

SUPREME COURT OF NORTH DAKOTA

In the Interest of R.F.

2005 ND 54 · No. 20050053 · Decided March 4, 2005

SUMMARY

The North Dakota Supreme Court affirmed a district court order requiring R.F., who had bipolar disorder and early-stage dementia, to undergo inpatient hospitalization and treatment for up to 90 days. The court held that the evidence supported the finding that less-restrictive alternatives were not currently adequate to meet his treatment needs or protect him from harm, although a dissent would have remanded for more thorough consideration of alternative placements.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Gerald W. VandeWalle, Chief Justice; Dale V. Sandstrom; William A. Neumann; Mary Muehlen Maring
JURISDICTION	North Dakota
DECIDED	March 4, 2005
DOCKET	20050053
DISPOSITION	affirmed
PROCEDURAL POSTURE	R.F. brought an expedited mental health appeal from a district court order committing him to the North Dakota State Hospital for involuntary hospitalization and treatment for 90 days or until further order of the court. He challenged only the determination that inpatient hospitalization was the least-restrictive treatment condition necessary.
STANDARD OF REVIEW	The Supreme Court will not set aside the district court's findings unless they are clearly erroneous. A finding is clearly erroneous if it is induced by an erroneous view of the law, unsupported by evidence, or, after reviewing the entire record, the court is left with a definite and firm conviction that a mistake has been made.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	R.F. v. North Dakota State Hospital

TOPICS

health law

appellate procedure

standard of review

PRACTICE AREAS

mental health law

involuntary commitment

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court clearly erred by finding that inpatient hospitalization was the least-restrictive treatment condition necessary to meet R.F.'s treatment needs and prevent harm to himself or others.
2. Whether the evidence clearly and convincingly established that treatment alternatives other than hospitalization were inadequate or unsuitable.

HOLDINGS

1. The district court did not clearly err in ordering inpatient hospitalization because the record supported its finding, by clear and convincing evidence, that a treatment program other than hospitalization was not currently suitable for R.F.'s treatment needs.

KEY QUOTATIONS

“When an individual is found to be a person requiring treatment he has the right to the least restrictive conditions necessary to achieve the purposes of the treatment.” (¶ 4)

“The court must make a two-part inquiry: (1) whether a treatment program other than hospitalization is adequate to meet the individual’s treatment needs; and (2) whether an alternative treatment program is sufficient to prevent harm or injuries which the individual may inflict upon himself or others.” (¶ 4)

“The court must find by clear and convincing evidence that alternative treatment is not adequate or hospitalization is the least restrictive alternative.” (¶ 4)

FACTUAL BACKGROUND

R.F., a homeless Minnesota resident with bipolar disorder, accidentally overdosed on prescription lithium and was hospitalized in Grand Forks. A preliminary hearing found probable cause that he was mentally ill and a person requiring treatment, and he was sent to the North Dakota State Hospital for evaluation. The State Hospital diagnosed impaired cognitive abilities, poor memory, and early-stage dementia, and identified concerns that without hospital structure and monitoring he might self-medicate and suffer another dementia-related accident. The district court found that nonhospital alternatives were not currently suitable and ordered inpatient treatment.

PROCEDURAL HISTORY

After a Grand Forks County preliminary hearing found probable cause that R.F. was mentally ill and a person requiring treatment, the court ordered a 14-day evaluation at the North Dakota State Hospital. The State Hospital submitted examination and alternative-treatment reports, and after a treatment hearing in the Southeast Judicial District Court in Stutsman County, the district court ordered 90 days of hospitalization and treatment. The Supreme Court of North Dakota affirmed.

DISPOSITION

affirmed

CASES CITED

- In re J.K., 1999 ND 182, ¶ 15, 599 N.W.2d 337
- Interest of D.Z., 2002 ND 132, ¶ 10, 649 N.W.2d 231
- Interest of H.G., 2001 ND 142, ¶ 3, 632 N.W.2d 458
- Interest of J.S., 499 N.W.2d 604, 606 (N.D. 1993)
- Interest of J.A.D., 492 N.W.2d 82, 85 (N.D. 1992)
- Interest of D.P., 2001 ND 203, ¶ 12, 636 N.W.2d 921
- Interest of U.A.M., 446 N.W.2d 23, 28 n.4 (N.D. 1989)
- Interest of Daugherty, 332 N.W.2d 217, 221 n.1 (N.D. 1983)