

STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In the Matter of the Civil Commitment of:
Charles Helmer,
Respondent

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER AUTHORIZING
ADMINISTRATION OF
ELECTROCONVULSIVE THERAPY**

Court File No. 19HA-PR-20-939
County Attorney File No. CM-20-293

The above-entitled matter came on for hearing on January 7, 2021, before the Honorable Joseph T. Carter, Judge of the above-named Court, at the Dakota County Judicial Center, 1560 Highway 55, Hastings, Minnesota, upon the Petition of M Health Fairview Riverside Hospital for Authorization to Impose Treatment for the above-named Respondent, in the form of Electroconvulsive Therapy.

Anna Light, Assistant Dakota County Attorney, appeared for Petitioner. Victoria Herr appeared as attorney for Respondent. The Respondent was present via Zoom in the courtroom until he charged the computer monitor and the connection had to be disconnected.

The Court, based upon the report of and testimony of Dr. Antonioli, and all the files and records herein, by clear and convincing evidence, makes the following:

FINDINGS OF FACT

1. On December 10, 2020, Respondent was dually committed as mentally ill to M Health Fairview Riverside Hospital and the Minnesota Commissioner of Human Services.
2. According to the Petitioner, Respondent is suffering from schizophrenia.
3. The Petitioner had discussed the risks and benefits of ECT with the Respondent; however, the Respondent was without the capacity to determine whether the proposed treatment is necessary or desirable as the Respondent has limited insight into Respondent's mental illness.

4. At the time the Petition was filed, Respondent lacked any ability to understand and use information about Respondent's mental illness, its symptoms or its treatment, and was unable to engage in a rational discussion regarding his treatment with ECT.
5. The Respondent has been previously treated with ECT.
6. The Petitioner requests that authorization be given to impose an acute phase of 3 treatments per week to a maximum of 12 treatments, and if successful, a maintenance phase of 1 or fewer treatments per week for the duration of the commitment; that the treatment proposed is an accepted and proven treatment plan within the psychiatric community in Minnesota; that the treatments proposed are within the recommended range for the proposed treatment and are the least intrusive treatment option with a good probability of improving Respondent's condition.
7. The administration of ECT to Respondent should decrease Respondent's delusional beliefs and psychotic behaviors, while making Respondent more comfortable and more able to participate in other forms of treatment.
8. Respondent's prognosis if ECT is not continued is poor. Respondent's condition will likely remain the same and may even deteriorate. There are currently no viable treatment alternatives other than ECT to treat Respondent's condition.
9. The use of ECT as proposed is not an experimental form of treatment.
10. The Petitioner has a program in place to monitor the side effects of ECT to protect the health and safety of the Respondent. Various side effects may accompany the use of this treatment, however, Respondent will be closely monitored for any possible side effects.
11. The Petitioner is of the opinion that no less restrictive programs are available that would be effective to treat the Respondent's mental illness.

12. Dr. Antonioli was appointed by the Court as an examiner in this matter. Dr. Antonioli has prepared a written report which was filed with the Court. Dr. Antonioli is qualified to render an opinion regarding the issues presented by this matter and concurs with the Petitioner in that the Respondent is afflicted with a major mental illness; that the use of ECT is the least intrusive therapy available to meet Respondent's treatment needs while outweighing the potential risks to the Respondent. Dr. Antonioli supports ECT at the following schedule: an acute phase of 3 treatments per week to a maximum of 12 treatments, and if successful, a maintenance phase of 1 or fewer treatments per week for the duration of the commitment.
13. At the time of the hearing, Respondent lacked the capacity to determine whether the proposed treatment was necessary or desirable and lacked the competency to consent to said treatment.
14. The Rights of Patients provided in Minn. Stat. §253B.03 are incorporated in this Order by reference.

CONCLUSIONS OF LAW

1. Respondent is not competent to give or withhold consent for the use of Electroconvulsive therapy.
2. Treatment of Respondent's mental illness using Electroconvulsive therapy outweighs any possible risks from the treatment.

ORDER

The Petitioner, or Respondent's treating psychiatrist, may administer an acute phase of 3 treatments per week to a maximum of 12 treatments, and if successful, a maintenance phase of 1 or fewer treatments per week for the duration of the commitment for the duration of the Respondent's current commitment, pursuant to Price v. Sheppard, 239 N.W.2d 905 (1976).

Dated: _____

BY THE COURT:

Judge of District Court