MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In the Matter of the Civil Commitment of J.L.;

J.L.,

Appellant-Respondent,

v.

Health and Hospital Corporation d/b/a Sandra Eskenazi Mental Health Center,

Appellee-Petitioner.

August 17, 2023

Court of Appeals Case No. 23A-MH-629

Appeal from the Marion Superior Court

The Honorable David J. Certo, Judge

Trial Court Cause No. 49D08-2302-MH-6792

Memorandum Decision by Judge Tavitas
Judges Bailey and Kenworthy concur.

Tavitas, Judge.

Case Summary

[1] J.L. appeals the trial court's order of temporary commitment finding that J.L. was "gravely disabled." He argues that Health and Hospital Corporation d/b/a Sandra Eskenazi Mental Health Center ("Eskenazi") failed to present clear and convincing evidence to support the trial court's commitment order. J.L.'s commitment period expired on May 27, 2023, before this appeal was heard. Accordingly, we dismiss this appeal as moot.

Issue

[2] We find one issue dispositive of this appeal, which is whether J.L.'s appeal is moot and whether the public-interest exception to the mootness doctrine applies.

Facts

[3] J.L. has schizoaffective disorder.[1] He lives in a house behind his mother's house in Daviess County. He receives disability income through a representative payee.

[4] In February 2023, J.L. apparently had a fight with his parents, left the Daviess County home, and was "wandering" the streets in Indianapolis. Appellant's App. Vol. II p. 21. On February 16, 2023, J.L. was taken to Eskenazi by law

[1] "Schizoaffective disorder is a mental health disorder that is marked by a combination of schizophrenia symptoms, such as hallucinations or delusions, and mood disorder symptoms, such as depression or mania." *Schizoaffective disorder*, Mayo Clinic, https://perma.cc/J4WV-QHUA (Last accessed Aug. 8, 2023).

enforcement. When admitted, J.L. was "paranoid," "confused and delusional," "covered in feces," and had "several skin wounds," which showed signs of infection. *Id.* at 12, 14, 21. Eskenazi applied for an emergency detention order, which the trial court granted.

[5] At Eskenazi, J.L. was treated by Dr. Jayme Ahmed. According to Dr. Ahmed, J.L. would not provide his legal name, provided irrelevant answers to questions, believed the year was 2020, and refused dressing changes for his wounds. J.L. was "mostly focused on famous singers" and mentioned "John Mellencamp and Conway Twitty and then he said he 'Wanted to get a hold of Keith Richards.'" Tr. Vol. II p. 8. J.L. also "maintain[ed] that he plays [for] the Rolling Stones." *Id*. at 9.

[6] Dr. Ahmed prescribed Zyprexa, an anti-psychotic medication, for J.L. J.L. was skeptical regarding his care at Eskenazi and believed his Zyprexa medication to be mercury pills; however, his condition showed signs of improvement when he took the medication.

[7] On February 22, 2023, Eskenazi petitioned for a temporary commitment order and alleged that J.L. was "gravely disabled."[2] Appellant's App. Vol. II p. 18. The trial court held a hearing on the petition on February 27, 2023.

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[2] Indiana Code Section 12-7-2-96 provides,

> "Gravely disabled", for purposes of IC 12-26, means a condition in which an individual, as a result of mental illness, is in danger of coming to harm because the individual:

[8] Dr. Ahmed testified that J.L. was previously committed after he was found "knocking on doors" and stating that "Dolly Parton was his mother and Willie Nelson was his father." Tr. Vol. II p. 12. Dr. Ahmed believed that J.L. was unable to care for his basic needs because: J.L. was unlikely to take his medication; plans to make a living by touring with the Rolling Stones; and has, at most, only partial insight into his mental illness. Dr. Ahmed further testified that she believed J.L. was unable to function independently because he makes plans that are "not reality based" and is unable to care for his wounds. *Id*. at 14.

