No. 2—10—0492
Order filed May 24, 2011

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re DIANE K., Alleged to be a Person Subject to Involuntary Treatment	)	Appeal from the Circuit Court of Kane County.
	)	No. 10—MH—34
(The People of the State of Illinois, Petitioner-Appellee, v. Diane K., Respondent-Appellant).	)	Honorable Susan Clancy Boles, Judge, Presiding.

PRESIDING JUSTICE JORGENSEN delivered the judgment of the court.
Justices Bowman and Hutchinson concurred in the judgment.

ORDER

Held: We dismissed as moot respondent's appeal of her involuntary-treatment order, as the 90-day period had expired and no mootness exception applied: the issue related only to the sufficiency of the evidence, so the capable-of-repetition exception was inapplicable, and respondent was at the mental-health center involuntarily and had previously been admitted and treated for her long-recognized mental illness, so the present order had no additional collateral consequences.

Respondent, Diane K., appeals from the trial court's order authorizing the involuntary administration of psychotropic medication for up to 90 days pursuant to section 2—107.1 of the Mental Health and Developmental Disabilities Code (Code) (405 ILCS 5/2—107.1(a—5)(5) (West 2008)). Respondent contends that the State failed to prove by clear and convincing evidence that

she lacked the capacity to make a reasoned decision whether to take the recommended medication. We need not address this issue, however, because this appeal is moot.

This appeal is moot because the 90-day period covered by the trial court's order has already expired. *In re Robert S.*, 213 Ill. 2d 30, 45 (2004). "An appeal is considered moot where it presents no actual controversy or where the issues involved in the trial court no longer exist because intervening events have rendered it impossible for the reviewing court to grant effectual relief to the complaining party." *In re J.T.*, 221 Ill. 2d 338, 349-50 (2006). Generally, courts of review do not decide moot questions, render advisory opinions, or consider issues where the result will not be affected regardless of how those issues are decided. *In re Barbara H.*, 183 Ill. 2d 482, 491 (1998). Reviewing courts, however, recognize exceptions to the mootness doctrine, such as (1) the public-interest exception, applicable where the case presents a question of public importance that will likely recur and whose answer will guide public officers in the performance of their duties, (2) the capable-of-repetition exception, applicable to cases involving events of short duration that are capable of repetition, yet evading review, and (3) the collateral-consequences exception, applicable where the involuntary treatment order could return to plague the respondent in some future proceedings or could affect other aspects of the respondent's life. *In re Alfred H.H.*, 233 Ill. 2d 345, 355-62 (2009); *J.T.*, 221 Ill. 2d at 350; *In re Wathan*, 104 Ill. App. 3d 64, 66 (1982).

Respondent contends that the capable-of-repetition and collateral-consequences exceptions apply. We disagree. First, for the capable-of-repetition exception to be applicable, "there must be a substantial likelihood that the issue presented in the instant case, and any resolution thereof, would have some bearing on a similar issue presented in a subsequent case." *Alfred H.H.*, 233 Ill. 2d at 360. Respondent contends that resolution of the present case would have some bearing on

subsequent cases because she will likely be subject to future proceedings for the involuntary administration of medication and the Code will likely be violated again. She does not, however, explain how a resolution of whether the State presented sufficient evidence at this hearing would have any bearing on whether the Code will be violated in a subsequent case. Respondent's sole contention on appeal is that the State failed to prove that she lacked the capacity to make a reasoned decision whether to take the recommended medication. In support of this contention, respondent relies exclusively on the evidence (or lack thereof) presented at the hearing. Whether the State presented sufficient evidence at the hearing in the present case will have no bearing on any issues presented in a subsequent case, because, as respondent acknowledges in her reply brief, any subsequent proceedings will be based on new psychiatric evaluations. Accordingly, respondent has failed to demonstrate that the capable-of-repetition exception is applicable. See *Alfred H.H.*, 233 Ill. 2d at 360 (holding that the respondent failed to carry his burden of establishing the applicability of the capable-of-repetition exception where the respondent disputed only "whether the specific facts that were established during the hearing in this specific adjudication were sufficient").

Finally, the collateral-consequences exception is inapplicable in this case because any negative consequences that respondent might suffer as a result of the trial court's order for involuntary treatment would otherwise exist. The record reveals that respondent's presence at Elgin Mental Health Center (EMHC) was involuntary, resulting from a finding of unfitness to stand trial in a criminal matter. In addition, the record indicates that respondent has long suffered from mental illness, had been admitted to mental health facilities on two prior occasions, including one admission that lasted approximately two months, and had received additional treatment for her illness at Rush. Given respondent's involuntary presence at EMHC and her prior admissions and treatment for her

long-recognized mental illness, this order for the treatment of respondent's illness will not result in any collateral consequences warranting review despite the matter's mootness. See *Alfred H.H.*, 233 Ill. 2d at 362-63 (determining that the collateral-consequences exception did not warrant review of the respondent's involuntary admission order where the respondent had been previously subject to multiple orders for involuntary admission and was a convicted felon); *In re Merrilee M.*, No. 2—10—0110, slip op. at 3 (Ill. App. Apr. 19, 2011) (holding that the collateral-consequences exception did not apply where the respondent had been involuntarily admitted in the pending case, had been hospitalized for treatment on two prior occasions, and had previously taken psychotropic medication); *cf. In re Daryll C.*, 401 Ill. App. 3d 748, 753 (2010) (holding that the collateral-consequences exception did apply where the respondent's mental illness history consisted only of taking medication).

Accordingly, because neither of the argued-for mootness exceptions applies, we dismiss the appeal.

Appeal dismissed.