MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE INTEREST OF: P.D.W.;
JUVENILE OFFICER

RESPONDENT,

v.

S.W. AND M.W.

APPELLANTS.

DOCKET NUMBER WD83186

DATE: August 11, 2020

Appeal From:

Buchanan County Circuit Court
The Honorable Patrick K. Robb, Judge

Appellate Judges:

Division Three: Gary D. Witt, Presiding Judge, Lisa White Hardwick, Judge and Thomas N. Chapman, Judge

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Attorneys:

Shariece L. Canady, St. Joseph, MO, for respondent.

Allison C. Tschannen, St. Joseph, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE INTEREST OF: P.D.W.;

JUVENILE OFFICER, RESPONDENT,
v.
S.W. AND M.W., APPELLANTS.

WD83186 Buchanan County

Before Division Three Judges: Gary D. Witt, Presiding Judge, Lisa White Hardwick, Judge, and Thomas N. Chapman, Judge

Appellants S.W. ("Father") and M.W. ("Mother"), (collectively "Parents") appeal the judgment of the Juvenile Division of the Circuit Court of Buchanan County ("juvenile court") finding that their daughter, P.W., was without proper care, custody, and support, and placing P.W. in the legal and physical custody of Children's Division. The Parents assert on appeal that the juvenile court's judgment was not supported by clear and convincing evidence that P.W. was without proper care, custody, and support because there was no evidence to establish that P.W. was injured while in the care of her parents.

During an office visit for coughing and congestion, P.W.'s primary care physician noted bruises on P.W. that looked like fingerprints. Mother mentioned that P.W. bruised easily because she had observed previous bruises on P.W.'s back that looked like fingerprints and other bruises on P.W.'s buttocks. P.W.'s physician referred P.W. to Children's Mercy Hospital for further evaluation. At Children's Mercy Hospital, P.W. was diagnosed with two fractures and a possible compression fraction to P.W.'s T10 vertebral body.

The Buchanan County Juvenile Office filed a petition in the juvenile court alleging that P.W. was without proper care, custody, or support ("Petition"). The juvenile court ordered P.W. be placed in protective custody with Children's Division. The juvenile court conducted a hearing and found the allegations in the Petition to be true and assumed jurisdiction over P.W.

The Parents filed a notice of appeal on September 24, 2019, but, on October 30, 2019, the juvenile court granted the Juvenile Office's Motion to Close the Case and, in doing so, terminated its jurisdiction over P.W. granting full legal and physical custody of P.W. to the Parents.

DISMISSED FOR MOOTNESS.

Division Three holds:

Because the juvenile court terminated its jurisdiction and returned full legal and physical custody of P.W. to the Parents, the controversy is moot. Even though the Children's Division

must register the Parents as "perpetrator[s] of child abuse or neglect in the central registry" pursuant to section 210.118.1, RSMo, this collateral consequence of the judgment does not give rise to the two narrow exceptions to the mootness doctrine: (1) when a case becomes moot after submission of the case in the appellate court, or (2) when the issue raised has general public interest and importance and is likely to recur but otherwise evade review.

Opinion by: Gary D. Witt, Judge August 11, 2020

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