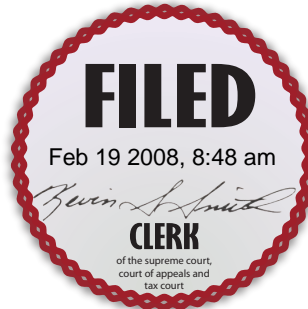


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

KEVIN M. CARDWELL,
Appellant-Respondent,

vs.

PATRICIA A. GRIGSBY,
Appellee-Petitioner.

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No. 34A02-0608-JV-725

APPEAL FROM THE HOWARD CIRCUIT COURT
The Honorable Thomas Perrone, Special Judge
Cause No. 34C01-0405-AD-29

February 19, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-respondent Kevin M. Cardwell appeals the trial court's decree of adoption, pursuant to which Cardwell's daughter Amber—with whom he had had no contact for twelve years—was adopted by appellee-petitioner Patricia A. Grigsby, who essentially raised Amber, and Cardwell's parental rights were terminated. Initially, we observe that Amber became eighteen years old on November 22, 2007. Because no parental consent is required for adoption of a person who has attained the age of eighteen, Ind. Code § 31-19-9-1, and it is undisputed that Amber wants to be adopted by Grigsby, this case is moot. Matter of Lawrance, 579 N.E.2d 32, 37 (Ind. 1991) (noting that a case is deemed moot when no effective relief can be rendered to the parties before the court).

Furthermore, although Cardwell initially objected to the adoption, at the April 12, 2006, hearing on Grigsby's petition, Cardwell verbally consented to the adoption and the termination of his parental rights. He later signed and filed his consent to adoption. At all times, he was represented by counsel. He is now judicially and statutorily estopped from withdrawing that consent. Ohning v. Driskill, 739 N.E.2d 161, 163 (Ind. Ct. App. 2000) (holding that judicial estoppel prevents a party from assuming a position in a legal proceeding inconsistent with one previously asserted when a court has acted on the position and testimony of the estopped party); I.C. § 31-19-10-4 (“[a] consent to adoption may not be withdrawn after the entry of the adoption decree”). Although Cardwell baldly claims that his consent was obtained through fraud or duress, he offers no evidence in support of that argument. We decline to disturb the trial court's judgment on this basis.

The judgment of the trial court is affirmed.

RILEY, J., and MAY, J., concur.