

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

Supreme Court No. \_\_\_\_\_

Case No. 30-2018-MH-00009

In the Interest of B.A.K.,

Respondent/Appellant.

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**BRIEF FOR THE APPELLANT**

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**AN APPEAL FROM A SOUTH CENTRAL JUDICIAL DISTRICT COURT'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOLLOWING A TREATMENT OR CONTINUING TREATMENT HEARING, FROM A TREATMENT HEARING THAT WAS HELD ON APRIL 5, 2018, THEREAFTER FILED ON APRIL 6, 2018, THE HONORABLE THOMAS J. SCHNEIDER, PRESIDING.**

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## QUESTIONS PRESENTED FOR REVIEW

### I.

**WHETHER THERE WAS CLEAR AND CONVINCING EVIDENCE TO SHOW THAT THE RESPONDENT WAS “MENTALLY ILL” AND A “PERSON REQUIRING TREATMENT” PURSUANT TO §25-03.1-02 OF THE NORTH DAKOTA CENTURY CODE.**

### II.

**WHETHER THE LOWER COURT MISINTERPRETED THE LEGISLATIVE INTENT OF SECTION 25-03.1-20 §§d, OF THE NORTH DAKOTA CENTURY CODE, IN THAT, THE COURT FOUND THAT THE COURT FOUND THAT THERE WAS SUBSTANTIAL LIKELIHOOD OF A “SUBSTANTIAL DETERIORATION IN MENTAL HEALTH WHICH WOULD PREDICTABLY RESULT IN DANGEROUSNESS TO THAT INDIVIDUAL, OTHERS OR PROPERTY, BASED UPON EVIDENCE OF OBJECTIVE FACTS TO ESTABLISH THE LOSS OF COGNITIVE OR VOLITIONAL CONTROL OVER THE PERSON’S THOUGHTS OR ACTIONS OR BASED UPON ACTS, THREATS, OR PATTERNS IN THE PERSON’S TREATMENT HISTORY, CURRENT CONDITION, AND OTHER RELEVANT FACTORS, INCLUDING THE EFFECT OF THE PERSON’S MENTAL CONDITION ON THE PERSON’S ABILITY TO CURRENT.”**

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**I. STATEMENT OF THE CASE**

This is an expedited appeal of a Morton County District Court decision taken under Section 25-03.1-29 of the North Dakota Century Code. This appeal is also brought under Rule 2.1 of the North Dakota Rules of Appellate Procedure.

A Petition for Involuntary Commitment was filed on March 16, 2018. **Appendix 2, [Hereinafter App. \_\_\_\_], N.D. Cent. Code § 25-03.1-08 (2017).**

A Report of Examination and Report Assessing Availability and Appropriateness of Alternative Treatment were filed on March 21, 2018. **Register of Actions at Index # 10 and #11 [Hereinafter Index # \_\_].** A Preliminary Hearing, was held on March 21, 2018, before a referee at the Burleigh County Courthouse under Section 25-03.1-17 of the North Dakota Century Code. **Index 5, N.D. Cent. Code § 25-03.1-17 (2017).**

At the close of the hearing, the referee found, by probable cause, that B.A.K. was mentally ill, requiring treatment and ordered B.A.K. to temporary treatment at Sanford Health for a period not to exceed fourteen days (14) days. **Index # 12.**

The Treatment Hearing was scheduled on March 23, 2018, to be heard on April 5, 2018, under section 25-03.1-19 of the North Dakota Century Code. **Index # 14.** The Morton County Sheriff's Department was ordered to transport B.A.K. back to Morton County for the Treatment Hearing. **Index # 16.**

On April 4, 2018, a new Report of Examination was filed. **Index # 17.** A

23 Report Assessing Availability and Appropriateness of Alternative Treatment was  
24 also filed prior to the Treatment Hearing. **Index # 18.**

25 A Treatment Hearing was held. **Transcript 1 - 79. [Hereinafter Tr. \_\_.]** At  
26 the close of the Treatment Hearing, B.A.K. was found to be a person who was  
27 mentally ill, requiring treatment and was confined to Sanford Health, for a period  
28 not to exceed ninety (90) days pursuant to sections 25-03.1-02, §12, §13 and  
29 §20(d) of the North Dakota Century Code. **Index # 19, App. 51-53, Tr. 75-77.**

30 At the conclusion of the Treatment Hearing, B.A.K. advised legal counsel  
31 that B.A.K. wanted an appeal. On the record, legal counsel requested that a  
32 transcript be prepared as soon as possible. **Tr. 78.**

