

SUPREME COURT OF WYOMING

State of Wyoming ex rel. West Park Hospital District and Yellowstone Behavioral Health Center v. Bryan A. Skoric, Park County and Prosecuting Attorney, in His Official Capacity

2014 WY 41 (Wyo. 2014) · No. S-13-0110, S-13-0153 · Decided March 25, 2014

SUMMARY

The Wyoming Supreme Court considered whether county attorneys have statutory duties to participate in emergency detention and involuntary hospitalization proceedings under Wyo. Stat. Ann. §§ 25-10-109 and 25-10-110. The court held that a county attorney must commence qualifying involuntary hospitalization proceedings and appear and present the State's case, while retaining discretion to decline cases lacking sufficient support. Because the statutory duties were ambiguous and therefore not clear and indisputable when the mandamus petition was filed, the court affirmed denial of the writ.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Davis, Justice; Kite, C.J.; Hill, J.; Voigt, J.; Burke, J.; Davis, J.
JURISDICTION	Wyoming
DECIDED	March 25, 2014
DOCKET	S-13-0110, S-13-0153
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellants sought review of the district court's denial of a petition for a writ of mandamus compelling the Park County Attorney to commence and prosecute civil commitment proceedings and to participate in emergency detention hearings. The appeals from the original denial and from denial of a W.R.C.P. 59(e) motion were consolidated.
STANDARD OF REVIEW	Whether a statutory duty exists that could permit issuance of mandamus is reviewed de novo. Whether to issue mandamus is reviewed for abuse of discretion, and reversal is warranted only if the district court could not reasonably reach its decision.
PRECEDENTIAL VALUE	published precedential opinion

PARTIES

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TOPICS

civil procedure

appellate procedure

statutory interpretation

health law

remedies

PRACTICE AREAS

civil procedure

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mental health law

mandamus

QUESTIONS PRESENTED

1. What duties do Wyoming county attorneys have under Wyo. Stat. Ann. §§ 25-10-109 and 25-10-110 in emergency detention and involuntary hospitalization proceedings?
2. Did the district court abuse its discretion by denying the petition for a writ of mandamus?

HOLDINGS

1. When the county attorney determines that the evidence supports detention or involuntary hospitalization, the county attorney must commence involuntary hospitalization proceedings by filing the requisite written application and must appear on behalf of the State and present the case in support of detention and involuntary hospitalization at hearings under Wyo. Stat. Ann. §§ 25-10-109 and 25-10-110. The county attorney retains case-by-case discretion not to pursue a proceeding when the evidence does not support it, but may not refuse to participate categorically or limit participation after deciding to file the application.
2. Mandamus was properly denied because, at the time the petition was filed, the county attorney's statutory duty was not clear, certain, and indisputable. The court's need to use statutory-construction principles to determine the duty demonstrated that the duty was not sufficiently plain to support this extraordinary remedy.

KEY QUOTATIONS

“A county attorney is responsible for commencing involuntary hospitalization proceedings by filing the requisite written application and must appear and present the State’s case in support for involuntary hospitalization under Wyo. Stat. Ann. §§ 25-10- 109 and 110.” (¶ 24)

“Mandamus was therefore not warranted when Appellants applied for this extraordinary relief.” (¶ 23)

FACTUAL BACKGROUND

West Park Hospital District housed individuals believed to be mentally ill while they awaited civil commitment proceedings, and Yellowstone Behavioral Health Center supplied mental-health examiners. The Park County Attorney's Office had historically initiated and prosecuted emergency detention and involuntary hospitalization proceedings. After reconsidering the office's authority, the county attorney declined to appear in emergency

detention hearings and limited his office's role at involuntary hospitalization hearings to observation and ensuring compliance with the statutes, shifting the litigation burden to the appellants.

PROCEDURAL HISTORY

The Park County Attorney changed the office's longstanding practice after *In re RB*, concluding that the statutes did not require participation in emergency detention hearings or presentation of the case in chief at involuntary hospitalization hearings. West Park Hospital District and Yellowstone Behavioral Health Center petitioned the Park County District Court for mandamus. The district court denied relief, finding no clear statutory duty, and also denied a Rule 59(e) motion. The Wyoming Supreme Court held that the statutes impose the asserted duties but affirmed because the duties were not clear, certain, and indisputable when mandamus was sought.

DISPOSITION

affirmed

CASES CITED

- *In re RB*, 2013 WY 15, 294 P.3d 24 (Wyo. 2013)
- *State ex rel. Arnold v. Ommen*, 2009 WY 24, 201 P.3d 1127 (Wyo. 2009)
- *International Association of Firefighters Local Union No. 279 v. City of Cheyenne*, 2013 WY 157, 316 P.3d 1162 (Wyo. 2013)
- *Romsa v. State ex rel. Wyoming Department of Transportation*, 2012 WY 146, 288 P.3d 695 (Wyo. 2012)
- *Petroleum Inc. v. State ex rel. State Board of Equalization*, 983 P.2d 1237 (Wyo. 1999)
- *Huber v. Thomas*, 45 Wyo. 440, 19 P.2d 1042 (1933)
- *Multiple Resort Ownership Plan, Inc. v. Design-Build-Manage, Inc.*, 2002 WY 67, 45 P.3d 647 (Wyo. 2002)
- *McTiernan v. Jellis*, 2013 WY 151, 316 P.3d 1153 (Wyo. 2013)
- *K N Energy, Inc. v. City of Casper*, 755 P.2d 207 (Wyo. 1988)
- *State ex rel. Epp v. Mayor*, 894 P.2d 590 (Wyo. 1995)

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