

STATE OF MINNESOTA
IN COURT OF APPEALS

In the Matter of the Civil Commitment of:
Steven Elliot Rousseau.

**SPECIAL
TERM
ORDER¹**

A26-0973

Considered and decided by Larkin, Presiding Judge; Reyes, Judge; and Rasmusson, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE
FOLLOWING REASONS:**

This appeal was filed by appellant Steven Elliot Rousseau on June 8, 2026. Rousseau challenges an order of the commitment appeal panel filed on April 13, 2026, denying Rousseau's petition for discharge from civil commitment as a person who has a mental illness and is dangerous to the public. On June 18, 2026, Rousseau filed a certificate of service stating that the notice of appeal was served on counsel for respondent Hennepin County (the county) and counsel for respondent Direct Care and Treatment Executive Board (the board) by mail on June 18, 2026.

In a June 22, 2026 order, we questioned (a) whether the time to appeal the April 13, 2026 order denying Rousseau's petition for discharge from civil commitment expired on June 12, 2026; (b) if so, whether Rousseau timely served the notice of appeal on counsel

¹ Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

for respondents; and (c) if not, whether this appeal must be dismissed. We directed the parties to file informal memoranda addressing the jurisdiction questions by July 6, 2026. The county and the board filed informal memoranda. Rousseau did not file an informal memorandum.

A party aggrieved by a commitment appeal panel order may appeal “within 60 days after a copy is sent to the parties by the clerk of appellate courts.” Minn. Stat. §§ 253D.28, subd. 4, 253B.19, subd. 5 (2024).

An appeal is made by “filing a notice of appeal with the clerk of the appellate courts and serving the notice on the adverse party or parties within the appeal period.” Minn. R. Civ. App. P. 103.01, subd. 1. Service on a party represented by counsel must be made on the attorney. Minn. R. Civ. App. P. 125.02. Timely service of a notice of appeal on the adverse parties is a jurisdictional requirement. *Hansing v. McGroarty*, 433 N.W.2d 441, 442 (Minn. App. 1988), *rev. denied* (Minn. Jan. 25, 1989).

Commitment appeal panel records indicate that a copy of the April 13, 2026 order was sent to counsel for the parties on April 13, 2026. The time to file and serve a notice of appeal expired on June 12, 2026. *See* Minn. Stat. §§ 253D.28, subd. 4, 253B.19, subd. 5; Minn. R. Civ. App. P. 103.01, subd. 1.

The county acknowledges that Rousseau served the notice of appeal on counsel for the county by mail on June 11, 2026. The board asserts that Rousseau did not properly serve the notice of appeal on the board’s counsel by mail until June 18, 2026. The board notes that Rousseau filed a certificate of service on June 24, 2026, stating that the notice

of appeal was served on counsel for the board by mail on June 8, 2026. But the board points out that the mailing address on Rousseau's June 24, 2026 certificate of service is the mailing address for the board instead of the address for the board's counsel. The county and the board argue that we must dismiss this appeal because Rousseau did not properly serve the notice of appeal on counsel for the board within the appeal period.

Because service on a party represented by an attorney must be made on the party's attorney, Rousseau's service of the notice of appeal by mail at the board's address on June 8, 2026, was not effective service. *See* Minn. R. Civ. App. P. 125.02. Rousseau has failed to establish timely service of the notice of appeal on counsel for the board. We therefore must dismiss this appeal. *See Hansing*, 433 N.W.2d at 442.

IT IS HEREBY ORDERED: This appeal is dismissed.

Dated: July 21, 2026

BY THE COURT



Michelle A. Larkin
Presiding Judge