

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 01/17/2012
RUTH A. WILLINGHAM,
CLERK
BY: DLL

NORMA E.,) No. 1 CA-JV 11-0168
)
Appellant,) DEPARTMENT D
)
v.) Mohave County
) Superior Court
DAVID K., WENDY K., MEGAN K.,) No. AD2010-0036
)
Appellees.) **DECISION ORDER**
)
_____)

This appeal has been considered by Presiding Judge Peter B. Swann and Judges Michael J. Brown and Jon W. Thompson. Because the only issue raised is now moot, we dismiss the appeal.

Norma E. ("Mother") challenges the juvenile court's order granting the adoption of her biological daughter ("the child") by the child's step-mother. In April 2010, the step-mother filed a petition to adopt the child. At the same time, the child's father, David K. ("Father"), petitioned the court to terminate Mother's parental rights to the child. Following a severance hearing, the court granted the petition to terminate Mother's rights. Mother appealed the termination order and this court affirmed. See *Norma E.*, 1 CA-JV 11-0049 (Ariz. App. July 14, 2011) (mem. decision). On August 12, the juvenile court set

the final adoption hearing for August 25. On August 15, Mother filed a petition for review with the Arizona Supreme Court and, in the juvenile court, she filed a motion to vacate the adoption hearing pending resolution of the petition for review. The juvenile court denied the motion to vacate and ultimately granted the petition to adopt. Mother timely appealed the order of adoption.

Mother argues on appeal that the juvenile court lacked jurisdiction to enter a final order of adoption while her petition for review of the termination order was still pending. Assuming without deciding that Mother has standing to challenge the adoption order, we decline to address Mother's appeal because the issue she raises is moot. See *Stop Exploiting Taxpayers v. Jones*, 211 Ariz. 576, 578, ¶ 6, 125 P.3d 396, 398 (App. 2005) ("Generally, a court will not consider moot questions."). "A decision becomes moot for purposes of appeal where as a result of a change of circumstances before the appellate decision, action by the reviewing court would have no effect on the parties." *Vinson v. Marton & Assocs.*, 159 Ariz. 1, 4, 764 P.2d 736, 739 (App. 1988).

On October 25, 2011, the Arizona Supreme Court denied Mother's petition for review of the order terminating her parental rights to the child. See *Norma E.*, CV-11-0249-PR (order). Thus, Mother's argument is moot because even if we

were to decide the appeal challenging the adoption order in her favor, it would have no effect on her parental rights to the child, which have been terminated. For the foregoing reasons,

IT IS ORDERED dismissing this appeal.

/s/

MICHAEL J. BROWN, Judge