## 33 **II. STATEMENT OF THE FACTS**

34 On June 27, 2006, the appellee petitioned the district court for an order  
35 to commit, involuntarily, B.A.K., alleging that she was mentally ill and as a result  
36 of such condition there was a reasonable expectation of a serious risk of harm  
37 if she was not hospitalized. **App. 2-46.**

38 Specifically, the allegations read:

39 The Respondent, [B. A. [B.] K.], is a sixty-eight year old retired  
40 Mandan resident who has been spending the winter with her  
41 husband, Thomas [Tom] Krous in Mesa, Arizona. [B.] flew by Allegiant  
42 Airlines back to Mandan Wednesday, March 14, 2018, and had an  
43 in-clinic visit with her family practice physician, Dr. Laura Archuleta at  
44 the CHI St. Alexius North Mandan Clinic. During the visit, [B.] had a  
45 psychotic type of melt-down and Dr. Archuleta felt it necessary to  
46 have [B.] taken to the CHI St. Alexius emergency room for admission  
47 as an in-patient. Because CHI was on diversion, [B.] was transferred  
48 to the Sanford Behavioral Health Unit, where she is currently  
49 in-patient on an emergency 24 hour mental health committal for  
50 mental illness.

51 In the lead-up to yesterday's intake at CHI then to Sanford  
52 Behavioral Health, [B.'s] mental health has been substantially  
53 deteriorating and [B.] was becoming more erratic in her behavior. [B.]  
54 had quit taking her prescription medications for anxiety and  
55 depression, including medication for her heart condition, and the  
56 petitioner fears that [B.'s] abrupt discontinuance of her coeds could  
57 present a clear and present danger to her health and survival.

58 The petitioner completed an INVOLUNTARY COMMITMENT  
59 INFORMATION SHEET [the SHEET] on the morning of March 16,  
60 2018. The SHEET and its attachments are used as a screening  
61 device by the Morton County State's Attorney's Office for potential  
62 behavioral health commitments. A copy of the SHEET and its  
63 attachments is attached to this petition and made a part of this  
64 petition by reference. The SHEET was sent to the West Central  
65 Human Services Center Regional Intervention Services Team [RIS]  
66 yesterday afternoon to assess [B.'s] condition and emergency 24-hour  
67 committal for a potential formal petition type of court committal. A  
68 member of the RIS Team responded that Sanford staff psychiatrist,  
69 Dr. Cheryl Huber, has consulted on [B.'s] present condition and Dr.  
70 Huber supports a formal committal at this time. Dr. Huber indicated  
71 that [B] is very adamant about discharging herself against medical  
72 advice when the 24-hour hold expires early this afternoon, and Dr.  
73 Huber believes that this formal petition would be appropriate to further  
74 assess [B.] in a hospital setting.

75 ***Id.* at 2-3.**

76 On April 5, 2018, a Treatment Hearing was held. Index # 14. At the  
77 hearing there were three witnesses, the petitioner, the expert examiner and the  
78 respondent/appellant. **Tr. 3-78.**

79 The petitioner, the respondent's daughter, testified that B.A.K. had been  
80 "snowbirding" in Arizona. **Tr. 7.** The petitioner claimed that B.A.K.'s. Husband  
81 called her stating that B.A.K. was not acting normally. ***Id.*** She was displaying  
82 "irrational or manic type behaviors and wasn't quite sure what to do with her." ***Id.***

83 The petitioner stated that B.A.K. went to a doctor because a fear of having  
84 Alzheimer's. **Tr. 8.** B.A.K.'s fears were abated after a test was performed. ***Id.***



85 However, she was taking medications for depression and anxiety which caused  
86 problems in her joints as was prescribed a steroid. **Tr. 8-9.** Then, while back in  
87 North Dakota around Christmastime, B.A.K. continued to act differently and no  
88 one could pinpoint the problem. **Tr. 9.**

89 The petitioner testified that her brother and she flew to Arizona to pick up  
90 B.A.K. back to Bismarck so that B.A.K. could visit her local doctor. **Tr. 10-13.**  
91 The petitioner stated that while B.A.K. was in Arizona, B.A.K.'s husband tried to  
92 file a petition for involuntary commitment. **Tr. 14.** However, the Arizona mental  
93 health system appeared to deny the petition. *Id.*

