

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2006-0818, In re L.B., the court on October 18, 2007, issued the following order:

The respondent, L.B., appeals her involuntary commitment. She argues that because the State's petition seeking her involuntary commitment failed to meet the standards set forth in RSA 135-C:36, I (c), her involuntary commitment should be invalidated. We affirm.

RSA 135-C:36, I (c) (2005) provides that a petition for involuntary admission shall include a "certificate from a physician who is approved by either a designated receiving facility or a community mental health program approved by the commissioner, who has examined the person sought to be admitted within 5 days of the date the petition is filed and who agrees that, based on this examination, such person satisfies the standard set forth in RSA 135-C:34."

In this case, the certifying physician testified that: (1) he had met the respondent on previous occasions including two competency evaluations; (2) he had reviewed her mental health records; (3) she had discussed her "bizarre" beliefs with him; (4) he was aware of her conduct at the Strafford County Jail that led to her indictment for aggravated assault; (5) he had observed her behavior at a hearing on October 2, 2006, within five days of the date the petition was filed; (6) he had also spoken to her briefly on the day of that hearing and she had suggested "legal notions"; and (7) she had then declined his request that she and her counsel meet with him.

While some of this information predated the October 2 examination that the State cited in its petition for involuntary commitment, it gave the certifying physician background information as he assessed the respondent's behavior on October 2. That she refused to speak to him for competency purposes does not require a conclusion that no examination was conducted. If we were to so conclude, any individual who might be the subject of a petition for involuntary commitment could avoid the commitment by simply refusing to speak to a physician who sought to conduct an examination pursuant to RSA 135-C:36. We decline to construe the statute in a manner that would lead to such an absurd result. See In re Guardianship of E.L., 154 N.H. 292, 300 (2006).

Based upon the record before us, we conclude that the certifying physician's examination of the respondent satisfied the requirements of RSA 135-C:36. Accordingly, we affirm.

Affirmed.

DALIANIS, GALWAY and HICKS, JJ., concurred.

**Eileen Fox,
Clerk**