



IN THE
Indiana Supreme Court

Supreme Court Case No. 22S-JV-14

I.J.,
Appellant,

–v–

State of Indiana,
Appellee.

Decided: January 13, 2022

Interlocutory Appeal from the Marion Superior Court
Nos. 49D15-2007-JD-566, 49D15-2007-JD-591,
49D15-2008-JD-678, & 49D15-2009-JD-737
The Honorable Mark A. Jones, Judge, &
The Honorable Ryan K. Gardner, Magistrate

On Petition to Transfer from the Indiana Court of Appeals
No. 20A-JV-2293

Per Curiam Opinion

Chief Justice Rush and Justices David, Massa, and Goff concur.
Justice Slaughter concurs in the judgment to dismiss the appeal as moot.

Per curiam.

The State filed petitions alleging I.J., a juvenile, to be delinquent. The juvenile court found I.J. was incompetent to have those petitions adjudicated and ordered that she receive competency-restoration services at Youth Opportunity Center (“YOC”), a residential treatment facility. I.J. took this discretionary interlocutory appeal, challenging the placement order. The Court of Appeals later implicitly acknowledged this appeal had become moot because I.J. had been released from YOC and the delinquency petitions dismissed without objection. But it declined the State’s request to dismiss the appeal as moot, and it affirmed the appealed order. *I.J. v. State*, 175 N.E.3d 837 (Ind. Ct. App. 2021), *reh’g denied*.

While moot appeals ordinarily are dismissed, Indiana recognizes an exception that may be invoked when the appeal involves a question of great public importance that is likely to recur. *T.W. v. St. Vincent Hosp. & Health Care Ctr., Inc.*, 121 N.E.3d 1039, 1042 (Ind. 2019). When appellate courts invoke this exception, it results in “decisions which are, for all practical purposes, advisory opinions.” *Mosley v. State*, 908 N.E.2d 599, 603 (Ind. 2009) (cleaned up). We grant transfer, vacating the Court of Appeals opinion, and dismiss this appeal because the appeal is moot and we are not convinced the opinion correctly advises courts regarding competency-related treatment before Indiana Code Chapter 31-37-26 (addressing competency in the delinquency context) takes effect on December 31, 2022.

Rush, C.J., and David, Massa, and Goff, JJ., concur.

Slaughter, J., concurs in the judgment to dismiss the appeal as moot.

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