

Adjudication and Disposition Order: Appeal and Mootness

- *Appeal is moot when issues on appeal will have no practical effect on the existing controversy.*
- *There is no bright line rule establishing what conduct by a parent will result in the forfeiture of a parent's constitutionally protected status.*

In The Matter of A.S., III (August 20, 2013)

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMy8xMy00Mi0xLnBkZg==>

Facts: Father of A.S. served in the military after A.S.'s birth and was deployed to Afghanistan and stationed in Colorado when he was stateside. During his military service, Father maintained contact with A.S. and provided support for A.S. although he was no longer in a relationship with A.S.'s mother. During father's deployment, A.S. was taken into DSS custody and adjudicated neglected. Father was present at the disposition hearing, at which the court found that mother and father had acted inconsistently with their constitutionally protected parental rights. The trial court ordered physical custody of A.S. to her maternal grandmother and legal custody of A.S. to Father. Father was ordered to maintain a cell phone to facilitate his making legal decisions, to complete a parenting class, and to have unsupervised visitation with A.S. Father appealed. During the appeal, review hearings were held in the juvenile proceeding based upon new circumstances, and modification orders were entered by the trial court.

Held: Appeal dismissed

1. In juvenile cases, adjudication and disposition orders are subject to review and modification. Additional findings made by the court in a subsequent review order support the conclusion that father acted inconsistently with his rights as a parent by failing to maintain contact with A.S. and by disobeying the earlier disposition order regarding being able to be contacted.
2. The issues raised by father on appeal are moot, and none of the exceptions to the mootness doctrine (collateral legal consequences, capable of repetition but evading review or public interest) apply.
3. The Court of Appeals declined to establish a minimum standard of care by which service members may fulfill their parental responsibilities.