94 The petitioner testified that at the B.A.K.'s local doctor's office, the doctor  
95 made some sort of petition to get B.A.K. into treatment at CHI St. Alexius Medical  
96 Center. *Id.* However, because CHI St. Alexius Medical Center was on diversion  
97 (sending patients to other facilities because of lack of space), the  
98 respondent/appellant was sent to Sanford Health. **Tr. 15.** It was the petitioner's  
99 position that it was the steroid "that kind of caused this. . . ." **Tr. 16.** The  
100 petitioner posited a theory that the reason that B.A.K.'s behavior was somewhat  
101 out of sorts was the steroid on top of a past history of trauma. **Tr. 16-18.**

102 On cross-examination, the petitioner testified that B.A.K. was on a steroid  
103 known as Prednisone. **Tr. 20.** However, when asked as to the level of dosage,  
104 she could not recall. *Id.*

105 The petitioner next called the Dr. Cheryl Huber, the treating psychiatrist  
106 who had also submitted the Report of Examination (F-2) and the Report

107 Assessing Availability and Appropriateness of Alternative Treatment (F2A). **App.**  
108 **47-50, Tr. 22-47**

109 . On direct examination, Huber testified she could not provide a specific  
110 diagnosis because of the medication B.A.K. was taking at the time. **Tr. 27.** Nor  
111 could Huber predict whether another episode, that allegedly occurred earlier,  
112 would occur in the future because did not have any history of mental illness. **Id.**

113 Huber, in her report, speculated that without treatment to address the  
114 underlying disorder, B.A.K.'s condition could get worse. **Tr.30.** Huber concluded  
115 that B.A.K. had no "previous mental health contacts." **Tr. 31-32.** Huber further  
116 stated that she could not "predict what her [B.A.K.] future will hold for her." **Id.**  
117 Huber also testified that there were no less restrictive alternatives to inpatient  
118 treatment. **Tr. 34.**

119 On cross-examination, Huber was questioned about B.A.K.'s usage of the  
120 corticosteroid, prednisone. **Tr.39.** When specifically questioned about  
121 prednisone's affecting bursts of anger, she stated, "Oh, yeah. Absolutely. Mood  
122 swings of all sorts, psychotic symptoms, depressive - - so yes, it can produce  
123 changes in mood." **Tr. 40.** She went to state that prednisone could exacerbate  
124 any tense situation or make a bad situation even worse. **Tr. 41.**

125 Dr. Huber was also questioned about an encounter she initiated while  
126 B.A.K.'s legal counsel was about to visit B.A.K. on the psychiatric unit. **Tr. 43.**  
127 The doctor was asked why she told legal counsel that she would not mind if the  
128 judge dismissed the case. **Id.** The doctor could only say that it was a difficult

129 situation. *Id.* In the end, the doctor could not explain why she stated that she  
130 wouldn't mind if the judge dismissed the case. **Tr. 43 45.**

131 After the petitioner rested, B.A.K. was called for direct examination. B.A.K.  
132 stated that as a result of a combination of drugs, she developed pain in her arms  
133 and legs. **Tr. 51.** So, her medical doctor prescribed twenty (20) milligrams of  
134 prednisone. **Tr. 51 - 55.** She also testified that she began to notice a change in  
135 her personality around November 27, 2017. **Tr. 55 - 56.**

136 Previously, the doctor had addressed the dog feces discussion with B.A.K.  
137 **Tr. 37.** B.A.K. discussed why she brought this up. **Tr. 56.** B.A.K. complained  
138 that there were people coming down from Canada with their dogs and these dogs  
139 were defecating all over her yard. **Tr. 57.** She stated that these dogs were  
140 coming into this country without being quarantined for a period of time, defecating  
141 in her yard without the owners cleaning up behind their dogs. **Tr. 57-59.** B.A.K.  
142 was concerned about her dog picking up some disease from the feces. **Tr. 59.**

143 The court made its findings, declaring that B.A.K. was a person who was  
144 mentally ill and requiring treatment. **Tr. 75-76.** The court ordered B.A.K. to  
145 treatment at Sanford Health for a period not to exceed ninety (90) days. **Tr. 76-**  
146 **77. App. 51-53.**

### 147 **III. JURISDICTION**

148 The district court has jurisdiction under N.D. Const. Art. VI, § 8 and  
149 N.D.C.C. §27-05-06(l). The appeal from the district court was timely filed under  
150 N.D.R.App.P. 2.1 and 4(b). This Court has jurisdiction under N.D.Const. Art. VI,

151 § 6, N.D.C.C. § 29-01-12. and N.D.C.C. § 29-28-06.

