?



You say yes to way too many petitions! We don't have the manpower!

How can you say "no"? I'm telling you, he's sick! He's going to hurt somebody or himself, if you don't do something!!!



What does it mean to be the Judge?

Look, I told you he's mentally ill and dangerous to himself. I'm a doctor, that's my diagnosis, and I'm too busy to spend any more time on this. I've got sick people to see to!

Every time I turn around, somebody's in here complaining about YOU!

It means that an impartial person listens to the evidence presented, considers that evidence in light of the law, carefully follows appropriate procedure, and determines what happens to another person—whether that person will be taken into custody for evaluation.

THE *LEGAL* PROCESS
FOR ENSURING *DUE* PROCESS:

1. *Determine the facts, based on the evidence, bearing in mind the burden of proof.*

What are the obstacles?	What are some solutions?
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____

ASSESSING CREDIBILITY

The credibility of a witness or party . . . relates to the accuracy of his or her testimony as well as to its logic, truthfulness, and sincerity.

In determining the credibility of information supplied by a petitioner, consider the following factors:

- Does this person have a motive to lie?
- Is there independent corroborating evidence of critical facts?
- Is the demeanor of the person noteworthy? {Careful here!}
- Is the information provided by the person detailed? Is the person able to supply additional details when questioned?
- How well situated is this person to make observations of the respondent?

2. *Apply the law to the facts to determine whether the legal criteria for commitment are satisfied.*

What are the obstacles?	What are some solutions?
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____
6. _____	6. _____

3. *Follow appropriate procedure, which means filling out paperwork correctly.*

What are the obstacles?	What are some solutions?
1. _____	7. _____
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

4. *Follow through (required not by due process, but by professionalism in performing the duties of your office).*

WHAT DOES IT MEAN TO FOLLOW THROUGH?

If you deny the petition:

- ✓ Provide information about available resources, including the Crisis Line telephone number.

If you grant the petition:

- ✓ Provide a clear explanation of what happens next.
- ✓ Give information about how to best negotiate the next 24 hours.
- ✓ Tell the petitioner how to contact the professional conducting the first evaluation.
- ✓ Provide directions to the location of the first assessment.
- ✓ Inform the petitioner how to be available and helpful at the next stages of the commitment process.

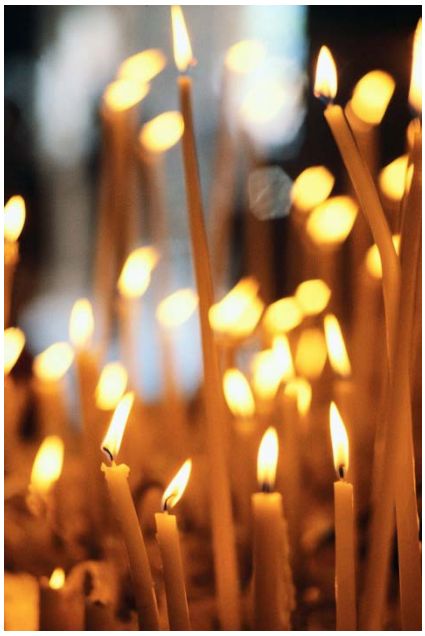
What are the obstacles?

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

What are some solutions?

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Lighting a Fire



You probably didn't decide to attend this course because you were interested in learning more about involuntary commitment in the abstract. Instead, you probably wanted to come in order to

Do Something Differently. . .

What that "something" is may be quite different from one person to the next. It may be as simple as making a change in how you ask questions, or as complex as arranging to meet and talk with key personnel at the local hospital emergency room. We'll be asking each of you to decide on a goal on Wednesday, before you return home. As you participate in the seminar over the next 2 ½ days, you might keep that in mind.

Use this space to make notes on your ideas about possible goals:

Mental Health 101

Molly Richardson LCSW, LCAS, CCS
Assistant Clinical Director
Appalachian Community Services
Western North Carolina
(Haywood, Jackson, Macon, Swain, Graham, Clay and Cherokee Counties)

Assistant Professor Social Work
Western Carolina University

Why are we here today?

The involuntary commitment process is about saving lives.

It is a unique partnership between the legal system, the mental health system, the health care system and law enforcement.

Its complicated, its frustrating, but it does work. It works by saving lives

1 in 4 adults, suffer from a diagnosable mental disorder in a given year

One of every eight Americans has a significant problem with alcohol or drugs

Suicide is the third leading cause of death for young people ages 15 to 24

In 2006, suicide was the eleventh leading cause of death in the U.S., accounting for 33,300 deaths.

That's 91 people in the US who die every day

Older Americans are disproportionately likely to die by suicide

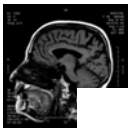
Of every 100,000 people ages 65 and older, 14.2 died by suicide in 2006.

Suicide and addiction are major, preventable public health problems.

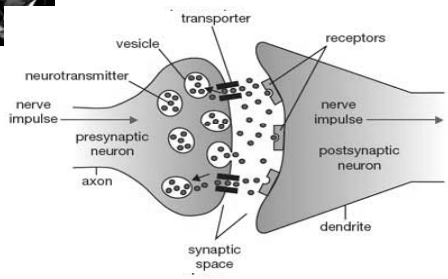
The Involuntary Commitment process can save lives

Goals for this session

- Understand why the brain is important
- Understand the different categories of mental illness
- Understand symptoms that are typically present in mental illness
- Understands the basics of addiction
- Understand the symptoms that are typically present in substance abuse



The Brain



Mental Disorders

When we think about Mental Illness in the mental health field we are typically referring to three different groups of disorders.

Mentally ill	Substance Abuse	Developmental Disorders
(Mood disorders, Psychotic Disorders, Personality Disorders, etc)	(Drug and Alcohol Disorders)	(Cognitive Disorders)

It's a problem, only if it's a problem

- A maladaptive pattern that leads to clinically significant impairment or distress
- Social/occupational dysfunction- one or more major areas of functioning such as work, interpersonal relationships, or self-care are markedly below the level achieved prior to the onset

Risk or Protective Factor

Biological	Psychological
Social	Spiritual

- **Mood Disorders**
- **Anxiety Disorders**
- **Psychotic Disorders**
- **Substance Related Disorders**

Mood Disorders

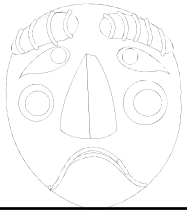
- Major Depressive Disorder
- Dysthymia
- Bipolar Disorder

Depressive Episodes

- Symptoms have been present for at least 2 weeks
- Feels sad/empty
- Tearful
- Irritable
- Life is not pleasurable
- Weight loss or gain
- Can't sleep or sleeps too much
- Fatigue or loss of energy
- Worthlessness
- Can't think or concentrate
- Recurrent thoughts of death

Dysthymia

- A chronic disorder characterized by a presence of a depressed mood that lasts most of the day and is present almost continuously
- Symptoms have been present for at least 2 years



Bipolar Disorder

- Highs and the lows
- Depressive Episodes
- Manic Episodes
  - A distinct period of abnormally and persistently elevated, expansive, or irritable mood, lasting at least 1 week

Manic Episodes

- Inflated self-esteem or grandiosity
- Decreased need for sleep
- More talkative
- Flight of ideas
- Distractibility
- Increase in goal-directed activity
- Excessive involvement in pleasurable activities

Anxiety Disorders

- Panic Disorder and Agoraphobia
- Specific Phobia and Social Phobia
- Obsessive-Compulsive Disorders
- Posttraumatic Stress Disorder
- Generalized Anxiety Disorder

Panic Disorder

Chest pain
Heart palpitations
Shortness of breath
Dizziness
Abdominal discomfort

= FEAR OF DYING

Many times first diagnosed in the ED

CHRONIC FEAR OF HAVING ANOTHER ATTACK

ESPECIALLY IN A PUBLIC PLACE

Obsessive-Compulsive Disorder

Obsession	Compulsion
Mental event.	Behavior.
Recurrent and intrusive thought, feeling, idea, or sensation	A conscious, standardized, recurrent behavior

Post-Traumatic Stress Disorder

- A syndrome that develops after a person sees, is involved in, or hears of an extreme traumatic stressor
- The person's response involved intense fear, helplessness or horror
- Recurrent and intrusive distressing recollections of the event

Psychotic Disorders

- Schizophrenia
- Schizoaffective Disorder
- Delusional Disorder

Characteristic symptoms of Schizophrenia

DSM-IV-TR

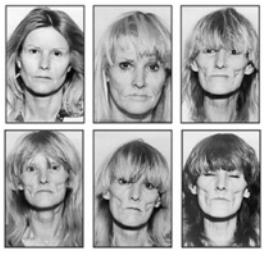
- Delusions- false belief, based on incorrect inference about external reality, not consistent with patient's intelligence and cultural background which cannot be corrected by reasoning
- Hallucinations-false sensory perception not associated with real external stimuli; there may or may not be a delusional interpretation of the hallucinatory experience
  - Command Hallucinations- false perception of orders that a person may feel obliged to obey or unable to resist
- Disorganized speech
- Disorganized or catatonic behavior
- Negative symptoms

Schizophrenia

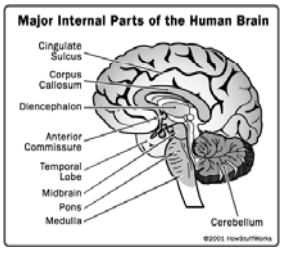
- Patients with schizophrenia more frequently attempt suicide, not in relation to active psychotic processes but in relation to devastating demoralization and depression, resulting from years of pain and frustration
- Many medication issues

Substance-Related Disorders

- Alcohol-Related Disorders
- Amphetamine Related Disorders
- Caffeine-Related Disorders
- Cannabis-Related Disorders
- Cocaine-Related Disorders
- Hallucinogen-Related Disorders
- Inhalant-Related Disorders
- Nicotine-Related Disorders
- Opioid- Related Disorders
- Phencyclidine Related Disorders
- Sedative-,Hypnotic-, or Anxiolytic- Related Disorders
- Anabolic Steroid Abuse
- Other Substance-Related Disorders



ADDICTION IS A BRAIN DISORDER



Substance-Related Disorders

- 40% individuals report using one or more illicit substances in their lifetimes
- 15 % have used illicit substance in the past year
- Substance abuse is a major precipitating factor for suicide
- Persons who abuse substance are about 20 times more likely to die by suicide than the general population

Alcohol Withdrawal DSM-IV-TR

- Cessation of (or reduction in) alcohol use that has been heavy and prolonged
- Two or more of the following developing within several hours to a few days after cessation of use
  - Autonomic hyperactivity (eg sweating or pulse rate greater than 100)
  - Increased hand tremor
  - Insomnia
  - Nausea or vomiting
  - Transient visual, tactile, or auditory hallucinations or illusions
  - Psychomotor agitation
  - Anxiety
  - Grand mal seizures

Other bits of information

- Try to get as much information regarding the substance use from the petitioner as possible
  - What are they using
  - How often are they using
  - How much are they using
  - When was the last time they used
- Alcohol and Benzodiazepines can be life threatening in withdrawal
- Opiates feel life threatening
- Drug screens will not show if an individual has use a hallucinogen or other designer or OTC drug (ecstasy, Computer duster, Triple C, etc)
- Psychosis can be common in methamphetamine use
- No programs for adults for long term involuntary substance abuse treatment, this level of treatment must be voluntary
- Encourage family members to call your local LME

Treatment Works

- Studies show that substance use disorder treatment cuts drug use in half, reduces criminal activity up to 80 percent, and reduces arrests up to 64 percent.
- For every $1 invested in treatment, there is a return of between $4 and $7 in reduced drug-related crime and criminal justice costs. When savings related to health care are included, total savings can exceed costs by a ratio of 12 to 1

Other Disorders

- Eating Disorder
- Personality Disorders
- Postpartum Depression/Psychosis
- Dissociative Disorders

Eating Disorders

- The decision to hospitalize a patient is based on the patient's medical condition and the amount of structure needed to ensure patient cooperation. In general, anorexia nervosa patients who are 20 % below the expected weight for their height are recommended for inpatient programs, and patients who are 30 % below their expected weight require psychiatric hospitalization for 2 to 6 months

Personality Disorders

- An enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture. This pattern is manifested in two (or more) of the following areas
  - Cognition (i.e., ways of perceiving and interpreting self, other people, and events)
  - Affectivity (i.e., the range, intensity, lability and appropriateness of emotional response)
  - Interpersonal functioning

Postpartum Depression & Psychosis

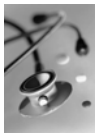
- A specific disorder that occurs in women who have recently delivered a baby.
- Characterized by the mother's depression, delusions, and thoughts of harming either her infant or herself
- Symptoms often begin within days of the delivery but can be within 8 weeks post delivery
- Early symptoms include fatigue, insomnia, restlessness and emotional lability
- Later symptoms include suspiciousness, confusion, incoherence, irrational statements and obsessive concerns about the baby's health and welfare
- Delusions are present in 50 % of patients and hallucinations in about 25%

Intellectual and Developmental Disabilities

- Significantly sub average general intellectual functioning resulting in, or associated with, concurrent impairment in adaptive behavior and manifested during the developmental period, before the age of 18.
- Degree of retardation can be from Mild, Moderate, Severe to Profound

Disorders related to a General Medical Condition

- Delirium
- Dementia
- Amnestic Disorder
- Mental Disorders Due to a General Medical Condition



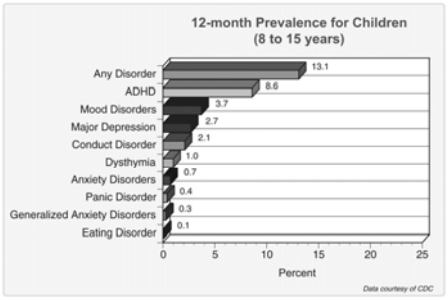
Delirium

- A syndrome, not a disease
- A disturbance of consciousness and a change in cognition that develop over a short period of time
- Classically delirium has a sudden onset (hours or days), a brief and fluctuating course, and rapid improvement when the causative factor is identified and eliminated

Dementia

- The development of multiple cognitive deficits
  - Memory impairment and (one or more of the following)
  - Aphasia (language disturbance
  - Apraxia (impaired ability to carry out motor activities)
  - Agnosia (failure to recognize or identify objects)
  - Disturbance in executive functioning

Adolescents



http://www.nimh.nih.gov/statistics/1ANYDIS_CHILD.shtml

Stigma of Mental Illness

- There is really no clear distinction between what is normal behavior and what is mentally ill behavior
- Portrayal of mental illness in Hollywood
- Deinstitutionalization

Reducing Stigma

- Stigma was expected to abate with increased knowledge of mental illness, but just the opposite occurred: stigma in some ways intensified over the past 40 years even though understanding improved.
- One way to eliminate stigma is to find causes and effective treatments for mental disorders
- When people understand that mental disorders are not the result of moral failings or limited will power, but are legitimate illnesses that are responsive to specific treatments, much of the negative stereotyping may dissipate

Surgeon General's Report on Mental Health

Brief History of Mental Health

- Throughout the Middle Ages, the Renaissance and the Enlightenment, mentally ill persons for the most part were subjected to horrendous conditions.

Colonial america

- Colonial American society referred to those suffering from mental illnesses as 'lunatics" which comes from the word lunar or moon. Many believed that individuals who were mentally ill were possessed and needed to be removed from society. Treatments included ice baths until individuals lost consciousness or bleeding or inducing vomiting

- http://www.toddlertime.com/advocacy/hospitals/Asylum/history-asylum.htm

42

Broughton State Hospital

43

Deinstitutionalization

The movement of people out of mental health institutions and into the community

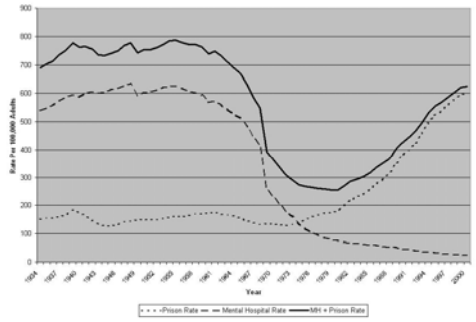
- Better medications
- CMHC
- Better care in communities
- Respecting peoples right to less restrictive environments

44

"Many individuals who in earlier years would have been confined in institutions are now living full lives in the community, whereas others are homeless or ensnared in the criminal justice system" (p.4)

Frost, L.E & Bonnie R.J. (2001). *The evolution of mental health law.* Washington: American Psychological Association

45



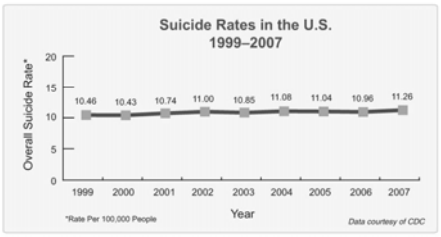
80's and 90's

- In 1980, mental illness was the third most expensive class of disorders accounting for more than 20 billion dollars of health care expenditures.
- About 1/3 of all homeless people are considered seriously mentally ill
- New group of anti-psychotic drugs is introduced. These medications are more effective and have less side effects
- 1992- a survey of American jails reports that 7.2 % of inmates are overtly and seriously mentally ill, meaning that 100,000 seriously mentally ill people have been incarcerated

http://www.pbs.org/wgbh/amex/nash/timeline/timeline2.html

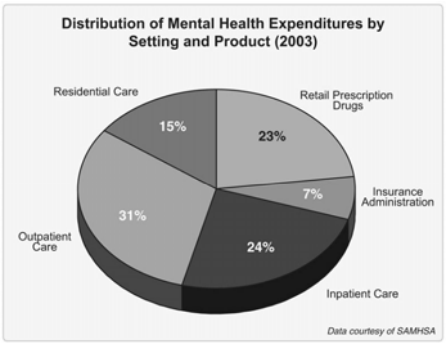
47

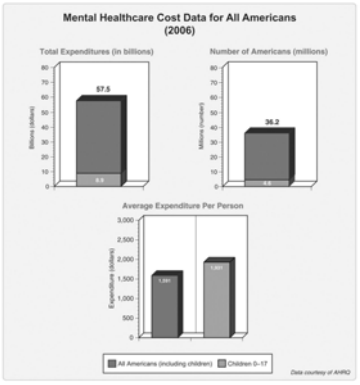
Where are we today?



