

**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).

2012 IL App (4th) 110806-U

Filed 8/7/12

NO. 4-11-0806

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: ERIN R., a Person Found	)	Appeal from
Subject to Involuntary Admission,	)	Circuit Court of
THE PEOPLE OF THE STATE OF ILLINOIS,	)	McLean County
Petitioner-Appellee,	)	No. 11MH299
v.	)	
ERIN R.,	)	Honorable
Respondent-Appellant.	)	Rebecca Simmons Foley,
	)	Judge Presiding.

JUSTICE McCULLOUGH delivered the judgment of the court.  
Presiding Justice Turner and Justice Steigmann concurred in the judgment.

**ORDER**

¶ 1     *Held:* The appellate court granted respondent's appellate counsel's motion to withdraw and dismiss respondent's appeal as moot.

¶ 2             This case comes to us on the motion of the Illinois Guardianship and Advocacy Commission (Guardianship) to withdraw as counsel on appeal on the ground this case presents no justiciable issue for review. For the reasons that follow, we grant Guardianship's motion to withdraw and find this case to be moot.

¶ 3             On August 22, 2011, respondent, Erin R., a 33-year-old woman, was named in a "Petition for Involuntary Admission" to involuntarily admit respondent to a mental-health facility by reason of emergency inpatient admission pursuant to section 3-600 of the Mental Health and Developmental Disabilities Code (Mental Health Code) (405 ILCS 5/3-600 (West 2010)).

¶ 4             At the August 25, 2011, hearing on the petition, respondent's treating psychiatrist,

Dr. Scott McCormick, testified respondent suffers from a schizoaffective illness, bipolar type. On August 21, respondent was hospitalized at Advocate BroMenn Medical Center after her condition deteriorated. At the time of admission, respondent displayed several bruises and bug bites about her person and expressed intense emotion and anger. After admission, respondent was disruptive and loud in group classes. She destroyed property in her room, resulting in the entire staff focusing their efforts to de-escalate the situation. Thereafter, respondent was medicated and, when that did not improve her condition, placed in restraints for 24 hours.

¶ 5 Respondent has been treated for her chronic psychiatric condition on multiple occasions. Dr. McCormick stated that respondent was admitted to McFarland Mental Health Center (McFarland) in 2008 after a court hearing. Again in 2009, respondent was involuntarily committed to McFarland.

¶ 6 Dr. McCormick believed there were no other less-restrictive treatments available for respondent. Additionally, he testified that respondent would likely not continue using prescribed medications, leading to personal and medical deterioration.

¶ 7 Respondent testified she had lived in a McLean County Human Services rooming house since early 2010. She received an upsetting e-mail, purportedly from a family friend, indicating she needed to seek medical care in Paris, France. Respondent left her residence to ask a friend if she could borrow money to seek assistance. As she was attempting to leave, she believed a staff member of the rooming house took a bag containing respondent's identification. Respondent returned to the rooming house and forcefully pushed open the door while the staff member was on the other side.

¶ 8 Thereafter, the trial court found that respondent suffered from schizoaffective

disorder, bipolar type, and because of her illness, it is reasonably expected that she will engage in conduct placing herself or another in physical harm or a reasonable expectation of physical harm, and there are no less-restrictive alternatives to inpatient treatment. The court ordered her hospitalized in the Department of Human Services for a period not to exceed 90 days.

¶ 9 Respondent appealed, challenging the trial court's finding that the State had proved by clear and convincing evidence she was in need of involuntary civil commitment.

¶ 10 In February 2012, appointed counsel, Guardianship, moved to withdraw as counsel on appeal pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *In re Keller*, 138 Ill. App. 3d 746, 486 N.E.2d 291 (1985), asserting no justiciable issues warrant appeal. We extended the *Anders* procedure to cases where appointed counsel seek to withdraw from representing an individual upon appeal from an involuntary admission order on grounds that appeal was without merit. *In re McQueen*, 145 Ill. App. 3d 148, 149, 495 N.E.2d 128, 129 (1986). The record shows service of the motion to withdraw on defendant. On our own motion, this court granted respondent leave to file additional points and authorities by March 9, 2012. She filed none. After examining the record in accordance with our duties under *Anders*, we grant Guardianship's motion to withdraw as counsel on appeal and affirm the judgment appealed.