152 **IV. SCOPE OF REVIEW.**

153 **NORTH DAKOTA SUPREME COURT'S SCOPE OF REVIEW OF THIS APPEAL**  
154 **IS LIMITED AND THE STANDARD IS GOVERNED BY RULE 52(A) OF THE**  
155 **NORTH DAKOTA RULES OF CIVIL PROCEDURE.**

156 Pursuant to 25-03.1-29, this court is "limited to a review of the procedures,  
157 findings, and conclusions of the lower court." N.D. Cent. Code § 25-03.1-29  
158 (2017), *Kottke v. U.A.M.*, 446 N.W.2d 23, 26 (N.D. 1989), *In re Reidel*, 353  
159 N.W.2d 773 (N.D. 1984). Second, only a licensed psychiatrist or clinical  
160 psychologist may make an evaluation of the respondent's mental status. N.D.  
161 Cent. Code § 25-03.1-02, §§ 8, 9 and 11. (2017), *In the Interest of Goodwin*,  
162 366 N.W.2d 809, 814 (N.D. 1985), *In the Interest of Rambousek*, 331 N.W.2d  
163 548, 551 (N.D. 1983).

164 Third, the trial court's decision to order involuntary treatment is a two step  
165 process. *Kottke v. U.A.M.*, 446 N.W.2d 23, 25-26 (N.D. 1989). The trial court  
166 must first find the respondent mentally ill. *Id. at 26. See also, In the Interest of*  
167 *S.S., 491 N.W.2d 721 (N.D. 1992)*. The trial court must then find the respondent,  
168 a person requiring treatment. *Kottke v. U.A.M.*, 446 N.W.2d 23, 25-26 (N.D.  
169 1989).

170 Fourth, the trial court's decision to order involuntary confinement for a  
171 ninety-day treatment period must be based on clear and convincing evidence  
172 which is presented by the petitioner, because the respondent is presumed not to  
173 be mentally ill or requiring treatment. **N.D. Cent. Code § 25-03.1-19 (1989).**

174 Under Rule 52(a) of the North Dakota Rules of Civil Procedure, this Court will not  
175 set aside a trial court's decision unless that decision was "clearly erroneous."

176 **N.D.R. Civ. P. 52(a)**. In other words,

177 [i]n prior decisions, a majority of our court has expressed the view that  
178 the trial court's determination of whether or not there is clear and  
179 convincing evidence that the respondent is a person in need of  
180 treatment is a finding of fact which we will not set aside on appeal  
181 unless it is clearly erroneous under Rule 52(a), N.D.R.Civ.P.

182 **Kottke v. U.A.M.**, 446 N.W.2d 23, 26 (N.D. 1989).

183

## V. ARGUMENT

184 **THE TRIAL COURT'S DECISION TO ORDER THE APPELLANT TO**  
185 **INPATIENT TREATMENT FOR A NINETY DAY PERIOD WAS NOT**  
186 **SUPPORTED BY CLEAR AND CONVINCING EVIDENCE TO SHOW THAT THE**  
187 **RESPONDENT WAS A MENTALLY ILL PERSON REQUIRING TREATMENT**  
188 **UNDER § 25-03.1-02 OF THE NORTH DAKOTA CENTURY CODE.**

189 **1. There Was No Clear and Convincing Evidence That**  
190 **Showed the Appellant was a "Mentally Ill Person" as**  
191 **Mandated by the North Dakota Century Code.**

192 Under section 25-03.1-02 §§ 12 of the North Dakota Century Code, a:

193 "Mentally an ill person" means an individual with an organic mental, or  
194 emotional disorder which substantially impairs the capacity to use self-  
195 control, judgment, and discretion in the conduct of personal affairs and social  
196 relations. "Mentally an ill person" does not include a mentally retarded or  
197 mentally deficient person of significantly subaverage general intellectual  
198 functioning which originates during the developmental period and is  
199 associated with impairment in the adaptive behavior. Chemical dependency  
200 does not per se constitute mental illness, although persons suffering from  
201 that condition may also be suffering from mental illness.

202 N.D.Cent. Code § 25-03.1-02 §§ 12 (20017).

203 This Court states that:

204 Under section 25-03.1-02 §§ 9, a "[m]entally ill person means an  
205 individual with an organic, mental, or emotional disorder, which

206 substantially impairs the capacity to use self-control, judgment, and  
207 discretion, in the conduct of personal affairs and social relations."  
208 There are thus two focal points of mental illness under our statute:  
209 first, disorder and second, substantial impairment.