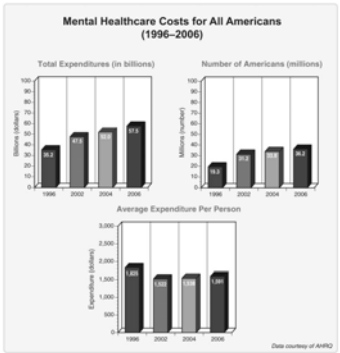
http://www.nimh.nih.gov/statistics/4SR99.shtml

48





http://www.nimh.nih.gov/statistics/4MH_AM9603.shtml



http://www.nimh.nih.gov/statistics/4MH_AM9603.shtml

Dancing to your own Drum Beat

http://www.bing.com/videos/watch/video/blind-melon-no-rain/c779cac33f5b88827e44c779cac33f5b88827e44-894708089686?q=Blind+Melon+no+rain&FROM=LKVR5&GT1=LKVR5&FORM=LKVR10

References

- Frost, L.E & Bonnie R.J. (2001). *The evolution of mental health law*. Washington: American Psychological Association
- National Institute of Mental Health Website http://www.nimh.nih.gov/health/statistics/index.shtml.
- Mental Health: A Report of the Surgeon General. http://www.surgeongeneral.gov/library/mentalhealth/chapter1/sec1.html
- Kaplan & Sadock's. 2003.Synopsis Of Psychiatry.
- DSM-IV-TR

Criteria for Involuntary Commitment in North Carolina

Mental Illness (Adults)
an illness that so lessens the capacity of the individual to use self-control, judgment, and discretion in the conduct of his affairs and social relations as to make it necessary or advisable for him to be under treatment, care, supervision, guidance, or control.

Mental Illness (Minors)
a mental condition, other than mental retardation alone, that so impairs the youth's capacity to exercise age-adequate self-control or judgment in the conduct of his activities and social relationships that he is in need of treatment.

Substance abuse
the pathological use or abuse of alcohol or other drugs in a way or to a degree that produces an impairment in personal, social, or occupational functioning. Substance abuse may include a pattern of tolerance and withdrawal.

Dangerous to self
Within the relevant past, the individual has:

1. acted in such a way as to show that
    a. he would be unable, without care, supervision, and the continued assistance of others not otherwise available, to exercise self-control, judgment, and discretion in the conduct of his daily responsibilities and social relations, or to satisfy his need for nourishment, personal or medical care, shelter, or self-protection and safety; and
    b. there is a reasonable probability of his suffering serious physical debilitation within the near future unless adequate treatment is given. Behavior that is grossly irrational, actions that the individual is unable to control, behavior that is grossly inappropriate to the situation, or other evidence of severely impaired insight and judgment creates an inference that the individual is unable to care for himself; or
2. attempted suicide or threatened suicide and there is a reasonable probability of suicide unless adequate treatment is given; or
3. mutilated himself or attempted to mutilate himself and there is a reasonable probability of serious self-mutilation unless adequate treatment is given.

Previous episodes of dangerousness to self, when applicable, may be considered when determining the reasonable probability of serious physical debilitation, suicide, or serious self-mutilation.

Dangerous to others
Within the relevant past the individual has:

1. inflicted, attempted to inflict, or threatened to inflict serious bodily harm on another and there is a reasonable probability that this conduct will be repeated, or
2. acted in a way that created a substantial risk of serious bodily harm to another and there is a reasonable probability that this conduct will be repeated, or
3. engaged in extreme destruction of property and there is a reasonable probability that this conduct will be repeated.

Previous episodes of dangerousness to others, when applicable, may be considered when determining the reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is evidence of dangerousness to others.

Source: NC General Statutes 122C-3

Mark Botts, Associate Professor (2009)

North Carolina Involuntary Commitment Process

Respondent shows signs & symptoms

Layperson petition
Layperson completes petition in front of magistrate

Magistrate reviews petition & issues custody order

Officer transports respondent

Hospital ER or LME facility *(1st exam)*

Officer transports respondent

Clinician petition
Clinician completes petition & exam form *(1st exam),* then faxes to magistrate

Magistrate reviews petition & issues custody order

Officer transports respondent

Emergency petition*
Clinician completes exam form & emergency certificate *(1st exam),* submits to clerk of court for 24-hr. facility & local officer

Officer transports respondent pursuant to emergency certificate

District court judge reviews examination form

24-hour facility *(2nd exam)*

Hearing: Court orders release, outpatient, inpatient, or substance abuse commitment

**Use when respondent requires immediate hospitalization; procedure by-passes magistrate.*

Mark Botts, Associate Professor (2009)

What Happens After a Magistrate Issues a Custody and Transportation Order

Source: Administration of Justice Bulletin, September 2007

Upon request, the magistrate or clerk of court has issued an order for custody and transportation of a person alleged to be in need of examination and treatment. This order is not an order of commitment but only authorizes the person to be evaluated and treated until a court hearing. The individual making the request has filed a petition with the court for this purpose and is, therefore, called the "petitioner." The individual to be taken into custody for examination will have an opportunity to respond to the petition and is, therefore, called the "respondent." If you are taken into custody, the word "respondent," below, refers to you.

1. A law enforcement officer or other person designated in the custody order must take the respondent into custody within 24 hours. If the respondent cannot be found within 24 hours, a new custody order will be required to take the respondent into custody. Custody is not for the purpose of arrest, but for the respondent's own safety and the safety of others, and to determine if the respondent needs treatment.

2. Without unnecessary delay after assuming custody, the law enforcement officer or other individual designated to provide transportation must take the respondent to a physician or eligible psychologist for examination.

3. The respondent must be examined as soon as possible, and in any event within 24 hours, after being presented for examination. The examining physician or psychologist will recommend either outpatient commitment, inpatient commitment, substance abuse commitment, or termination of these proceedings.

    - *Inpatient commitment*: If the examiner finds the respondent meets the criteria for inpatient commitment, the examiner will recommend inpatient commitment. The law enforcement officer or other designated person must take the respondent to a 24-hour facility.

    - *Outpatient commitment*: If the examiner finds the respondent meets the criteria for outpatient commitment, the examiner will recommend outpatient commitment and identify the proposed outpatient treatment physician or center in the examination report. The person designated in the order to provide transportation must return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county. The respondent must be released from custody.

    - *Substance abuse commitment*: If the examiner finds the respondent meets the criteria for substance abuse commitment, the examiner must recommend commitment and whether the respondent should be released or held at a 24-hour facility pending a district court hearing. Depending upon the physician's recommendation, the law enforcement officer or other designated individual will either release the respondent or take him or her to a 24-hour facility.

    - *Termination*: If the examiner finds the respondent meets neither of the criteria for commitment, the respondent must be released from custody and the proceedings terminated. If the custody order was based on the finding that the respondent was probably mentally ill, then the person designated in the order to provide transportation must return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county.

4. If the law enforcement officer transports the respondent to a 24 hour facility, another evaluation must be performed within 24 hours of arrival. This evaluator has the same options as indicated in step 3 above. If the respondent is not released, the respondent will be given a hearing before a district court judge within 10 days of the date the respondent was taken into custody.

FORMS

"Affidavit and Petition for Involuntary Commitment," AOC-SP-300, revised Sept., 2003.

"Findings and Custody Order Involuntary Commitment," AOC-SP-302, revised Dec., 2009.

"Findings and Order Involuntary Commitment Physician-Petitioner Recommends Outpatient Commitment," AOC-SP-305, revised Jan., 1998.

"Examination and Recommendation to Determine Necessity for Involuntary Commitment," DMH 5-72-01, revised Dec., 2009.

"Supplement to Support Immediate Hospitalization/Certificate," DMH 5-72-01-A, revised Sept., 2001.

STATE OF NORTH CAROLINA

_____ County

File No.

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name, Address And Zip Code Of Respondent

AFFIDAVIT AND PETITION FOR INVOLUNTARY COMMITMENT

G.S. 122C-261, 122C-281

Social Security No. Of Respondent	Date Of Birth	Drivers License No. Of Respondent	State

I, the undersigned affiant, being first duly sworn, and having sufficient knowledge to believe that the respondent is a proper subject for involuntary commitment, allege that the respondent is a resident of, or can be found in the above named county, and is:

(Check all that apply)

☐ 1. mentally ill and dangerous to self or others or mentally ill and in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness.

☐ in addition to being mentally ill, respondent is also mentally retarded.

☐ 2. a substance abuser and dangerous to self or others.

The facts upon which this opinion is based are as follows: *(State facts, not conclusions, to support ALL blocks checked.)*

Name, Address And Zip Code Of Nearest Relative Or Guardian		Name, Address And Zip Code Of Other Person Who May Testify To Facts	
Home Telephone No.	Business Telephone No.	Home Telephone No.	Business Telephone No.

Petitioner requests the court to issue an order to a law enforcement officer to take the respondent into custody for examination by a person authorized by law to conduct the examination for the purpose of determining if the respondent should be involuntarily committed.

SWORN AND SUBSCRIBED TO BEFORE ME

Signature Of Petitioner

Date

Name, Address And Zip Code Of Petitioner (Type Or Print)

Signature

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court ☐ Magistrate
☐ Notary (use only with physician or psychologist petitioner)

Relationship To Respondent

Date Notary Commission Expires

SEAL

Home Telephone No.	Business Telephone No.

Original-File Copy-Hospital Copy-Special Counsel Copy-Attorney General
(Over)

AOC-SP-300, Rev. 9/03

PETITIONER'S WAIVER OF NOTICE OF HEARING

I voluntarily waive my right to notice of all hearings and rehearings in which the Court may commit the respondent or extend the respondent's commitment period, or discharge the respondent from the treatment facility.

Signature Of Witness	*Date*
	Signature Of Petitioner

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name And Address Of Respondent

FINDINGS AND CUSTODY ORDER INVOLUNTARY COMMITMENT

G.S. 122C-261, -263, -281, -283

Social Security No. Of Respondent	*Date Of Birth*	*Drivers License No. Of Respondent*	*State*

I. FINDINGS

The Court finds from the petition in the above matter that there are reasonable grounds to believe that the facts alleged in the petition are true and that the respondent is probably:

(Check all that apply)

☐ 1. mentally ill and dangerous to self or others or mentally ill and in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness.
   ☐ In addition to being mentally ill, the respondent probably is also mentally retarded.

☐ 2. a substance abuser and dangerous to self or others.

CUSTODY ORDER

TO ANY LAW ENFORCEMENT OFFICER:

The Court ORDERS you to take the above named respondent into custody

☐ 1. and take the respondent for examination by a person authorized by law to conduct the examination. (A COPY OF THE EXAMINER'S FINDINGS SHALL BE TRANSMITTED TO THE CLERK OF SUPERIOR COURT IMMEDIATELY.)

- IF the examiner finds that the respondent IS NOT a proper subject for involuntary commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.
- IF the examiner finds that the respondent IS mentally ill and a proper subject for outpatient commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.
- IF the examiner finds that the respondent IS mentally ill and a proper subject for inpatient commitment, then you shall transport the respondent to the 24-hour facility named below for temporary custody, examination and treatment pending a district court hearing.
- IF the examiner finds that the respondent IS a substance abuser and subject to involuntary commitment, the examiner must recommend whether the respondent be taken to a 24-hour facility or released, and then you shall either release him/her or transport the respondent to the 24-hour facility named below for temporary custody, examination and treatment pending a district court hearing.

☐ 2. and transport the respondent directly to the 24-hour facility named below, for temporary custody, examination and treatment pending a district court hearing. (FOR PHYSICIAN/PSYCHOLOGIST PETITIONERS ONLY.)

Name Of 24-Hour Facility For Mentally Ill	*Date*
Or following facility designated by area authority:	*Time* ☐ AM ☐ PM
Name Of 24-Hour Facility For Substance Abuser	*Signature*
Or following facility designated by area authority:	☐ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court* ☐ *Magistrate*

NOTE TO MAGISTRATE OR CLERK:

If the respondent is mentally retarded in addition to being mentally ill, you must contact the area authority before issuing a custody order to determine the facility to which the respondent will be taken. If the area mental health authority where the respondent resides has a single portal plan, you must call the area authority to determine the appropriate 24-hour facility or other treatment before issuing any custody order.

NOTE TO ANY LAW ENFORCEMENT OFFICER:

You shall take the respondent into custody within 24 hours after the date this Order is signed. Without unnecessary delay after assuming custody, you shall take the respondent to an area facility for examination by a person authorized by law to conduct the examination; if an authorized examiner is not immediately available in the area facility, you shall take the respondent to any authorized examiner locally available. If an authorized examiner is not available, you may temporarily detain the respondent in an area facility if one is available; if an area facility is not available, you may detain the respondent under appropriate supervision, in the respondent's home, in a private hospital or clinic, or in a general hospital, but not in a jail or other penal facility.

Complete the Return Of Service on the reverse and return to the Clerk of Superior Court immediately.

Original-File Copy-Hospital Copy-Special Counsel Copy-Attorney General

(Over)

II. RETURN OF SERVICE

☐ Respondent WAS NOT taken into custody for the following reason:

☐ I certify that this Order was received and served as follows:

Date Respondent Taken Into Custody	*Time* ☐ AM ☐ PM
Name Of Law Enforcement Officer	*Signature Of Law Enforcement Officer*

A. PATIENT DELIVERY TO LOCAL EVALUATION SITE

☐ 1. The respondent was presented to an authorized examiner locally available as shown below.

☐ 2. The respondent was temporarily detained at the facility named below until the respondent could be examined by an authorized examiner locally available.

Date Presented	*Time* ☐ AM ☐ PM	*Name Of Examiner*
Name Of Local Facility	*Name Of Law Enforcement Officer*	*Signature Of Law Enforcement Officer*

B. FOR USE AFTER PRELIMINARY EXAMINATION

☐ 1. Upon examination, the examiner named above found that the respondent is mentally ill and meets the criteria for outpatient commitment, or is a substance abuser and meets the criteria for commitment and the examiner recommends release pending a hearing. I returned the respondent to his/her regular residence or the home of a consenting person.

☐ 2. Upon examination, the examiner named above found that the respondent is mentally ill and meets the criteria for inpatient commitment, or is a substance abuser and meets the criteria for commitment and the examiner recommends that the respondent be held pending the district court hearing.

- ☐ I transported the respondent and placed the respondent in the temporary custody of the facility named below for observation and treatment.
- ☐ I placed the respondent in the custody of the agency named below for transportation to the 24-hour facility.

☐ 3. Upon examination, the examiner named above found that the respondent did not meet the criteria for inpatient or outpatient commitment. I returned the respondent to his/her regular residence or the home of a consenting person.

The examiner's written statement ☐ is attached. ☐ will be forwarded.

Name Of 24-Hour Facility	*Date Delivered*	*Time Delivered* ☐ AM ☐ PM	*Date Of Return*
Name Of Transporting Agency	*Signature Of Law Enforcement Official*		

C. FOR USE WHEN PETITIONER IS PHYSICIAN/PSYCHOLOGIST

(**NOTE:** *Section II above **MUST** be completed. Sections A and B should **NOT** be completed.*)

☐ I transported the respondent directly to and placed him/her in the temporary custody of the facility named below.

Name Of 24-Hour Facility	*Date Delivered*	*Time Delivered* ☐ AM ☐ PM	*Date Of Return*
Name Of Transporting Agency	*Signature Of Law Enforcement Official*		

D. FOR USE WHEN ANOTHER AGENCY TRANSPORTS THE RESPONDENT

☐ I took custody of the respondent from the officer named above, transported the respondent and placed him/her in the temporary custody of the facility named below for observation and treatment.

Name Of 24-Hour Facility	*Date Delivered*	*Time Delivered* ☐ AM ☐ PM	*Date Of Return*
Name Of Person Taking Custody of Respondent	*Signature Of Person Taking Custody Of Respondent*		

E. FOR USE WHEN STATE FACILITY TRANSFERS WITHOUT ADMISSION

☐ Pursuant to G.S. 122C-261(f), I took custody of the respondent from the state 24-hour facility named above, where he/she was not admitted, and transported the respondent and placed him/her in the temporary custody of the facility named below for observation and treatment.

Name Of Facility To Which Transferred	*Date Delivered*	*Time Delivered* ☐ AM ☐ PM	*Date Of Return*
Name Of Transporting Agency	*Signature Of Law Enforcement Or State Facility Official*		

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
Superior Court Division

IN THE MATTER OF:

Name And Address Of Respondent

FINDINGS AND ORDER INVOLUNTARY COMMITMENT PHYSICIAN-PETITIONER RECOMMENDS OUTPATIENT COMMITMENT

G.S. 122C-261

NOTICE: *This form is to be used instead of the Findings And Custody Order (AOC-SP-302) only when the petitioner is a physician or psychologist who recommends outpatient commitment or release pending hearing for a substance abuser.*

FINDINGS

The petitioner in this case is a physician/eligible psychologist who has recommended outpatient commitment/substance abuse commitment with the respondent being released pending hearing.

The Court finds from the petition in the above matter that there are reasonable grounds to believe that the facts alleged in the petition are true and that the respondent is probably:

☐ mentally ill and in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness.

☐ a substance abuser and dangerous to himself/herself or others.

ORDER

It is ORDERED that a hearing before the district court judge be held to determine whether the respondent will be involuntarily committed.

