

INDIANA COURT OF APPEALS REAFFIRMS EVIDENCE STANDARD FOR EXTENSIONS OF COMMITMENT

In a recent decision, the Indiana Court of Appeals (the “Court”) upheld a trial court’s Order for Temporary Commitment and affirmed a new mootness standard for civil commitment appeals. *In re Commitment of J.F.*, 266 N.E.3d 268 (Ind. Ct. App. 2025).

BACKGROUND

The Indiana Court of Appeals reaffirmed its standard for what evidence is required to support an order for a regular commitment of a patient. See *In re Commitment of J.F.*, 266 N.E.3d 268, (Ind. Ct. App. 2025).

J.F. was initially placed on a temporary commitment. As J.F.’s temporary commitment approached expiration, the clinical team timely requested an additional period of commitment. A second temporary commitment can be sought pursuant to § IC 12-26-6-10 so long as the trial court conducts the hearing on this request during the initial 90-day period of temporary commitment. Regular commitment can also be pursued, but must be sought at least 20 days prior to the expiration of the initial 90-day period of temporary commitment pursuant to § IC 12-26-6-11. [State Form 2090 \(R2 / 9-06\) / OGC 0047](#) can be used to request either an additional term of temporary commitment or a regular commitment.

The trial court conducted a hearing on this request to extend J.F.’s temporary commitment into a regular commitment, heard testimony from both J.F.’s physician and occupational therapist and ordered that J.F. be subject to regular commitment. J.F. appealed this regular commitment and argued that the evidence considered by the trial court at the second hearing did not prove his grave disability at the time of the second hearing.

ANALYSIS OF EVIDENCE AT SECOND HEARING

The Court reaffirmed it will never reweigh evidence or reassess witness credibility on appeal. Instead, it will “consider only the probative evidence and reasonable inferences supporting it” and affirm a civil commitment if “clear and convincing evidence supports the trial court’s judgment. *Id.*, (citing *In re Commitment of F.L.*, 245 N.E. 3d 1033, 1035 (Ind. Ct. App. 2024)). For a trial court to grant regular commitment, the petitioning party must clearly and convincingly prove the patient is (1) mentally ill; (2) either dangerous or gravely disabled; and (3) needs continuing care and treatment in a facility for a period of more than ninety days. I.C. § 12-26-6-11.

J.F. argued the trial court heard evidence he was gravely disabled at the first hearing, but not evidence he remained gravely disabled at the second hearing. The Court disagreed, noting that at the second hearing, the trial court heard evidence that, as a result of his mental illness, J.F. continued to suffer from disorganized thoughts, hallucinations and mood instability; had no insight into his mental illness; required daily medication management; and could not plan to meet his basic needs safely if discharged. Thus, the Court affirmed the regular commitment.

PRACTICAL IMPLICATIONS

- **Additional Periods of Commitment Require Contemporary Evidence:** At a second hearing to extend a patient’s commitment, the facility must offer new, contemporary evidence to establish each element clearly and convincingly. The facility cannot solely rely on evidence from the original commitment.
- **Testimony from Non-Physicians Is Valuable:** While a physician who examined the patient must testify at commitment hearings that began with the patient’s emergency detention pursuant to [IC 12-26-5-11](#), testimony from other providers or members of the patient’s care team will also be valuable to the court’s determination of whether the evidence has clearly and convincingly established grave disability or dangerousness.

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