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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

Conservatorship of the Person and Estate of K.M.

C080784

PLACER COUNTY PUBLIC GUARDIAN,

(Super. Ct. No. SMH0000407)

Petitioner and Respondent,

v.

K.M.,

Objector and Appellant.

K.M. appeals from a September 23, 2015, trial court order reappointing a conservator of her person and estate pursuant to the Lanterman-Petris-Short Act (LPS Act), prohibiting K.M. from exercising specified rights and privileges, and granting additional powers to the conservator. (Welf. & Inst. Code, § 5000 et seq.)¹

K.M contends there is insufficient evidence to support (a) the trial court’s findings she was presently gravely disabled, and (b) the trial court’s order denying her certain

¹ Undesignated statutory references are to the Welfare and Institutions Code.

rights and privileges. Because the one-year LPS Act conservatorship has terminated by operation of law, we will dismiss the appeal as moot.

I. BACKGROUND

During the contested hearing on the request to reappoint a conservator for K.M., Dr. Olga Ignatowicz, the chief psychiatrist for Placer County, testified K.M. suffers from schizoaffective disorder, bipolar type. K.M.'s mental illness causes her many of the symptoms associated with her disease, including hallucinations, inability to exercise logical thinking, denial about her dysfunction, noncompliance with medication, forgetfulness, poor attention and concentration, refusal to accept treatment, and delusions, including delusions of grandeur and possessing immense wealth.

Dr. Ignatowicz explained K.M. suffers from delusions that she is independently wealthy, and these delusions "extremely adversely" affect her ability to provide for her means for food, clothing, and shelter. K.M. claimed she had "millions" in inheritance and lottery and gambling winnings, but no one could locate these funds. In addition, despite only receiving \$800 per month from supplemental security income (SSI), K.M. told Dr. Ignatowicz she wanted to live independently in an apartment, which K.M. estimated would cost \$600 to \$800 per month, leaving her little else for food, clothing, and transportation.

According to Dr. Ignatowicz, K.M. is also "in denial" about her mental and physical conditions, which can lead to noncompliance with treatment and exacerbated symptoms. For example, K.M. had received a pacemaker in 2008 but failed to acknowledge it, instead insisting that she had a heart transplant, which concerned Dr. Ignatowicz because a patient with a pacemaker must care for it and avoid strong magnetic and electric fields. Also, K.M. denied her mental illness and said she only takes lithium so the facility could "keep her." K.M. was unable to identify her correct lithium dosage, even though lithium can be lethal if taken incorrectly. K.M. also denied taking

prescribed medication for coronary artery disease and claimed she has a “light case” of diabetes, even though her form is very severe.

In Dr. Ignatowicz’s opinion, K.M. lacked appropriate cognition and ability to exercise organized responses to different stressors. K.M. was unable to and should not be allowed to drive a car, make medical decisions, operate a firearm, or enter into a contract.

K.M. also testified during the contested hearing. K.M. failed to state her age, claiming her “real birth certificate” identifies her as “under 50,” while a “phony certificate” says she is 64.² She also gave conflicting testimony regarding her medical conditions, saying she was diagnosed as schizophrenic but then told she was bipolar instead. She denied being prescribed psychiatric medication, but acknowledged some prescriptions, including liquid lithium, blood pressure medication, thyroid medication, and two types of insulin. She promised to take her prescribed medication if the conservator was removed, and she had recently taken a course on diabetes management. She also testified she received a “new heart” in 2008 and denied having a pacemaker.

K.M. expressed confidence she could manage her finances and testified she would like to get an apartment in Roseville and buy furniture, dishes, and groceries. She testified she has an inheritance of \$100,000 or \$250,000 and “millions” in winnings from gambling and the lottery. She also testified she was an actress and had starred in *Dead Man Walking*. K.M. testified she was paid for this acting work but a woman had emptied her bank account.

The trial court granted the petition for reappointment from June 18, 2015, to June 18, 2016, finding it was necessary and in the best interest of K.M., who was gravely disabled and unable to provide for her food, clothing, and shelter by reason of a mental disorder. Although K.M. had made progress with administering insulin, the trial court

² She was 64 as of June 2, 2015.

reasoned, she continued to show lack of insight regarding her mental disorders. Pursuant to section 5357, the trial court prohibited K.M. from exercising the following: the privilege to possess a driver's license, the right to contract, the right to refuse or consent to treatment regarding her grave disability, the right to refuse or consent to routine medical treatment unrelated to her grave disability, and the right to possess a firearm.³

II. DISCUSSION

K.M. contends there is insufficient evidence to support the finding she was presently gravely disabled, as required by section 5350. Under the LPS Act, “[a] conservator . . . may be appointed for a person who is gravely disabled as a result of a mental health disorder.” (§ 5350.) A person is “gravely disabled” if she, “as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter.” (§ 5008, subd. (h)(1)(A).) An LPS Act conservatorship “automatically terminate[s] one year after the appointment of the conservator.” (§ 5361.) On June 18, 2016, while this appeal was pending, the conservatorship terminated by operation of law. We asked the parties for additional briefing on the issue of whether K.M.’s appeal was moot.⁴ We agree with respondent that K.M.’s appeal is moot.

An appellate court only decides actual controversies and will not render opinions “ ‘ ‘ ‘upon moot questions . . . which cannot affect the matter in issue in the case before it.’ ” ’ ’ ’ (*Giles v. Horn* (2002) 100 Cal.App.4th 206, 227.) An appellate court will

³ Despite K.M.’s claims in her brief, the trial court did not restrict her right to vote. Such a disability is not in the order, and the trial court clearly stated, “she specifically does have the right to vote.”

⁴ Respondent requested in its supplemental brief we take judicial notice of a July 13, 2016, minute order regarding the Public Guardian’s 2016 request to reappoint a conservator for K.M. and two unpublished decisions issued by this court regarding K.M., dated June 11, 2015, and February 27, 2014. We decline to do so. (Evid. Code, § 452; Cal. Rules of Court, rule 8.252(a)(2).)

dismiss an appeal as moot if events subsequent to the judgment or order appealed from prevent the appellate court from granting any effectual relief, and the appeal does not raise an issue of public interest which is likely to recur. (*Ibid.*; see also *Conservatorship of G.H.* (2014) 227 Cal.App.4th 1435, 1439.)

K.M. contends her appeal is not moot because the Public Guardian is likely to request a conservator be reappointed and special legal disabilities be reinstated each year, based on similar evidence at issue in this appeal. Despite K.M.'s contentions, her appeal raises only fact-specific claims that the record does not contain substantial evidence to support the orders made here. These issues are particular to this case and not of continuing public interest. (See, e.g., *MHC Operating Limited Partnership v. City of San Jose* (2003) 106 Cal.App.4th 204, 215.) As a result, we decline to address the merits of the appeal.

III. DISPOSITION

The appeal is dismissed.

/S/

RENNER, J.

We concur:

/S/

DUARTE, Acting P. J.

/S/

HOCH, J.