Date	*Signature*
	☐ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court* ☐ *Magistrate*

NOTE TO CLERK: *Schedule an initial hearing for the respondent pursuant to G.S. 122C-264 or G.S. 122C-284 and give notice of the hearing as required by those statutes.*

STATE OF NORTH CAROLINA Department of Health and Human Services
Division of Mental Health, Developmental Disabilities, and Substance Abuse Services

County_____ File #_____

Client Record #_____

EXAMINATION AND RECOMMENDATION TO DETERMINE NECESSITY FOR INVOLUNTARY COMMITMENT

Film # _____

Name of Respondent:	Age	DOB	Sex	Race	M.S.

Address (Street, Box Number, City, State, Zip (use facility address after 1 year in facility):	County:
	Phone:
Legally Responsible Person □Next of Kin (Name and Address)	Relationship:
	Phone:
Petitioner (Name and address)	Relationship:
	Phone

The above-named respondent was examined on _____, 20___ at _____ o'clock ____.M. at _____ _____. OR, I examined the respondent via telemedicine technology on _____ 20__ at _____o'clock ___M. Included in the examination was an assessment of the respondent's: ❑ (1) current and previous mental illness or mental retardation including, if available, previous treatment history; (2) dangerousness to self or others as defined in G.S. 122C-3 (11*); (3) ability to survive safely without inpatient commitment, including the availability of supervision from family, friends, or others; and (4) capacity to make an informed decision concerning treatment. ❑ (1) current and previous substance abuse including, if available, previous treatment history; and (2) dangerousness to himself or others as defined in G.S. 122C-3 (11*). The following findings and recommendations are made based on this examination. For telemedicine evaluations only: ❑ I certify to a reasonable degree of medical certainty that the results of the examination via telemedicine were the same as if I had been personally present with the respondent OR ❑The respondent needs to be taken to a facility for a face to face evaluation. (*Statutory Definitions are on reverse side)

SECTION I - CRITERIA FOR COMMITMENT

Inpatient. It is my opinion that the respondent is:
(1st Exam – Physician or Psychologist)
(2nd Exam – Physician only)

- ❑ mentally ill; ❑ dangerous to self; ❑ dangerous to others
- ❑ in addition to being mentally ill is also mentally retarded
- ❑ none of the above

Outpatient. It is my opinion that:
(Physician or Psychologist)

- ❑ the respondent is mentally ill
- ❑ the respondent is capable of surviving safely in the community with available supervision
- ❑ based upon the respondent's treatment history, the respondent is in need of treatment in order to prevent further disability or deterioration which would predictably result in dangerousness as defined by G.S. 122C-3 (11*)
- ❑ the respondent's current mental status or the nature of his illness limits or negates his/her ability to make an informed decision to seek treatment voluntarily or comply with recommended treatment
- ❑ none of above

Substance Abuse. It is my opinion that the respondent is:
(1st Exam – Physician or Psychologist; 2nd Exam – If 1st exam done by Physician, 2nd exam may be done by Qual. Prof.)

- ❑ a substance abuser
- ❑ dangerous to himself or others
- ❑ none of the above

SECTION II – DESCRIPTION OF FINDINGS

Clear description of findings (findings for each criterion checked above in Section I must be described):

over

Notable Physical Conditions: Current Medications (medical and psychiatric)

Impression/Diagnosis:

SECTION III - RECOMMENDATION FOR DISPOSITION

❑ Inpatient Commitment for _____ days (respondent must be mentally ill **and** dangerous to self or others)
❑ Outpatient Commitment (respondent must meet **ALL** of the first four criteria outlined in Section I, **Outpatient)**
Proposed Outpatient Treatment Center or Physician: (Name)_____
(Address and Phone Number)_____
_____
LME notified of appointment: (Name of LME and date)_____
❑ Substance Abuse Commitment (respondent must meet both criteria outlined in Section I, **Substance Abuse)**
❑ Release respondent pending hearing - Referred to:_____
❑ Hold respondent at 24-hour facility pending hearing – Facility: _____
❑ Respondent does not meet the criteria for commitment but custody order states that the respondent was charged with a violent crime, including a crime involving assault with a deadly weapon, and that he was found not guilty by reason of insanity or incapable of proceeding: therefore, the respondent will not be released until so ordered following the court hearing.
❑ Respondent or Legally Responsible Person Consented to Voluntary Treatment
❑ Release Respondent and Terminate Proceedings (insufficient findings to indicate that respondent meets commitment criteria)
❑ Respondent was held 7 days from issuance of custody order but continues to meet commitment criteria. A new petition will be filed.

❑ Other (*Specify*) _____

_____M.D. Physician Signature _____ Signature/Title – Eligible Psychologist/Qualified Professional _____ Print Name of Examiner _____ Address or Facility _____ City and State _____ Telephone Number	This is to certify that this is a true and exact copy of the Examination and Recommendation for Involuntary Commitment _____ Original Signature – Record Custodian _____ Title _____ Address or Facility _____ Date **NOTE:** Only copies to be introduced as evidence need to be certified

CC: Clerk of Superior Court where petition was initiated (initial hearing only)
Clerk of Superior Court where 24-hour facility is located or where outpatient treatment is supervised
Respondent or Respondent's Attorney and State's Attorneys, when applicable
Proposed Outpatient Treatment Center or Physician (Outpatient Commitment); Area Program / Physician (Substance Abuse Commitment)
NOTE: If it cannot be reasonably anticipated that the clerk will receive the copies within 48 hours of the time that it was signed, the physician or eligible psychologist/qualified professional shall communicate his findings to the clerk by telephone.

***STATUTORY DEFINITIONS**

"Dangerous to self". Within the relevant past: (a) the individual has acted in such a way as to show: (1) that he would be unable without care, supervision, and the continued assistance of others not otherwise available, to exercise self-control, judgment, and discretion in the conduct of his daily responsibilities and social relations or to satisfy his need for nourishment, personal or medical care, shelter, or self-protection and safety; and (2) that there is a reasonable probability of his suffering serious physical debilitation within the near future unless adequate treatment is given. A showing of behavior that is grossly irrational, of actions that the individual is unable to control, of behavior that is grossly inappropriate to the situation, or of other evidence of severely impaired insight and judgment shall create a **prima facie** inference that the individual is unable to care for himself; or (b) the individual has attempted suicide or threatened suicide and that there is a reasonable probability of suicide unless adequate treatment is given; or (c) the individual has mutilated himself or attempted to mutilate himself and that there is a reasonable probability of serious self-mutilation unless adequate treatment is given. NOTE: Previous episodes of dangerousness to self, when applicable, may be considered when determining reasonable probability of physical debilitation, suicide, or self-mutilation.

"Dangerous to others". Within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct.

"Mental illness:. (a) when applied to an adult, an illness which so lessens the capacity of the individual to use self-control, judgment, and discretion in the conduct of his affairs and social relations as to make it necessary or advisable for him to be under treatment, care, supervision, guidance or control; and (b) when applied to a minor, a mental condition, other than mental retardation alone, that so lessens or impairs the youth's capacity to exercise age adequate self-control and judgment in
the conduct of his activities and social relationships so that he is in need of treatment.

"Substance abuser". An individual who engages in the pathological use or abuse of alcohol or other drugs in a way or to a degree that produces an impairment in personal, social, or occupational functioning. Substance abuse may include a pattern of tolerance and withdrawal.

SUPPLEMENT TO SUPPORT IMMEDIATE HOSPITALIZATION
(To be used in addition to "Examination and Recommendation for Involuntary Commitment, Form 572-01)

CERTIFICATE

The Respondent, _____
requires immediate hospitalization to prevent harm to self or others because:

I certify that based upon my examination of the Respondent, which is attached hereto, the Respondent is (check all that apply):

- ☐ Mentally ill and dangerous to self
- ☐ Mentally ill and dangerous to others
- ☐ In addition to being mentally ill, is also mentally retarded

_____
Signature of Physician or Eligible Psychologist

Address: _____
City State Zip: _____
Telephone: _____
Date/Time: _____

Name of 24-hour facility: _____
Address of 24-hour facility: _____

CC: 24-hour facility
Clerk of Court in county of 24-hour facility

Note: If it cannot be reasonably anticipated that the clerk will receive the copy within 24 hours (excluding Saturday, Sunday and holidays) of the time that it was signed, the physician or eligible psychologist shall also communicate the findings to the clerk by telephone.

NORTH CAROLINA
_____ County
Sworn to and subscribed before me this
_____ day of _____, 20__

(seal)

_____
Notary Public

My commission expires:_____

Pursuant to G.S. 122C-262 (d), this certificate *shall serve as the Custody Order* and the law enforcement officer or other person *shall* provide transportation to a 24-hr. facility in accordance with G.S. 122C-251.

TO LAW ENFORCEMENT: See back side for Return of Service

RETURN OF SERVICE

☐ **Respondent WAS NOT taken into custody for the following reason:**

☐ **I certify that this Order was received and served as follows:**

Date Respondent Taken into Custody	*Time* ☐ AM ☐ PM		
Name of 24-Hour Facility	*Date Delivered*	*Time Delivered* AM ☐ PM ☐	*Date of Return*
Name of Transporting Agency	*Signature of Law Enforcement Official*		

Involuntary Commitment

Mark Botts
School of Government, UNC Chapel Hill

Due Process

- Criteria—The grounds for court-ordered treatment.
- Procedure—The process for obtaining court-ordered treatment.

Because the commitment statutes provide for a drastic remedy, those that use them must do so with "care and exactness." In re Ingram, 74 N.C. App. 579 (1985), quoting Samons, 9 NC App. 490 (1970).

Objectives

- Know the criteria (3 sets of criteria)
- Apply the criteria
- Follow procedure (3 different procedures)

3 Kinds of Commitment

1. Outpatient commitment → mental illness

2. Inpatient commitment → mental illness
3. Substance abuse commitment → alcohol/drug abuse

The Magistrate's Role

Reasonable grounds to believe the respondent probably meets the criteria for commitment

Criteria for Commitment

Inpatient commitment
mental illness + dangerous to self, or dangerous to others

Substance abuse commitment
substance abuse + dangerous to self, or dangerous to others

1. mental illness
2. substance abuse
3. dangerous to self
4. dangerous to others

Mental Illness

Elements for Minors
-A mental condition
-That impairs age-adequate judgment and self-control
-To a degree that treatment is advisable

Elements for Adults
-An illness
-That impairs judgment and self-control
-To a degree that treatment is advisable

Substance Abuse

The pathological use or abuse of alcohol or other drugs to a degree that impairs functioning…
- -**personal**
- -**social**
- -**occupational**

May also include a pattern of **tolerance** or **withdrawal**

Dangerous to Self

Within the relevant past, the individual has:
- Acted in a way to show unable to care for self
- Attempted or threatened suicide
- Attempted or engaged in self-mutilation

Dangerous to Self

- Unable to care for self + reasonable probability of serious physical debilitation
- Attempted or threatened suicide + reasonable probability of suicide
- Attempted or engaged in self-mutilation + reasonable probability of serious mutilation

Dangerous to self

- A two prong test that requires a finding of:
  - a lack of self-care ability regarding one's daily affairs, and
  - a probability of serious physical debilitation resulting from the more general finding of lack of self-caring ability. In re Monroe, 49 N.C.App. 23 (1980).

Unable to Care for Self

Hannah lives in a nursing home. She is 85 years old and suffers from dementia. She can't remember where she is, doesn't know what day it is, and doesn't know her family. She can't remember to take her medication and is too frail to bathe and dress without assistance.

1. Is Hannah mentally ill?
2. Is Hannah **un**able to care for herself?

Unable—without the care, supervision, and assistance of others *not otherwise available*—to care for oneself.

Dorothy stopped taking her medication for mental illness. She has begun to experience visual and audio hallucinations and has ceased eating and bathing. You believe that she is unable to exercise judgment and discretion in the conduct of her daily responsibilities related to nourishment and medicine.

As you consider whether there is a reasonable probability that she will suffer serious physical debilitation in the near future, may you take into account that, two years ago, after exhibiting these same behaviors, she suffered serious dehydration and malnourishment requiring hospitalization?

A) Yes

B) No

The respondent gets up 3 to 6 times a night and has unusual eating habits (sometimes fasts, sometimes eats a whole loaf of bread or whole chicken in one sitting, eats about 5 lbs. of sugar every 2 days).

Is the respondent dangerous to self?

A) Yes

B) No

Suicide

attempt
or
threat
+
reasonable probability of suicide

Self-Mutilation

actual
or
attempted
+
reasonable probability of serious self-mutilation

Dangerous to Others

Within the relevant past, the individual has:

1. Inflicted, attempted, or threatened serious bodily harm + reasonable probability of conduct repeating
2. Created a substantial risk of serious bodily harm + reasonable probability of conduct repeating
3. Engaged in extreme destruction of property + reasonable probability of conduct repeating

[more info]
Previous episodes of dangerousness to others, when applicable, may be considered when determining whether there is a reasonable probability of the respondent's conduct repeating.

Inflicted, attempted, or threatened serious bodily harm

A mere threat **can** be sufficient.

An overt act of violence is not necessary to establish that the respondent is dangerous to others.

Created a substantial risk of serious bodily harm

Intent to harm is **not** required.

A person with a rifle who sits on one side of a four lane divided highway shooting at delusions of monsters…

…creates a **substantial risk** of bodily harm to motorists…

Engaged in extreme destruction of property

The addition or omission of one fact could determine the question of dangerousness.

In North Carolina, a person must be dangerous to self or dangerous to others to be involuntarily committed to psychiatric or substance abuse treatment.

A) True

B) False

Criteria for Outpatient Commitment

- Mentally ill
- Needs treatment to prevent further disability or deterioration that would predictably result in dangerousness
- Capable of surviving safely in the community
- Mental status negates ability to seek or comply with recommended treatment

"preventive" commitment

Summary

1. **Outpatient commitment**—mentally ill, capable of surviving in the community, in need of treatment to prevent dangerousness, and unable to seek treatment voluntarily
2. **Inpatient commitment**—mentally ill + dangerous to self or others
3. **Substance abuse commitment**—substance abuser + dangerous to self or others

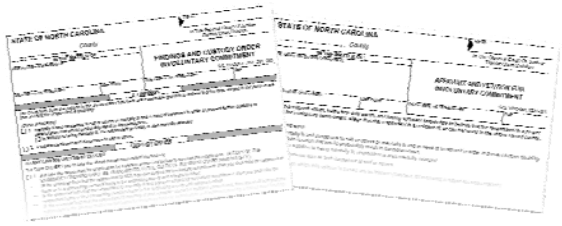
Procedure

- Layperson petition
- Clinician petition
- Emergency certificate

Involuntary Commitment Procedure for the *Layperson*

Involuntary Commitment Forms

1. Petition for Involuntary Commitment
2. Magistrate's Custody Order



The Petition

- Anyone with knowledge may petition
- Petitioner must appear personally
- Jurisdiction is in the county where respondent resides or is found

I live in Chatham County and work in Orange County. If I am the respondent and you are the petitioner, which county's magistrate should you appear before to request involuntary commitment?

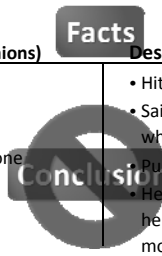
A) Orange
B) Chatham
C) Any county in North Carolina
D) Either A or B

The Magistrate's Role

The Petition

- hearing voices, not eating
- said he doesn't deserve to live
- has not bathed in two weeks
- not taking medication, waved kitchen knife at mother

Information Must Be Factual



Conclusions (Opinions)
- Violent
- Threatening
- Aggressive
- Assaulted someone

Descriptive Facts
- Hit boss with a wrench
- Said he would cut brother while he slept
- Pushed Mom off the porch
- Held hammer in air saying he was going to bust mother's head

Information Must Be Relevant

Relevant Past

Acts are within the relevant past if they occur close enough to the present time to have probative value on the question whether the conduct will continue

Indicate whether the phrase below is an appropriate or inappropriate statement for the fact section of the petition:

Stands on street corner all night talking to him/herself

A) Appropriate
B) Inappropriate

Indicate whether the phrase below is an appropriate or inappropriate statement for the fact section of the petition:

Says she is going to fly to the moon with the President

A) Appropriate
B) Inappropriate

Indicate whether the phrase below is an appropriate or inappropriate statement for the fact section of the petition:

Exhibits bizarre behavior

A) Appropriate
B) Inappropriate

Indicate whether the phrase below is an appropriate or inappropriate statement for the fact section of the petition:

Irrational thinking

A) Appropriate

B) Inappropriate

Indicate whether the phrase below is an appropriate or inappropriate statement for the fact section of the petition:

Doesn't know what day or month it is

A) Appropriate

B) Inappropriate

The statement, "this individual is suicidal," is appropriate for the "facts" section of the petition.

A) True
B) False

Case Studies

Magistrate Custody Order

If the magistrate finds that the commitment criteria are met for either

- outpatient commitment,
- inpatient commitment, or
- substance abuse commitment

the magistrate must issue a custody and transportation order

Custody-GS 122C-261

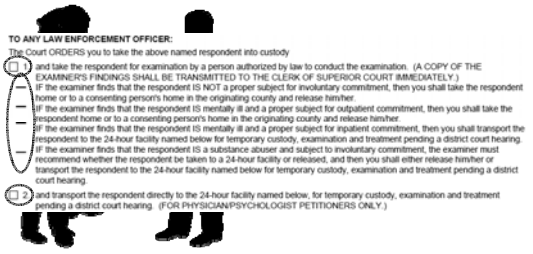
The magistrate shall issue an order to a law enforcement officer or any other person authorized under G.S. 122C-251

- to take the respondent into custody for examination by a physician or psychologist, or
- for transportation to or custody at a 24-hour facility

Magistrate Must Explain Next Steps to Petitioner

- Next steps in the commitment process
- Other useful information:
  - Law enforcement protocol on restraint
  - Likely wait time at community hospital
- Useful contact information
  - Other resources/options for petitioner if the commitment process terminates at the first examination

Magistrate Custody Order



TO ANY LAW ENFORCEMENT OFFICER:

The Court ORDERS you to take the above named respondent into custody

1. and take the respondent for examination by a person authorized by law to conduct the examination. (A COPY OF THE EXAMINER'S FINDINGS SHALL BE TRANSMITTED TO THE CLERK OF SUPERIOR COURT IMMEDIATELY.)
   - IF the examiner finds that the respondent IS NOT a proper subject for involuntary commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.
   - IF the examiner finds that the respondent IS mentally ill and a proper subject for outpatient commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.
   - IF the examiner finds that the respondent IS mentally ill and a proper subject for inpatient commitment, then you shall transport the respondent to the 24-hour facility named below for temporary custody, examination and treatment pending a district court hearing.
   - IF the examiner finds that the respondent IS a substance abuser and subject to involuntary commitment, the examiner must recommend whether the respondent be taken to a 24-hour facility or released, and then you shall either release him/her or transport the respondent to the 24-hour facility named below for temporary custody, examination and treatment pending a district court hearing.
2. and transport the respondent directly to the 24-hour facility named below, for temporary custody, examination and treatment pending a district court hearing. (FOR PHYSICIAN/PSYCHOLOGIST PETITIONERS ONLY.)

