

## INDIANA APPEALS COURT CONFIRMS INDIRECT THREATS CAN ESTABLISH DANGEROUSNESS

The Indiana Court of Appeals (the "Court") confirmed that evidence about the patient's indirect threats of physical and sexual violence can satisfy the Petitioner's burden to clearly and convincingly prove that the patient is dangerous. *In re Commitment of W.C. v. Richmond State Hosp.*, 272 N.E.3d 983 (Ind. Ct. App. 2025) (unpublished table opinion).

### BACKGROUND

W.C. had been involuntarily committed for nearly 20 years. In 2001, he pled guilty to a crime under IC § 35-42-4-3 and was sentenced to six years in prison followed by nine years of probation. In 2006, after incarceration, a psychiatric evaluation found him dangerous and gravely disabled. The trial court granted regular commitment of W.C.

Then, in December of 2024, when the hospital filed its periodic report required under IC § 12-26-15-1, W.C. petitioned for review of his regular commitment pursuant to IC § 12-26-15-3. The trial court set a hearing, concluded W.C. was both dangerous and gravely disabled and extended his regular commitment for another year. W.C. appealed, arguing that indirect threats are insufficient to establish dangerousness and support a commitment under IC § 12-7-2-53. The Court rejected this argument.

### DANGEROUSNESS ANALYSIS

W.C. argued the trial court erred because he only indirectly threatened violence. However, at the hearing, the Petitioner presented evidence that he repeatedly displayed aggression and verbally threatened staff. His physician stated that W.C. could not "interact in the community in a positive, successful fashion" for at least 90 days and required as-needed medication to manage intense aggression—medication available only in a commitment setting.

The Court noted that W.C.'s behavior had remained consistent over his 20 years of commitment. In the prior 12 months, he made multiple documented threats of violence against a social worker, a staff member and a peer. He continued to threaten both physical and sexual violence. The Court concluded that clear and convincing evidence supported the finding of dangerousness.

### PRACTICAL TAKEAWAYS

- **Courts Consider Both Direct and Indirect Threats.** Even indirect threats may establish dangerousness and support a finding of grave disability.
- **Patterns of Threats Strengthen the Case.** Repeated threats over time reinforce a court's determination of dangerousness by clear and convincing evidence.

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