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1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

Court of Appeals of New Mexico  
Filed 2/23/2023 1:08 PM

2 **JANET M. MCHARD,**

3 Petitioner-Appellant,

4 v.



Mark Reynolds

**No. A-1-CA-39822**

5 **LATISHA K. FREDERICK,**

6 Respondent/Cross-Petitioner-Appellee,

7 and

8 **MICHELLE A. OZBUN,**

9 Respondent/Cross-Respondent-Appellee.

10 **APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**

11 **Debra Ramirez, District Court Judge**

12 **Atler Law Firm, P.C.**

13 **Timothy J. Atler**

14 **Jazmine J. Johnston**

15 **Albuquerque, NM**

16 **Geer, Wissel, & Levy, PA**

17 **Maria Garcia Geer**

18 **Albuquerque, NM**

19 **for Appellant**

20 **Rose L. Brand & Associates, P.C.**

21 **Eraina M. Edwards**

22 **Albuquerque, NM**

23 **for Appellees**

1                   **DISPOSITIONAL ORDER OF DISMISSAL FOR MOOTNESS**

2 **YOHALEM, Judge.**

3 {1}     This matter is before this Court on appeal from a decision of the Second  
4 Judicial District Court denying visitation rights to Petitioner Janet McHard. We note  
5 the following:

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

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

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

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

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


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

6 {2}     **IT IS SO ORDERED.**

7  
8   
**JANE B. YOHALEM, Judge**

9 **WE CONCUR:**

10   
11 **KRISTINA BOGARDUS, Judge**

12   
13 **MICHAEL D. BUSTAMANTE, Judge,**  
14 **retired, sitting by designation**