Transportation

Not under arrest

Treatment

Safety

[more info]

If the respondent is not taken into custody within 24 hours after the magistrate signs the custody order, the order expires. This may happen in situations where the officer cannot find the respondent within 24 hours. If the order expires, a new commitment proceeding may be initiated to request another custody order.

Examination

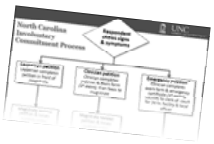
- Outpatient commitment
- Inpatient commitment
- Substance abuse commitment

Examination Findings and Results

Findings		Result
No commitment criteria	→	Release
Outpatient commitment	→	Release pending hearing
Inpatient commitment	→	Inpatient facility
Substance abuse commitment	→	Release or inpatient facility

Summary: Procedure for the Layperson

1. Petition
2. Custody Order
3. Custody and Transportation
4. Examination

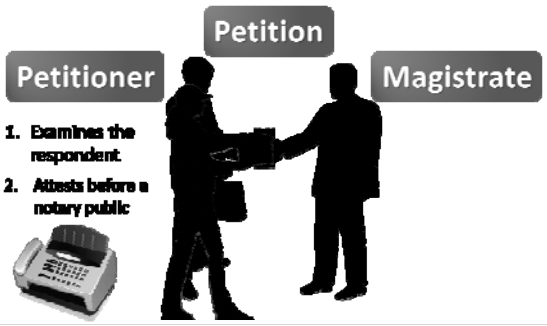


Involuntary Commitment Law and Procedure for the Clinician

Authorized Clinicians

- Physicians
- Health services provider psychologists
- Licensed clinical social workers, psychiatric nurses, and clinical addictions specialists that are individually authorized (pilot professionals)

Requesting Involuntary Commitment



Which of the following are true about the procedure for qualified clinicians?

A) To avoid appearing before a magistrate, a clinician petitioner must personally examine the respondent.

B) To avoid appearing before a magistrate, a clinician petition must be notarized.

C) A qualified clinician who cannot examine the respondent can use the procedure for laypersons.

D) All of the above.

Statutory Examination
Mental Illness

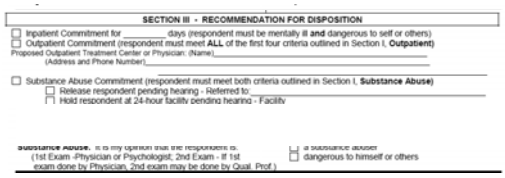
1. mental illness and mental retardation
2. dangerousness to self or others
3. ability to survive safely w/o inpatient commitment
4. capacity to make treatment decisions

Statutory Examination
Substance Abuse

Substance abuse and treatment history

Danger to self and others

Completing the Examination Form
Section III: Recommendation



SECTION III - RECOMMENDATION FOR DISPOSITION

☐ Inpatient Commitment for _____ days (respondent must be mentally ill **and** dangerous to self or others)
☐ Outpatient Commitment (respondent must meet **ALL** of the first four criteria outlined in Section I, **Outpatient**)
Proposed Outpatient Treatment Center or Physician: (Name)_____
(Address and Phone Number)_____

☐ Substance Abuse Commitment (respondent must meet both criteria outlined in Section I, **Substance Abuse**)
☐ Release respondent pending hearing - Referred to: _____
☐ Hold respondent at 24-hour facility pending hearing - Facility

Substance Abuse. It is my opinion that the respondent is: ☐ a substance abuser
(1st Exam -Physician or Psychologist; 2nd Exam - If 1st exam done by Physician, 2nd exam may be done by Qual. Prof.) ☐ dangerous to himself or others

- Outpatient commitment
- Inpatient commitment
- Substance abuse commitment

Magistrate Orders

Hearing Custody

Outpatient commitment → Hearing

Inpatient commitment → Custody

Substance abuse commitment → Hearing or Custody

Summary: Procedure for the Authorized Clinician

1. Examination
2. Petition
3. Findings and Custody Order
4. Law Enforcement Custody

Review Test

Session Law 2009-340 (House Bill 243)

After 1st exam and recommendation of inpatient commitment:

1. If 24-hour facility not
   - Immediately available or
   - Medically appropriate
2. Respondent may be temporarily detained

House Bill 243—Session Law 2009-340

1. If at any time a physician or psychologist determines respondent no longer meets the inpatient criteria:
   - Respondent must be released
   - Physician may recommend outpatient commitment
2. Decision to terminate or recommend outpatient commitment must
   - Be made in writing
   - Reported to the clerk of superior court

House Bill 243—Session Law 2009-340

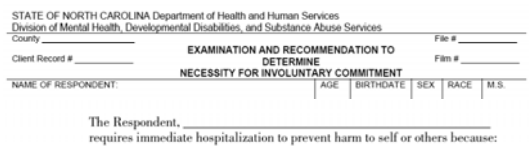
1. Seven days after issuance of custody order, commitment must be terminated if 24-hour facility still not available or medically appropriate
   - Physician must report to clerk of court
   - Proceedings must be terminated
2. New commitment proceedings may be initiated
   - Requires new petition
   - Requires new examination if petitioner is clinician
   - Requires new custody order

The Emergency Procedure

1. Procedure for mental illness
2. Procedure for substance abuse

Involuntary Commitment Forms

- Examination and Recommendation Form
- Supplemental Emergency Certificate



STATE OF NORTH CAROLINA Department of Health and Human Services
Division of Mental Health, Developmental Disabilities, and Substance Abuse Services

County _____ File # _____

Client Record # _____ Film # _____

EXAMINATION AND RECOMMENDATION TO DETERMINE NECESSITY FOR INVOLUNTARY COMMITMENT

NAME OF RESPONDENT: | AGE | BIRTHDATE | SEX | RACE | M.S.

The Respondent, _____
requires immediate hospitalization to prevent harm to self or others because:

Criteria for Emergency Commitment—Mental Illness

1. Mentally ill + Dangerous
2. Requires immediate hospitalization

Procedure for Emergency Commitment—Mental Illness

STATE OF NORTH CAROLINA
Department of Health and Human Services
Division of Mental Health, Developmental Disabilities, and Substance Abuse Services

SUPPLEMENT TO EXAMINATION AND RECOMMENDATION FOR INVOLUNTARY COMMITMENT

SUPPLEMENT TO SUPPORT IMMEDIATE HOSPITALIZATION
(To be used in addition to "Examination and Recommendation for Involuntary Commitment, Form 572-01)

CERTIFICATE

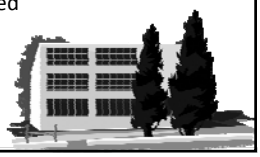
The Respondent, _____
requires immediate hospitalization to prevent harm to self or others because:

I certify that based upon my examination of the Respondent, which is
the Respondent is (check all that apply):

- ☐ Mentally ill and dangerous to self
- ☐ Mentally ill and dangerous to others

Transportation and Communication

- Magistrate is not involved
- No other custody order needed



Which of the following statements is true about the emergency procedure for persons with mental illness?

A) It does not involve a petition to the magistrate.

B) The emergency certificate and examination form must be submitted to a district court judge.

C) The emergency certificate functions as a custody order and requires a law enforcement officer to transport the respondent to a 24-hour facility.

D) All of the above.

Summary of Emergency Mental Health Procedure

1. Patient requires immediate hospitalization
2. Clinician must:
   - Examine patient
   - Certify findings in writing
   - Send examination form and certificate

Additional Issues

1. Procedure for mental retardation
2. Transfer order

Procedure for Mental Retardation

- If magistrate finds respondent, in addition to being mentally ill, is also probably MR
  - Must contact area authority before issuing custody order
- Area authority designates facility where R is to be taken

Determining Mental Retardation

- Historical information needed
- Not possible to determine MR from behavior during a mental health crisis
  - Did problems related to intelligence and functioning begin before age 22?
  - Has a doc. or psych. said respondent has MR?
  - Attended special education classes for MR students?
  - Received special services for persons with MR e.g., sheltered wkshop or group home for MR persons?

Transfer between 24-Hour Facilities

1. Form AOC-SP-222--request and order to transport respondent from one 24-hr. facility to another
   - Applies to respondents held pending hearing and those held under commitment order
2. Facility
   - Obtains authorization from receiving facility
   - Notifies client or legally responsible person
   - Submits request clerk of court or magistrate
3. Clerk or magistrate issues order to law enforcement

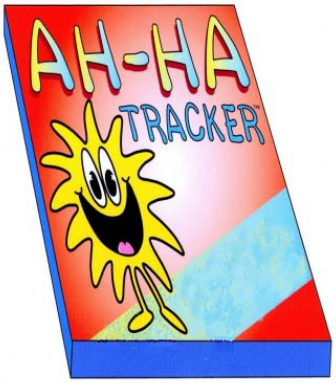
Day 2

Agenda

These are the topics on today's agenda:

1. How to get the information you need
2. *Hearing Voices* Simulation Exercise
3. *Interviewing* exercise with feedback
4. *Writing a Petition* exercise with feedback
5. *Taking It Back Home* small group discussion
6. Listening to the Voices of Family Members
7. Movie: *The Revolving Door*

Checking In



Discuss with your tablemates what struck you most about our time together yesterday. For example, did you find anything surprising or thought-provoking? Do you disagree with anything you heard? Do you have questions about any of the material?

_____

_____

_____

_____

_____

JUST THE FACTS

Getting the Information You Need

The Magistrate's Role in Involuntary Commitment
School of Government
University of North Carolina at Chapel Hill
May 2—4, 2011

Crystal Farrow
Wake County Human Services
Crisis Services Administrator
cfarrow@wakegov.com
919.747.0514

Agenda

- Risk factors to consider in the petition process
- What's happening with the petitioner
- Interviewing and crisis intervention skills
  - Using interpersonal skills that help you get the information you need
- Knowing other resources

Mental health and addictive disorders are the leading cause of combined death and disability for women & the second leading cause for men.

Top 10 Questions a Magistrate should ask a Petitioner in the IVC Process

Danger to Self

Myths Related to Suicide

- People who commit suicide always leave notes.
- People who are serious about suicide don't warn others.
- People who talk about suicide are just trying to get attention. They won't really do it.
- Once someone has already decided to commit suicide, nothing is going to stop them.
- After a person has attempted suicide, it is unlikely they will try again.
- Don't mention suicide to someone who's showing signs of severe depression. It will plant the idea in their minds and they will act on it.
- An unsuccessful attempt means the person wasn't really serious about ending their life.

More than 30,000 Americans die by suicide each year and more than 90% of those have a mental illness or addictive disorder.

Facts About Suicide

- Suicide is the 9th leading cause of death.
- The highest rate of suicide is for persons over the age of 65.
- Suicide by firearm is the most common method for both men and women, accounting for 61 % of all suicides.
- The number of attempted suicides is estimated to be 650,000.
- 80% of the individuals who attempt or commit suicide DO give some indication of their impending action.

There is an increased suicide risk among individuals who abuse substances.

(About 20 times the rate for the general population.)

Substance Abuse and Suicidality

- Among completed suicides in persons under age 30, the majority had a principal diagnosis of substance abuse
- Substance use can “mask” serious symptoms of other mental illness and may be used to self-medicate
- Withdrawal from alcohol and benzodiazepenes may be deadly
- More than 90% of suicidal, intoxicated individuals are no longer suicidal upon reaching sobriety

Relationship between suicide and mental illness

- The presence of a severe psychiatric disorder, such as major depression, is probably the single strongest statistical correlate with suicide risk
- Major depression leads the pack, followed by alcoholism, schizophrenia and individuals with borderline personality disorder

Psychosis as a Risk Factor

- Psychosis should be considered a potentially major suicide factor, because rational thought often acts as the final obstacle to self-destruction
- Any evidence of psychosis warrants a thorough evaluation of lethality
  - Command hallucinations
  - Feelings of alien control
  - Religious preoccupation

Michael _____, a charismatic and loving soul died Thursday, March 11th 2010 at the age of 21.

Michael was born August 15th 1988 in Raleigh, North Carolina. He was an Eagle Scout with Troop 213. He graduated from the North Carolina School of Science and Math in 2007. He was in the environmental engineering program at North Carolina State University. Mike was a lifeguard and instructor at the YMCA and previously worked at the Eaton Corporation in Middlesex, North Carolina. An avid backpacker and outdoor enthusiast, Michael never got to hike the Appalachian Trail like he had hoped. With his intellectual capabilities and his passionate nature, Michael was driven to make a difference in the world.

Michael is survived by his parents, Vince and Theresa as well as his siblings, Kelley, Colleen, and Nolan.

There will be a mass at Saint Michael the Archangel Catholic Church in Cary celebrating his life to be held Tuesday March 16th at 4 pm.

Michael was grateful to the Wake County Crisis and Assessment Services Center for the great work they do in maintaining the mental health of the public and of the Occoneechee Council Boy Scouts of America for the experience and education they provide for growing young men. In Memory of Michael please contribute or volunteer with one of the above causes in some way and remember to enjoy the natural beauty around you and within you.

The address for Wake County Crisis and Assessment Services Center is 3000 Falstaff Rd, Raleigh 27610 and the Occoneechee Council Boy Scouts of America can be reached at (919) 872-4884.

Arrangements made by the Cremation Society of the Carolinas

Suicide Risk Factors

- Family history of mental illness or substance abuse disorder
- Family history of suicide
- Family violence including physical, emotional, and sexual abuse
- Recent or perceived loss (not just death) of a friend, family member, pet, or a breakup of a relationship.

?

Suicide Risk Factors

- Firearms in the home
- Incarceration
- Exposure to the suicide of others, including family, peers and/or media news or fiction (The closer the relative, the greater the risk)
- Acute intoxication

?

Suicide Warning Signs

- A change in habits (sleeping, eating, studying, activity level, sexual activity, job)
- Giving away prized possessions
- Increase in drug or alcohol abuse
- Depression
- Talking about suicide or threats to commit suicide (implied or explicit)
- Cutting off friendships- isolation

More warning signs

- Reckless/thrill-seeking behavior
- Expressing helplessness or an “I don’t care” attitude
- Feeling life is less meaningful, hopeless
- Preoccupation with death
- Making arrangements, setting one's affairs in order
- Command hallucinations

As many as one in eight teens and one in 33 children have clinical depression.

Suicide is the second leading cause of death among adolescents.

Risk Factors for Adolescents

- Include all factors present for adults
- Additional factors include:
  - Immature brain
    - Inability to see beyond the moment
    - "I'm going to live forever" thinking increases risk-taking behavior.
  - Public humiliation or denigration by peers.

Depression in elders accounts for a majority of suicidal ideation, inpatient admissions, medical outpatient visits, emergency room use, and medical co-morbidity.

Geriatric

- Elderly persons have a higher risk for suicide than any other population
- 1/3 of elderly persons report loneliness as the principal reason for considering suicide
- 10% of elderly with suicidal ideation report financial problems, poor medical health, or depression as reasons for suicidal thoughts
- Most elderly persons who commit suicide communicate their suicidal thoughts to family or friends prior to the act of suicide

Danger to Others

YouTube - David Granirer

Violence and Mental Illness

- "Research has shown that the vast majority of people who are violent do not suffer from mental illnesses (American Psychiatric Association, 1994)."
- ". . . the absolute risk of violence among the mentally ill as a group is still very small and . . . only a small proportion of the violence in our society can be attributed to persons who are mentally ill (Mulvey, 1994)."
- People with psychiatric disabilities are far more likely to be victims than perpetrators of violent crime (Appleby, et al., 2001). Researchers at North Carolina State University and Duke University found that people with severe mental illnesses, schizophrenia, bipolar disorder or psychosis, are 2 ½ times more likely to be attacked, raped or mugged than the general population (Hiday, et al., 1999).

Risk factors and Violence

- History of Violence is #1
- Substance abuse
- Active psychosis- not chronic
- Young age <30
- Antisocial personality disorder

Danger and mental illness

Dangerousness is typically a temporary state along a continuum from low to high risk

- Degree of organization
- Degree of desperation and/or despair
- Recent losses: perceived or real
- Concern by significant others of follow-through of threat
- Active paranoid delusions
- Anger
- Impulsivity
- Traumatic Brain Injury
- Active intoxication

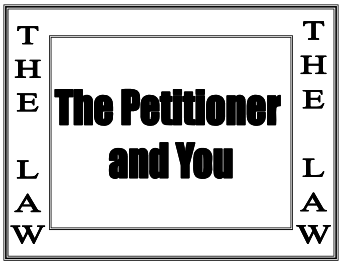
BREAK

Top 10 Questions a Magistrate should ask a Petitioner in the IVC Process

1. Is he on medications and taking them?
2. Has she been in mental health treatment in the past?
3. What kind of recent stressors has he had? (job loss, relationship changes, bereavement, etc?
4. What changes in behavior have you noticed? (sleep, appetite, schedule changes, etc?)
5. Has he ever attempted to hurt himself in the past?
6. Has she ever attempted to hurt anyone else in the past?
7. Does he have the means to harm himself or others?
8. Is she hearing voices or seeing things that no one else sees?
9. How much is he drinking or using other drugs?
10. What's different today?

