

NOTICE

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FILED

May 13, 2014
Carla Bender
4th District Appellate
Court, IL

2014 IL App (4th) 130554-U

NO. 4-13-0554

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: KAYLEE R., a Person Found Subject to)	Appeal from
Involuntary Admission,)	Circuit Court of
THE PEOPLE OF THE STATE OF ILLINOIS,)	Adams County
Petitioner-Appellee,)	No. 13MH66
v.)	
KAYLEE R.,)	Honorable
Respondent-Appellant.)	John C. Wooleyhan,
)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Presiding Justice Appleton and Justice Holder White concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not abuse its discretion in denying respondent's motion to transfer the proceedings to her county of residence.

¶ 2 In June 2013, the trial court found respondent, Kaylee R., subject to involuntary admission and ordered her hospitalized for no more than 90 days. Respondent appeals and argues that the trial court erred in denying her motion to transfer the proceedings to her home county pursuant to section 3-800 of the Mental Health and Developmental Disabilities Code (Mental Health Code) (405 ILCS 5/3-800 (West 2012)). We affirm.

¶ 3 I. BACKGROUND

¶ 4 In June 2013, respondent was named in a "Petition for Involuntary Admission" pursuant to section 3-600 of the Mental Health Code (405 ILCS 5/3-600 (West 2012)). The

petition stated respondent was being detained at Blessing Hospital in Quincy, Illinois.

¶ 5 On June 19, 2013, the trial court held a hearing on the petition at Blessing Hospital. Respondent moved to transfer the proceedings to her home county pursuant to section 3-800 of the Mental Health Code (405 ILCS 5/3-800 (West 2012)). Respondent had previously been hospitalized at Blessing Hospital prior to the filing of the instant petition for involuntary admission. She was readmitted the day after being discharged from her prior hospitalization. At the hearing, respondent's counsel stated that respondent resided in Hannibal, Missouri. However, respondent's counsel also stated that after her discharge, respondent "returned to her home in Shelbyville, Illinois." As the basis for the motion, respondent's counsel stated:

"Taking into consideration all of the intent and purpose of the mental health statute, which is the humane consideration of her rights, of any respondent, I would be making that motion on her behalf and asking that this cause be transferred to either of those proper counties of jurisdiction."

¶ 6 The trial court denied respondent's motion to transfer, finding, in relevant part:

"The record in this case shows that the petition was signed by a person apparently located at Blessing Hospital in Quincy and contained statements or allegations attributed to the respondent apparently with regard to things that the respondent said to the petitioner or here in the hospital.

There hasn't been any showing or statement by anybody that the respondent would be intending to call any witnesses from

any other county, outside of Adams County. The respondent is currently a patient of a mental health facility; that is, the facility here at Blessing Hospital in Adams County."

¶ 7 The trial court then proceeded to hear evidence on the petition for involuntary admission. The only witness to testify was Dr. Valentina Vrtikapa, respondent's treating psychiatrist at Blessing Hospital during her previous hospitalization. The trial court found respondent suffered from mental illness and because of her illness it reasonably expected she would engage in conduct placing herself in physical harm or a reasonable expectation of physical harm, and there were 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.

¶ 8 This appeal followed.

¶ 9 II. ANALYSIS

¶ 10 A. Mootness

¶ 11 As respondent's 90-day commitment has ended, this appeal is moot. 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). Recognized exceptions to the mootness doctrine include (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. *Id.* at 355-63, 910

N.E.2d at 80-84.

¶ 12 Respondent contends this appeal falls within the "public interest" and the "capable of repetition yet evading review" exceptions to the mootness doctrine. The State concedes the "capable of repetition yet evading review" exception applies. We accept the State's concession and will review the trial court's denial of the motion to transfer on this basis given respondent's prior admission and that potentially "the same complaining party would be subjected to the same action again." (Internal quotation marks omitted.) *Id.* at 358, 910 N.E.2d at 82.

¶ 13 B. Denial of Motion To Transfer

¶ 14 Respondent argues the trial court erred in denying her request to transfer the proceedings to her home county pursuant to section 3-800 of the Mental Health Code. Our review is limited to determining whether the trial court abused its discretion in denying respondent's request. *In re David M.*, 2013 IL App (4th) 121004, ¶ 28, 994 N.E.2d 694.

¶ 15 Section 3-800(a) of the Mental Health Code provides, in relevant part, as follows:

"(a) Unless otherwise indicated, court hearings under this Chapter shall be held pursuant to this Article. Hearings shall be held in such quarters as the court directs. To the extent practical, hearings shall be held in the mental health facility where the respondent is hospitalized. Any party may request a change of venue or transfer to any other county because of the convenience of parties or witnesses or the condition of the respondent. The respondent may request to have the proceedings transferred to the county of his residence." 405 ILCS 5/3-800(a) (West 2012).

In *David M.*, this court concluded that section 3-800(a) gives the trial court discretion to grant or deny a transfer request. *David M.*, 2013 IL App (4th) 121004, ¶ 27, 994 N.E.2d 694.

Respondent contends that our decision in *David M.* renders the last sentence in section 3-800(a) superfluous. We disagree. The plain language of section 3-800(a) envisions that the hearing will be held at the facility where the respondent is hospitalized and permits any party to request that the location be changed "because of the convenience of parties or witnesses or the condition of the respondent." 405 ILCS 5/3-800(a) (West 2012). Further, "[t]he respondent may request to have the proceedings transferred to the county of his residence." *Id.* This statutory language does not mandate transfer upon the respondent's request, but rather permits the trial court to exercise its discretion to grant or deny a transfer request. *David M.*, 2013 IL App (4th) 121004, ¶ 27, 994 N.E.2d 694. Respondent's concern that this "practically guarantee[s]" hearings will be held in the mental health facility where the respondent is hospitalized is more appropriately directed to the legislature.

¶ 16 Here, the trial court did not abuse its discretion in denying the motion to transfer. The record reflects the hearing took place at Blessing Hospital, the facility where respondent was hospitalized. Dr. Vrtikapa, respondent's treating psychiatrist at Blessing Hospital, was the only witness to testify at the involuntary-admission proceedings. The petition listed respondent's mother as a potential witness and identified her place of residence as Hannibal, Missouri. However, as the court found, there was no indication from the record that respondent intended to call her mother as a witness. The record demonstrates compliance with section 3-800(a) of the Mental Health Code and reveals the trial court did not abuse its discretion in denying respondent's motion to transfer the proceedings to the county of her residence.

¶ 17

III. CONCLUSION

¶ 18

We affirm the judgment of the trial court.

¶ 19

Affirmed.