

[Cite as *Foster v. Foster*, 2011-Ohio-6460.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Harrison J. Foster, Minor by	:	
Reese W. Foster, Father,	:	
	:	
Petitioner-Appellee,	:	
	:	
v.	:	No. 11AP-371
	:	(C.P.C. No. 11DV-03-0383)
	:	
Jenny L. Foster,	:	(ACCELERATED CALENDAR)
	:	
Respondent-Appellant.	:	
	:	

D E C I S I O N

Rendered on December 15, 2011

Plymale & Dingus, LLC, and M. Shawn Dingus, for appellant.

APPEAL from the Franklin County Court of Common Pleas,
Division of Domestic Relations.

FRENCH, J.

{¶1} Respondent-appellant, Jenny L. Foster ("appellant"), appeals the domestic violence civil protection order ("CPO") issued against her by the Franklin County Court of Common Pleas, Division of Domestic Relations, on behalf of petitioner-appellee, her minor son. The court issued the order on March 22, 2011, and it remained in effect until June 30, 2011.

{¶2} Appellant filed a timely appeal, and she raises the following assignment of error:

I. The Trial Court erred in granting a civil protection order against Appellant because the Appellee failed to prove by a preponderance of the evidence that a family or household member suffered domestic violence at the hands of Appellant.

{¶3} As an initial matter, we sua sponte consider whether this matter is moot. Courts generally exercise jurisdictional restraint in cases that do not present actual controversies, and we will dismiss an appeal when, absent fault of the parties, circumstances preclude us from granting effective relief. *Devine-Riley v. Clellan*, 10th Dist. No. 11AP-112, 2011-Ohio-4367, ¶3, citing *VanMeter v. VanMeter*, 10th Dist. No. 03AP-1107, 2004-Ohio-3390, ¶5. We need not render an advisory opinion on a moot question. *Id.* "Actions become moot when resolution of the issues presented is purely academic and will have no practical effect on the legal relations between the parties." *Saffold v. Saffold* (May 13, 1999), 8th Dist. No. 72937, quoting *VanMeter* at ¶5.

{¶4} This court has previously held that the expiration of a CPO renders an appeal from that order moot. See *Devine-Riley* (appeal was moot because civil stalking protection order had expired); *VanMeter* (appeal was moot because domestic violence civil protection order had expired). But see *Wilder v. Perna*, 174 Ohio App.3d 586, 592, 2007-Ohio-6635, ¶16 (appeal of domestic violence civil protection order was not moot even though it had expired "because it is reasonably possible that adverse collateral consequences may occur").

{¶5} The CPO at issue here expired by its own terms on June 30, 2011. Because the CPO is no longer in effect, and based on this court's precedent, we conclude that this appeal is moot.

{¶6} We acknowledge that the mootness doctrine has certain exceptions, e.g., cases that present a debatable constitutional question, a matter of great public interest or an issue capable of repetition, yet evading review. See *Bradley v. Ohio State Dept. of Job & Family Servs.*, 10th Dist. No. 10AP-567, 2011-Ohio-1388, ¶12. We do not discern the presence of any such question or issue in this case.

{¶7} For these reasons, we conclude that the issues raised in this appeal are moot. Accordingly, we dismiss the appeal.

Appeal dismissed.

TYACK and CONNOR, JJ., concur.
