



July 22, 2015

Client Alert

Court of Appeals Reverses Commitment on “Grave Disability”

By: David E. Jose & Colin E. Connor, Plews Shadley Racher & Braun LLP

The Indiana Court of Appeals recently reversed the Marion Superior Court’s order for an involuntary commitment. The Court of Appeals stated that one isolated event of unusual behavior may substantiate a need for treatment, but it does not necessarily provide sufficient evidence that an individual is “gravely disabled” for the purposes of involuntary commitment. In re the Civil Commitment of T.D. v. Eskenazi Midtown Community Mental Health Center, No. 49A05-1411-MH-529 (Ind. Ct. App. July 20, 2015). A copy of the decision may be accessed [here](#).

T.D. had been diagnosed with bipolar disorder and had an extensive history of treatment, including a prior order for a regular commitment. T.D. was living in a hotel, and she flooded her hotel room with water and steam because she wanted the fire department to come help her prepare for a presentation. After the incident, Eskenazi filed a petition for a regular commitment. At the hearing, her treating physician testified that T.D. was not a danger to herself or others. Nonetheless, the physician testified that T.D. needed a regular commitment because she was no longer consistently taking her medications following her most recent commitment, and the incident verified she was unable to maintain housing. The Marion County court found that T.D. was mentally ill and “gravely disabled,” and granted the petition for a regular commitment.

T.D. appealed the Court’s order. The Court of Appeals described at some length the heightened scrutiny applied to commitment decisions through a “clear and convincing” evidentiary standard. The Court of Appeals noted there was no evidence presented that T.D. was unable or unwilling to pay her hotel bills. Also, while T.D.’s hotel incident may indicate a need for treatment, she did not harm herself or anyone else. Establishing “grave disability” requires proof that the individual will “come to harm” due to the person’s inability to provide for essential needs or to function independently.



**PLEWS SHADLEY
RACHER & BRAUN^{LLP}**
ATTORNEYS AT LAW

This opinion reflects closer scrutiny of commitment decisions by the Indiana Court of Appeals. It also underscores the importance of having more than one or a few isolated incidents as evidence of “grave disability.” If you have any questions about this decision or any other health care legal issues, please free to contact any of the health care law attorneys at [Plews Shadley Racher & Braun LLP](http://www.psrb.com).