

SUPREME COURT OF NORTH CAROLINA

In re C.G.

2022-NCSC-123 · No. No. 308A21 · Decided December 16, 2022

SUMMARY

The Supreme Court of North Carolina addressed whether an involuntary-commitment hearing conducted without counsel for the State violated the respondent’s due process right to an impartial tribunal. The Court affirmed the Court of Appeals on the due process issue based on a companion case but reversed the commitment order because the record evidence and trial court findings did not support continued involuntary commitment. The opinion concerns the statutory requirements for proving mental illness and danger to self or others by clear, cogent, and convincing evidence.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Justice Ervin; Chief Justice Newby; Justice Berger; Justice Earls; Justice Hudson; Justice Morgan; Justice Barringer
JURISDICTION	North Carolina
DECIDED	December 16, 2022
DOCKET	No. 308A21
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Respondent appealed as of right from a divided Court of Appeals decision and obtained discretionary review of the sufficiency of the trial court's findings supporting involuntary commitment.
STANDARD OF REVIEW	The Supreme Court reviews Court of Appeals decisions for errors of law. Constitutional issues receive de novo review. An involuntary commitment order is reviewed to determine whether the findings are supported by sufficient evidence and whether the findings support the commitment determination; the latter inquiry is also reviewed de novo.
PRECEDENTIAL VALUE	published binding precedent
PARTIES	C.G. v. State

TOPICS

- procedural due process
- due process
- civil rights
- appellate procedure
- standard of review

PRACTICE AREAS

mental health law

civil rights

constitutional law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether conducting the involuntary-commitment hearing without counsel for the State or Duke violated respondent's due process right to an impartial tribunal.
2. Whether the trial court's written findings and the record evidence established that respondent was dangerous to himself under N.C.G.S. § 122C-3(11)(a), including a reasonable probability of serious physical debilitation within the near future absent treatment.
3. Whether the trial court's findings and evidence supported commitment on the alternative ground that respondent was dangerous to others.

HOLDINGS

1. No due process violation occurred because the trial court's conduct in asking questions and eliciting evidence to determine whether the statutory commitment conditions were met did not cast doubt on its impartiality.
2. The findings were insufficient to support a determination that respondent was dangerous to himself because they did not actually find a reasonable probability that he would suffer serious physical debilitation within the near future absent involuntary commitment.
3. The Court declined to uphold or remand the commitment order on a dangerous-to-others theory because the trial court made no findings satisfying the statutory definition and the record did not provide clear, cogent, and convincing evidence of the required conduct and likelihood of repetition.

KEY QUOTATIONS

“For that reason, the required finding “must actually be made by the trial court” and “cannot simply be inferred from the record.”” (¶ 31)

“We simply hold that the trial court’s findings and the evidence in the record are insufficient to satisfy the statutory criteria for involuntary commitment,” (¶ 42)

“with a firm adherence to the relevant statutory requirements in these cases being essential given the “massive curtailment of liberty” and “stigmatizing consequences” that accompany involuntary commitment.” (¶ 42)

FACTUAL BACKGROUND

C.G., who had schizoaffective disorder and a longstanding history of psychosis, was taken to Duke University Medical Center after his outpatient Assertive Community Treatment team could no longer stabilize him in the community. Medical personnel observed hallucinations, disorganized thoughts and behavior, medication noncompliance, and apparent neglect of dental and nourishment needs. At the commitment hearing, the attending physician testified that C.G. would immediately decompensate and potentially place himself or others in danger if discharged, while C.G. testified that he would continue outpatient treatment and medication.

PROCEDURAL HISTORY

The Durham County District Court ordered respondent involuntarily committed for an additional thirty days after finding that he was mentally ill and dangerous to himself and others. The Court of Appeals affirmed, concluding that the trial court's findings and the testimony of the attending physician supported commitment and that any error concerning the commitment reports was harmless. The Supreme Court affirmed the Court of Appeals on the impartial-tribunal due process issue but reversed its decision upholding the commitment order because the findings did not establish the statutory probability of serious future physical debilitation, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Court of Appeals for further remand to the Durham County District Court for further proceedings not inconsistent with the opinion. The Court did not authorize commitment based solely on the existing findings or record and declined to remand for consideration of a dangerous-to-others theory.

CASES CITED

- In re J.R., 2022-NCSC-127
- In re N.U., 270 N.C. App. 427, 430 (2020)
- State v. Melton, 371 N.C. 750, 756 (2018)
- In re Adoption of S.D.W., 367 N.C. 386, 391 (2014)
- Dorsey v. UNC-Wilmington, 122 N.C. App. 58, 66 (1996)
- State v. Williams, 362 N.C. 628, 632-33 (2008)
- In re E.D., 372 N.C. 111, 114 n.8 (2019)
- In re Hatley, 291 N.C. 693, 695 (1977)
- State v. Fuller, 376 N.C. 862, 2021-NCSC-20, ¶ 8
- In re Monroe, 49 N.C. App. 23, 29-30 (1980)
- In re W.R.D., 248 N.C. App. 512, 515-16 (2016)
- In re Whatley, 224 N.C. App. 267, 273, 736 S.E.2d 527, 531 (2012)
- In re J.P.S., 264 N.C. App. 58, 63, 823 S.E.2d 917, 921 (2019)
- In re Collins, 49 N.C. App. 243, 246 (1980)
- O'Connor v. Donaldson, 422 U.S. 563, 575 (1975)
- In re Hogan, 32 N.C. App. 429, 433-34, 232 S.E.2d 492, 494 (1977)
- In re Moore, 234 N.C. App. 37, 42-45, 758 S.E.2d 33, 37-38 (2014)
- Vitek v. Jones, 445 U.S. 480, 491-92 (1980)

