

*This opinion is nonprecedential except as provided by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
A25-1722**

In the Matter of the Civil Commitment of:
Lisa Danielle Labok.

**Filed March 16, 2026
Reversed
Halbrooks, Judge***

Hennepin County District Court
File No. 27-MH-PR-25-711

Ethan Scrivner, Hennepin County Adult Representation Services, Minneapolis, Minnesota
(for appellant Lisa Danielle Labok)

Mary F. Moriarty, Hennepin County Attorney, Brittany D. Lawonn, Senior Assistant
County Attorney, Minneapolis, Minnesota (for respondent Hennepin County Human
Services)

Considered and decided by Smith, Tracy M., Presiding Judge; Wheelock, Judge;
and Halbrooks, Judge.

NONPRECEDENTIAL OPINION

HALBROOKS, Judge

Appellant challenges the district court's orders granting respondent-county's petitions to recommit her as a person who poses a risk of harm due to mental illness and to allow her treatment with neuroleptic medications, arguing that the district court lacked personal jurisdiction over appellant due to respondent-county's failure to serve appellant

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

with notice of the hearing on its petitions. Because appellant was entitled to personal service under Minn. Stat. § 253B.07, subd. 4 (2024), and did not receive it, we reverse.

FACTS

On June 30, 2025, respondent Hennepin County Human Services (the county) filed a petition to recommit appellant Lisa Danielle Labok as a person who poses a risk of harm due to mental illness and a *Jarvis* petition¹ authorizing her treatment with neuroleptic medication. On July 1, 2025, the district court issued a notice and order for summons, examination, and hearing that required Labok to appear for both an electronically held mental-health examination on July 31, 2025, and a hearing on the petitions on August 5. The time of the hearing was to be scheduled at the end of the examination. An affidavit of service stating that the notice was served on Labok by the sheriff was also filed on July 1. However, on July 10, a certificate of unserved process was filed stating that service had been unsuccessfully attempted at Labok’s residence at 10:10 a.m. on July 7, at 4:05 p.m. on July 8, and at 8:00 a.m. on July 9.

Labok duly appeared remotely for the July 31 examination. The examining physician in his report, filed that day, described her as “cooperative, thoughtful, open, and pleasant,” but also recommended granting both petitions. Neither Labok nor her attorney raised the issue of service during the examination, and Labok did not appear for the hearing on August 5. Her counsel did appear, stating that Labok had not been served, that he had advised Labok to appear for the examination although she had not been served, and that he

¹A *Jarvis* order authorizes providers to involuntarily administer neuroleptic medications to a patient. *See Jarvis v. Levine*, 418 N.W.2d 139, 150 (Minn. 1988).

assumed that she would have been served by the time of the hearing six days later. He also explained that Labok was not difficult to find, stating that she worked normal business hours and responded to his phone calls. Finally, counsel argued that the statutory requirement of personal service was clear and that Labok had not waived her right to assert a lack-of-jurisdiction defense based on the lack of personal service.

The district court ruled that Labok had waived her right to personal service by appearing for the examination and issued findings of fact, conclusions of law, and orders granting the petitions for her recommitment and the use of neuroleptic medication.

This appeal follows.

DECISION

“A summons to appear for a prehearing examination and the commitment hearing shall be served upon the proposed patient. . . . All papers shall be served personally on the proposed patient.” Minn. Stat. § 253B.07, subd. 4(a), (c). This court reviews de novo “[w]hether service of process was effective, and personal jurisdiction therefore exists.” *Shamrock Dev., Inc. v. Smith*, 754 N.W.2d 377, 382 (Minn. 2008).

The district court determined:

Appearance at the exam constitutes a waiver of the service requirement of the statute unless the [proposed patient] informs the [p]etitioner at the exam that the [proposed patient] is not waiving service and still wishes service of all the information required to be served. The purpose of the statute is to ensure the [proposed patient] has received all proper information. If the [proposed patient] does appear but does not inform the [p]etitioner that the [proposed patient] is not waiving service, the [p]etitioner is justified in believing service has been waived.

This approach shifts the burden of statutory compliance from the petitioner, who is to serve the documents, to the proposed patient, who is to receive them. In effect, it is adding language to the statute, and a court “cannot supply what the legislature has deliberately omitted or inadvertently overlooked.” *State ex rel. Guth v. Fabian*, 716 N.W.2d 23, 30 (Minn. App. 2006), *rev. denied* (Minn. Aug. 15, 2006).

Moreover, procedural requirements of service established by statute mandate strict compliance. *Koski v. Johnson*, 837 N.W.2d 739, 744 (Minn. App. 2013) (in the context of a landlord-tenant dispute, rejecting substantial compliance in favor of strict compliance with statute concerning service of summons), *rev. denied* (Minn. Dec. 17, 2013). “[I]t is well settled that the requirements of the statute governing service of summons *must be strictly observed*.” *Id.* (quotation omitted).

Shamrock addressed the issue of waiver: “[a] party may waive a jurisdictional defense, including insufficient service of process, by submitting itself to the court’s jurisdiction and affirmatively invoking the court’s power.” 754 N.W.2d at 381. But this court has held that “simple participation in the litigation does not, standing alone, amount to a waiver of a jurisdictional defense.” *Koski*, 837 N.W.2d at 745 (concluding that service of a summons on a party who admitted having actual knowledge of the summons was inadequate). Labok participated in the litigation by attending her examination, but she did not affirmatively invoke the court’s power. Her participation in the examination alone was not a waiver of her jurisdictional defense.

The district court correctly observed that the purpose of the statute requiring personal service of commitment hearings on proposed patients is “to ensure [that they have] received all proper information.” But that purpose cannot be achieved by expecting proposed patients to independently understand that, by appearing for a court-ordered examination, they are consenting to the district court’s jurisdiction.

Reversed.