[9] J.L.'s brother, Jeremy, testified that J.L. acts manic and delusional, "drive[s] erratically," and "can make really poor choices" when not taking his medications. *Id*. at 24, 25. When unmedicated, J.L. does not properly feed himself, sleep regularly, or maintain proper hygiene, and he cannot "take care of himself on his own." *Id*. at 29. Jeremy further testified that J.L. was unlikely to take his medication because J.L. believes he is "fine" and that he belongs to "different organizations . . . that can exclude him from having to take" his medications. *Id*. at 26.

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(1) is unable to provide for that individual's food, clothing, shelter, or other essential human needs; or

(2) has a substantial impairment or an obvious deterioration of that individual's judgment, reasoning, or behavior that results in the individual's inability to function independently.

[10] J.L. cannot maintain employment and cannot spend his disability income on his own because he receives it through a representative payee. According to J.L., he must exchange labor "with the Amish" to obtain food. *Id*. at 34.

[11] At the conclusion of the hearing, the trial court determined that J.L. was gravely disabled and granted the petition for temporary commitment. J.L. filed his notice of appeal on March 21, 2023; however, J.L.'s temporary commitment expired on May 27, 2023.

Discussion and Decision

[12] J.L. argues that Eskenazi failed to present clear and convincing evidence that he was gravely disabled. Eskenazi, however, argues that J.L.'s appeal is moot because the temporary commitment period has expired. We agree with Eskenazi.

[13] Our Indiana Supreme Court recently addressed the doctrine of mootness in the context of appeals from expired temporary commitment orders. *See E.F. v. St. Vincent Hosp. and Health Care Ctr., Inc.*, 188 N.E.3d 464 (Ind. 2022). The Court instructed that appellate courts "should thoughtfully and thoroughly consider whether the case is moot and whether the public-interest exception to mootness should apply." *Id*. at 467.

[14] The public interest exception to the mootness doctrine "'may be invoked when the issue involves a question of great public importance which is likely to recur.'" *T.W. v. St. Vincent Hosp. and Health Care Ctr., Inc.*, 121 N.E.3d 1039, 1042 (Ind. 2019) (quoting *In re Tina T.*, 579 N.E.2d 48, 54 (Ind. 1991)). In *E.F.*,

the Court explained that the public interest exception "should be applied on a case-by-case basis" and that, while "appellate courts are not required to issue an opinion in every moot temporary commitment appeal," we "may readily do so to address novel issues or close calls, or to build the instructive body of law to help trial courts make these urgent and difficult decisions." 188 N.E.3d at 465-66.

[15] J.L. recognizes that his case is moot but argues that we should apply the public-interest exception.[3] J.L. does not explain how this case presents a novel issue nor does he point to any specific harm that will befall J.L. if we decline to apply an exception to the mootness doctrine. Additionally, J.L. fails to persuade us that this case is a close call with regards to the trial court's grave disability finding.

[16] J.L. contends that "review of the sufficiency of the evidence presented in mental health cases is the only way to ensure that orders of commitment aren't being granted absent clear and convincing evidence." Appellant's Br. p. 14. Under J.L.'s argument, however, nearly every appeal of an expired temporary commitment order would fall under the public-interest exception. We are not persuaded that the public-interest exception applies, and accordingly we decline

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[3] J.L. also argues, in one sentence and without supporting caselaw, that "[d]ismissing as moot any involuntary commitment case that fails to raise a question of great public importance would make the [right to] appeal illusory, and seem to run afoul of Article 1, Section 12 of the Indiana Constitution by not allowing access to the courts." Appellant's Br. p. 13. J.L.'s argument is insufficiently developed for our review and is, therefore, waived. *See Tate v. State*, 161 N.E.3d 1225, 1231 (Ind. 2021) (finding "undeveloped" argument waived under Appellate Rule 46(A)(8)(a)).

to address the merits of J.L.'s appeal. *See also E.F.*, 188 N.E.3d at 467 (cautioning that "[j]udicial opinions that invoke the public-interest exception 'are, for all practical purposes, advisory opinions'" (quoting *I.J. v. State*, 178 N.E.3d 798, 799 (Ind. 2022))).

Conclusion

[17] J.L.'s appeal is moot and no exception to the mootness doctrine applies. Accordingly, we dismiss.

[18] Dismissed.

Bailey, J., and Kenworthy, J., concur.