MEMORANDUM DECISION

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IN THE
COURT OF APPEALS OF INDIANA

In the Matter of the Civil Commitment of:

F.A.,

Appellant,

v.

Community Health Network, Inc.

Appellee.

September 27, 2023

Court of Appeals Case No. 23A-MH-893

Appeal from the Marion Superior Court

The Honorable David J. Certo, Judge

The Honorable Melanie L. Kendrick, Magistrate

Trial Court Cause No. 49D08-2303-MH-11850

Memorandum Decision by Judge Bailey
Judges May and Felix concur.

Bailey, Judge.

Case Summary

[1] F.A. appeals an involuntary commitment order that expired on June 22, 2023, contending it was not supported by sufficient evidence. However, because his appeal is moot and does not fall within an exception to the mootness doctrine, we dismiss the appeal.

Facts and Procedural History

[2] On March 18, 2023, Community Health Network, Inc. ("Community") filed an application for emergency detention of F.A. In that application, Community asserted that F.A. had a psychiatric disorder and was gravely disabled. In particular, Community contended that F.A. was "not eating due to paranoid and delusional beliefs"; that he suffered from "visual hallucinations," including "seeing faces"; and that he would "continue to decompensate" without intervention. Appellant's App. Vol. 2 at 14. F.A. was committed to Community that day.

[3] Shortly after his commitment, Dr. Jason Ehret examined F.A. Following his examination, Dr. Ehret determined that F.A. was suffering from "Schizophrenia paranoid type" and that he was "dangerous" and "gravely disabled." *Id*. at 16. Specifically, Dr. Ehret noted that F.A.'s family "has [a]

protective order against him," that F.A. was not eating because he sees "faces in the food," and that he had a low body mass index ("BMI") and low hemoglobin levels. *Id*. at 19.

[4] The court held a hearing on the application for emergency detention on March 27. At the hearing, F.A.'s daughter, T.A., testified that F.A. "sees things that we can't see" and that he "talk[s] to things that are not there." Tr. at 6-7. T.A. further testified that F.A. believes that people have taken "his bone[s]." *Id*. at 12. T.A. also testified that F.A. "lives on the porch" of her house because he "cannot be or he's not supported to be within the house" due to a protective order T.A. and her mother had against F.A. *Id*. at 9. And T.A. testified that F.A. cannot take care of himself, that he is "not eating," and that she has to "force him to take showers." *Id*. at 9-10.

[5] Dr. Ehret also testified at the hearing. Dr. Ehret testified that F.A. was admitted to Community based on F.A.'s report that someone had "cut off his kneecaps" and that his "leg bones had been removed." *Id*. at 14. Dr. Ehret then testified that he diagnosed F.A. with schizophrenia based on F.A.'s "delusion that his bones had been removed" and his "hallucinations where he's been seeing faces" in food and in his arm. *Id*. at 15. Dr. Ehret also testified that F.A. has no "insight" into his mental illness, that he "will not take medication," and that he "will not follow up with treatment." *Id*. And Dr. Ehret testified that F.A. cannot provide for his needs. Specifically, Dr. Ehret testified that F.A.'s BMI is 16, which is "getting . . . to the anorexic level," and that his

"hemoglobin is 8.3 due to malnutrition."[1] *Id*. at 16. Dr. Ehret explained that F.A.'s schizophrenia causes an "inability to provide food" for himself and that F.A. does not understand the "risks . . . of where he's at now with his weight." *Id*. at 17-18. Dr. Ehret further testified that F.A. cannot function independently, that F.A. cannot be "relied upon to take his medication without supervision," and that F.A. will not follow up with any necessary treatment if the commitment were not granted. *Id*. at 17-18. And Dr. Ehret testified that F.A. is gravely disabled due to his mental illness.

[6] Following the hearing, the court issued its order of temporary commitment in which it found that F.A. is "suffering from schizophrenia paranoid type" and that he is "gravely disabled." Appellant's App. Vol. 2 at 11. Accordingly, the court ordered that F.A. be committed to Community until June 22, 2023. This appeal ensued.

Discussion and Decision

[7] F.A. appeals the temporary commitment that expired on June 22, 2023, and asserts that it is not supported by sufficient evidence. Community responds and asserts that F.A.'s appeal is moot. "A case is moot when the controversy at issue has been ended, settled, or otherwise disposed of so that the court can give the parties no effective relief." *E.F. v. St. Vincent Hosp. and Health Care Ctr., Inc*.,

[1] A normal hemoglobin level is 14, and a person "would get a [blood] transfusion at 7." Tr. at 17.

188 N.E.3d 464, 466 (Ind. 2022). However, under Indiana common law, the appellate courts have discretion to decide moot cases that present issues of great public importance that are likely to recur. *Id*.

