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**DISTRICT III**

March 7, 2017

To:

Hon. James M. Isaacson  
Circuit Court Judge  
Chippewa County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2016AP1585

Rusk County Department of Human Services v. R. A. P.  
(L. C. No. 2015ME9)

Before Stark, P.J.<sup>1</sup>

R.A.P. appeals the extension of a WIS. STAT. ch. 51 involuntary commitment order. We dismiss this appeal as moot.

An order for commitment and an order for involuntary medication and treatment of R.A.P. were filed on July 15, 2015. Rusk County petitioned to extend R.A.P.'s commitment on November 19, 2015, and R.A.P. demanded a jury trial. During the final fact-finding hearing on February 15, 2016, a jury found that R.A.P. was mentally ill, dangerous to herself or to others, and a proper subject for treatment. *See* WIS. STAT. § 51.20(1)(a). The jury's findings were

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2015-16). All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

supported, in part, by Dr. Mandan Uprety's testimony. The circuit court ordered R.A.P. recommitted for twelve months on February 15, 2016.

On August 5, 2016, R.A.P. appealed the Extension of Commitment and Order for Involuntary Medication and Treatment entered on February 15, 2016. R.A.P. argued the County failed to present sufficient evidence to show R.A.P. was capable of rehabilitation, and accordingly a "proper subject for treatment" under WIS. STAT. § 51.20(1)(a). The County indicated it would not be filing a response brief.

On January 31, 2017, the County filed a petition with the circuit court requesting that the court dismiss a newly filed Petition for Extension of Involuntary Commitment of R.A.P. and cancel a February 2, 2017 recommitment hearing on that petition. The County stated that "the Ward no longer meets statutory requirements for Involuntary Commitment" and attached a written report from Dr. Uprety in support. Doctor Uprety opined in the report that R.A.P.'s condition had improved, R.A.P. was competent to refuse medication, and there was no need to continue R.A.P.'s commitment. The circuit court granted the petition on January 31, 2017.

Based upon the circuit court's January 31, 2017 order dismissing the petition to extend R.A.P.'s recommitment, we conclude this appeal is moot. "An issue is moot when its resolution will have no practical effect on the underlying controversy." *State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶3, 233 Wis. 2d 685, 608 N.W.2d 425. The February 15, 2016 recommitment order which is the subject of this appeal has now expired, and the court dismissed the petition to extend that order. R.A.P. is thus no longer the subject of a commitment order, and, therefore, a decision in this appeal will have no practical effect. Furthermore, the record does not indicate that any additional circumstances warrant appellate review of this issue. See *Outagamie Cty. v. Melanie L.*, 2013 WI 67, ¶80, 349 Wis. 2d 148, 833 N.W.2d 607.

Therefore,

IT IS ORDERED that this appeal is dismissed.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*