210 *In the Interest of S.S.*, 491 N.W.2d 721 (N.D. 1992).<sup>1</sup>

211 First, The doctor testified that her diagnosis was nonspecific. **Tr. 27.** She  
212 stated that she couldn't provided a more specific diagnosis because of the  
213 interference caused by the medications B.A.K. had taken, that is, prednisone and  
214 antidepressants. *Id.* Since B.A.K. had not had a previous incident before, the  
215 doctor could not say with any predictability if or even when another occurrence  
216 would happen. *Id.*

217 Second, the petitioner showed no substantial impairment. The petitioner  
218 points to B.A.K. as being upset at the doctor's office. She was within her right to  
219 be upset and to reject the doctor's orders to take additional medications. Her  
220 doctors had, already, foisted drugs on her she did not want to take, i.e. the statins,  
221 and the antidepressants. **Tr. 50 - 52.** Then, as a result, B.A.K. contracted a  
222 painful side-effect called polymyalgia for which a twenty (20) milligram dosage of  
223 a corticosteroid (Prednisone) was prescribe, thereby causing all sorts of emotional  
224 problems. **Tr. 52-55.** However, the doctor knows that once the steroids leave the  
225 system, the personality changes back to normal. **Tr. 27.**

226 In this case, the petitioner did not prove by clear and convincing that there  
227 was a substantial impairment. Therefore, the petitioner failed to prove that B.A.K.

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<sup>1</sup> The statute cited has since been renumbered.



259 because the legislative intent is presumed clear from the face of the  
260 statute." Id. (citing N.D.C.C. § 1-02-05); **Lawrence v. North Dakota**  
261 **Workers Comp. Bureau**, 2000 ND 60, ¶ 19, 608 N.W.2d 254).

262 **North Dakota Fair Housing Council, Inc. v. Peterson**, 2001 ND 81, ¶23, 625  
263 N.W.2d 551 (2001).

264  
265 In codification or recodification, the presumption is that no change  
266 in the law was intended, absent a clear legislative intent to the  
267 contrary. See, **Evanson v. Wigen**, 221 N.W.2d 648, 654 (N.D.1974)  
268 (a simple change in diction or phraseology--absent a clear legislative  
269 intent to the contrary--is presumed to be a change "for purpose of  
270 clarity rather than for a usually a revision of statutes simply iterates  
271 the former declaration of legislative will. No presumption arises from  
272 changes of this character that the revisers or the legislature in  
273 adopting the revision intended to change the existing law; but the  
274 presumption is to the contrary, unless an intent to change it clearly  
275 appears.

276 **North Dakota Fair Housing Council, Inc. v. Peterson**, 2001 ND 81, ¶24, 625  
277 N.W.2d 551 (2001)

278 The general presumption obtains that the codifiers did not intend to  
279 change the law as it formerly existed. Changes made in the revision  
280 of statutes by alteration of the phraseology will not be regarded as  
281 altering the law unless there is a clear intent so to do. **North Dakota**  
282 **Fair Housing Council, Inc. v. Peterson, 2001 ND 81, ¶625 N.W.2d**  
283 **551, (2001)**change in meaning") (quoting 50 Am.Jur. Statutes §  
284 445). This Court has stated:

285 Usually a revision of statutes simply iterates the former  
286 declaration of legislative will. No presumption arises  
287 from changes of this character that the revisers or the  
288 legislature in adopting the revision intended to change  
289 the existing law; but the presumption is to the contrary,  
290 unless an intent to change it clearly appears.

291 The general presumption obtains that the codifiers did  
292 not intend to change the law as it formerly existed.  
293 Changes made in the revision of statutes by alteration  
294 of the phraseology will not be regarded as altering the  
295 law unless there is a clear intent so to do.

