

STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT

In the Matter of the Civil Commitment of:

FILE NO: 19HA-PR-20-939

Charles Helmer,
Respondent.

**AMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER FOR COMMITMENT**

The above-entitled matter came on for a final hearing before the undersigned Judge of District Court on December 10, 2020 at the Dakota County Judicial Center, Hastings, Minnesota, upon a Petition for Judicial Commitment alleging Respondent to be mentally ill.

The Petition was filed with the Court on December 1, 2020. Anna Light, Assistant Dakota County Attorney, appeared as attorney for Petitioner. Respondent appeared along with his attorney, Victoria Herr, Esq. Due to the COVID-19 pandemic, all parties appeared remotely with video through ZoomGov.

Based upon the testimony, exhibits, files, records and proceedings, the Court hereby makes the following:

FINDINGS OF FACT

1. Petitioner and Respondent were properly represented by legal counsel. Respondent's rights have been protected throughout these proceedings as set forth in the Minnesota Commitment and Treatment Act.

2. Notice of the hearing was given to all necessary parties.

3. Petitioner has proved by clear and convincing evidence that Respondent meets the statutory criteria for civil commitment as mentally ill.

4. Respondent's conduct, from evidence presented at the hearing, in support of the foregoing Finding is as follows:

a. Exhibits were received into evidence and support the court's Findings.

b. Dr. Kent Kodalen, court-appointed examiner, spoke with Respondent and Respondent's case manager, and is familiar with Respondent's medical history:

- i. Respondent refuses medication and refused to eat at times. Respondent is incapable of acknowledging his need for treatment.
- ii. Respondent has called emergency services to assist him in moving furniture.
- iii. Respondent was irritable, distracted, and easily agitated. Respondent was tangential and unfocused in the conversation. Inability to provide an organized narrative.
- iv. Respondent has threatened to assault staff members of the facility. Otherwise, he does not engage with others and keeps to himself.
- v. Police brought Respondent to the treatment facility.
- vi. No lesser restrictive alternative to commitment is available at this time.
- vii. Dr. Kodalen testified consistently with the contents of his report, and Respondent continues to meet the criteria for civil commitment as mentally ill.

c. Respondent began to testify but left the hearing and refused to return.

5. The Court has considered less restrictive alternatives. There is no suitable alternative to judicial commitment and commitment **triply to University of Minnesota Medical Center – Fairview, Regions Hospital, and to the Minnesota Commissioner of Human Services** is the least restrictive program which can meet Respondent's treatment needs consistent with Minn. Stat. § 253B.03, subd. 7. The following less restrictive treatment programs were considered and rejected:

- a. Community-based nonresidential treatment,
- b. Community residential treatment,
- c. Partial hospitalization,
- d. Acute care hospitalization,
- e. Stayed commitment.

6. The following least restrictive alternatives were considered and rejected for the following reasons:

- a. Dismissal of the Petition is rejected because Respondent
 - i. Becomes a danger to himself when he discontinues medications, evidenced by increased delusional symptoms that have resulted in

previous recommendations of group home placement. Respondent has reported plans to discontinue services and medications if not court ordered, and recently executed these plans the day after his most recent court order expired (10/08/2020).

- ii. has made recent attempts or threats to harm others.
- b. Voluntary out-patient care is rejected because
 - i. of Respondent's expressed wish to avoid treatment,
 - ii. of Respondent's inability to care for self outside of a hospital setting, and
 - iii. this type of care is not adequate for the Respondent's needs.
- c. Voluntary admission to a treatment facility is rejected because
 - i. Respondent does not believe there is a need for treatment, and
 - ii. of Respondent's inability to cooperate and follow through with this type of care.

Based upon the foregoing Findings of Fact, the Court hereby makes the following:

CONCLUSIONS OF LAW

1. The Respondent meets the statutory criteria for civil commitment as mentally ill as defined by Minn. Stat. §253B, subd. 13.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Court hereby makes the following:

ORDER

1. Respondent, **Charles Helmer**, meets the statutory criteria for civil commitment as mentally ill.

2. The effective date of the commitment is December 10, 2020.

3. No suitable alternative to judicial commitment exists and Respondent's commitment **triply to University of Minnesota Medical Center – Fairview, Regions Hospital, and to the Minnesota Commissioner of Human Services** for an initial period not to exceed six months is the least restrictive treatment program which can meet Respondent's treatment needs consistent with Minnesota laws. Respondent shall be committed accordingly.

4. Respondent shall remain hospitalized at University of Minnesota Medical Center -

Fairview until the opening at the facility of commitment is available.

5. All exhibits from the hearings shall be marked as confidential until further Order of the Court.

6. That the Court Administrator shall return all of Petitioner's exhibits, except the court-appointed examiner's report, to the Dakota County Attorney sixty (60) days after the closing of this court file.

7. By separate Order of the Court, the Jarvis Petition was approved.

8. The Dakota County Sheriff's Department or its assigns shall transport Respondent to the appropriate facility.

9. The Rights of Patients provided in Minn. Stat. §253B.03 are incorporated in this order by reference.

10. Respondent shall cooperate with any treatment facility and case management and sign releases of information as needed so that medical and health information may be shared with and between medical and service providers. If Respondent refuses to sign necessary releases of information, any medical or service provider may share requested medical and health information concerning Respondent when provided with a certified copy of this order. Information provided pursuant to this paragraph may be requested and provided solely for the express purpose of providing services to Respondent, and not for any other purpose.

11. Any costs associated with treatment for substance use or mental health is to be paid by the Respondent's medical insurance. Respondent shall be responsible for any co-payments required by the insurer. If the Respondent is uninsured they shall apply for public funding to determine eligibility. Any costs not paid for by insurance are to be paid, where possible, from the Respondent's income and assets.

Dated: April 2, 2021

BY THE COURT:

Joseph T. Carter
JUDGE OF DISTRICT COURT