[8] In the context of temporary mental health commitments, this Court "routinely consider[s] the merits" of moot cases where the appeal addresses a novel issue, presents a "close case," or presents an opportunity to develop case law on a complicated topic. *Id*. at 467. We do so because a "[c]ivil commitment for any purpose has a very significant impact on the individual and constitutes a significant deprivation of liberty that requires due process protection." *Id*. (quotations and citation omitted). But "because one of the hallmarks of a moot case is the court's inability to provide effective relief, appellate courts are not required to issue an opinion in every moot case." *Id*. (citations omitted). Rather, we apply the mootness exception "on a case-by-case basis." *Id*. at 465.

[9] Here, F.A.'s appeal does not present a novel or an opportunity to develop case law on a complicated topic. *Cf., e.g., T.W. v. St. Vincent Hosp. and Health Care Ctr., Inc.*, 121 N.E.3d 1039, 1042 (Ind. 2019) (choosing to address a moot temporary commitment because the appeal involved the important public question of the probate commissioner's authority to enter civil commitment orders). Nonetheless, F.A. asserts that we should address his appeal on the merits because involuntary commitments carry "lasting consequences," including the fact that evidence "of past involuntary commitments may be used to review the sufficiency of subsequent commitments" and that a "person who has been involuntarily committed is prohibited from possessing a firearm." *Id*.

at 9. He further contends that we should review the merits of his appeal because the Indiana constitution "guarantees an absolute right to appeal." *Id.* at 12 (bold removed).[2]

[10] But F.A. does not make any argument specific to the facts of his case or otherwise explain why we should review his case in particular. Indeed, F.A.'s entire argument regarding collateral consequences is as follows:

> Involuntary commitments carry serious stigma and adverse social consequences. Evidence of past involuntary commitments may be used to review the sufficiency of subsequent commitments. A person who has been involuntarily committed is prohibited from possessing a firearm. These are concrete, lasting consequences, and [F.A.] should be afforded the opportunity to appeal the order that will burden him with them.

Appellant's Br. at 9 (quotation marks and citations omitted). In other words, while F.A. contends that there could be lasting consequences from his temporary commitment, those arguments are pure speculation and based on hypothetical future possibilities. Further, F.A.'s arguments on appeal are generic arguments that would apply to any appeal from a temporary civil commitment. Accordingly, we agree with Community that, if we were to agree with F.A., "*no appeal* from an expired temporary commitment order can ever be

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[2] F.A. briefly asserts that we should address his appeal on the merits because involuntary commitments "are a matter of great public importance." Appellant's Br. at 10 (bold removed). To support his assertion, F.A. simply contends that we should review the merits of his appeal because this Court has previously reviewed the merits of other appeals from expired temporary commitments. *See id.* at 10-11. However, F.A. does not make any argument to demonstrate why his specific appeal presents a question of great public importance.

moot." Appellee's Br. at 15 (emphasis in original). And we hold that that was not the intent behind *E.F.*

[11] Rather, our Supreme Court in *E.F.* explicitly provided that "appellate courts are not required to issue an opinion in every moot temporary commitment appeal" but may do so "to address novel issues or close calls, or to build the instructive body of law to help trial court make these urgent and difficult decisions." *E.F.*, 188 N.E.3d at 466. Further, while the Indiana Supreme Court did not "disapprove" of this Court's practice of considering the merits of an expired temporary commitment, it likewise did not mandate such a review. *Id*. at 467. The Supreme Court simply provided that this Court "should thoughtfully and thoroughly consider whether the case is moot and whether the public-interest exception to mootness should apply." *Id*. And, here, F.A.'s argument on the merits of his appeal is simply that there was insufficient evidence to support the temporary commitment. But that does not present a novel issue for this Court to review or allow us to address an issue of great public importance or an opportunity to develop new case law. Nor does he argue that his case presents a close call.

[12] We acknowledge that an individual's liberty is restricted during a civil commitment. As a result, contrary to F.A.'s contention on appeal, this Court does not "[s]ystematically foreclose[e] temporary commitments from appellate review" or deny appellants "access to courts and any remedy available therein[.]" Appellant's Br. at 13. Rather, our appellate courts "routinely consider the merits" of moot cases where the appeal presents a novel issue, a

close call, or an opportunity to develop case law. *See E.F.*, 188 N.E.3d at 467. Here, after a thorough review of the specifics of this case, we hold that F.A. has failed to show that an exception to the mootness doctrine should apply.

Conclusion

[13] F.A.'s appeal is moot, as his temporary commitment has expired. And he has failed to show that an exception to the mootness doctrine should apply. We therefore dismiss F.A.'s appeal.

[14] Dismissed.

May, J., and Felix, J., concur.