296 **North Dakota Fair Housing Council, Inc. v. Peterson**, 2001 ND 81, ¶24, 625



297 N.W.2d 551, (2001).

298 In 1989, a task force met in a joint effort met to revise mental health  
299 commitment law. See, Testimony for 1989 Senate Standing Committee Minutes  
300 for Bill No. SB 2389. January 31, 1989 . Sharon Gallagher chaired this task  
301 force. *Id.*

302 Part of the recommendations for revision of the of the mental health code  
303 was a new section added to the provision of the definition of a “Person Requiring  
304 Treatment.” See, Chapter 149, Senate Bill NO. 2389, MENTALLY ILL AND  
305 CHEMICALLY DEPENDENT COMMITMENT, pp.435-436. That is, “d. Substantial  
306 deterioration in mental health which would predictably result in dangerousness to  
307 that person, others or property, based upon acts, threats or patterns in the  
308 persons treatment history, current condition and other relevant factors.” *Id.*

309 Specifically, Ms. Gallagher stated:

310 New criteria has been added relating to “substantial deterioration,  
311 etc.” so as to say it may be treatable, but not curable in the case of  
312 certain illnesses. Persons with a predictable history of harm as a  
313 result of mental illness can be treated. This will be a new criteria for  
314 commitment **and really addresses only a small percentage of**  
315 **mentally ill persons** .

316 Testimony of Sharon Gallagher, 1989 House Standing Committee Minutes, Bill No.  
317 2389, House Committee on Judiciary, pp. 2-3, tape Number 1/Side A, March 8,  
318 1989.

319 It is clear, after a reviewing the legislative history of subsection d, that the  
320 state legislature intended that this part of the mental health commitment law was  
321 designed only for those individuals who were chronically mentally ill and requiring  
322 treatment, “ a small percentage of mentally ill persons.” *Id.*

323 As this pertains, B.A.K. does not meet the requirements intended by the  
324 North Dakota State Legislature. She does not meet the requirements of  
325 chronically mentally person.

326 Even the doctor's testimony cannot refute the fact that B.A.K. is a  
327 chronically mentally ill person. The admits that there is no history.

328 **VI. CONCLUSIONS**

329 For the reasons stated above, the respondent/appellant respectfully  
330 requests this Court to reverse to district's court's Findings of Fact, Conclusion of  
331 Law and Order Following treatment or Continuing Treatment Hearing. B.A.K.  
332 further requests this court to Order the district court to vacate the district court's  
333 NICS Federal Firearms Findings, dated April 5, 2018.

334 Dated this 7<sup>th</sup> day of May, 2018.

335 Respectfully submitted,

336 */s/ Gregory Ian Runge*  
337 Gregory Ian Runge (ID# 04724)  
338 Attorney for the Respondent/ Appellant

339 STATE OF NORTH DAKOTA

IN DISTRICT COURT

340 COUNTY OF MORTON

SOUTH CENTRAL JUDICIAL DISTRICT

341 )  
342 IN THE INTEREST OF B.A.K, )  
343 )  
344 )  
345 )  
346 Respondent. )  
347 )  
348 )

CASE NO. 30-2018-MH-00009

**C E R T I F I C A T E O F S E R V I C E**

349 I certify that I am the attorney representing the Respondent to this action.  
350 I made service of the **APPELLANT’S BRIEF AND APPENDIX** by personally  
351 serving these true copies to Petitioner's Attorney, Mr. Allen Kopyy, Morton County  
352 States’ Attorney at 210. 2<sup>nd</sup> Ave. N.W., Mandan, North Dakota 58554 at  
353 mortonsa@mortonnd.org, on this 7<sup>th</sup> day of May, 2018, in accordance with Rule  
354 5(f) of the North Dakota Rules of Civil Procedure and Rule 25 ( c) of the North  
355 Dakota Rules of .Appellate .Procedure.

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/s/ Gregory Ian Runge  
Gregory Ian Runge (ID #04724)  
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IN THE SUPREME COURT  
STATE OF NORTH DAKOTA  
Supreme Court No. 20180176  
Case No. 30-2018-MH-00009

In the Interest of B.A.K.,  
Respondent/Appellant.

### C E R T I F I C A T E   O F   S E R V I C E

I certify that I am the attorney representing the Respondent to this action. I made service of the **complete corrected APPELLANT'S BRIEF and pages two (2) and three (3), corrected** in PDF and Wordperfect by electronically serving by email these true copies to Petitioner's Attorney, Mr. Allen Kopyy, Morton County States' Attorney at 210 2<sup>nd</sup> Ave. N.W., Mandan, North Dakota 58554 at mortonsa@mortonnd.org, on this 8<sup>th</sup> day of May, 2018, in accordance with Rule 5(f) of the North Dakota Rules of Civil Procedure and Rule 25 ( c) of the North Dakota Rules of .Appellate .Procedure.

*/s/ Gregory Ian Runge*

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