Table reports

A Framework for Successful Interviewing



UNDERSTANDING THE PETITIONER

Crisis responses and the role of stigma

Crisis Provokes a Set of Responses

- Heightened emotions
  - Overwhelmed, helpless, abandoned, anxious
- Physiological arousal
  - Increased heart rate and blood pressure
  - Classic “fight or flight” response
- Cognitive
  - Impaired problem solving ability, diminished ability to use normal coping mechanisms

cri·sis (krss)

1. A crucial or decisive point or situation; a turning point.
2. A sudden change in the course of a disease or fever, toward either improvement or deterioration.
3. An emotionally stressful event or traumatic change in a person's life.
4. An unstable condition, as in political, social, or economic affairs, involving an impending abrupt or decisive change.
5. A point in a story or drama when a conflict reaches its highest tension and must be resolved.

Crisis as Opportunity

危險 + 機會 =

(dangerous) *(opportunity)*

危機

(crisis)

cri·sis (krss)

1. A crucial or decisive point or situation; a turning point.
2. A sudden change in the course of a disease or fever, toward either improvement or deterioration.
3. An emotionally stressful event or traumatic change in a person's life.
4. An unstable condition, as in political, social, or economic affairs, involving an impending abrupt or decisive change.
5. A point in a story or drama when a conflict reaches its highest tension and must be resolved.

Crisis as Opportunity
- from crisis to growth -

- Motivation for change/resolution is high
- Defenses are down, emotions are more accessible, and poor coping mechanisms are notable
- Individuals are pushed toward learning how to ask for and receive help
- Receptivity to learning and trying new positive coping mechanisms is high
- Individuals are empowered to try new skills in the next crisis

crisis intervention

- Brief therapeutic approach which is ameliorative rather than curative of acute psychiatric emergencies.
- Used in contexts such as emergency rooms of psychiatric or general hospitals, or in the home or place of crisis occurrence, this treatment approach focuses on interpersonal and intra-psychic factors and environmental modification.

Source: On-line Medical Dictionary, © 1997-98 Academic Medical Publishing & CancerWEB

The Role of Stigma

Stigma:

- Labeling someone with a condition
- Stereotyping people with that condition
- Creating a division — a superior "us" group and a devalued "them" group, resulting in loss of status in the community
- Discriminating against someone on the basis of their label

Depression job interview

Blackboard exercise

The Role of Stigma in the Petition Process

Mental Illnesses and Addictive Disorders are Family Illnesses

– Guilt, Embarrassment, and Shame
– Losses and Sacrifices
– Denial and Enabling

Are these the faces of mental illness and addictive disorders?



What about these?


“He’s here every other week.”

Bogus petitions, frequent flyers, and kids who should have their you-know-whats tanned

Every visit is a NEW event

- Never say “Never”, never say “Always”
- Use history to inform the current decision, not to make the current decision
- Look for what’s different this time
- Listen for the facts

"Even if she gets committed the hospital won't keep her long enough to do any good."

The Original MH Reform

150+ years later……

The Los Angeles County Jail holds more psychiatric consumers at any given time than any other institution in the country.

Assisting people in crisis through a system in crisis

- The system's failures are not your failures.
  - There can be value in repeated petitions
    - The consumer is put in front of a clinician who can work to engage him—involuntarily or voluntarily
    - You and the clinician get another opportunity to educate the petitioner
- Provide a list of alternative resources to the petitioner.

Benefits of effective crisis intervention work

- For the petitioner:
  - S/he leaves calmer than s/he arrived
  - Taken an effective step toward helping the family/friend/neighbor respondent
  - Probably willing to help more or again
- For the magistrate:
  - Gather the information you need to make good decisions
  - Satisfaction of knowing you've done what you can within the authority you have to positively impact a life

Effective crisis intervention

BREAK

Working with People in Crisis

aka The Petitioners

How Not to Interview a Petitioner

Demo RP

Setting a tone, modeling behavior for the conversation

- Use the person's name and introduce yourself.
- Be polite in requests and statements.
- Be respectful and genuine in manner.
- Talk calmly in moderated voice.
- Reduce noise and distractions if possible.

Active listening

- Focus on the speaker
  - Maintain good eye contact
  - Use open, non-threatening posture
- Listen for key points
  - Do not jump to conclusions
  - Encourage continued speaking

Asking good questions

- Ask open-ended questions for clarification
  - Avoid yes/no answer questions
  - "Tell me more…." "Help me to understand…."
- Avoid "Why?" questions
  - Feels like interrogation
  - Elicits "because" non-answers and/or defensiveness

Using empathy to engage & de-escalate

- Use “I” statements
  - “I’d like to help…”
  - “I want you to……”
- Validate feelings and concerns
  - “I understand you’re nervous….”
  - “Sounds like it’s been a hard day…”

Directing and re-directing until you have the required information

- Use simple & direct instructions
- Repeat and rephrase as needed
- Allow for delayed response time
- Clarify and summarize
- Restate the message, usually with fewer words
- Request verification of your understanding
- Put key ideas and feelings into broad statements
- DO NOT add new ideas

Monitoring your own response

- Try not to:
- Take anything personally
- Make promises you can’t keep
- Get into power struggles
- Act angry, frustrated, or impatient
- Laugh inappropriately

Wrapping up the process

- Explain next steps to the petitioner
- How long until the LEO arrives
- Use of cuffs
- Where to go next
- What to take to the evaluating clinician
- What happens if the petition is terminated

Working with "special populations"

Working with MD petitioners

- Check your assumptions
  - ED MD's ≠ Psychiatrists
  - The MD relies on other clinicians for the information.
- Try to speak their language
  - Ask for the "History of present illness (HPI)"
  - Facts = signs and symptoms
    - Or "as evidenced by…"
  - Conclusions = diagnoses

Working with MD petitioners

- Work the systems
  - Develop relationships with ED officials
  - Develop relationships with LME officials
- Be assertive and persistent
  - Know your authority

Demo Role Play

Role Play Observations

Active Listening Skills

- Used a calm tone of voice
- Maintained good eye contact
- Maintained a relaxed posture
- Introduced self to the petitioner
- Quieted the environment
- Restated/Clarified petitioner's concerns
- Used "I" statements
- Avoided "Why" questions
- Used simple instructions

Fact Finding Skills

- Assessed for Mental Illness
- Assessed for Substance Abuse
- Assessed for Dangerousness and Need for Treatment in the following areas…
  - Ability to care for self
  - Suicidality
  - Self mutilation
  - Attempted/threatened harm to others
  - Extreme destruction to property

Role Play Observations, II

Follow Through Skills

Provided:

- clear information about what happens next and the petitioner's role in the process
- helpful information about the next 24 hours
- contact information and directions to the site of the first examination
- information about other available resources for the respondent and the petitioner.

Notes on Getting the Information You Need

	Interviewing Exercise Rooms 2503, 2506, 2507, 2508	**Feedback on Petition** Room 2509	**Hearing Voices** Main Room 3301 Rooms 2321 & 2502		**Small Group Discussion** Room 2600	
12:45-1:15PM	**Group 6**	**Group 2**	**Group 3**	**Group 4**	**Group 5**	**Group 1**
1:15-1:45PM	**Group 2**	**Group 6**				
1:45-1:50PM	BREAK	BREAK	BREAK		BREAK	
1:50-2:20PM	**Group 3**	**Group 4**	**Group 5**	**Group 1**	**Group 6**	**Group 2**
2:20-2:50PM	**Group 4**	**Group 3**				
2:50-3:00PM	BREAK	BREAK	BREAK		BREAK	
3:00-3:30PM	**Group 5**	**Group 1**	**Group 6**	**Group 2**	**Group 3**	**Group 4**
3:30-4:00PM	**Group 1**	**Group 5**				
4:00PM	**Return to 3301**					

Group 1:
Group 2:
Group 3:
Group 4:
Group 5:
Group 6:

Notes on Exercise: Conducting an Interview

Notes on Exercise: Writing a Petition

Role Play Observations

Developing a Plan for Making a Difference: A Discussion Guide

Identify: One aspect of the IVC process that works well in your county:

_____

_____

Brainstorm: What changes in your *county* would make the civil commitment process a model throughout the State? In other words, what would success look like on a county-wide scale?

_____

_____

_____

_____

Brainstorm: What changes within your *office* would make your office a model for conducting civil commitment hearings throughout the State?

_____

_____

_____

_____

Focus: Identify two changes from those listed that are within your control, either to implement or to influence.

1. _____

2. _____

Resolve: What specific steps would either improve the existing process in your county or move the existing process in a positive direction toward change?

_____

_____

_____

_____

_____

_____

_____

About *Hearing Voices*

Hearing Voices That Are Distressing is a complete training/curriculum package in which participants use headphones for listening to a specially designed recording. During this simulated experience of hearing voices, participants undertake a series of tasks including social interaction in the community, a psychiatric interview, cognitive testing, and an activities group in a mock day treatment program. The simulation experience is followed by a debriefing and discussion period.

> "...The first graduate students who experienced *Hearing Voices* said it changed their lives. We now require it for all our graduate students in sites across the country."
> *~ Paul J. Carling, Ph.D. Executive Director The Center for Community Change, Trinity College, Vermont*

> "The voices simulation gave me a good overview of what people who do hear voices go through on a day to day basis."
> "...Incredible experience which gave a great insight."
> "Every Officer should have this experience so they can understand what people who hear voices are going through."
> *~ Law Enforcement Officers from Utah CIT Academies*

This curriculum [was] developed and piloted for a wide range of mental health professionals including: Inpatient/outpatient psychiatric nurses, psychiatrists, social workers; psychologists; direct care workers in residential, day treatment and psychosocial rehabilitation programs; mental health administrators, policy makers; and police officers, academic faculty and students.

> "...I recently participated in the *Hearing Voices* training. I must confess, I was disturbed by the sudden realization that I have been treating schizophrenia for four years, yet I have never known what it really was. I may have had the knowledge, but not the wisdom or true empathy - until now."
> *~ Jim Willow, M.D. Psychiatric Resident, PsycHealth Centre, Winnipeg, Manitoba*

Patricia E. Deegan, Ph.D., holds a doctorate in clinical psychology and developed this curriculum as part of her work with the National Empowerment Center. She also publishes and lectures internationally on the topics of recovery and empowerment. Dr. Deegan was diagnosed with schizophrenia when she was 16, and so has herself experienced hearing voices that are distressing.
Taken from www.power2u.org

You can visit Dr. Deegan's website by going to www.patdeegan.com.

You can listen to a sample of the recording by going to **http://tinyurl.com/5rbfodb**

Notes on your experience with *Hearing Voices:*

_____

_____

_____

_____

_____

Listening to the Voices of Family Members

Notes on Dan's Story/Questions for Dan:

_____
_____
_____
_____
_____
_____
_____
_____
_____

About *The Revolving Door*

Review by Catherine Sailant
Staff Writer, *Los Angeles Times*

Even if a short film about Tommy Lennon's life is nominated for an Academy Award on Tuesday, its 35-year-old subject won't be attending the awards show next month. Mentally ill and addicted to drugs, Lennon is in a Santa Barbara jail waiting to learn if his next stop is a courtroom or a prison psychiatric ward. Lennon has cycled in and out of jails for a decade, and his most recent arrest was on a petty theft charge. As detailed in "A Revolving Door," a short documentary about him, when he's not incarcerated, he is shuffled from low-rent motels to the streets to mental institutions and back again.

"It's a road to hell," Debbie Lennon said of watching helplessly as inner demons consumed her son's life starting at age 17. "It's not easy for the person afflicted with it, and it's not easy for the people who love him."

Filmmakers Marilyn and Chuck Braverman of Santa Monica spent three years chronicling Lennon's chaotic life to illustrate how society deals with the mentally ill. Marilyn Braverman knew the Lennons and has a son who is the same age as Tommy, Chuck Braverman said.

Lennon suffers from manic depression, a severe mental disorder marked by cycles of frantic activity and grinding depression. He uses drugs, usually amphetamines, because, he says, they make him "feel great." The Ventura man has been arrested numerous times, usually for being

under the influence or violating probation, his mother said. While in prison, he often refuses to take his medication, resulting in ever more erratic behavior, she said.
Debbie Lennon said she has become a "squeaky wheel," badgering police, attorneys and jail officials in an effort to help her son get the medicines he needs. "I'm resourceful," she said. "But what about the thousands of others who are trying to do the same thing?"

Mental illness in California's jail population is widespread, according to Stephen Mayberg, director of the state Department of Mental Health. He estimates that up to 30% of those incarcerated are dealing with some type of mental health issue. California has attempted to address the problem by making community-based mental health services available to the poor in each county, Mayberg said. In the past, there has not been enough money to meet the need, he said. Now the state is distributing an additional $1.5 billion to expand mental health services, Mayberg said. . . .

One program, tested in Los Angeles County, attempts to keep mentally ill offenders out of jail by getting them counseling, medications and hospital care at the first sign that they are spiraling out of control, he said. The pilot program reduced jail days by 70%, he said. "What we know is treatment does work," Mayberg said. "But it's got to be coordinated and available around the clock, not just from 9 to 5."

The 39-minute documentary uses a low-key cinema verite style to depict Lennon's reality. In one showdown, his parents and a brother struggle to persuade Lennon to enter a Ventura psychiatric facility. He resists so violently that the family eventually calls police to help, and he is taken away in handcuffs. The film also shows good days, when Lennon has taken his medications faithfully and stayed away from amphetamines.

Chuck Braverman said he hopes the movie will help the public see how difficult it is to deal with chronic mental illness. . . . Making the film caused Braverman to question the wisdom of locking up mentally ill people for petty crimes instead of sending them for treatment. Lennon's arrests over the years have typically been for being under the influence or possessing drugs, he said. "I hope this film wakes some people up," he said. "If this was your son or daughter, would you want them to be treated like this? We can do better than this."

At a court hearing earlier this month, a Santa Barbara judge agreed to a psychiatric evaluation of Lennon to determine if he should stand trial or be sent to Patton State Hospital for treatment until he is competent. Santa Barbara prosecutor Josh Webb said Lennon is well known around the courts, having been arrested in the past. Although he is sympathetic with Lennon's family, he said he has little choice but to prosecute when a law has been violated. "Undoubtedly, you try to treat them with medication," he said. "It's a case of 'you're damned if you do and you're damned if you don't.' "
Taken from www.newday.com/**reviews**.lasso?filmid=FpSkMMH0f

For more information about the film, and to watch the trailer, visit www.arevolvingdoor.com.

Notes on your thoughts about *A Revolving Door:*

_____

_____

_____

_____

_____

_____

_____

_____

Day 3

AGENDA FOR DAY 3

What's on for this morning:

1. Check-In
2. Instructors Respond to Your Questions and Discuss Emerging Issues
3. Preparing for the Final Portion of the Seminar: Making a Plan

CHECKING IN

One of the most important things students do in the course of a seminar is reflect upon new information and how it applies to their particular situation. Taking time to process new information is likely to generate both new ideas and new questions. Take a couple of minutes to jot down one or two ideas or questions concerning yesterday's material.

_____

_____

_____

_____

NOTES ON PANEL DISCUSSION AND RESPONSES TO QUESTIONS:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

MAKING A PLAN

My objective upon return home is: _____
_____
_____
_____.

*Your objective must be very specific (*not *"I will try to listen better,"* but "*I will switch to using open-ended questions when I interview petitioners.")*

Members of my group will communicate with each other about each member's progress no later than June 1, 2011. The specific plan for ensuring that that communication occurs is as follows:
_____
_____
_____
_____
_____
_____

The name of the group member who will be responsible for reporting to Dona that this communication has taken place is _____.

Group members will communicate again, with a final status report on each group member's progress toward his or her objective, on or before August 15, 2011. Each group member will provide the above-named group leader with a short written summary telling the story of what happened during the months since the IVC Seminar. The group member identified above will be responsible for gathering these written summaries and forwarding them to Dona. Dona will create a master document of all summaries—with identifying information removed—and make that available to all seminar participants.

Upon completion of these requirements, seminar participants will receive a certificate recognizing their completion of this course as well as their exemplary performance. Upon request, a letter documenting and explaining your accomplishment will be sent to your Clerk or Chief District Court Judge. A sample letter appears in the Appendix, as does a sample letter sent upon your request by the end of this week.

I will send the first letter if you indicate on the form which follows (which you will turn in before you leave) that you want me to.

As for the second letter, to be sent along with your report on your progress toward your identified goal, that will be sent only if you specifically ask that I do so when you report in August.

HAND THIS SHEET IN BEFORE YOU LEAVE:

Name: _____.

Have you identified an objective to work toward upon return home?
___ Yes ___ No

If so, describe it briefly: _____

_____

Would you like a letter similar to that found in the Appendix to be sent to your Chief District Court Judge ___ or Clerk ___ this week?

Have you obtained contact information for the other members of your group? ___ Yes ___ No

Have you and your group decided how to communicate with each other before June 1 and again in August? ___ Yes ___ No

The group member responsible for communicating with Dona about your group is _____.

NOTES FOR FEEDBACK DISCUSSION: HOW CAN WE MAKE THIS BETTER NEXT TIME?

References & Resources

Memorandum to Magistrates
2009 Change to Commitment Law and Magistrate Practice

The shortage of suitable 24-hour facilities for persons in need of mental health evaluation and treatment has received significant attention in the past year. The purpose of this memo is to inform magistrates about recent legislation enacted to address one aspect of this problem, and to caution magistrates to avoid a practice, currently relied upon in some parts of the State, that is not authorized by law.

