

FILED

07/30/2025

Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs June 3, 2025

IN RE VICTORIA H.¹

Appeal from the Circuit Court for Roane County
No. 2024-CV-44 Vanessa A. Jackson, Senior Judge²

No. E2024-01562-COA-R3-JV

This action involves the dismissal of an appeal from the juvenile court regarding the custody of a minor child. We now affirm the dismissal of the appeal.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court
Affirmed; Case Remanded**

JOHN W. MCCLARTY, J., delivered the opinion of the court, in which FRANK G. CLEMENT, JR., P.J., M.S., and KENNY ARMSTRONG, J., joined.

Joshua W. Leach and Roger A. Miller, Harriman, Tennessee, for the appellants, Jason and Shauna H.

Rochelle Ann Oldfield, Harriman, Tennessee, for the appellee, Merita H.

MEMORANDUM OPINION³

Victoria H. (“the Child”) was born to Sharon A. (“Mother”) in December 2019. On January 6, 2020, the maternal grandmother, Merita H. (“Grandmother”), along with family

¹ This court has a policy of protecting the identity of children in certain proceedings by initializing the last name of the parties.

² Sitting by interchange.

³ Rule 10 of the Rules of the Court of Appeals of Tennessee provides:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION”, shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

friends Jason and Shauna H. (“Petitioners”), filed a petition for legal and physical custody of the Child in the Roane County Juvenile Court, based upon allegations of Mother’s drug use while pregnant with the Child. Grandmother was unable to accept physical custody of the Child because she was the custodian of another grandchild who had been accused of inappropriate sexual conduct. Grandmother requested to share legal custody of the Child with Petitioners to avoid the Child’s removal and placement in foster care by the Tennessee Department of Children’s Services (“DCS”). The Juvenile Court entered an emergency custody order on January 6, placing the Child with Petitioners, while permitting Grandmother to share legal custody.

Six months later, on July 17, 2020, Petitioners filed a petition to terminate Mother’s parental rights in the Roane County Chancery Court. Shortly thereafter, Mother filed a petition to modify custody in the Juvenile Court, alleging that Petitioners interfered with her supervised visitation and had made false allegations against her in an attempt to adopt the Child. She requested a transfer of physical custody to relatives. The Juvenile Court stayed the proceedings, explaining that the Chancery Court had assumed exclusive jurisdiction of the Child, pending the outcome of the termination petition.

On April 12, 2021, the Child’s guardian ad litem filed a motion in Chancery Court for an emergency hearing, citing concerns with Petitioners’ care of the Child. On May 5, Grandmother filed a petition for emergency custody in the Juvenile Court, alleging that Petitioners had prohibited her from exercising her custodial rights, were no longer living together, and that Jason had been arrested as a result of a domestic disturbance. She alleged that there was an open DCS investigation concerning the Child. The Juvenile Court accepted jurisdiction and granted Grandmother temporary physical custody pending a hearing, after which the court returned the Child to Petitioners.

On September 9, 2021, Grandmother filed a new motion for emergency custody of the Child in the Juvenile Court, citing an incident involving another child in Petitioners’ care.⁴ The police report reflects that in July 2021, an unrelated three-year-old child was found wandering outside on the road in a tank top and soiled diaper with no pants, clutching an empty bottle and a bucket of peanut butter pretzels. Concerned neighbors provided the child with water and called the police. The child was eventually identified as belonging to Jason, who advised that he was in the shower after mowing the lawn and was unaware that the child left the home. He alleged that the child was autistic and prone to elopement. Grandmother claimed that like the neglected child, the Child at issue often arrived for visitation in soiled clothing and appeared unkempt. She asserted that Jason’s home was unclean and that he did not have the appropriate number of beds for the amount of children living in his home, approximately 8 or 9 children. She believed that the Child primarily resided with Jason and that Shauna had failed to protect the Child by allowing her to live

⁴ Grandmother’s husband also joined in this petition; however, the two have since separated. He is no longer a party to the action.

in such an environment. Grandmother professed that she was now able to provide a clean, stable living environment for the Child.⁵ The matter proceeded to a hearing, after which the Juvenile Court again found no material change in circumstances to warrant a modification of custody, by order entered on December 10, 2021.⁶

The Child remained in Petitioners' care until April 2023, when the guardian ad litem appeared for an unannounced visit and found evidence of environmental neglect. She filed an emergency petition for removal in the Circuit Court. The Child was ultimately adjudicated as dependent and neglected, removed from Petitioners, and placed in a foster home. The action was remanded to the Juvenile Court, where Mother, Grandmother, and Petitioners were granted supervised visitation and added to a permanency plan, dated May 19, 2023. The parties were tasked with a number of requirements to achieve reunification. The Child's foster home placement was confirmed in a permanency hearing order, entered on September 22, 2023, by the Juvenile Court.

