

STATE OF MINNESOTA  
COUNTY OF DAKOTA

DISTRICT COURT  
FIRST JUDICIAL DISTRICT

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In the Matter of the Civil Commitment of:

FILE NO: 19HA-PR-20-939

**Charles Helmer,**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER FOR  
CONTINUED COMMITMENT**

Respondent.

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The above-entitled matter came on for a six (6) month review hearing before the undersigned Judge of District Court on June 1, 2021 at the Dakota County Judicial Center, Hastings, Minnesota, upon the written report filed prior to the termination of the initial commitment alleging that Respondent continues to be mentally ill.

The Petition was filed with the Court on December 1, 2020. Jennifer Jackson, Assistant Dakota County Attorney, appeared as attorney for Petitioner. Respondent appeared remotely and through their attorney, William Lubov, Esq.

Based upon all of the files, records and proceedings, the Court hereby makes the following:

**FINDINGS OF FACT**

1. Notice of hearing was given to all necessary parties.
2. Petitioner and Respondent were properly represented by legal counsel. The hearing was conducted in compliance with the procedures required under the Minnesota Commitment and Treatment Act.
3. The Court informed Respondent pursuant to Minn. Stat. § 253B.12, subd. 3 that Respondent is entitled to an independent examination by an examiner chosen by Respondent and appointed by the Court, and no request for an examination was made.
4. The Respondent was committed on December 10, 2020, dually to University of Minnesota Medical Center - Fairview and to the Minnesota Commissioner of Human Services as mentally ill. An amended Commitment Order was issued on April 2, 2021, committing Respondent triply to the University of Minnesota Medical Center – Fairview, Regions Hospital, and to the

Minnesota Commissioner of Human Services. The date of commitment remained December 10, 2020.

5. A report filed May 19, 2021 has been filed with the Court prior to the termination of the initial commitment. The report meets the statutory criteria and recommends continued commitment.

6. The Respondent waived Respondent's right to the review hearing on the record and admitted that he continues to be mentally ill.

7. That the statutory criteria for continued commitment are met and the following less restrictive alternatives were considered and rejected for the following reasons:

- a. Dismissal of the Petition is rejected because Respondent
  - i. is likely to fail to provide necessary personal food, clothing, shelter, or medical care, and/or
  - ii. is likely to attempt to physically harm self or others unless involuntary commitment is continued.
- b. Voluntary out-patient care is rejected because
  - i. of the Respondent's expressed wish to avoid treatment,
  - ii. of the 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. the Respondent does not believe there is a need for treatment, and
  - ii. of the Respondent's inability to cooperate and follow through with this type of care.
- d. Appointment of a guardian or conservator is rejected because the Respondent needs long-term hospitalization in a state facility and a guardian or conservator cannot place Respondent in a state facility on a long-term basis.
- e. Stayed commitment is rejected because
  - i. of the Respondent's inability to cooperate and follow through with the conditions of the stay, and
  - ii. the Respondent's needs require inpatient hospitalization in a state facility.

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

**CONCLUSIONS OF LAW**

1. The Respondent meets the statutory requirements for continued commitment. Less restrictive alternatives have been considered and there is no reasonable alternative available.

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

**ORDER**

1. The Order dated April 2, 2021 committing Respondent triply to University of Minnesota Medical Center - Fairview, Regions Hospital, and to the Minnesota Commissioner of Human Services as mentally ill is continued for an additional period not to exceed twelve (12) months subject to the reviews required by Minnesota Statutes and the right of Respondent to seek judicial review.

2. All exhibits from the hearing shall be marked confidential until further Order of the Court.

3. The Court Administrator shall return all of the exhibits to the parties sixty (60) days after the closing of this court file.

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

5. The Rights of Patients provided in Minn. Stat. §253B.03 are incorporated into this Order by reference.

6. The 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 the Respondent, and not for any other purpose.

7. 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.

8. Respondent's commitment is subject to any provisional discharge.

**Dated: June 9, 2021**

**BY THE COURT:**

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**Tim D. Wermager**  
**JUDGE OF DISTRICT COURT**