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NO. COA01-1166

NORTH CAROLINA COURT OF APPEALS

Filed: 2 July 2002

IN THE MATTER OF:

JELISA SMITH

Wake County
No. 01J67

Appeal by respondent from judgment entered 15 June 2001 by Judge Michael Morgan in Wake County District Court. Heard in the Court of Appeals 23 May 2002.

Wake County Attorneys' Office by Deputy Wake County Attorney, Corrine G. Russell, Attorney for Wake County Department of Human Services.

Peter Wood for respondent-appellant.

TIMMONS-GOODSON, Judge.

Jelisa Smith ("juvenile"), is the minor child of Angela Smith and Kenneth Jackson ("respondent"). On 13 February 2001, juvenile was taken into custody by Wake County Department of Human Services ("DSS") pursuant to a petition alleging that juvenile was a neglected and a dependent child. On 14 March 2001, an adjudication and dispositional hearing was held and juvenile was placed in the legal and physical custody of respondent.

On 7 June 2001, respondent's home was the target of a drug raid while juvenile was present in the home. Respondent was subsequently arrested on drug-related charges. On 11 June 2001,

DSS filed a petition alleging neglect by respondent and juvenile was removed from the respondent's custody and placed in non-secure custody. In an order entered 8 October 2001, the court found and concluded that juvenile was neglected as defined by N.C. Gen. Stat. § 7B-101 (15) in that the juvenile lived in an "environment injurious to [her] welfare." The court further ordered that juvenile remain in the custody of DSS.

On appeal, respondent brings forth two assignments of error relating to the dispositional hearing conducted on 14 March 2001. After reviewing the record, we conclude that respondent's appeal is moot.

"A case is 'moot' when a determination is sought on a matter which, when rendered, cannot have any practical effect on the existing controversy." *Roberts v. Madison County Realtors Assn.*, 344 N.C. 394, 398-99, 474 S.E.2d 783, 787 (1996). Further, "[w]hen, during the course of litigation, it develops that the relief sought has been granted or that the questions originally in controversy between the parties are no longer at issue, the case should be dismissed, for courts will not entertain or proceed with a cause merely to determine abstract propositions of law." *Dickerson Carolina, Inc. v. Harrelson*, 114 N.C. App. 693, 697, 443 S.E.2d 127, 131, *disc. review denied*, 337 N.C. 691, 448 S.E.2d 520 (1994) (citations omitted). Therefore, an appeal which presents a moot question should be dismissed. *Roberts*, 344 N.C. at 399, 474 S.E.2d at 787.

In the instant case, respondent argues that the trial court

erred by proceeding to a dispositional hearing on 14 March 2001 without a finding of neglect as to respondent. However, any issues regarding the 14 March 2001 hearing have been rendered moot by the subsequent adjudication of neglect on 8 October 2001 by respondent. We therefore dismiss defendant's appeal.

For the foregoing reasons, defendant's appeal is
Dismissed.

Judges MARTIN and CAMPBELL concur.

Report per Rule 30(e).