New Law

Session Law 2009-340 (House Bill 243), effective October 1, 2009, is a legislative acknowledgement that many persons who are found mentally ill and dangerous to self or others at the first commitment examination are not proceeding to the next step in the commitment process in a timely manner. Statutory law requires that these persons (known as "respondents") be taken to a 24-hour psychiatric facility for a second examination and treatment pending a commitment hearing in district court. This hearing must take place within 10 days from the time the respondent was taken into law enforcement custody at the beginning of the commitment process. Because the state-operated psychiatric hospitals do not have sufficient bed space, many respondents are kept waiting in community hospital emergency rooms for several days. By the time some of these respondents arrive at a state hospital, the clerk of court does not even have time to calendar a hearing within the 10-day time frame.

This 10-day hearing requirement is one of North Carolina's statutory mechanisms for assuring that a respondent is not deprived of liberty without the due process guaranteed by the U.S. Constitution. The new law is a response to the concern that delays in transporting respondents to psychiatric inpatient facilities may deprive some respondents of statutory and constitutional due process. S.L. 2009-340 amends G.S. 122C-261(d) and -263(d) to provide that, with respect to respondents who have been found to meet the inpatient commitment criteria, if a 24-hour facility is not immediately available or medically appropriate seven days after issuance of the custody order, a physician or psychologist must report this fact to the clerk of superior court and the proceedings must be terminated. If this happens, a new commitment proceeding may be initiated by filing a petition for a new custody order, but affidavits filed and examinations conducted as part of the previous commitment proceeding may not be used to support a new commitment. Certainly, some of the facts considered by the magistrate in deciding to issue the first custody order may be relevant when deciding to issue another custody order—and for this reason a new petition may in some cases contain facts that were asserted on the previous petition—but any papers filed and examinations conducted in support of a new proceeding must be new.

In situations where a respondent is temporarily detained at the site of first examination because a 24-hour facility is not immediately available or medically appropriate, S.L. 2009-340 also permits a physician or psychologist to terminate the inpatient commitment proceeding and discharge the respondent (or recommend outpatient commitment), upon finding that the respondent's condition has improved to the point that he or she no longer meets the criteria

for inpatient commitment. Any such finding must be documented in writing and reported to the clerk of superior court.

A Practice to be Avoided

It is not at all surprising that legal and medical professionals confronted with the current crisis presented by a shortage of available 24-hour facilities craft creative responses in an effort to improve the way the system responds to citizens in need of help. One practice currently being employed by some magistrates, however, is inconsistent with the law and presents significant problems for other participants in the system. This practice consists of holding a commitment petition and not issuing a custody order until the availability of a particular 24-hour facility has been confirmed. The result is that the facility performing the first evaluation must hold a respondent for the period—sometimes days, as discussed above— without this hold being authorized by a custody order**.** Without a custody order, this hold is not authorized by the commitment statutes (subject to an exception not relevant to magistrates), raising serious issues about the due process rights of the respondent as well as questions about the potential liability of the facility exerting custodial control over the respondent without a custody order. Accordingly, magistrates should not engage in this modification of the statutory procedure. When a magistrate receives a petition and makes a determination that reasonable grounds exist to believe that an individual meets the statutory criteria for commitment, the law is clear that a magistrate must issue a custody and transportation order. The commitment statutes do not authorize a magistrate to delay issuance of a custody order pending the receipt of other information. Nor do the statutes permit a magistrate to make his or her decision subject to criteria not identified in the commitment statutes.

In the space on the custody order for designating a 24-hour facility, the magistrate should enter the name of the facility normally used by the jurisdiction, followed by the words "or any state-approved facility." This allows the commitment process to proceed without delay and permits the involuntary detention of the respondent throughout all phases of the commitment process, including during the time it takes following the first examination to identify an available 24-hour facility. Moreover, some 24-hour facilities may not agree to accept an involuntary patient until *after* a custody order has been issued. The magistrate's role in this process is critically important, and it is absolutely essential that magistrates follow the statutory procedure in carrying out their responsibilities.

If you have questions or concerns about any of the information in this memo, contact the School of Government faculty member specializing in mental health law, Mark Botts. Mark can be reached by telephone (919-962-8204) or email (botts@sog.unc.edu).

Request for an issuance of an Involuntary Commitment

[Please Print Clearly]

Respondent's Information [Person Being Committed]

Name_____
First Middle Last

Address_____

_____Phone #_____

Date of Birth_____

Respondent's Next of Kin Information

Name Relationship_____
First Middle Last

Address_____

_____Phone#_____

Petitioner's Information [Person requesting the commitment]

Name_____Relationship_____
First Middle Last

Address_____

_____Phone#_____

List the facts that lead you to believe this person is a threat to themselves and/ or the community. Please include diagnoses, medications and any actions or statements by the person that would be considered dangerous to them or others.

Petitioner's Signature_____**Date**_____.

Request for Involuntary Commitment Order

NAME OF PERSON WHO NEEDS EVALUATION: _____

PERSON'S DATE OF BIRTH_____

HEIGHT:_____ WEIGHT:_____ RACE_____ Gender: M / F (CIRCLE ONE).

Does this person have any visible scars, tattoos or other unique identifying features? If so, please describe below.

_____

DOES THIS PERSON USUALLY CARRY A WEAPON, AND IF SO, WHAT KIND?

_____

PERSON'S HOME ADDRESS:_____

_____

IF NOT AT HOME, ADDRESS WHERE PERSON IS CURRENTLY LOCATED:
(Must be within Mecklenburg County to initiate a commitment in this county)

_____

_____

YOUR NAME: _____

YOUR ADDRESS: _____

_____

YOUR PHONE NUMBER: Work:_____ Home: _____ Mobile: _____

YOUR RELATIONSHIP TO PERSON: -- PARENT -- SPOUSE – CHILD --SIBLING
IF OTHER, PLEASE DESCRIBE: _____

HAS THIS PERSON BEEN DIAGNOSED WITH A MENTAL ILLNESS, IF SO, WHAT MENTAL ILLNESS?

_____

HAVE YOU MADE ARRANGEMENTS WITH A MENTAL HEALTH FACILITY TO EVALUATE THIS PERSON, AND IF SO, WHAT FACILITY? _____

IF THIS PERSON IS A SUBSTANCE ABUSER, WHICH SUBSTANCES ARE ABUSED, AND APPROXIMATELY HOW OFTEN? _____

_____

*****ON THE BACK OF THIS FORM GIVE A BRIEF STATEMENT REGARDING THIS PERSON'S <u>RECENT</u> BEHAVIOR WHICH INDICATES THAT HE/SHE IS <u>IMMINENTLY</u> DANGEROUS TO SELF AND/OR OTHERS.**

Joan Brannon
Institute of Government

COMMON QUESTIONS TO ASK TO OBTAIN INFORMATION FOR THE PETITION FOR INVOLUNTARY COMMITMENT

1. Has the person harmed or threatened to harm himself or others within the past 24 hours? Week? Month? 3 months?
   (a) What did he/she do to you?
   (b) What did he/she do to others?

2. Is the person hallucinating (seeing or hearing things that other people don't see or hear)?
   (a) What is he/she seeing or hearing?

3. Can the person identify the day, where he is, his name, and his age?

4. Does the person have unreasonable thoughts that people are talking about him or are going to kill or hurt him?

5. Is the person making elaborate, exaggerated claims about himself? Such as:
   (a) Being on a special mission;
   (b) Being another important and powerful person;
   (c) Being a part of a powerful organization.

6. Does the person have trouble sleeping at night? How long since the person had a normal night's rest?

7. Has the person consumed more than 1 pint of alcohol per day for the past 3-10 days?

8. Is the person taking any medication?
   (a) What is it?
   (b) Has the person taken any illegal drugs within the past 24 hours? Week? Month? 3 months?
      (1) What kind of drug?
      (2) How much?

9. Has there been any change in the person's appetite? More? Less? Not eating?

10. Is the person working and doing his/her normal activities?

11. Is the person not able to take care of himself of his mental condition? (Eat, sleep, dress, bathe, use the toilet, stay out of traffic?)

INFORMATION TO OBTAIN FOR CONSIDERING AN INVOLUNTARY COMMITMENT

I. BEHAVIORS

A. hostile vs. passive -- acting out in destructive ways vs. withdrawn, quiet, apathetic
B. erratic, excitable -- sensitive to slight irritation, unpredictable, agitated
C. combative, violent -- destructive, physically and/or verbally abusive
D. incontinence --poor control of urine and feces
E. inappropriate social judgment -- behaviors usually considered in poor taste and usually rejected or found offensive by other people

II. MOVEMENTS

A. overactivity, restlessness, agitation -- parts of body in constant motion, repetitive, activity beyond reasonable level
B. involuntary movements -- parts of body jerk, shake or activated without apparent reason
C. underactivity -- immobile, stuporous, sluggish
D. general muscle tension -- parts of body held taut (e.g., clenched teeth), possibly small tremors, rigid posture or walking stance

III. SPEECH

A. overtalkative vs. mute -- constant talking vs. unresponsive, "pressure of speech"
B. unusual speech -- strange words, "word salad," disconnected speech
C. assaultive/suicidal content -- words that suggest harmful intent

IV. EMOTIONS

A. flat or inappropriate emotions -- little change in expression or expression that doesn't fit occasion (e.g., happy but angry, crying when happy)
B. mood swings -- dramatic changes from dejection to elation
C. general overapprehension --anxiety in most areas of life
D. depression, apathy, hopelessness -- withdrawal and minimal interest in activities of daily life
E. euphoric -- grandiose and unrealistic feelings, often of feeling indestructible

V. THOUGHTS

A. disturbed awareness -- unaware of self or others or time or place
B. disturbed memory --impairment of short term and/or long term memory
C. disturbed reasoning/judgment -- impaired logic or decisions not tied to common thinking
D. confused thoughts -- inconsistent and/or combination of unrelated thoughts

E. poor concentration and/or attention

F. low intellectual functioning

G. slow mental speed

VI. ABNORMAL MENTAL TRENDS

A. false perceptions (hallucinations) -- experiences in visual, hearing, smelling, tasting or skin sensations without real basis

B. false beliefs (delusions) -- usually persecutory or grandiose thoughts without real basis

C. paranoid ideas -- involves suspiciousness or belief that one is persecuted or unfairly treated

D. body delusion -- delusion involving body functions (e.g., "my brain is rotting," a 60 year-old insisting she is pregnant)

E. feelings of unreality or depersonalization -- sense of own reality is temporarily lost, so body parts distorted or sensing self from a distance

F. repetitious behaviors/thoughts/speech

G. extreme fears -- especially when seriously impairing activities of daily life

VII. PREVIOUS EVIDENCE

A. psychiatric assessments or treatment

B. prior petitions or associated legal difficulties

VIII. COURSE OR DISTURBANCE

A. chronic

B. gradual onset

C. C. acute episode

(insert local court information & address here)

INVOLUNTARY COMMITMENT INFORMATION FOR PETITIONERS AND FAMILY MEMBERS

After you file a Petition for Examination for Involuntary Commitment:

Go directly to (insert local evaluation site name here) when the respondent is transported there. Speak with an (insert type of professional here—i.e. intake counselor, triage nurse, etc.) The information you provide about the respondent will help the examining clinician understand the situation beyond what is written in the petition.

(Insert here the address, phone #, directions to the evaluation site.)

What to expect at the examination site:
(Insert here material from the site, similar to this example.)

Expect to provide information to the clinicians.
Expect to provide support to the respondent.
Parents or guardians or care providers will need to stay with the respondent throughout the process.
Expect delays. The average waiting time may be as much as XX hours.

The following can happen after the examination:

1. The process may be terminated if the clinician does not find the person meets criteria to continue. If this happens the person will be transported back to the location where they were picked up.

2. When the clinician finds the person meets inpatient criteria, the staff will work to find a hospital that will provide a second examination and admit the person. This process may happen immediately or may take many hours. When a hospital is identified a law enforcement officer will transport the person there. The staff will advise you of the destination and of what assistance you may provide in the process.

A second examination by a physician at the hospital is necessary to complete the commitment process. When this physician determines hospitalization is necessary the person will be admitted. Should the physician determine the criteria for commitment are not met the person will be returned home.

INSTRUCTIONS FOR COMPLETING CUSTODY ORDER

I. SAMPLE 1—WHEN THE PETITIONER IS A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST

1. Magistrate completes page 1 based on facts presented by petitioner. Magistrate checks box #2 under the "CUSTODY ORDER" Section because the petitioner is a physician/eligible psychologist. If 24-hour facility to which respondent is going is unknown, the magistrate names the facility which covers the catchment area in which the patient is found and adds "or any other designated 24-hour facility."

2. Magistrate issues the custody order to the appropriate law enforcement agency. If the respondent is within the city limits, the custody order is issued to the city police. If the respondent is outside the city limits, the custody order is issued to the Sheriff's Department. **However, if the city and county have developed a plan for serving custody orders or transporting respondents, the custody order may be issued pursuant to that plan.

3. Law enforcement officer completes Section II "RETRURN OF SERVICE" on page 2 at the time he/she serves the paperwork on the respondent/takes respondent into custody.

4. Law enforcement officer completes Section C. "FOR USE WHEN PETITIONER IS A PHYSICIAN/PSYCHOLOGIST" on page 2 when he/she delivers the respondent to the designated 24-hour facility.

II. SAMPLE 2—WHEN THE PETITIONER IS SOMEONE OTHER THAN A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST

1. Magistrate completes page 1 based on facts presented by petitioner. Magistrate checks box #1 under "CUSTODY ORDER" Section since petitioner is not a physician/eligible psychologist. If 24-hour facility to which respondent is going is unknown, the magistrate names the facility which covers the catchment area in which the patient is found and adds "or any other designated 24-hour facility."

2. Magistrate issues the custody order to the appropriate law enforcement agency. If the respondent is within the city limits, the custody order is issued to the city police. If the respondent is outside the city limits, the custody order is issued to the Sheriff's Department. **However, if the city and county have developed a plan for serving custody orders or transporting respondents, the custody order may be issued pursuant to that plan.

3. Law enforcement officer completes Section II "RETRURN OF SERVICE" on page 2 at the time he/she serves the paperwork on the respondent/takes respondent into custody.

4. Law enforcement officer completes Section A. "PATIENT DELIVERY TO LOCAL EVALUATION SITE" when respondent is presented to local physician/psychologist for initial examination. (This may be the same time as service if respondent served in emergency department.)

5. After respondent has been examined by local physician/psychologist, law enforcement officer completes Section B. “FOR USE AFTER PRELIMINARY HEARING.” If local examiner recommends inpatient treatment, check box #2 and the first box under #2 (see Sample 2). Fill in the name of the 24-hour facility where respondent is to be taken, the date and time the respondent was delivered to the 24-hour facility, the name of the transporting agency and signature.

If local examiner determines inpatient criteria not met, but outpatient criteria is met, check box#1 and fill in date and time delivered home, name of transporting agency and signature.

If local examiner determines both inpatient and outpatient criteria not met, check box #3 and fill in date and time delivered home, name of transporting agency and signature.

STATE OF NORTH CAROLINA

File No.

Forsyth County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name And Address Of Respondent
John Doe
1234 University Parkway
Winston-Salem, NC

FINDINGS AND CUSTODY ORDER INVOLUNTARY COMMITMENT

G.S. 122C-261, -263, -281, -283

Social Security No. Of Respondent	*Date Of Birth*	*Drivers License No. Of Respondent*	*State*
123-45-6789	05-01-1969		

I. FINDINGS

The Court finds from the petition in the above matter that there are reasonable grounds to believe that the facts alleged in the petition are true and that the respondent is probably:

(Check all that apply)

☒ 1. mentally ill and dangerous to self or others or mentally ill and in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness.
☐ In addition to being mentally ill, the respondent probably is also mentally retarded.

☐ 2. a substance abuser and dangerous to self or others.

CUSTODY ORDER

TO ANY LAW ENFORCEMENT OFFICER:

The Court ORDERS you to take the above named respondent into custody

☐ 1. and take the respondent for examination by a person authorized by law to conduct the examination. (A COPY OF THE EXAMINER'S FINDINGS SHALL BE TRANSMITTED TO THE CLERK OF SUPERIOR COURT IMMEDIATELY.)

→ IF the examiner finds that the respondent IS NOT a proper subject for involuntary commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.

→ IF the examiner finds that the respondent IS mentally ill and a proper subject for outpatient commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.

→ IF the examiner finds that the respondent IS mentally ill and a proper subject for inpatient commitment, then you shall transport the respondent to the 24-hour facility named below for temporary custody, examination and treatment pending a district court hearing.

→ IF the examiner finds that the respondent IS a substance abuser and subject to involuntary commitment, the examiner must recommend whether the respondent be taken to a 24-hour facility or released, and then you shall either release him/her or transport the respondent to the 24-hour facility named below for temporary custody, examination and treatment pending a district court hearing.

☒ 2. and transport the respondent directly to the 24-hour facility named below, for temporary custody, examination and treatment pending a district court hearing. (FOR PHYSICIAN/PSYCHOLOGIST PETITIONERS ONLY.)

Name Of 24-Hour Facility For Mentally Ill	*Date*
CRH-Butner or any other designated 24-hour facility Or following facility designated by area authority:	02-02-2010 *Time* 9:00 ☒ AM ☐ PM
Name Of 24-Hour Facility For Substance Abuser Or following facility designated by area authority:	*Signature* ☐ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court* ☒ *Magistrate*

NOTE TO MAGISTRATE OR CLERK:

If the respondent is mentally retarded in addition to being mentally ill, you must contact the area authority before issuing a custody order to determine the facility to which the respondent will be taken. If the area mental health authority where the respondent resides has a single portal plan, you must call the area authority to determine the appropriate 24-hour facility or other treatment before issuing any custody order.