¶ 11 Guardianship contends this case presents no justiciable issue on appeal because this case is moot. Specifically, Guardianship argues because the 90-day involuntary commitment period has passed, this case is moot. Additionally, Guardianship argues none of the three exceptions to the mootness doctrine applies. Guardianship did not address substantive issues in its brief.

¶ 12 "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, 851 N.E.2d 1, 7-8 (2006). Generally, courts of review do not decide moot questions. *In re Alfred H.H.*, 233 Ill. 2d 345, 351, 910 N.E.2d 74, 78 (2009). 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 Wendy T.*, 406 Ill. App. 3d 185, 189, 940 N.E.2d 237, 241 (2010) (citing *In re Alfred H.H.*, 233 Ill. 2d at 355-62, 910 N.E.2d at 80-84).

¶ 13           The public-interest exception permits review of an otherwise moot appeal when (1) the issue is of a public nature, (2) an authoritative determination is necessary to guide public officers in future cases, and (3) there is a likelihood the issue will recur. *In re Andrew B.*, 237 Ill. 2d 340, 347, 930 N.E.2d 934, 938 (2010). This exception must be construed narrowly and established by a clear showing of each criterion. *In re Andrew B.*, 237 Ill. 2d at 347, 930 N.E.2d at 938. Sufficiency-of-the-evidence claims are inherently case-specific reviews, not presenting broad public interest issues, and do not meet the public-interest exception. *In re Alfred H. H.*, 233 Ill. 2d at 356-57, 910 N.E.2d at 81; *In re James H.*, 405 Ill. App. 3d 897, 904, 943 N.E.2d 743, 749 (2010).

¶ 14 Here, the underlying appeal challenges sufficiency of the evidence, which does not meet the public-interest exception.

¶ 15 The capable-of-repetition exception applies when (1) the challenged action is of such a duration that it may not be fully litigated prior to its cessation, and (2) there is a reasonable expectation that " 'the same complaining party would be subjected to the same action again.' " *In re Alfred H.H.*, 233 Ill. 2d at 358, 910 N.E.2d at 82 (quoting *In re Barbara H.*, 183 Ill. 2d 482, 491, 702 N.E.2d 555, 559 (1998)). Where a case merely challenges the sufficiency of the evidence, the issue is not one that could arise in a subsequent mental-health case brought against the respondent. *In re Charles K.*, 405 Ill. App. 3d 1152, 1162, 943 N.E.2d 1, 9 (2010).

¶ 16 Here, respondent challenges the sufficiency of the evidence presented at the hearing. Nothing indicates how a resolution of this issue could be of use to respondent in future litigation, and this issue is not one that could arise (on the same facts) in a subsequent mental-health case brought against respondent.

¶ 17 "The collateral-consequences exception to the mootness doctrine allows a reviewing court to consider an otherwise moot case where the involuntary admission 'could return to plague the respondent in some future proceedings or could affect other aspects of the respondent's life.' " *In re Charles H.*, 409 Ill. App. 3d 1047, 1052-53, 950 N.E.2d 710, 715 (2011) (quoting *In re Val Q.*, 396 Ill. App. 3d 155, 159, 919 N.E.2d 976, 980 (2009)). The collateral-consequences exception applies where (1) the record does not indicate that respondent has previously been subject to an involuntary-treatment order and (2) it appears that respondent will likely be subject to future proceedings that would be adversely impacted by her involuntary treatment. *In re Linda K.*, 407 Ill. App. 3d 1146, 1150, 948 N.E.2d 660, 664 (2011). The

collateral-consequences exception will not apply when respondent has previously been involuntarily committed because any collateral-consequences have already attached as a result of the prior commitment. See *In re Alfred H.H.*, 233 Ill. 2d at 362-63, 910 N.E.2d at 84.

¶ 18 In our case, the record indicates that respondent has multiple involuntary commitments. We note the 2009 involuntary commitment was reversed by this court on procedural grounds. *In re Erin R.*, No. 4-09-0297 (Apr. 13, 2010) (unpublished order under Supreme Court Rule 23). However, based on respondent's multiple previous adjudications every collateral consequence that can be identified already exists and no additional ones could stem solely from the present adjudication.

¶ 19 For the foregoing reasons, we grant Guardianship's motion for leave to withdraw and dismiss respondent's appeal as moot.

¶ 20 Appeal dismissed.