

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**IN THE INTEREST OF: J.T.S.;
JUVENILE OFFICER**

**v.
H.J.S. (MOTHER)**

RESPONDENT,

APPELLANT.

DOCKET NUMBER WD77713

DATE: June 2, 2015

Appeal From:

Platte County Circuit Court
The Honorable Wanda A. Hansbrough, Judge

Appellate Judges:

Division Four: Lisa White Hardwick, Presiding Judge, James E. Welsh, Judge and Cynthia L. Martin, Judge

Attorneys:

Jennifer M. Snider, Platte City, MO, for respondent.

Bert M. Godding, Kansas City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

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JUVENILE OFFICER,**

RESPONDENT,

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No. WD77713

Platte County

Before Division Four: Lisa White Hardwick, Presiding Judge, James E. Welsh, Judge and Cynthia L. Martin, Judge

Mother appeals an adjudication and disposition judgment of the Circuit Court of Platte County finding that her son should be subject to the jurisdiction of the court and placed in the custody of the Missouri Children's Division due to allegations of abuse. Mother alleges that the State failed to properly allege abuse or neglect in its petition and that the court lacked sufficient evidence to find abuse.

DISMISS AS MOOT

Division Four holds:

The remedy Mother seeks in this appeal is to regain custody of her son and to remove him from the jurisdiction of the court. After Mother's appeal was filed, the trial court entered a judgment granting Mother's motion to terminate the court's jurisdiction over her son, and to discharge the child from the care, custody, and control of the Missouri Children's Division. As a result, Mother has now secured the relief she seeks in this appeal. A decision by this court would not grant any effective relief. Mother's appeal is moot, requiring its dismissal.

There are two narrow exceptions to the mootness doctrine. The first exception applies to appeals after they have been argued and submitted. Mother's appeal was submitted on the briefs following waiver of oral argument, calling into question the application of this narrow mootness exception. Assuming its application, our mandatory obligation to dismiss Mother's moot appeal would be rendered discretionary. In that case, we would exercise our discretion to dismiss Mother's appeal, as there is no point in determining whether the relief Mother has now obtained should have been earlier granted.

The second mootness exception applies to issues of general public interest and importance that are likely to recur and will otherwise evade appellate review. Mother's issues on appeal address the sufficiency of the pleadings or evidence to support the adjudication and disposition judgment. Such matters are not of general public interest or importance and will not otherwise evade appellate review.

Mother argues that there is a third exception to mootness for decisions that could have significant collateral consequences for a party. We disagree that there is a third mootness exception, and believe instead that such consequences factor into whether a matter is of general public interest or importance that is likely to evade review. In either case, Mother's circumstances would not qualify for an exception. Her desire for vindication is not a significant collateral consequence, nor a matter of general public interest or importance. And Mother's suggestion that the adjudication and disposition judgment could affect her in the future is both speculative and premised on a flawed assertion that the judgment found that she abused her son.

The legal controversy with the Missouri Children's Division has ceased and the facts of this case are uniquely Mother's. Any decision in Mother's favor would have no effect on the current custody of son, who is now with Mother. Mother's appeal is moot.

Opinion by Cynthia L. Martin, Judge

June 2, 2015

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