Order

Michigan Supreme Court
Lansing, Michigan

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

September 25, 2026

SC: 168741
COA: 372913
Lenawee PC: 16-049751-MI

In re TEB.

MAYELLEN FOWLER,
Petitioner-Appellee,

v

TEB,
Respondent-Appellant.

On order of the Court, the application for leave to appeal the May 27, 2025 judgment of the Court of Appeals is considered. Pursuant to MCR 7.305(I)(1), in lieu of granting leave to appeal, we REVERSE the Court of Appeals holding that this case is moot, and REMAND this case to that court for plenary consideration.

Involuntary mental health treatment orders under Michigan law are inherently limited in duration. Initial orders for involuntary mental health treatment that include combined hospitalization and outpatient treatment may not exceed 180 days. MCL 330.1472a(1)(c). The brief duration of these orders means that appellate review will frequently occur after the challenged order has expired by its own terms. *In re Tchakarova*, 328 Mich App 172, 180-181 (2019).

Even though an issue is moot, it is nevertheless justiciable if the issue is one of public significance that is likely to recur, yet may evade judicial review. *People v Richmond*, 486 Mich 29, 37 (2010). Like the 90-day order in *In re Tchakarova*, 328 Mich App at 180-181, the involuntary mental health order at issue in this case presents an issue of public significance and the limited duration of the 180-day order "all but guaranteed that no meaningful judicial review of the order could ever be conducted before the order expired." The Court of Appeals, nonetheless, dismissed respondent's appeal of the July 2024 involuntary mental health treatment order as moot, concluding that "the merits of respondent's involuntary treatment will not, in a practical sense, evade appellate review,

given respondent's appeal of the probate court's January 2025 order." *In re TEB*, unpublished per curiam opinion of the Court of Appeals, issued May 27, 2025 (Docket No. 372913), p 2. Yet the Court of Appeals subsequently dismissed respondent's appeal of the January 2025 order as moot. *In re TEB*, unpublished per curiam opinion of the Court of Appeals, issued January 22, 2026 (Docket No. 374573).

This pattern of successive orders demonstrates precisely the capable of repetition, yet evading review circumstance that justifies an exception to mootness. The Court of Appeals holding would effectively immunize short-duration involuntary treatment orders from appellate scrutiny whenever a subsequent order is issued. Accordingly, the mootness exception applies to the involuntary mental health treatment order at issue in this case. The Court of Appeals erred in concluding otherwise.

We do not retain jurisdiction.

I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 25, 2026

Clerk

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