

## RECORD IMPOUNDED

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This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-5140-14T2

D.H.,

Plaintiff-Respondent,

v.

Y.G.,

Defendant-Appellant.

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Argued October 5, 2017 – Decided May 8, 2018

Before Judges Rothstadt and Gooden Brown.

On appeal from Superior Court of New Jersey,  
Chancery Division, Family Part, Morris County,  
Docket No. FM-14-1042-04.

Howard S. Mendelson argued the cause for  
appellant (Davis & Mendelson, LLC, attorneys;  
Howard S. Mendelson and Karina E. Hehn, on the  
briefs).

Mark H. Sobel argued the cause for respondent  
(Greenbaum, Rowe, Smith & Davis LLP,  
attorneys; Mark H. Sobel, of counsel; Mark H.  
Sobel and Meridith J. Bronson, on the brief).

PER CURIAM

Defendant (mother) appeals from a June 3, 2015 Family Part  
order requiring her then seventeen-and-a-half-year-old daughter,

N.H.,<sup>1</sup> to spend parenting time with plaintiff (father) in accordance with the terms of the parties' property settlement agreement (PSA). N.H. was estranged from her father and had repeatedly refused to participate in his parenting time. For the reasons that follow, we dismiss the appeal.

The parties divorced on April 25, 2005, by a dual judgment of divorce (DJOD) that incorporated their PSA. Under the PSA, the parties shared joint legal and residential custody of their two daughters, N.H., born September 1997, and A.H., born February 2000.<sup>2</sup> The parties agreed to "cooperate in maximizing the emotional and physical well-being of the children," to "provide them with a sense of security and the affection of both parents," and to refrain from either "directly or indirectly" influencing "the children so as to prejudice them against one another."

In the PSA, the parties "adopt[ed] a [fifty-fifty] parenting[-]time schedule," and agreed to choose a parent coordinator to "help them with any coparenting disagreements that they themselves cannot resolve." The parties agreed to "abide by the [c]oordinator's recommendations," and, after approximately nine months, the coordinator could "recommend adjustments to the

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<sup>1</sup> We use initials to protect privacy interests and to maintain confidentiality. See R. 1:38-3(d)(1).

<sup>2</sup> The issues raised in this appeal pertain only to N.H.

schedule that conform to the evolving realities of the parties and their children."

Beginning in 2008, N.H. became estranged from her father, which caused the parties to file numerous post-judgment applications and engage multiple child related experts over the next decade. Plaintiff accused defendant of lying about him to their daughters and blamed her for the deterioration of his relationship with N.H. In response, defendant claimed she had done everything in her power to encourage N.H. to participate in parenting time with plaintiff and that her refusal to do so was the result of plaintiff's own behavior. The trial court eventually ruled that defendant violated the parenting-time schedule in the PSA and alienated N.H. from her father.


On appeal, defendant raises several issues we need not address because they are moot. "Mootness is a threshold justiciability determination rooted in the notion that judicial power is to be exercised only when a party is immediately threatened with harm." Betancourt v. Trinitas Hosp., 415 N.J. Super. 301, 311 (App. Div. 2010). "It is firmly established that controversies which have become moot or academic prior to judicial resolution ordinarily will be dismissed." N.J. Div. of Youth & Family Servs. v. W.F., 434 N.J. Super. 288, 297 (App. Div. 2014) (quoting Cinque v. N.J. Dep't of Corr., 261 N.J. Super. 242, 243 (App. Div. 1993)). "[F]or

reasons of judicial economy and restraint, courts will not decide cases in which the issue is hypothetical, [or] a judgment cannot grant effective relief . . . ." Cinque, 261 N.J. Super. at 243 (quoting Anderson v. Sills, 143 N.J. Super. 432, 437-38 (Ch. Div. 1976)).

As N.H. is no longer subject to the court's jurisdiction or the parenting schedule set forth in the PSA, "this appeal is moot because the orders entered . . . have no continuing adverse consequences." N.J. Div. of Youth & Family Servs. v. A.P., 408 N.J. Super. 252, 264 (App. Div. 2009). "Further, this is not an appeal where the issues raised 'involve significant matters of public policy, are extremely important, and undoubtedly will recur in cases that are likely to be mooted before adjudication.'" W.F., 434 N.J. Super. at 297 (quoting In re N.N., 146 N.J. 112, 124 (1996)). Thus, we must dismiss the appeal. See N.J. Div. of Youth & Family Servs. v. J.C., 423 N.J. Super. 259, 263 (App. Div. 2011).

Dismissed.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.

  
CLERK OF THE APPELLATE DIVISION