

SUPREME COURT OF THE STATE OF MONTANA

In the Matter of M.K.S.

Matter of M.K.S., 2015 MT 146 · No. DA 14-0125 · Decided May 26, 2015

SUMMARY

The Montana Supreme Court affirmed an involuntary mental health commitment order for M.K.S. The Court held that although the failure to file the statutorily required written report implicated procedural due process, the omission did not cause sufficient prejudice to warrant plain-error relief.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Laurie McKinnon; Laurie McKinnon; Mike McGrath; Michael E. Wheat; James Jeremiah Shea; Jim Rice
JURISDICTION	Montana
DECIDED	May 26, 2015
DOCKET	DA 14-0125
DISPOSITION	affirmed
PROCEDURAL POSTURE	M.K.S. appealed an involuntary mental-health commitment order requiring her commitment to the Montana State Hospital for no more than three months.
STANDARD OF REVIEW	The Court reviews civil commitment orders to determine whether factual findings are clearly erroneous and legal conclusions are correct; due-process issues receive plenary review. Review of the unpreserved statutory-report claim under the plain-error doctrine was discretionary.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	M.K.S. v. State of Montana

TOPICS

[procedural due process](#) [appellate procedure](#) [mootness](#) [health law](#) [civil procedure](#)

PRACTICE AREAS

[mental health law](#) [constitutional law](#) [civil procedure](#)

QUESTIONS PRESENTED

1. Whether the failure of the professional person to file the written report required by § 53-21-123, MCA, constituted plain error requiring reversal of the involuntary commitment order.
2. Whether the appeal was moot because the commitment period had ended or M.K.S. had been released.

HOLDINGS

1. The appeal was not moot because involuntary commitment is capable of repetition yet evading review.
2. The statutory requirement that the professional person file a written examination report is a procedural protection implicating the respondent's constitutional right to due process.
3. The failure to file the written report did not constitute reversible plain error because M.K.S. failed to show that the omission caused the type of fundamental unfairness, manifest miscarriage of justice, or compromise of judicial integrity required for discretionary plain-error review.

KEY QUOTATIONS

“The statutory requirement to file a written report setting forth the findings and recommendations of the professional person guarantees that the person who is the subject of the petition will be provided notice of the medical basis for the petition and have an opportunity to prepare a defense.” (¶ 17)

“Although we find that M.K.S.’s fundamental right to procedural due process was implicated in these proceedings, we conclude M.K.S. has failed to demonstrate that the absence of a written report substantially impacted this right in a manner that would leave unsettled the fundamental fairness of the proceedings, compromise the integrity of the judicial process, or create a manifest miscarriage of justice.” (¶ 24)

FACTUAL BACKGROUND

M.K.S. had a longstanding history of schizophrenia and other mental-health illnesses, prior community commitments, and repeated hospitalizations. In January 2014, after telling a crisis line that she was suicidal and unsafe at home, she was found holding a knife and saying she planned to cut her wrists. The appointed professional person, Jay R. Palmatier, examined her only minimally because she refused to cooperate, but reviewed treatment records and testified that commitment to the Montana State Hospital for 90 days was necessary. He did not file the statutorily required written report, although he testified at the commitment hearing and was cross-examined.

PROCEDURAL HISTORY

The Fourth Judicial District Court of Missoula County appointed a professional person to evaluate M.K.S. before the commitment hearing. The professional person did not file the written report required by statute but testified at the hearing, where M.K.S.’s counsel cross-examined him without objecting to the missing report. The District Court ordered commitment, and the Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Mental Health of L.K.-S., 2011 MT 21, ¶ 14, 359 Mont. 191, 247 P.3d 1100
- In re Mental Health of L.K., 2009 MT 366, ¶ 11, 353 Mont. 246, 219 P.3d 1263
- In re Mental Health of D.V., 2007 MT 351, ¶ 32, 340 Mont. 319, 174 P.3d 503
- In re J.S.W., 2013 MT 34, ¶¶ 11, 15-17, 369 Mont. 12, 303 P.3d 741
- In re D.K.D., 2011 MT 74, ¶ 14, 360 Mont. 76, 250 P.3d 856
- State v. Longfellow, 2008 MT 343, ¶ 19, 346 Mont. 286, 194 P.3d 694
- State v. Gunderson, 2010 MT 166, ¶¶ 99-100, 357 Mont. 142, 237 P.3d 74
- In re B.O.T., 2015 MT 40, ¶ 22, 378 Mont. 198, 342 P.3d 981
- In re Mental Health of J.D.L., 2008 MT 445, ¶ 9, 348 Mont. 1, 199 P.3d 805
- In re L.L.A., 2011 MT 285, ¶ 9, 362 Mont. 464, 267 P.3d 1
- In re N.A., 2013 MT 255, ¶¶ 23-24, 371 Mont. 531, 309 P.3d 27
- In re Mental Health of O.R.B., 2008 MT 301, ¶¶ 30-31, 345 Mont. 516, 191 P.3d 482
- In re Mental Health of R.M., 270 Mont. 40, 45-46, 889 P.2d 1201, 1205 (1995)
- Engle v. Isaac, 456 U.S. 107, 121 n.21, 102 S. Ct. 1558, 1568 n.21 (1982)
- Mathews v. Eldridge, 424 U.S. 319, 334-35, 96 S. Ct. 893, 902-03 (1976)