

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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IN THE COURT OF APPEALS OF INDIANA

In the Matter of the Civil
Commitment of:

C.H.,

Appellant-Respondent,

v.

Options Behavioral Health
System,

Appellee-Petitioner

November 14, 2018

Court of Appeals Case No.
18A-MH-638

Appeal from the Marion Superior
Court

The Honorable Steven Eichholtz,
Judge

The Honorable Kelly M. Scanlan,
Master Commissioner

Trial Court Cause No.
49D08-1802-MH-7269

<p>In the Matter of the Civil Commitment of: L.C., <i>Appellant-Respondent</i>,</p> <p>v.</p> <p>Community Health Network, Inc., <i>Appellee-Petitioner</i></p>	<p>Court of Appeals Case No. 18A-MH-638</p> <p>Appeal from the Marion Superior Court</p> <p>The Honorable Steven Eichholtz, Judge</p> <p>The Honorable Kelly M. Scanlan, Master Commissioner</p> <p>Trial Court Cause No. 49D08-1802-MH-6672</p>
<p>In the Matter of the Civil Commitment of: D.P., <i>Appellant-Respondent</i>,</p> <p>v.</p> <p>Community Health Network, Inc., <i>Appellee-Petitioner</i></p>	<p>Court of Appeals Case No. 18A-MH-638</p> <p>Appeal from the Marion Superior Court</p> <p>The Honorable Steven Eichholtz, Judge</p> <p>The Honorable Kelly M. Scanlan, Master Commissioner</p> <p>Trial Court Cause No. 49D08-1803-MH-11837</p>

Vaidik, Chief Judge.

[1] In these consolidated appeals, C.H., L.C., and D.P. challenge orders temporarily committing them (i.e., for up to ninety days) to mental-health facilities. They argue that the orders are invalid because they were signed only by the commissioner who presided over the commitment hearings and not by the probate judge. They are right, as we recently held in another case involving the same commissioner and judge. *See In re Civil Commitment of L.J.*, Case No.

18A-MH-152, slip op. at 4-6 (Ind. Ct. App. Oct. 18, 2018). But we will not disturb the orders (all of which expired several months ago). None of the appellants raised this issue in the trial court, which would have given that court an opportunity to address the error. Therefore, the appellants waived this issue for purposes of appeal. See *City of Indianapolis v. Hicks*, 932 N.E.2d 227, 231 (Ind. Ct. App. 2010) (“[D]efeats in the authority of a court officer, as opposed to the jurisdiction of the trial court itself, to enter a final order will be waived if not raised through a timely objection.”). Given this waiver, we affirm the now-expired orders of temporary commitment.

[2] Affirmed.

Riley, J., and Kirsch, J., concur.