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STATE OF MICHIGAN
COURT OF APPEALS

RHIANNON NUGENT and JUAN A. QUINTANA,
Personal Representatives of the ESTATE OF JQ,

Plaintiffs-Appellees,

v

SPECTRUM JUVENILE JUSTICE SERVICES and
SPECTRUM HUMAN SERVICES, INC.,

Defendants-Appellants.

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January 15, 2026
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No. 363750
Wayne Circuit Court
LC No. 20-014709-NO

Before: LETICA, P.J., and GARRETT and FEENEY, JJ.

GARRETT, J. (*concurring*).

I concur with the majority’s resolution of the issues presented in this appeal. I write separately to highlight JQ’s journal entries, which illustrate his deteriorating mental health in the short time he was a resident at Calumet. I also write separately because, although I agree with the majority’s comparative-fault analysis, I do so reluctantly as the applicable legal authority allows defendants to rely on JQ’s suicide in defense or mitigation of their liability despite plaintiffs alleging that defendants negligently failed to prevent JQ’s suicide.

I. JOURNAL ENTRIES

Of all the record evidence, JQ’s journal entries best illustrate his mental state. They are troubling, and they became more so as the days grew closer to his suicide on September 11, 2018. They contain the following:¹

¹ The excerpts of JQ’s journal entries are reproduced as is, without regard to proper spelling, grammar, or punctuation.

Today was a shitty day! The worst day I have had in a while! . . . anxiety is threw the roof I just need to go to sleep but I know I'm not going to be able to. SICK OF BEING LOCKED UP!! [August 16, 2018]

* * *

Today I have been feeling kinda weird though like I just want to be alone I want for it to be quiet. I feel super tired but not like sleepy tired more mentally tired. I feel so mentally drained today its crazy. [August 21, 2018]

* * *

I can't sleep My anxiety has been horrible every night for the last 2 weeks. I need to get some sleep I can't handle not falling asleep and having anxiety till 12/1 am every night its driving me insane. [August 27, 2018]

* * *

All day I really just felt like not being around anyone not being [illegible] with nothing. Of course that didn't happen kind just want to be left alone for a little while. Pry going to spend a lot of time in my room for the next week or so IDK! . . . that's really all I got I'm not in the mood to be writing I feel mad! [August 30, 2018]

* * *

I'm not going to lie I got to get my shit together and fast! . . . The worst part is I recognize what Im doing wrong yet I steady here doing dumb stuff I don't know how to fix it! How to fix my thinking! This is not an exuse at all but my anxiety has just been so shitty for the past week or so They upped my Zoloft to 250 mg and I came in on 75 mg so Ive just been like the littlest thing will set me off or make me feel like I don't want to be around anyone! But I steady have been feeling that although my depressions been bad also I constantly feel like just staying in my room keeping to myself but that only makes it worse for me. When you see me sitting around playing dominoes making jokes thats all a cover up thats me trying to cope with how "shitty I really feel throughout the day"! Me as a person I just constantly feel like "A shitty emotional roller coaster f**k up" I constantly feel like just breaking down, crying, giving up. The only thing that keeps me going is my family and I can't even do right for them! I'm sick of living like this! [September 2, 2018]

* * *

Today has been okay. I haven't done anything to get into trouble My depression is really bad though! I just feel like being alone and I just want for it to be quiet. My anxiety is also really bad When my anxiety is bad I feel even more like crap My head is killing me. . . . I need some better advice Something. Im just not doing good. [September 3, 2018]

* * *

I'm starting to get mad. Just not good. My meds have been getting upped for like the last week and they are going to keep getting upped for almost a month. My meds already make me on edge so this is just even worse. I have not been sleeping good at all. My anxiety has been bad. Shits just not good! And that's all I can think. My head isn't in the right place. . . . I just feel like shit. The End! [September 6, 2018]

* * *

I want to say today was a shitty day but it really wasn't. I'm just in a shitty mood. I don't really know what to do anymore. It seems like everything I do just isn't right. Like I'm constantly f*****g something up. . . . I need help because I literally feel like I can't do this. Shit if I could just stay in bed all day do nothing I would lately. I don't even feel like talking. I'm not trying to pull any self-pity bullshit. But I feel depressed as f**k! [September 7, 2018]

* * *

I don't even know where to start. Anxiety is bad like it is "every night." [September 10, 2018]

No evidence indicates that the mental-health professional with whom JQ treated at Calumet read his journal entries or took any steps to address his depression and anxiety other than continually increasing his dosage of Zoloft, which the journal entries suggest may have also increased his agitation. The journal entries do not indicate that JQ's mental-health treater worked with him in any other manner to address his mental-health. In addition, the evidence demonstrates that suicide attempts and self-harm were not uncommon occurrences at Calumet. Accordingly, I agree with the majority that there exists a genuine issue of material fact regarding whether defendants' conduct demonstrated a substantial lack of concern for whether an injury would result.

II. COMPARATIVE FAULT

With respect to comparative fault, the majority opinion accurately recites the relevant statutory law and history regarding the adoption of comparative fault in Michigan. Because caselaw and statutory law require the reversal of the trial court's ruling granting summary disposition in plaintiffs' favor under MCR 2.116(I)(2), I agree that there exists a jury question regarding comparative fault. Notably, however, the statutory language does not discuss children and whether a child may be at fault for causing his own or another person's injury or death. It is well-established that under Michigan law "minors are not held to the same standard of care as adults." *Bragan ex rel Bragan v Symanzik*, 263 Mich App 324, 328; 687 NW2d 881 (2004). At common law, "age seven has been treated as a 'dividing line' in Michigan." *Estate of Goodwin v Northwest Mich Fair Ass'n*, 325 Mich App 129, 160; 923 NW2d 894 (2018). "Children under the age of seven are presumptively incapable of committing negligent or criminal acts or intentional torts." *Bragan*, 263 Mich App at 333-334. "In comparison, the capabilities of children older than seven pose a question of fact for the jury, which is to determine it on the basis of whether the child had conducted himself as a child of his age, ability, intelligence and experience would reasonably

have been expected to do under like circumstances.” *Estate of Goodwin*, 325 Mich App at 160 (quotation marks and citation omitted).

In this case, JQ was 15 years old when he took his own life. Therefore, the trier of fact must assess his conduct and determine whether it was a proximate cause of plaintiffs’ damages. See MCL 600.6304(1)(b) and (8). This standard does not seem particularly appropriate, however, considering that defendants were responsible for JQ’s welfare and supervision, and staff members failed to monitor him as required despite his journal entries indicating his increasing depression and anxiety in addition to other evidence indicative of self-harm. Further, as plaintiffs assert, it is illogical to allow defendants to claim as a defense or mitigation of damages that JQ engaged in the act that plaintiffs assert defendants negligently failed to prevent. However, statutory law and *Hickey v Zezulka*, 439 Mich 408; 487 NW2d 106 (1992) (opinion by RILEY, J.), compel such a result. Therefore, I reluctantly agree to reverse the trial court’s ruling granting summary disposition in plaintiffs’ favor with respect to comparative fault and hold that there exists a jury question regarding that issue.

/s/ Kristina Robinson Garrett