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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39822

JANET M. MCHARD,

Petitioner-Appellant,

v.

LATISHA K. FREDERICK,

Respondent/Cross-Petitioner-Appellee,

and

MICHELLE A. OZBUN,

Respondent/Cross-Respondent-Appellee.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Debra Ramirez, District Court Judge

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for Appellant

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Eraina M. Edwards
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for Appellees

DISPOSITIONAL ORDER OF DISMISSAL FOR MOOTNESS

YOHALEM, Judge.

{1} This matter is before this Court on appeal from a decision of the Second Judicial District Court denying visitation rights to Petitioner Janet McHard. We note the following:

1. This appeal alleges that Petitioner was denied due process by the district court's summary termination of her right to visitation with Child without notice or a hearing.

2. On January 26, 2023, this Court issued a notice of intent to dismiss as moot.

3. The notice informed the parties that our review of the case revealed that Child would be eighteen years old on February 6, 2023. We noted that eighteen is the age of majority in New Mexico. Once Child is eighteen, Child is free to make his own decisions about who he will see, and both how frequently and for how long. Even if we reverse, the district court would no longer have jurisdiction to restore Petitioner's visitation rights. We note that an appeal is moot when no actual controversy exists, and an appellate ruling will not grant the Petitioner any actual relief. See *State v. Ordunez*, 2012-NMSC-024, ¶ 22, 283 P.3d 282.

4. This Court directed the parties to file any objections to dismissal for mootness by February 15, 2023.

5. Petitioner filed a timely response to this Court's notice. Petitioner did not object to our proposed dismissal for mootness. No response was received from either Respondent.

6. In the absence of objection from any party, we, therefore, dismiss this appeal for mootness.

{2} **IT IS SO ORDERED.**

JANE B. YOHALEM, Judge

WE CONCUR:

KRISTINA BOGARDUS, Judge

**MICHAEL D. BUSTAMANTE, Judge,
retired, sitting by designation**