



DIVISION ONE
 FILED: 3/7/2013
 RUTH A. WILLINGHAM,
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 BY: mjt

IN THE COURT OF APPEALS
 STATE OF ARIZONA
 DIVISION ONE

CARLA H.,)	No. 1 CA-JV 12-0232
)	
Appellant,)	DEPARTMENT E
)	
v.)	Maricopa County
)	Superior Court
ARIZONA DEPARTMENT OF ECONOMIC)	No. JD19848
SECURITY, RONIN H., KEIRA H.,)	
)	
Appellees.)	DECISION ORDER
)	
)	
)	
)	

Carla H. ("Mother") appeals from an order denying her request for "make-up visits for the period May 3, 2012 through June 26, 2012." Because Mother's parental rights had been terminated by the time she sought the make-up visitation, we agree with the contention of the Arizona Department of Economic Security ("ADES") that she is not an aggrieved party and that her claims are moot. We therefore dismiss her appeal.

The juvenile court held a contested severance trial in April 2012. On June 26, 2012, the court filed its order terminating Mother's parental rights.¹ The next day, Mother requested a status conference "to address the question of why

¹ Mother appealed, but we affirmed the severance order. *Carla H. v. Ariz. Dep't of Econ. Sec.*, 1 CA-JV 12-0148 (Ariz. App. Jan. 15, 2013) (mem. decision).

she has been denied visitation with her daughter since the conclusion of her dependency [sic] trial."

The court asked for briefing regarding its "authority to grant the relief requested by Mother in the context of the procedural posture of this case." ADES opposed Mother's request because her parental rights had been terminated, an adoptions caseworker had been assigned, and the prior Child Protective Services ("CPS") case manager had obtained an injunction against workplace harassment against Mother "after learning that mother had voiced credible threats against the case manager if her parental rights were severed. The mother also voiced plans to abduct the children if her parental rights were severed."

The juvenile court issued an unsigned minute entry denying Mother's request. The court ruled that "Mother's visits were missed due to Mother's own lack of cooperation and unreasonableness." It further found that make-up visitation was not in the child's best interest and that "Mother's request [wa]s belated in that she should not have waited until after the court ordered terminating her parental rights to complain about visits that she missed before the Court ordered severance."²

² Mother's counsel was not endorsed on this minute entry, and counsel thereafter asked the court to issue a *nunc pro tunc* ruling in the form of an appealable order. The court did so on October 9, 2012, and Mother timely appealed from the order denying her "motion to make up post-adjudication visits."

In its answering brief, ADES contends we lack jurisdiction because Mother is not an aggrieved party and her claims are moot. Mother did not file a reply brief to address these arguments.

Arizona Revised Statutes ("A.R.S.") section 8-235(A) provides that an "aggrieved party in any juvenile court proceeding under this title may appeal from a final order of the juvenile court to the court of appeals." A person is an aggrieved party if the final order "operate[s] to deny the party some personal or property right or to impose a substantial burden on the party." *Pima County Juv. Action No. B-9385*, 138 Ariz. 291, 293, 674 P.2d 845, 847 (1983); see also ARCAP 1 ("An appeal may be taken by any party aggrieved by the judgment.").

The order at issue here did not "operate to deny [Mother] some personal or property right or to impose a substantial burden upon her." *In re Gubser*, 126 Ariz. 303, 306, 614 P.2d 845, 848 (1980). An order terminating parental rights "divest[s] the parent and the child of all legal rights, privileges, duties and obligations with respect to each other." A.R.S. § 8-539. When Mother requested make-up visitation, her parental rights had already been severed, vitiating her right to any form of visitation.

Mother's claim is also moot. When circumstances in a case change to the extent that a reviewing court's action would have

no effect on the parties, then the issue becomes moot for purposes of appeal. *Vinson v. Marton & Assocs.*, 159 Ariz. 1, 4, 764 P.2d 736, 739 (App. 1988). In such a case, we may dismiss the appeal. *Dougherty v. Ellsberry*, 45 Ariz. 175, 175, 41 P.2d 236, 236 (1935) (dismissing appeal because the issue of whether to recall a director was moot once the director's term of office expired).

For the reasons stated, we dismiss this appeal for lack of jurisdiction.

/s/
MARGARET H. DOWNIE,
Presiding Judge

CONCURRING:

/s/
MAURICE PORTLEY, Judge

/s/
PHILIP HALL, Judge