

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS**

A20-0553

A20-0560

A20-0562

A20-0565

In the Matter of the Civil Commitment of: Elizabeth Marie Brooks (A20-0553),
and

In the Matter of the Civil Commitment of: Jamie Rae Cutter (A20-0560),
and

In the Matter of the Civil Commitment of: Dustin Michael Scherfenberg (A20-0562),
and

In the Matter of the Civil Commitment of: Kristan Donald Anderson (A20-0565).

Filed January 11, 2021

Reversed

Florey, Judge

Crow Wing County District Court
File Nos. 18-PR-19-4049; 18-PR-19-3930;
18-PR-19-4187; 18-PR-19-3564

Keith Ellison, Attorney General, Brandon Boese, Scott H. Ikeda, Assistant Attorneys
General, St. Paul, Minnesota (for appellant Commissioner of Human Services)

Conrad C. Kragness, Gammello-Pearson, Baxter, Minnesota (for respondents Brooks,
Cutter, Scherfenberg, and Anderson)

Donald F. Ryan, Crow Wing County Attorney, Rockwell J. Wells, Assistant County
Attorney, Brainerd, Minnesota (for respondent Crow Wing County Social Services)

Considered and decided by Ross, Presiding Judge; Florey, Judge; and Bryan, Judge.

NONPRECEDENTIAL OPINION

FLOREY, Judge

In these consolidated appeals from four separate civil-commitment proceedings, appellant Commissioner of the Minnesota Department of Human Services challenges the district court's denial of her motion for misjoinder or to dismiss her as a party, arguing that the district court erred by sua sponte joining her as an indispensable party. We reverse.

FACTS

Between October 22 and October 30, 2019, the Crow Wing County District Court, in four separate cases, ordered respondents Elizabeth Brooks, Jamie Cutter, Dustin Scherfenberg, and Kristan Anderson to be civilly committed. In each civil-commitment order, the district court sua sponte ordered that the Commissioner of Human Services (the commissioner) be joined as a party. In so doing, the district court reasoned: “[w]ithout joinder of the Commissioner of Human Services, the Court may be unable to properly determine Respondent’s appropriate need for treatment, to conduct a necessary review of the matter, and for the protection of [his or her] rights” and therefore “[t]he complete administration of justice cannot be attained without joinder of the commissioner as a party to this matter.” Accordingly, the district court determined that the commissioner was an indispensable party to the proceeding.

The commissioner moved for misjoinder or to dismiss her as a party, arguing that joinder was improper due to a lack of personal jurisdiction, lack of a pleading or claim against her, and that the district court lacked authority over treatment-related decisions.

The district court denied the commissioner's motions. The commissioner took an appeal in each of the four commitment cases, and this court consolidated those appeals.

DECISION

The commissioner argues that the district court erred by sua sponte joining her as an indispensable party to the civil-commitment proceedings. We apply an abuse-of-discretion standard of review to a joinder order. *Hoyt Props., Inc. v. Prod. Res. Group, L.L.C.*, 716 N.W.2d 366, 377 (Minn. App. 2006), *aff'd*, 736 N.W.2d 313 (Minn. 2007).

The district court relied on Minnesota Rule of Civil Procedure 19.01 to join the commissioner as an indispensable party, after determining that without joinder, "complete relief cannot be accorded among those already parties." That rule provides:

A person who is subject to service of process shall be joined as a party in the action if (a) in the person's absence complete relief cannot be accorded among those already parties, or (b) the person claims an interest relating to the subject of the action and is so situated that the disposition of the action in the person's absence may (1) as a practical matter impair or impede the person's ability to protect that interest or (2) leave any one already a party subject to a substantial risk or incurring double, multiple, or otherwise inconsistent obligations by reason of the person's claimed interest.

The commissioner argues that the district court abused its discretion by ruling that she was an indispensable party subject to joinder under Rule 19.01. We agree. Under the statutory scheme of the civil-commitment statute, the district court lacked authority to join the

commissioner.¹ Accordingly, we reverse the denial of the commissioner’s motion for misjoinder and/or dismissal as a party.

Initially, we observe that the Minnesota Commitment and Treatment Act, Minn. Stat. §§ 253B.01-.24 (2018), creates a comprehensive statutory scheme governing civil-commitment proceedings that neither contemplates nor requires the participation of the commissioner as a party. Notably, there is no provision in this statutory scheme for the commissioner to be added as a party. Minn. Stat. §§ 253B.001-.24. Further, although the commissioner has a statutory duty to place respondents in an appropriate treatment facility, this fact alone is insufficient to establish that the district court can exercise jurisdiction over her. *See Seaway Port Auth. v. Midland Ins. Co.*, 430 N.W.2d 242, 250 n.2 (Minn. App. 1988) (stating that while a nonparty insurance company may have been obligated by state law to pay amounts owed to a party, the district court does not have personal jurisdiction over a nonparty insurance company to order such payment by the nonparty).

The consolidated appeal before us now is analogous to a prior civil-commitment decision where we evaluated similar issues regarding limits on the district court’s authority in ordering appropriate treatment in civil-commitment cases. *See In re Wicks*, 364 N.W.2d 844 (Minn. App. 1985), *review denied* (Minn. May 31, 1985). In *Wicks*, this court reversed

¹ We note that this court recently examined nearly identical issues in an earlier appeal brought by the commissioner from the same district court in another unpublished opinion which—because our opinion was issued after the district court’s orders here—this district court did not have the benefit of considering. *In re Civil Commitment of Epperson*, No. A19-1497, 2020 WL 1910185 (Minn. App. Apr. 20, 2020) (concluding joinder of commissioner of human services to commitment proceeding improper due to district court’s lack of authority over treatment decisions and existence of other avenues through which committed individual can assert right-to-treatment claims).

the district court's order that the county was obligated to create an appropriate community placement for the civilly committed individual. As part of this decision, we determined that the treatment of patients is not properly before the committing court and that "[t]here is no statutory authority for ordering [the county] to *create* a community placement when all community placements are currently full, or will not accept [a civilly-committed individual]." *Id.* at 847-48.

In line with our prior holding in *Wicks*, it was not proper for the district court to join the commissioner for the purpose of ordering her to create or force a placement for respondents, even if the court was understandably concerned about whether those civilly committed individuals would receive timely placement in an appropriate treatment facility. *See also In re Civil Commitment of Navratil*, 799 N.W.2d 643, 651 (Minn. App. 2011) (recognizing that "the commitment process is not the proper avenue for asserting a right-to-treatment argument" and that "a committed person has adequate avenues outside the commitment process for asserting a right-to-treatment issue"), *review denied* (Minn. Aug. 24, 2011). For the purpose of requiring the commissioner to provide a treatment placement, the commissioner is not a proper party under chapter 253B to civil-commitment proceedings.

Because the district court lacked the authority to order the commissioner to create a placement, and because a committed individual can assert a right-to-treatment claim outside of the commitment process, the commissioner did not qualify as an indispensable

party under Minn. R. Civ. P. 19.01. Accordingly, we conclude the district court abused its discretion in denying the commissioner's motion for misjoinder or to dismiss.

Reversed.