Seven Involuntary Commitment Cases

Note: Although the appellate cases cited here are instructive, they are based on evidence presented at the district court hearing where the standard of proof—clear, cogent, and convincing evidence—is significantly higher than the reasonable-grounds determination that a magistrate must make in response to a petition. Evidence that is not clear, cogent, and convincing at the district court level may still provide a magistrate with reasonable grounds to believe that the respondent meets the criteria for commitment.

Case One

Respondent had been unemployed for almost one year, having left her job because she felt she was being harassed by married men at work. Had not attempted to seek other employment and was living in her car for two weeks prior to the hearing, despite the cold weather (October). Respondent felt people were harassing her. Daughter believes that respondent is incapable of providing for herself in her present state. Respondent had refused to seek treatment on her own. It appeared that the only food that the respondent had was that which her daughter brought to the car for her, and her daughter feared that respondent would die of carbon monoxide poisoning if respondent continued to live in her car the rest of the winter. One physician diagnosed respondent as suffering from psychotic depression and stated that she was not eating well. Another physician diagnosed respondent as suffering from paranoid schizophrenia, observing that her speech was rapid, excessive, and often irrelevant, her affect was blunted and she believed that others were "harming her." Court upheld commitment order, holding the evidence supported the trial court's finding that, because of her mental instability, respondent was unable to tend to her basic daily needs. As a result, there was a probability of serious physical debilitation in the near future. ("Without treatment respondent's death or injury was likely to occur by uneventful slow degrees or by misadventure.") *In re Medlin,* 59 N.C. App. 33, 279 S.E.2d 604 (1982).

Case Two

The respondent's husband and daughter testified that the respondent had forgotten to turn off the stove, resulting in the burning of numerous pots and pans and a Formica top. Respondent is extremely forgetful, frequently talks to the wall, and appears to be out of touch with her real surroundings. Doctor testified that respondent has a manic depressive illness, manic phase. Trial court finds mental illness and dangerous to self. Appellate court, in a split decision, determined that, while the facts may meet the first prong of dangerous to self (lack of self-care ability), they do not support finding a "reasonable probability of serious debilitation in the near future." *In re Crainshaw,* 54 N.C. App. 429 (1981).

Case Three

Petitioner: Respondent gets upon the public streets of the city, blocks people from walking, preaches loud words, and refuses to leave after being directed by the city police. She is in a mentally ill state of mind and is imminently dangerous to herself or others. She needs medical treatment. Court testimony of doctor: She is religiously preoccupied, has ideas of persecution, and delusions of grandeur. She cannot take care of herself because of her impaired judgment and needs to be hospitalized for her own care and protection. She cannot understand why City Hall will not give her a license. If she persists in trying to convert someone on the street and they resist the idea, they might become physically aggressive toward her. I don't get any indication that she is aggressively motivated in the sense of being physically violent. Trial court

found mental illness and danger to self and others. Appellate court said that, while the facts may support a finding of mental illness, they do not support a finding of danger to self or others. To the extent that her behavior may lead to someone else being aggressive toward her, then it would be more appropriate to commit her aggressor. *In re Hogan*, 32 N.C App. 429 (1977).

Case Four

Mother states that she is afraid daughter is going to hurt herself because she has threatened a lot of people in the area. Brother testified that respondent threatened to cut his throat and did cut his hand within the last week. Doctor testified that respondent had evidence of delusional thinking, was somewhat elated with hyperactivity, had a bipolar disorder, and is mentally ill and would be dangerous to herself and others unless confined. Appellate court upheld the commitment order on the basis that the evidence supported a finding of mental illness and danger to self or others. *In re Jackson*, 60 N.C. App. 581 (1983).

Case Five

Petitioner: Respondent has a hammer in the house, breaks everything she can find, and told her husband that if he went to sleep she would bash his brains out. She has threatened to kill her daughter, granddaughter and sister. Court testimony of daughter: Upon coming home, I found the TV busted, the telephone had been cut away from the wall, and glass was all over the living room. When I asked what happened, mother became excited and said that she had broken the TV, cut the phone, and broke some of the glass. On the phone the night before, mother had threatened to kill father and aunt. On appeal, respondent challenged only the trial court's finding of danger to others. Finding upheld. *In re Williamson*, 36 N.C. App. 362 (1978).

Case Six

Parents testimony: Respondent deliberately cut himself with a knife the day he was taken into custody and deliberately exposed himself to danger by sitting on the edge of a busy airport runway. He had been observed in the woods with a rope around his neck. He kept an iron pipe and hatchet under his bed and he threatened his mother three days before the petition by forcing her to sit in one chair and not move for two hours while he was screaming, shouting, and cursing. He threatened to "bust" his mother's head if she called anybody. He complained of demons and of feeling that his bones were being pulled out. Appellate court determined that there were sufficient facts to support the finding of mental illness and danger to self and others. *In re Collins*, 49 N.C. App. 243 (1980).

Case Seven

Inpatient commitment order upheld where respondent required anti-psychotic medication, refused to take medication, would not eat properly, and refused recommended outpatient treatment. Testimony was presented that respondent's condition of chronic mental illness and poly-substance abuse had not changed since initial commitment, respondent would not be able to survive without supervision, and had history of bizarre and aggressive thoughts and behavior. "Failure of a person to properly care for his/her medical needs, diet, grooming and general affairs meets the test of dangerousness to self." *In re Lowery*, 110 N.C. App. 67 (1993).