

STATE OF MICHIGAN
COURT OF APPEALS

In re CARRIE MARIE BRIGHAM.

PEOPLE OF MICHIGAN,

Petitioner-Appellee,

v

CARRIE MARIE BRIGHAM,

Respondent-Appellant.

UNPUBLISHED

September 13, 2018

No. 343460

Grand Traverse Probate Court

LC No. 16-034149-MI

Before: METER, P.J., and K. F. KELLY and GLEICHER, JJ.

PER CURIAM.

Respondent-appellant, Carrie Marie Brigham, appeals as of right the probate court's order committing her to a mental health institution for treatment for a 60-day period¹ under MCL 330.1401(1)(a) (reasonable expectation of harm to herself or another). We affirm.

I. FACTS

In 2016, Brigham was involuntarily admitted to a hospital for mental health treatment. The petition alleged that Brigham was not taking her medications and that she stated that she was being poisoned, that people were breaking into her car, and that someone was attempting to kill her. The petition additionally alleged that Brigham drove erratically after an encounter with mental health counselors and that Brigham's moods were volatile. Mental healthcare professionals examined Brigham and diagnosed her as "psychotic delusional" and as having "psychosis BPAD,"² and recommended that she be hospitalized and treated for her mental illness. Brigham was released from inpatient psychiatric treatment after a short hospital stay.

¹ The order specified a 90-day treatment plan with up to 60 days of hospitalization.

² "BPAD" is an acronym for "bipolar affective disorder."

Linda Willette, Brigham's mother, filed a petition for mental health treatment in April 2018 because she believed Brigham might pose a threat of physical harm to herself or others, and she requested that Brigham be evaluated by a psychiatrist. Mental health professionals diagnosed Brigham with having "bipolar 1" disorder with psychotic tendencies, paranoid delusions, and acute psychosis. At the hearing on the petition for mental health treatment, Willette testified that Brigham disappeared for weeks at a time and was physically aggressive toward her; this physically aggressive behavior would take place more than once a week. Willette stated that Brigham screamed at her, with her fist raised, while she was standing over Willette, and that Brigham threatened to kill her. Her husband, Brigham's father, corroborated Willette's testimony about Brigham's pushing of Willette and her standing over Willette with a closed fist. Willette recalled that Brigham stated that, in the period before the filing of the petition, she was not taking any of her prescribed medications. Willette testified that on two occasions in 2018, she found that Brigham left the gas stove on, which released natural gas into the home.

Dr. Sarah Seaver, Brigham's primary physician, testified that Brigham's family told her that Brigham stated she believed the pharmacy was putting arsenic in her medications, and that she was not taking her medications. Dr. Seaver stated that Brigham's belief that she was being poisoned was consistent with a destabilization of Brigham's bipolar disorder.

Dr. James Hartzler, a psychiatrist who examined Brigham after the 2018 petition for treatment was filed, testified that Brigham presented as irritable and gave numerous delusional statements, including that her psychiatrist was attempting to kill her by prescribing her incorrect medications. He believed that Brigham was a danger to herself and others because Brigham left the gas stove on in her mother's home, was aggressive toward others, and was irritable. He further opined that Brigham had limited insight into her current need for treatment, her need for medications, and her need for inpatient care. Dr. Hartzler determined that Brigham was a person requiring treatment under the law, and that such treatment should be in a locked psychiatric unit.

Brigham testified and admitted to having bipolar disorder. She testified that she had not ever left the stove on in her mother's home. Brigham stated that had not stood over her mother with a clenched fist, that she had not hit her mother, and that her mother had hit her. She stated that she did not take two of her medications because the medications had "some kind of something in it" that tasted like poison and she had an allergic reaction to the medications. Brigham testified that her psychiatrist attempted to harm her by prescribing her a medication that the doctor knew she was allergic to and that she had previously used to attempt to commit suicide. Brigham indicated that during her current hospitalization the hospital staff prepared her meals incorrectly because they did not accommodate her 80 food allergies. Brigham testified that if released from the hospital, she planned to participate in Rapid Eye Movement therapy, light therapy, rape counseling, domestic violence counseling, and a trauma group.

The trial court found treatment appropriate and prescribed 90 days of treatment with up to 60 days of hospitalization.

Brigham contends that the probate court erred by determining that she was a person requiring treatment under MCL 330.1401(1)(a). We disagree.

“This Court ‘reviews for an abuse of discretion a probate court’s dispositional rulings and reviews for clear error the factual findings underlying a probate court’s decision.’ ” *In re Portus*, ___ Mich App ___, ___; ___ NW2d ___ (2018) (Docket No. 337980); slip op at 3 (citation omitted). “An abuse of discretion occurs when the probate court ‘chooses an outcome outside the range of reasonable and principled outcomes.’ ” *Id.* (citation omitted). “ ‘A probate court’s finding is clearly erroneous when a reviewing court is left with a definite and firm conviction that a mistake has been made, even if there is evidence to support the finding.’ ” *Id.* (citation omitted). Matters of statutory interpretation are reviewed de novo. *Id.*

The probate court did not clearly err by concluding that clear and convincing evidence was presented to establish that respondent was a person requiring treatment under MCL 330.1401(1)(a), and it did not abuse its discretion by hospitalizing respondent for a 60-day period.

For Brigham to receive involuntary mental health treatment under the Mental Health Code, MCL 330.1001 *et seq.*, petitioner was required to establish that respondent had a “mental illness.” See MCL 330.1401(1)(a), which provides:

As used in this chapter, “person requiring treatment” means (a), (b), (c), or (d):

(a) An individual who has mental illness, and who as a result of that mental illness can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself, herself, or another individual, and who has engaged in an act or acts or made significant threats that are substantially supportive of the expectation.

MCL 330.1400(g) defines mental illness as “a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.” “A judge or jury shall not find that an individual is a person requiring treatment unless that fact has been established by clear and convincing evidence.” MCL 330.1465.

Brigham admitted that she had bipolar disorder, and evidence was presented by Dr. Hartlzer that he diagnosed Brigham with bipolar disorder, which he stated qualified as a mental illness. Evidence was presented that without medication to combat her bipolar disorder, Brigham experienced delusions, paranoia, aggression, and irritability. Given Brigham’s admission that she was bipolar and Dr. Hartlzer’s testimony about Brigham’s diagnosis, in combination with testimony about Brigham’s behavior prior to her hospitalization, petitioner showed by clear and convincing evidence that Brigham had a mental illness as defined by MCL 330.1400(g).

Further, clear and convincing evidence was presented to determine that Brigham was a person requiring treatment under MCL 330.1401(a). Brigham’s mother testified that Brigham pushed her and aggressively stood over her, raising her fists and making threats of further aggression, even death. Brigham’s father testified that he witnessed aggression directed toward the mother, and that he was worried for his wife’s wellbeing due to her poor health. Linda

Willette additionally testified that Brigham left the gas stove on in her home, which filled the home with natural gas.

Brigham testified that she attempted to commit suicide four times before her hospitalization. Brigham testified that she did not take all the medications that Dr. Seaver prescribed her, and additional evidence was presented about Brigham's failure to take her medications.

The aforementioned facts supported the court's conclusion that clear and convincing evidence was presented that Brigham, without intervention, could reasonably have been expected within the near future to intentionally or unintentionally seriously physically injure herself or another individual, and that she engaged in acts and made significant threats that were substantially supportive of the expectation.

Affirmed.

/s/ Patrick M. Meter
/s/ Kirsten Frank Kelly
/s/ Elizabeth L. Gleicher