NOTE TO ANY LAW ENFORCEMENT OFFICER:

You shall take the respondent into custody within 24 hours after the date this Order is signed. Without unnecessary delay after assuming custody, you shall take the respondent to an area facility for examination by a person authorized by law to conduct the examination; if an authorized examiner is not immediately available in the area facility, you shall take the respondent to any authorized examiner locally available. If an authorized examiner is not available, you may temporarily detain the respondent in an area facility if one is available; if an area facility is not available, you may detain the respondent under appropriate supervision, in the respondent's home, in a private hospital or clinic, or in a general hospital, but not in a jail or other penal facility.

Complete the Return Of Service on the reverse and return to the Clerk of Superior Court Immediately.

Original-File Copy-Hospital Copy-Special Counsel Copy-Attorney General
(Over)

DRAFT #2

II. RETURN OF SERVICE

☐ Respondent WAS NOT taken into custody for the following reason:

☒ I certify that this Order was received and served as follows:

Date Respondent Taken Into Custody	Time	
02-02-2010	9:10	☒ AM ☐ PM
Name Of Law Enforcement Officer	**Signature Of Law Enforcement Officer**	
Name of police officer or sheriff's deputy		

A. PATIENT DELIERY TO LOCAL EVALUATION SITE

☐ 1. The respondent was presented to an authorized examiner locally available as shown below.

☐ 2. The respondent was temporarily detained at the facility named below until the respondent could be examined by an authorized examiner locally available.

Date Presented	Time	Name Of Examiner
	☐ AM ☐ PM	
Name Of Local Facility	**Name Of Law Enforcement Officer**	**Signature Of Law Enforcement Officer**

B. FOR USE AFTER PRELIMINARY HEARING

☐ 1. Upon examination, the examiner named above found that the respondent is mentally ill and meets the criteria for outpatient commitment, or is a substance abuser and meets the criteria for commitment and the examiner recommends release pending a hearing. I returned the respondent to his/her regular residence or the home of a consenting person.

☐ 2. Upon examination, the examiner named above found that the respondent is mentally ill and meets the criteria for inpatient commitment, or is a substance abuser and meets the criteria for commitment and the examiner recommends that the respondent be held pending the district court hearing.

- ☐ I transported the respondent and placed the respondent in the temporary custody of the facility named below for observation and treatment.
- ☐ I placed the respondent in the custody of the agency named below for transportation to the 24-hour facility.

☐ 3. Upon examination, the examiner named above found that the respondent did not meet the criteria for inpatient or outpatient commitment. I returned the respondent to his/her regular residence or the home of a consenting person.

The examiner's written statement ☐ is attached. ☐ will be forwarded.

Name Of 24-Hour Facility	Date Delivered	Time Delivered ☐ AM ☐ PM	Date Of Return
Name Of Transporting Agency	**Signature Of Law Enforcement Official**		

C. FOR USE WHEN PETITIONER IS PHYSICIAN/PSYCHOLOGIST

(**NOTE:** *Section II above **MUST** be completed. Sections A and B should **NOT** be completed.*)

☒ I transported the respondent directly to and placed him/her in the temporary custody of the facility named below.

Name Of 24-Hour Facility	Date Delivered	Time Delivered ☐ AM ☒ PM	Date Of Return
CRH-Butner	02-05-2010	12:00	
Name Of Transporting Agency	**Signature Of Law Enforcement Official**		
Forsyth County Sheriff			

D. FOR USE WHEN ANOTHER AGENCY TRANSPORTS THE RESPONDENT

☐ I took custody of the respondent from the officer named above, transported the respondent and placed him/her in the temporary custody of the facility named below for observation and treatment.

Name Of 24-Hour Facility	Date Delivered	Time Delivered ☐ AM ☐ PM	Date Of Return
Name Of Person Taking Custody of Respondent	**Signature Of Person Taking Custody Of Respondent**		

E. FOR USE WHEN STATE FACILITY TRANSFERS WITHOUT ADMISSION

☐ Pursuant to G.S. 122C-261(f), I took custody of the respondent from the state 24-hour facility named above, where he/she was not admitted, and transported the respondent and placed him/her in the temporary custody of the facility named below for observation and treatment.

Name Of Facility To Which Transferred	Date Delivered	Time Delivered ☐ AM ☐ PM	Date Of Return
Name Of Transporting Agency	**Signature Of Law Enforcement Or State Facility Official**		

STATE OF NORTH CAROLINA

File No.

Forsyth County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name And Address Of Respondent
John Doe
1234 University Parkway
Winston-Salem, NC

FINDINGS AND CUSTODY ORDER INVOLUNTARY COMMITMENT

G.S. 122C-261, -263, -281, -283

Social Security No. Of Respondent	Date Of Birth	Drivers License No. Of Respondent	State
123-45-6789	05-01-1969		

I. FINDINGS

The Court finds from the petition in the above matter that there are reasonable grounds to believe that the facts alleged in the petition are true and that the respondent is probably:

(Check all that apply)

☒ 1. mentally ill and dangerous to self or others or mentally ill and in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness.
☐ In addition to being mentally ill, the respondent probably is also mentally retarded.

☐ 2. a substance abuser and dangerous to self or others.

CUSTODY ORDER

TO ANY LAW ENFORCEMENT OFFICER:

The Court ORDERS you to take the above named respondent into custody

☒ 1. and take the respondent for examination by a person authorized by law to conduct the examination. (A COPY OF THE EXAMINER'S FINDINGS SHALL BE TRANSMITTED TO THE CLERK OF SUPERIOR COURT IMMEDIATELY.)

→ IF the examiner finds that the respondent IS NOT a proper subject for involuntary commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.

→ IF the examiner finds that the respondent IS mentally ill and a proper subject for outpatient commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.

→ IF the examiner finds that the respondent IS mentally ill and a proper subject for inpatient commitment, then you shall transport the respondent to the 24-hour facility named below for temporary custody, examination and treatment pending a district court hearing.

→ IF the examiner finds that the respondent IS a substance abuser and subject to involuntary commitment, the examiner must recommend whether the respondent be taken to a 24-hour facility or released, and then you shall either release him/her or transport the respondent to the 24-hour facility named below for temporary custody, examination and treatment pending a district court hearing.

☐ 2. and transport the respondent directly to the 24-hour facility named below, for temporary custody, examination and treatment pending a district court hearing. (FOR PHYSICIAN/PSYCHOLOGIST PETITIONERS ONLY.)

Name Of 24-Hour Facility For Mentally Ill	Date
CRH-Butner or any other designated 24-hour facility Or following facility designated by area authority:	02-02-2010 Time: 9:00 ☒ AM ☐ PM
Name Of 24-Hour Facility For Substance Abuser Or following facility designated by area authority:	Signature ☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court ☒ Magistrate

NOTE TO MAGISTRATE OR CLERK:

If the respondent is mentally retarded in addition to being mentally ill, you must contact the area authority before issuing a custody order to determine the facility to which the respondent will be taken. If the area mental health authority where the respondent resides has a single portal plan, you must call the area authority to determine the appropriate 24-hour facility or other treatment before issuing any custody order.

NOTE TO ANY LAW ENFORCEMENT OFFICER:

You shall take the respondent into custody within 24 hours after the date this Order is signed. Without unnecessary delay after assuming custody, you shall take the respondent to an area facility for examination by a person authorized by law to conduct the examination; if an authorized examiner is not immediately available in the area facility, you shall take the respondent to any authorized examiner locally available. If an authorized examiner is not available, you may temporarily detain the respondent in an area facility if one is available; if an area facility is not available, you may detain the respondent under appropriate supervision, in the respondent's home, in a private hospital or clinic, or in a general hospital, but not in a jail or other penal facility.

Complete the Return Of Service on the reverse and return to the Clerk of Superior Court immediately.

DRAFT #2

II. RETURN OF SERVICE

☐ Respondent WAS NOT taken into custody for the following reason:

☒ I certify that this Order was received and served as follows:

Date Respondent Taken Into Custody	Time
02-02-2010	9:30 ☐ AM ☐ PM
Name Of Law Enforcement Officer	**Signature Of Law Enforcement Officer**
Name of police officer or sheriff's deputy	

A. PATIENT DELIERY TO LOCAL EVALUATION SITE

☐ 1. The respondent was presented to an authorized examiner locally available as shown below.

☒ 2. The respondent was temporarily detained at the facility named below until the respondent could be examined by an authorized examiner locally available.

Date Presented	Time	Name Of Examiner
02-02-2010	9:55 ☒ AM ☐ PM	
Name Of Local Facility	**Name Of Law Enforcement Officer**	**Signature Of Law Enforcement Officer**
Forsyth Medical Center	Name of police officer or sheriff's deputy	

B. FOR USE AFTER PRELIMINARY HEARING

☐ 1. Upon examination, the examiner named above found that the respondent is mentally ill and meets the criteria for outpatient commitment, or is a substance abuser and meets the criteria for commitment and the examiner recommends release pending a hearing. I returned the respondent to his/her regular residence or the home of a consenting person.

☒ 2. Upon examination, the examiner named above found that the respondent is mentally ill and meets the criteria for inpatient commitment, or is a substance abuser and meets the criteria for commitment and the examiner recommends that the respondent be held pending the district court hearing.

- ☒ I transported the respondent and placed the respondent in the temporary custody of the facility named below for observation and treatment.
- ☐ I placed the respondent in the custody of the agency named below for transportation to the 24-hour facility.

☐ 3. Upon examination, the examiner named above found that the respondent did not meet the criteria for inpatient or outpatient commitment. I returned the respondent to his/her regular residence or the home of a consenting person.

The examiner's written statement ☐ is attached. ☐ will be forwarded.

Name Of 24-Hour Facility	Date Delivered	Time Delivered	Date Of Return
CRH-Butner	02-05-2010	12:00 ☐ AM ☒ PM	
Name Of Transporting Agency	**Signature Of Law Enforcement Official**		
Forsyth County Sheriff			

C. FOR USE WHEN PETITIONER IS PHYSICIAN/PSYCHOLOGIST

(NOTE: *Section II above **MUST** be completed. Sections A and B should **NOT** be completed.)*

☐ I transported the respondent directly to and placed him/her in the temporary custody of the facility named below.

Name Of 24-Hour Facility	Date Delivered	Time Delivered	Date Of Return
		☐ AM ☐ PM	
Name Of Transporting Agency	**Signature Of Law Enforcement Official**		

D. FOR USE WHEN ANOTHER AGENCY TRANSPORTS THE RESPONDENT

☐ I took custody of the respondent from the officer named above, transported the respondent and placed him/her in the temporary custody of the facility named below for observation and treatment.

Name Of 24-Hour Facility	Date Delivered	Time Delivered	Date Of Return
		☐ AM ☐ PM	
Name Of Person Taking Custody of Respondent	**Signature Of Person Taking Custody Of Respondent**		

E. FOR USE WHEN STATE FACILITY TRANSFERS WITHOUT ADMISSION

☐ Pursuant to G.S. 122C-261(f), I took custody of the respondent from the state 24-hour facility named above, where he/she was not admitted, and transported the respondent and placed him/her in the temporary custody of the facility named below for observation and treatment.

Name Of Facility To Which Transferred	Date Delivered	Time Delivered	Date Of Return
		☐ AM ☐ PM	
Name Of Transporting Agency	**Signature Of Law Enforcement Or State Facility Official**		

What Happens After a Magistrate Issues a Custody and Transportation Order

Source: Administration of Justice Bulletin, September 2007

Upon request, the magistrate or clerk of court has issued an order for custody and transportation of a person alleged to be in need of examination and treatment. This order is not an order of commitment but only authorizes the person to be evaluated and treated until a court hearing. The individual making the request has filed a petition with the court for this purpose and is, therefore, called the "petitioner." The individual to be taken into custody for examination will have an opportunity to respond to the petition and is, therefore, called the "respondent." If you are taken into custody, the word "respondent," below, refers to you.

1. A law enforcement officer or other person designated in the custody order must take the respondent into custody within 24 hours. If the respondent cannot be found within 24 hours, a new custody order will be required to take the respondent into custody. Custody is not for the purpose of arrest, but for the respondent's own safety and the safety of others, and to determine if the respondent needs treatment.

2. Without unnecessary delay after assuming custody, the law enforcement officer or other individual designated to provide transportation must take the respondent to a physician or eligible psychologist for examination.

3. The respondent must be examined as soon as possible, and in any event within 24 hours, after being presented for examination. The examining physician or psychologist will recommend either outpatient commitment, inpatient commitment, substance abuse commitment, or termination of these proceedings.

    - *Inpatient commitment*: If the examiner finds the respondent meets the criteria for inpatient commitment, the examiner will recommend inpatient commitment. The law enforcement officer or other designated person must take the respondent to a 24-hour facility.

    - *Outpatient commitment*: If the examiner finds the respondent meets the criteria for outpatient commitment, the examiner will recommend outpatient commitment and identify the proposed outpatient treatment physician or center in the examination report. The person designated in the order to provide transportation must return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county. The respondent must be released from custody.

    - *Substance abuse commitment*: If the examiner finds the respondent meets the criteria for substance abuse commitment, the examiner must recommend commitment and whether the respondent should be released or held at a 24-hour facility pending a district court hearing. Depending upon the physician's recommendation, the law enforcement officer or other designated individual will either release the respondent or take him or her to a 24-hour facility.

    - *Termination*: If the examiner finds the respondent meets neither of the criteria for commitment, the respondent must be released from custody and the proceedings terminated. If the custody order was based on the finding that the respondent was probably mentally ill, then the person designated in the order to provide transportation must return the respondent to the respondent's regular residence or, with the respondent's consent, to the home of a consenting individual located in the originating county.

4. If the law enforcement officer transports the respondent to a 24 hour facility, another evaluation must be performed within 24 hours of arrival. This evaluator has the same options as indicated in step 3 above. If the respondent is not released, the respondent will be given a hearing before a district court judge within 10 days of the date the respondent was taken into custody.

Mark Botts, Associate Professor (2009)

Mental Status Exams

A mental status examination (MSE) is an assessment of a patient's level of cognitive (knowledge-related) ability, appearance, emotional mood, and speech and thought patterns at the time of evaluation. It is one part of a full neurological (nervous system) examination and includes the examiner's observations about the patient's attitude and cooperativeness as well as the patient's answers to specific questions.

Appearance. The examiner notes the person's age, race, sex, civil status, and overall appearance. These features are significant because poor personal hygiene or grooming may reflect a loss of interest in self-care or physical inability to bathe or dress oneself.

Movement and behavior. The examiner observes the person's gait (manner of walking), posture, coordination, eye contact, facial expressions, and similar behaviors. Problems with walking or coordination may reflect a disorder of the central nervous system.

Affect. Affect refers to a person's outwardly observable emotional reactions. It may include either a lack of emotional response to an event or an overreaction.

A patient's affect is defined in the following terms: expansive (cheerfully contagious), euthymic (normal), constricted (limited variation), blunted (minimal variation), and flat (no variation).

Mood. Mood refers to the underlying emotional "atmosphere" or tone of the person's answers.

Speech. The examiner evaluates the volume of the person's voice, the rate or speed of speech, the length of answers to questions, the appropriateness and clarity of the answers, and similar characteristics.

Thought content. The examiner assesses what the patient is saying for indications of hallucinations, delusions, obsessions, symptoms of dissociation, or thoughts of suicide or harm to others.

Dissociation refers to the splitting-off of certain memories or mental processes from conscious awareness. Dissociative symptoms include feelings of unreality, depersonalization, and confusion about one's identity.

Types of hallucinations include auditory (hearing things), visual (seeing things), gustatory (tasting things), tactile (feeling sensations), and olfactory (smelling things). Command hallucinations are auditory and instruct the patient to take some action, often harmful to self or others.

Delusions include grandiose (delusions of grandeur), religious (delusions of special status with God), persecution (belief that someone wants to cause them harm), erotomanic (belief that someone famous is in love with them), jealousy (belief that everyone wants what they have), thought insertion (belief that someone is putting ideas

or thoughts into their mind), and ideas of reference (belief that everything refers to specifically to them, such as messages from the TV or radio).

Thought process. Thought process refers to the logical connections between thoughts and their relevance to the main thread of conversation. Irrelevant detail, repeated words and phrases, interrupted thinking (thought blocking), and loose, illogical connections between thoughts, may be signs of a thought disorder.

The process of thoughts can be described with the following terms: looseness of association (irrelevance), flight of ideas (change topics), racing (rapid thoughts), tangential (departure from topic with no return), circumstantial (being vague, ie, "beating around the bush"), word salad (nonsensical responses, ie, jabberwocky), derailment (extreme irrelevance), neologism (creating new words), clanging (rhyming words), punning (talking in riddles), thought blocking (speech is halted), and poverty (limited content).

Cognition. Cognition refers to the act or condition of knowing. The evaluation assesses the person's orientation (ability to locate himself or herself) with regard to time, place, and personal identity; long- and short-term memory; ability to perform simple arithmetic (counting backward by threes or sevens); general intellectual level or fund of knowledge (identifying the last five Presidents, or similar questions); ability to think abstractly (explaining a proverb); ability to name specified objects and read or write complete sentences; ability to understand and perform a task (showing the examiner how to comb one's hair or throw a ball); ability to draw a simple map or copy a design or geometrical figure; ability to distinguish between right and left.

Judgment. The examiner asks the person what he or she would do about a commonsense problem, such as running out of a prescription medication.

Insight. Insight refers to a person's ability to recognize a problem and understand its nature and severity.

Other Common Terms and Abbreviations

Activities of Daily Living (ADL's). Self-care activities such as feeding one's self, bathing, dressing, grooming) work, homemaking, and leisure.

Anhedonia. Loss of interest in pleasurable activities.

Chief Complaint (CC). Usually in quotation marks, the reason the patient gives for the evaluation. Presenting problem.

Drug of Choice (DOC). Preferred drug (including alcohol) used in an addiction.

History of Present Illness (HPI). Description of the onset of the set of signs and symptoms that comprise the current problem.

Neuro-vegetative symptoms. Alterations in sleep, appetite, and energy.