On November 15, 2023, DCS petitioned the Juvenile Court to approve a trial home placement with Grandmother. On November 22, Petitioners filed a new petition for custody in the Juvenile Court, alleging that the environmental neglect concerns had been remedied and that placement with either Grandmother or Mother was inappropriate under the circumstances. The Juvenile Court granted the trial home placement on November 29 and then transferred legal and physical custody of the Child to Grandmother on December 7, dismissing all pending dependency and neglect proceedings filed by Petitioners.

Grandmother then filed a petition for adoption in "a court with adoption jurisdiction" and simultaneously filed notice of the adoption proceedings with the Juvenile Court. The adoption was finalized on December 15. Petitioners appealed the Juvenile Court's dismissal of the pending proceedings to the Circuit Court and moved for production of the adoption records.⁷ Grandmother objected, asserting that the Petitioners had no standing to review such records, and moved to dismiss the appeal, asserting that all petitions for custody or dependency and neglect were rendered moot by the adoption.

The Circuit Court dismissed the motion for production of the adoption records, finding that it did not have the authority to grant such relief. *See* Tenn. Code Ann. § 36-1-138(a)(1) (providing that such records may only be disclosed by the court of original jurisdiction of the adoption proceeding). The Circuit Court dismissed the appeal as moot

⁵ She explained that she no longer had custody of the grandchild who had been accused of inappropriate sexual conduct. This child was returned to Mother's care.

⁶ Grandmother appealed the Juvenile Court's order to the Roane County Circuit Court. The record does not contain evidence of the result of this appeal.

⁷ These records were also not provided for this court's review on appeal.

by order, entered on September 26, 2024. It is from this final order that Petitioners now appeal to this court for relief.

Petitioners agree that issues pertaining to Mother's alleged neglect are no longer justiciable as a result of the adoption; however, they assert that their claims alleged against Grandmother as an improper placement were never properly addressed. Grandmother responds that the adoption rendered the appeal to the Circuit Court moot and that Petitioners are furthering this litigation to harass her and to stall the Child's achievement of permanency. "To be justiciable, an issue must be cognizable not only at the inception of the litigation but also throughout its pendency." *Norma Faye Pyles Lynch Family Purpose LLC*, 301 S.W.3d 196, 203–04 (Tenn. 2009). An issue becomes moot if an event occurring after the commencement of the case extinguishes the legal controversy attached to the issue. *Lufkin v. Bd. of Prof'l Responsibility*, 336 S.W.3d 223, 226 (Tenn. 2011).

The record reflects that Petitioners' claims against Grandmother were addressed by the Juvenile Court's dismissal of all pending petitions and the placement of the Child with Grandmother over Petitioners' objections. All proceedings concerning the custody of the Child were then properly suspended on December 7, 2024, as a result of the filing of the adoption petition pursuant to Tennessee Code Annotated section 36-1-116(f)(2).⁸ The subsequent appeal was then rendered moot by the final adjudication of the adoption. *See* Tenn. Code Ann. § 36-1-116(f)(2) (providing that actions suspended "shall not be heard until final adjudication of the [adoption], even if such adjudication of the [adoption] will render the custody, guardianship, or visitation action moot"). At the time of adoption, any existing guardianship orders were terminated and Grandmother became the adoptive parent of the Child. Tenn. Code Ann. § 36-1-121(a). Grandmother was then afforded the same constitutional rights to the Child as if the Child had been born to her. Tenn. Code Ann. §§ 36-1-121(a), -122(a).

In consideration of the foregoing, we affirm the Circuit Court's dismissal of the appeal as moot. The case is remanded to the trial court for such further proceedings as may be necessary and needed, if any, that are consistent with this Opinion. Costs of the appeal are taxed equally to the appellants, Jason and Shauna H.

JOHN W. McCLARTY, JUDGE

⁸ "[A]ny proceedings that may be pending seeking the custody . . . of the child. . . who is in the physical custody of the petitioners on the date the petition is filed [] shall be suspended pending the court's orders in the adoption proceeding, and jurisdiction of all other pending matters concerning the child and proceedings concerning establishment of the paternity of the child shall be transferred to and assumed by the adoption court; [] all prior parental or guardian authority, prior court orders regarding custody or guardianship, or statutory authority concerning the child's status shall remain in effect."