

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

SUMMER P., *Appellant*,

v.

SHIRLEY M., THOMAS M., K.H., *Appellees*.

No. 1 CA-JV 15-0430
FILED 6-14-2016

Appeal from the Superior Court in Maricopa County
No. JG7312
The Honorable James P. Beene, Judge

APPEAL DISMISSED

COUNSEL

Law Office of Ed Johnson PLLC, Peoria
By Edward D. Johnson
Counsel for Appellant

Law Office of Margo A. Shorr, Phoenix
By Margo A. Shorr
Counsel for Appellee

MEMORANDUM DECISION

Judge Maurice Portley delivered the decision of the Court, in which Presiding Judge Samuel A. Thumma and Judge John C. Gemmill joined.

P O R T L E Y, Judge:

¶1 Summer P. (“Mother”) appeals the juvenile court’s ruling denying her petition for termination of guardianship of a minor. Because this appeal has been mooted by the severance of Mother’s parental rights, which we affirmed in *Summer P. v. Shirley M.*, 1 CA-JV 15-0421 (Ariz. App. June 9, 2016) (mem. decision), we dismiss her appeal.

FACTS AND PROCEDURAL BACKGROUND

¶2 Shirley and Thomas M. were appointed as co-guardians of K.H. in 2009. In February 2014, after dependency proceedings in which they were given physical custody of Mother’s two other minor children, they filed a petition to terminate Mother’s parental rights to K.H. A month later, while all three children were in Shirley and Thomas M.’s custody, Mother filed a petition to terminate the guardianship, alleging the circumstances had changed and she was in a position to provide proper and effective care for K.H. After a concurrent guardianship and severance hearing, the court denied Mother’s petition to terminate the guardianship of K.H., and severed her parental rights to K.H. Mother timely appeals.

DISCUSSION

¶3 Our threshold inquiry is whether Mother’s appeal was mooted by the termination of her parental rights. We find that it was.

¶4 As a policy of judicial restraint, we do not address moot questions. *Lana A. v. Woodburn*, 211 Ariz. 62, 65, ¶ 9, 116 P.3d 1222, 1225 (App. 2005) (citation omitted). “A case becomes moot when an event occurs which would cause the outcome of the appeal to have no practical effect on the parties.” *Sedona Private Prop. Owners Ass’n v. City of Sedona*, 192 Ariz. 126, 127, ¶ 5, 961 P.2d 1074, 1075 (App. 1998) (citation omitted).

¶5 Even assuming the guardianship was based on Mother’s consent and the court was required to terminate the guardianship when Mother withdrew her consent, see *In re Guardianship of Mikrut*, 175 Ariz. 544,

SUMMER P. v. SHIRLEY M., et al.
Decision of the Court

547, 858 P.2d 689, 692 (App. 1993), the issue is moot because the court entered a concurrent order severing mother's parental rights to K.H. Nor does this case present a novel legal issue or a matter that is "capable of repetition yet evading review." *Lana A.*, 211 Ariz. at 65, ¶ 9, 116 P.3d at 1225 (citation omitted). Accordingly, we dismiss the appeal. See *Murphy v. Hunt*, 455 U.S. 478, 482 (1982); *Kondaur Capital Corp. v. Pinal Cty.*, 235 Ariz. 189, 193, ¶ 10, 330 P.3d 379, 383 (App. 2014).

CONCLUSION

¶6 Because Mother's parental rights to K.H. have been severed, and that decision has been affirmed on appeal, a decision relating to the termination of guardianship would have no impact on these parties. Consequently, we dismiss her appeal as moot.



Ruth A. Willingham · Clerk of the Court
FILED : AA