

SUPREME COURT OF NORTH DAKOTA

Pryatel v. Doe

902 N.W.2d 504 (N.D. 2017) · No. 20180409 · Decided January 15, 2019

SUMMARY

The North Dakota Supreme Court affirmed an order continuing Jane Doe’s involuntary treatment at the North Dakota State Hospital. The court held that clear and convincing evidence supported findings that Doe was mentally ill, presented a serious risk of harm to herself, and required treatment. The court also upheld the determination that less restrictive alternative treatment was not adequate or presently available.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Daniel J. Crothers; Lisa Fair McEvers; Jon J. Jensen; Jerod E. Tufte; Gerald W. VandeWalle, C.J.
JURISDICTION	North Dakota
DECIDED	January 15, 2019
DOCKET	20180409
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jane Doe appealed a district court order continuing her involuntary treatment at the North Dakota State Hospital for a period not exceeding one year.
STANDARD OF REVIEW	The Supreme Court reviews the procedures, findings, and conclusions of the trial court and reviews factual findings under the clearly erroneous standard. A finding is clearly erroneous if induced by an erroneous view of the law, unsupported by evidence, or, considering the entire record, the Court is left with a definite and firm conviction that the finding is not supported by clear and convincing evidence.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential.
PARTIES	Jane Doe v. William Pryatel, M.D.

TOPICS

- health law
- appellate procedure
- standard of review
- medical licensing

PRACTICE AREAS

health law

involuntary commitment

mental health law

appellate procedure

QUESTIONS PRESENTED

1. Whether clear and convincing evidence supported the district court's finding that Jane Doe was a mentally ill person requiring treatment.
2. Whether a less restrictive alternative treatment program was adequate to meet Doe's treatment needs and prevent harm to her or others.

HOLDINGS

1. The district court did not clearly err in finding that Jane Doe was mentally ill and that, without hospitalization, there was a serious risk of harm to her based on substantial deterioration in physical and mental health.
2. The district court did not clearly err in finding that alternative treatment was not presently adequate to meet Doe's treatment needs or prevent harm to her or others.

KEY QUOTATIONS

“A finding of fact is clearly erroneous if it is induced by an erroneous view of the law, if there is no evidence to support it, or if, although there is some evidence to support it, on the entire evidence this Court is left with a definite and firm conviction it is not supported by clear and convincing evidence.” (¶ 4)

“An individual requiring treatment has the right to the least restrictive conditions necessary to achieve the purposes of the treatment.” (¶ 12)

FACTUAL BACKGROUND

Jane Doe was hospitalized after police took her into custody for lying on a highway and refusing to cooperate with law enforcement and medical providers. She refused to identify herself, submit to photographs, meet with hospital staff, take medications, or shower, and continued to exhibit paranoia, isolation, poor insight, and poor judgment. A State Hospital psychologist diagnosed schizophrenia and other psychotic-spectrum disorders and testified that without supervised medication Doe would likely regress and face a risk of injury or death. Doe also refused to engage in discharge planning, and the only potentially suitable alternative facility was unavailable because of its waiting list and placement priorities.

PROCEDURAL HISTORY

The State Hospital petitioned for involuntary hospitalization after law enforcement took Doe into custody. The district court initially ordered fourteen days of treatment, later ordered ninety days and then one year of continuing treatment; the Supreme Court summarily affirmed the ninety-day and one-year orders. After an October 2018 hearing, the district court again ordered continuing treatment, and Doe appealed.

DISPOSITION

affirmed

CASES CITED

- Interest of D.A., 2005 ND 116, ¶ 11, 698 N.W.2d 474
- Interest of B.L.S., 2006 ND 218, ¶ 10, 723 N.W.2d 395
- In the Interest of J.A.D., 492 N.W.2d 82, 83, 85 (N.D. 1992)
- Interest of Jane Doe, 2017 ND 228, 902 N.W.2d 504
- Interest of Jane Doe, 2017 ND 277, 904 N.W.2d 40
- In re J.K., 1999 ND 182, ¶ 15, 599 N.W.2d 337

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