

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 414
SENATE BILL 402

AN ACT TO AMEND ARTICLE 5A OF CHAPTER 122 OF THE GENERAL STATUTES
TO PROVIDE ADVANCE NOTICE OF HEARINGS AND REHEARINGS TO THE
PETITIONER IN INVOLUNTARY COMMITMENTS.

The General Assembly of North Carolina enacts:

Section 1. Article 5 A of Chapter 122 of the General Statutes is hereby amended by adding a new section immediately following G.S. 122-58.18 to be numbered G.S. 122-58.18A and to read as follows:

"§ 122-58.18A. Advance notification to petitioner of involuntary commitment hearings and rehearings; waiver. — (a) The clerk of court shall notify the petitioner at least 48 hours in advance of all hearings and rehearings in which the district court might determine to commit the respondent, extend the respondent's commitment period, or discharge the respondent from the treatment facility. Such notice shall be in any of the following ways:

- (1) by service of such notice on the petitioner by the sheriff of the county in which the petitioner resides; or
- (2) by depositing notice of such hearing in the United States mail, postage prepaid and duly certified, in an envelope addressed to the petitioner at his last known address, at least three days prior to said hearing or rehearing. The certified receipt showing the date of deposit of such notice shall be admissible as evidence of notice of such hearing or rehearing.

(b) The petitioner may file a written waiver of his right to notice under this section with the clerk of court."

Sec. 2. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 20th day of May, 1977.