

**COURT OF APPEALS
DECISION
DATED AND FILED**

February 1, 2012

A. John Voelker
Acting Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2011AP2099

Cir. Ct. No. 2010ME37B

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

IN THE MATTER OF THE MENTAL COMMITMENT OF NATHAN W.:

WINNEBAGO COUNTY,

PETITIONER-RESPONDENT,

v.

NATHAN W.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Winnebago County:
KAREN L. SEIFERT, Judge. *Affirmed.*

¶1 REILLY, J.¹ Nathan W. appeals from an order extending his civil commitment for mental health treatment. Nathan argues that Winnebago County failed to make the requisite showing of dangerousness, which in recommitment proceedings may be satisfied by showing that the individual would be a proper subject for commitment if treatment were withdrawn. WIS. STAT. § 51.20(1)(am). Because the evidence presented at Nathan’s commitment hearing and all the reasonable inferences therefrom support the commitment, we affirm.

¶2 WISCONSIN STAT. § 51.20(1) governs involuntary commitment for treatment. To commit a person, the County must show that the person is mentally ill and dangerous. Sec. § 51.20(1)(a)1 and 2. However, under paragraph (am), if the person has been the subject of prior inpatient treatment due to an involuntary commitment, then the showing of dangerousness may be satisfied by showing “there is a substantial likelihood, based on the subject individual’s treatment record, that the individual would be a proper subject for commitment if treatment were withdrawn.” Finally, regarding our standard of review, the factual findings of the circuit court will be overturned only if they are clearly erroneous and unsupported by the record. *See Gerth v. Gerth*, 159 Wis. 2d 678, 682, 465 N.W.2d 507 (Ct. App. 1990).

¶3 Here, Dr. Zerrien’s testimony at the commitment hearing supported the circuit court’s commitment order. Dr. Zerrien was Nathan’s treating psychiatrist. Dr. Zerrien testified based on his treatment of Nathan and his review of Nathan’s medical records. Dr. Zerrien testified that Nathan has bipolar disorder

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2009-10). All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

and that this mood disorder grossly impairs him when he is not under treatment, severely affecting his judgment and behavior. Dr. Zerrien testified that the appropriate level of treatment for Nathan would be on an outpatient basis, but that if treatment were withdrawn, Nathan would become a proper subject for commitment. The evidence was sufficient to support the circuit court's commitment order.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