Obsessive-compulsive disorder (OCD). A disorder characterized by obsessive thoughts and compulsive actions, such as cleaning, checking, counting, or hoarding.

Orientation. Awareness of surroundings, including self, place, time, and situation/event. Often abbreviated, **"O x 3" or "O x 4", or AO x3** (alert, and oriented to person/place/time).

Phobias. Fears that cause avoidance of certain situations, panic and other anxiety symptoms.

Post-Traumatic Stress Disorder (PTSD). A disorder characterized by nightmares, flashbacks, difficulty sleeping, and feelings of detachment, usually occurring after experiencing or witnessing threatening events such as combat, natural disasters, serious accidents, or physical or sexual assaults.

"Serial 7's". Exercise which tests for concentration and attention span, asking for the patient to subtract 7 from 100, and then to repeat from the response.

Serious and Persistent Mental Illness (SPMI).

Community Mental Health Services in North Carolina: Yesterday, Today, and Tomorrow

Mark F. Botts

IN THE EARLIEST DAYS, local mental health services consisted entirely of locking up people with mental disabilities on the basis that they were dangerous. As our understanding of mental disabilities grew in the late nineteenth and twentieth centuries, the state took the lead in attempting to care for citizens with mental disabilities. At the close of this century, North Carolina is looking increasingly at the local government level for solutions to problems in mental health services. In the three articles that follow, Institute of Government faculty member Mark F. Botts, who specializes in mental health law, looks at today's system of public mental health, developmental disabilities, and substance abuse services, at how we got here, and where we may be going. The author wishes to thank Ingrid M. Johansen, research associate at the Institute, whose research assistance made this article possible.

—Editors

Yesterday
A Brief History

Only in recent history has local government in North Carolina adopted a significant treatment role in mental health care. In fact, there existed no public or private institutions designed specifically for the care and treatment of persons with mental disabilities until the mid-nineteenth century. Before then, however, it was common for people with mental disabilities to live in confinement due to the threat, perceived or real, that they posed to property and public safety. Confinement was the responsibility of families or guardians, with county governments assuming custody only when the family could not fulfill the responsibility. Thus, while local government's current service role is relatively new, the earliest government response to persons with mental disabilities, albeit de facto and limited to detention, was exclusively local.

"I come not to urge personal claims nor to seek individual benefits. I appear as the adovocate of those who cannot plead their own cause. In the Providence of God, I am the voice of the maniac whose piercing cries come from the dreary dungeons of your jails—penetrate not to your halls of legislature. I am the hope of the poor crazed beings who pine in cells and stalls and cages of your poorhouses."

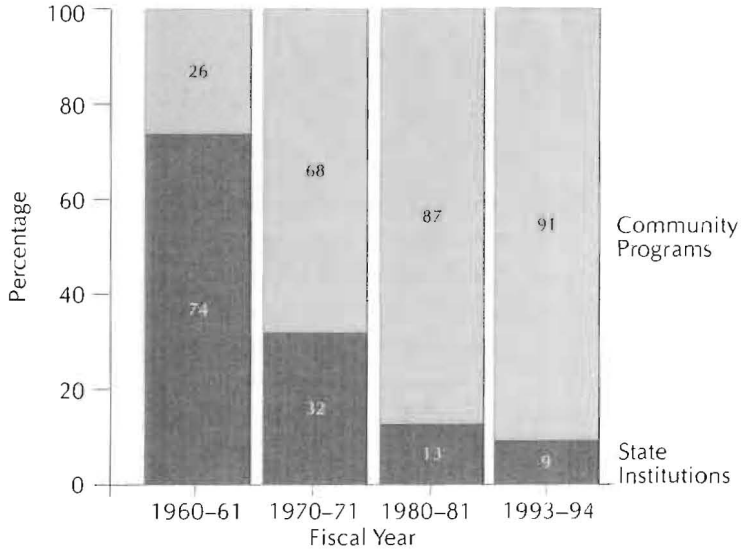
Dorothea Dix, 1848

Local jails and county poorhouses provided local government with the means for confinement. A 1785 law authorizing the construction of county poorhouses provided that persons "distracted or otherwise deprived of their senses" and judged "incapable of self preservation" shall be under the care of county wardens and confined in the poorhouses for as long as the warden deemed necessary.[1] People with violent or agitated behavior were commonly jailed for the duration of their disturbance, as judged by their jailer.[2] These kinds of responses to persons with mental disabilities were not unique to North Carolina and could be found throughout early America.

Early State Facilities

Eventually, concern about the wretched conditions endured by people confined in local facilities, together with a growing belief that environment contributed to mental disability, fueled a national movement to state asylums capable of offering curative care in a more humane environment.[3] South Carolina established the first state mental hospital in the South during this period, but it was a Massachusetts schoolteacher who brought the reform movement to North Carolina.[4] Dorothea Dix, a prominent activist for the humane treatment of the mentally disabled, toured North Carolina's local facilities and documented her observations in a report made to the General Assembly in 1848. She described a Lincoln County man whose family had locked him in a log cabin without windows or heat. "[F]erocious, filthy, unshorn, half-clad . . . wallowing in foul, noisome straw, and craving for liberty," he apparently had been "insane" and kept in the cabin for more than thirteen years. She reported finding an aged,

Figure A-1
Percentage of People Served by Community Mental Health Programs and State Institutions in North Carolina
Fiscal Years 1960–61 to 1993–94



Sources for Figures A-1 and A-2: Data for fiscal years 1960–61, 1970–71, and 1980–81 derived from N.C. Division of Mental Health, Mental Retardation, and Substance Abuse Services, Quality Assurance Section, *Strategic Plan 1983–1989*, vol. I (Raleigh, N.C.: 1981). Fiscal year 1993–94 figures from Deborah Merrill, Data Support Branch, N.C. Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, memorandum to author, Dec. 8, 1994.

Note: The figures for state-operated institutions include psychiatric hospitals, mental retardation centers, alcoholic rehabilitation centers, and other special care institutions.

mentally disabled man held in a Rockingham County jail for more than thirty years, although he had committed no crime. In a Granville County poorhouse, she found a man who had been chained to the floor for years, "miserable and neglected . . . flesh and bones crushed out of shape by the unyielding irons."[5]

In response to Dix's report, the 1848 General Assembly established North Carolina's first State Hospital for the Insane.[6] Inspired by the thinking of the reform era, the legislature required the state hospital site, named Dix Hill in honor of Dorothea Dix, to have a "never-failing supply of wholesome water" and to "command cheerful views." By 1914 North Carolina had opened three more institutions, including a facility in Kinston for "feeble minded" children and a hospital for the "colored insane" in Goldsboro. Due to the limited capacity of state institutions, however, many people with mental disabilities remained in confinement in local poorhouses and jails, "some chained in the dungeons, without anything around them or about them but cold, bleak, dreary darkness, wallowing in squalid filth and in chains, and . . . stinted for food . . . even . . . deprived of sufficient cold water to quench their thirst."[7]

Limited Early Efforts by Local Government

In the first half of the twentieth century, education promoting the role of prevention in mental health care[8] led to a growing interest in the development of local mental health care systems capable of intervening in potential or existing mental disabilities before costly remedial care at state institutions became necessary.[9] The State Bureau of Mental Health and Hygiene, established in 1921, sponsored local "demonstration" clinics—clinics of limited duration intended to initiate community interest in establishing permanent clinics. Charlotte, Raleigh, and Winston-Salem responded with permanent clinics, but other communities could not afford to do so. Consequently, county jails, poorhouses, and state hospitals remained the primary institutions for mental health care until the 1950s.

It was not until World War II, when both the induction process and the return of servicemen revealed a surprising prevalence of mental disabilities, that the federal government got involved in mental health policy.[10] Immediately after the war, Congress passed the National Mental Health Act (NMHA) to provide grants for community mental health care clinics.[11] As an initial response, the North Carolina General Assembly authorized the State Board of Health to administer NMHA grants. The board's role, however, was generally limited to providing consultation services, sponsoring experiments, and offering publicity through local boards of health and other local social service agencies. Many North Carolina communities did not have the financial resources or substantive expertise sufficient to develop mental health clinics, and the state was slow to appropriate state money to match the NMHA grants.[12] By 1959 the state had successfully utilized the NMHA to establish psychiatric services in eight county departments of health and eleven full-scale community mental health clinics.

During the postwar era, North Carolina focused primarily on the state-operated institutional system. It spent money to improve existing state facilities, adding a fourth mental hospital and three more facilities for mentally retarded children, including the state's first institution for mentally retarded African American children, the O'Berry School in Goldsboro.[13] Ironically, this expansion occurred concurrently with a growing nationwide dissatisfaction with the large institutional model of mental

health care. Stories about overcrowding and inhumane treatment at some state institutions, advocacy for community services by parents of mentally retarded children, and new drug therapies for mental illness were setting the stage for the next phase of reform: deinstitutionalization.[14]

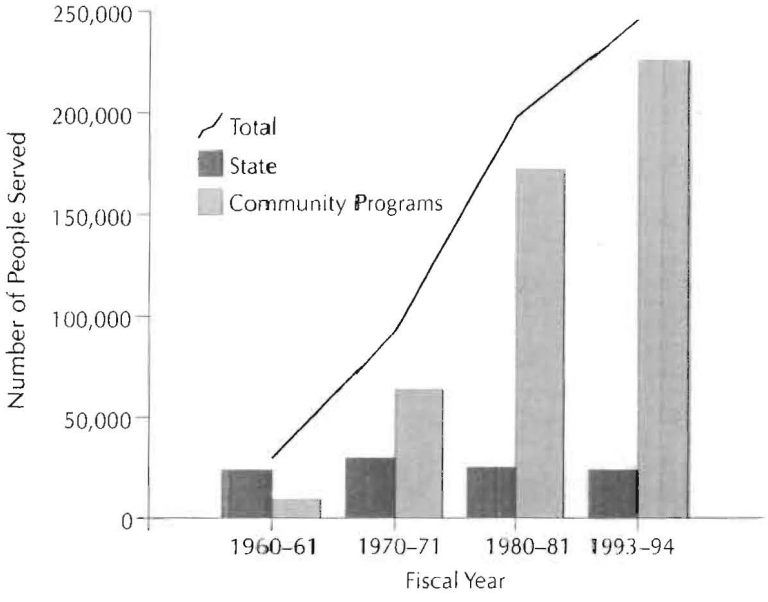
Federal Role in Spurring Local Efforts

In a message submitted to Congress in 1963, President Kennedy proclaimed that mental disabilities occur more frequently, affect more people, cause more suffering, waste more human resources, and constitute more financial drain on both the public treasury and personal family finances than any other health problem.[15] Although the president believed that public understanding, treatment, and prevention of mental disabilities had seriously lagged in comparison to the progress made in attacking other major diseases, he nevertheless felt that mental disabilities were susceptible to public action and deserved the attention of the federal government.

Relying on recent advances in drug therapies and decrying the traditional methods of treatment—prolonged or permanent confinement in huge, crowded mental hospitals—the president proposed legislation that would allow the use of federal resources to stimulate state, local, and private development of community-based services to the mentally ill and the mentally retarded.[16] Conceptually, "community-based care" would be a sort of psychiatric hospital without walls, capable of fulfilling the institutional functions of mental health treatment, medical care, nutrition, recreation, social contact, and social control, but without excessive restrictions on personal liberty.

Congress quickly responded to Kennedy's proposal by passing the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.[17] Perhaps most important were the provisions in Title II, the Community Mental Health Centers Act (CMHCA),[18] which authorized the use of federal funding for the construction of community mental health clinics. With the enactment of the CMHCA, the prevention of mental illness and mental retardation and the promotion of mental health—matters previously left to the states—became national priorities. In pursuit of these goals in the two decades that followed, Congress expanded federal support to include funding for clinic operations and staffing. Federal appropriations significantly influenced the development of mental health care in North Carolina and other states by providing states an incentive to implement federal mental health policy, a policy that emphasized the responsibility of communities and local governments.

Figure A-2
Number of People Served by Community Mental Health Programs and State Institutions in North Carolina (in thousands)
Fiscal Years 1960–61 to 1993–94



Note: The figures for state-operated institutions include psychiatric hospitals, mental retardation centers, alcoholic rehabilitation centers, and other special care institutions. State institutions served approximately 23,300 persons in 1961, while in fiscal year 1993–94 all state institutions combined served 21,825 persons. The number of persons served by community programs increased from 31,523 in 1961 to 225,167 in 1994.

Evolution of North Carolina's Current Mental Health Care System

North Carolina responded to the CMHCA in 1963 by creating the Department of Mental Health to develop, promote, and administer a plan for establishing community mental health outpatient clinics.[19] The General Assembly also authorized local communities to establish and operate local mental health clinics as a joint undertaking with the state, which would administer federal grants, set standards for clinic operations, and appropriate state funds for community services. In North Carolina, as in other states, deinstitutionalization reduced the proportion of mental disability clients receiving services in state hospitals as it spurred the development and provision of community-based services to thousands of new clients. (See Figures A1 and A2.) Although the federal government repealed the CMHCA in 1981,[20] North Carolina's current mental health care system—local governmental entities created specifically for the purpose of coordinating and delivering mental health services with state supervision and financial support—is founded

squarely upon a vision of the community as the locus of care, the goal of the CMHCA and its legislative progeny.

Simply changing the locus of care, however, does not automatically improve the mental health of all persons with mental disabilities. When states first began to shed responsibility for care to decentralized community sites, a host of problems arose, including a lack of coordination among multiple providers and a lack of continuity in treatment planning over time, which led to difficulty in accessing services and a lack of follow-up for individual clients. Consequently, the promise of a community-based system able to fully accommodate clients with appropriate and effective care remained unrealized, thwarted by an "unmanaged" system of local services. Local providers under this system found it difficult to accommodate individuals with *serious* and *chronic* mental disabilities who lacked financial resources, had relied on psychiatric hospitals for care prior to deinstitutionalization, and continued to create a demand for such services in the absence of alternative community-based services that could prevent or ameliorate the acute phases of illness precipitating the need for inpatient care.[21]

Courtesy N.C. Council of Community Programs

Opened in 1883, Broughton Hospital in Morganton is one of four state-run psychiatric hospitals in North Carolina. The Avery Building, shown here, is still in use.

Since its initial response to the CMHCA, North Carolina has implemented and continues to implement strategies to improve the public-sector service system by identifying and resolving fragmentation of authority and responsibility. Prior to 1977, funds appropriated by the General Assembly for community-based services were diffusely allocated. Some funds were allocated directly to specific provider agencies, while other funds for additional services were allocated to the *area mental health programs*—the local governmental entities providing mental disability services at that time.[22] By revising the statutes in 1977 and establishing *area authorities* as the local agencies responsible for managing the delivery of all community-based mental health services, the General Assembly consolidated allocations and centralized administrative and fiscal responsibility for community services in one local agency accountable to a locally appointed governing board.[23] Today's community mental health care system retains these features.[24]

The general consensus of policymakers in this and other states is to continue the trend of maintaining a community locus of care and reducing the need for institutional care. The challenge that continues to confront this policy, however, is how local communities can develop the resources and organizational structures sufficient to meet the service demand and, at least, provide the care and treatment necessary for preventing repeated admissions to hospitals—state psychiatric hospitals, general hospital psychiatric units, and emergency rooms—and continued reliance on a separately funded and administered state system of institutional care that competes with the community system for financial resources.[25] Strategies to meet this challenge are discussed in "Tomorrow: The Movement to Greater Local Responsibility," beginning on page 34.

The endnotes for this article begin on page 37.

Mental Health and Substance Abuse Services- Listed from the most intensive to the least intensive

Service	Who they Serve	What is it?
Inpatient/Residential Programs		
Inpatient Hospitalization	Adults, Children, Adolescents, Geriatric, Medical	A locked facility where clients are admitted either voluntarily or involuntarily for short term stabilization
Level 4 Detox	Adults	Provide a medical environment for individuals at risk of significant withdrawal
Crisis Stabilization and Detox programs	Adults	Short term program, can be locked or open, for voluntary or involuntary adults needing short term stabilization from Mental Health or substance abuse issues. Less medical care than an inpatient hospital program
Residential Substance Abuse Tx Program	Adults, a few beds for adolescents	Long term, voluntary programs for adults and adolescents with substance abuse issues. Must be detoxed
Halfway or 3/4 houses	Adults	Peer run voluntary programs offer drug free living environments focused on recovery skills
Therapeutic Communities (TC)	Adults	Long term (2 yr) voluntary programs for adults with substance abuse issues provides supportive but can be a confrontational environment where clients learn work and social skills living free from substances use- free
Group Homes (level I, II, III, IV)	Adolescents	Group living environments with intensifying levels of supervision for children and adolescents unable to live in less restrictive environments. Level IV locked unit.
Outpatient Programs		
Mobile Crisis Management	All age groups	24/7/365 interdisciplinary team of individuals who are dedicated to provide crisis response, treatment and prevention to anyone experiencing MH/SA/IDD crisis. Assessments can be anywhere in the community it is safe for the client and staff.
Assertive Community Treatment Team (ACTT)	Adults	24/7/365 interdisciplinary team who carry out a full range of treatment. A client is eligible when it has been determined that their needs are so pervasive and/or unpredictable that they can not be met effectively by any other combination of available community services.
Intensive In-home Services	Children/Adolescents	This is a time-limited intensive family preservation intervention intended to stabilize the living arrangement, promote reunification or prevent the utilization of out-of-home resources
Day Treatment—Child and Adolescent	Children/Adolescents	A structured treatment service program that builds on the strengths and addresses the identified functional problems associated with the complex conditions of each individual child or adolescent and family.
Substance Abuse Intensive Outpatient Service (SAIOP)	Adults/Adolescents	Program is structured individual and group addiction activities and services that are provided at an outpatient program designed to assist adult and adolescent consumers to begin recovery and learn skills for recovery maintenance.
Basic services	All age groups	Individual, group and family counseling

***These are some of the services that might be available within your community- contact your local LME for more specific information.**