

March 18, 2009

H 656. MH PROCEEDINGS/NO RESTRAINT. Filed 3/18/09. *TO PROHIBIT RESTRAINT OF INDIVIDUALS WHO ARE MINORS BEING TRANSPORTED TO OR DURING HEARINGS PURSUANT TO INVOLUNTARY COMMITMENT PROCEEDINGS, EXCEPT UNDER CERTAIN CIRCUMSTANCES.*

Amends GS 122C-251(e) (Transportation to and from involuntary commitment proceedings), GS 122C-267(b) (Outpatient commitment; district court hearing), and GS 122-268(g) (Inpatient commitment; district court hearing) to prohibit the use of restraints on minors being transported to or from involuntary commitment proceedings and during such hearings in which the minor is the respondent, unless a district court judge finds that the restraints are reasonably necessary to maintain order, prevent the respondent-minor's escape, or provide for the safety of the respondent-minor. Requires the judge, prior to making the determination, to hold a hearing at which the respondent-minor or the respondent-minor's attorney may contest the use of restraints, and if restraints are ordered, to make findings of fact specific to each individual respondent-minor in support of the order. Makes conforming changes.

Intro. by Earle.

GS 122C

May 13, 2009

H 656. MH PROCEEDINGS/NO RESTRAINT. Filed 3/18/09. House committee substitute makes the following changes to 1st edition. Amends proposed change to GS 122C-251(e), GS 122C-267(b), and GS 122C-268(g) by adding provision that a judge in an involuntary commitment hearing of a minor must take into consideration written recommendations of the treating clinician with respect to the use of restraints prior to the initial commitment hearing.