

SUPREME COURT OF NORTH DAKOTA

In the Interest of J.S.

638 N.W.2d 45 (N.D. 2002) · No. No. 20010314 · Decided July 25, 2002

SUMMARY

The Supreme Court of North Dakota affirmed an order continuing J.S.'s involuntary treatment at the North Dakota State Hospital for one year. The court held that clear and convincing evidence supported findings that J.S. remained a person requiring treatment and that inpatient hospitalization was the least restrictive adequate alternative.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of North Dakota                                                                                                                                                                                                                                                                                                                      |
| WRITING FOR THE COURT | Vande Walle, Chief Justice; Carol Ronning Kapsner, Justice; Mary Muehlen Maring, Justice; William A. Neumann, Justice; Dale V. Sandstrom, Justice                                                                                                                                                                                                  |
| JURISDICTION          | North Dakota                                                                                                                                                                                                                                                                                                                                       |
| DECIDED               | July 25, 2002                                                                                                                                                                                                                                                                                                                                      |
| DOCKET                | No. 20010314                                                                                                                                                                                                                                                                                                                                       |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | J.S. appealed a district court order authorizing his continued involuntary treatment at the North Dakota State Hospital for one year.                                                                                                                                                                                                              |
| STANDARD OF REVIEW    | The Supreme Court reviews appeals under N.D.C.C. chapter 25-03.1 for the lower court's procedures, findings, and conclusions, applying a clearly erroneous standard. The Court affirms unless the treatment order was induced by an erroneous view of the law or the Court is firmly convinced it is unsupported by clear and convincing evidence. |
| PRECEDENTIAL VALUE    | Published North Dakota Supreme Court opinion; precedential                                                                                                                                                                                                                                                                                         |
| PARTIES               | J.S. v. William Pryatel, M.D.                                                                                                                                                                                                                                                                                                                      |

TOPICS

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

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the district court clearly erred in finding that J.S. continued to be a person requiring treatment.
2. Whether the district court clearly erred by failing to adequately determine that hospitalization was the least restrictive treatment alternative.

## HOLDINGS

1. The district court did not clearly err in finding that J.S. continued to be a person requiring treatment and in extending his treatment order for one year.
2. The district court did not clearly err in finding that alternative treatment was inadequate and that inpatient hospitalization was the least restrictive alternative.

## KEY QUOTATIONS

*“To balance the competing interests of protecting a mentally ill person and of preserving that person's liberty, our standards of decision require trial courts to use a clear and convincing standard of proof while we use a more probing ‘clearly erroneous’ standard of review.” (¶ 4)*

*“To make this finding, a two-part analysis is required: ‘(1) the court must find that the [patient] is mentally ill, and (2) the court must find that there is a reasonable expectation that, if not treated, there exists a serious risk of harm to the [patient], others, or property.’” (¶ 5)*

*“A patient has the right to the least restrictive conditions necessary to achieve the treatment purposes.” (¶ 7)*

## FACTUAL BACKGROUND

J.S., a 65-year-old man diagnosed with schizophrenia, psychotic behavior, and diabetes, had resided at the North Dakota State Hospital since 1989 after his tenth admission. Two experts testified that J.S. resisted taking medication for both his mental and physical illnesses and had stated he would stop taking medication if discharged. The experts concluded that failure to take his diabetes medication would harm him and that failure to take his mental-health medication could create a risk to others, requiring inpatient treatment to ensure continued medication.

## PROCEDURAL HISTORY

A petition to continue J.S.'s treatment was filed in district court. After a November 28, 2001 hearing involving testimony and reports from two experts, the district court ordered continued treatment for one year. J.S. timely appealed to the Supreme Court of North Dakota and sought expedited review under N.D.C.C. § 25-03.1-29 and N.D.R.App.P. 2.1(a).

## DISPOSITION

affirmed

## CASES CITED

- In the Interest of J.S., 2001 ND 10, 621 N.W.2d 582
- In the Interest of J.S., 1998 ND 92, 578 N.W.2d 91
- In the Interest of J.S., 545 N.W.2d 145 (N.D. 1996)
- In the Interest of J.S., 530 N.W.2d 331 (N.D. 1995)
- In the Interest of J.S., 528 N.W.2d 367 (N.D. 1995)
- In the Interest of J.S., 499 N.W.2d 604 (N.D. 1993)
- In Interest of R.N., 513 N.W.2d 370, 371 (N.D. 1994)
- In Interest of K.J.L., 541 N.W.2d 698, 700 (N.D. 1996)

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