

# RECORD IMPOUNDED

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This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

### SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION DOCKET NO. A-1869-18T2

#### IN THE MATTER OF THE CIVIL COMMITMENT OF D.S.

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Argued January 15, 2020 – Decided January 29, 2020

Before Judges Koblitiz, Whipple and Mawla.

On appeal from the Superior Court of New Jersey, Law Division, Union County, Docket No. UNCC00181418.

Thomas G. Hand, Designated Counsel, argued the cause for appellant D.S. (Joseph E. Krakora, Public Defender, attorney; Christina Joanne Lewis and Daniel Farrell O'Brien, Assistant Deputy Public Defenders, on the brief).

Kerry E. Higgins, Assistant Union County Counsel, argued the cause for respondent Office of the Union County Adjuster (Robert E. Barry, Union County Counsel, attorney; Kerry E. Higgins, on the brief).

#### PER CURIAM

D.S. appeals from a January 2, 2019 order where a checked box indicates "Defendant is committed." It also orders "patient to be rescreened." D.S. was a voluntary patient who expressed her desire to be released at the January 2

review hearing. Both parties agree the January 2 order was incorrect. It was superseded by a January 3, 2019 temporary order of commitment that is not being appealed. Because the patient could be kept for forty-eight hours prior to release after expressing her desire to leave, N.J.S.A. 30:4-27.20, the January 2 order did not deprive D.S. of her liberty. We therefore dismiss this appeal as moot. "An issue is 'moot' when the decision sought in a matter, when rendered, can have no practical effect on the existing controversy." N.J. Div. of Youth & Family Servs. v. A.P., 408 N.J. Super. 252, 261 (App. Div. 2009) (quoting Greenfield v. N.J. Dep't of Corrs., 382 N.J. Super. 254, 257–58 (App. Div. 2006)).

Dismissed.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.



CLERK OF THE APPELLATE DIVISION