

Joseph Houston WALDRIP, Jr. and Welma Waldrip v.
Randy L. DAVIS

CA 92-466

842 S.W.2d 49

Court of Appeals of Arkansas
Division I

Opinion delivered November 12, 1992

1. **ADOPTION — CONSENT DOES NOT MEAN ADOPTION SHOULD BE GRANTED.** — The mere fact that a parent forfeited his right to consent to an adoption does not mean that the adoption must be granted; the court must further find from clear and convincing evidence that the adoption is in the best interest of the child.
2. **APPEAL & ERROR — NO APPEAL FROM FINDINGS OF FACT, CONCLUSIONS OF LAW OR MERE RULINGS.** — As a general rule, no appeal lies from findings of fact, conclusions of law, or “mere rulings.”
3. **APPEAL & ERROR — UNDER CIRCUMSTANCES, DECISION WOULD BE TANTAMOUNT TO ADVISORY OPINION.** — Where an adoption was denied on two grounds, but appellant only attacked one ground on appeal, and a determination of that issue would not change the ultimate outcome of the adoption, the appellate court did not reach the merits of that issue because a decision would be tantamount to issuing an advisory opinion, something courts are prohibited from doing.

Appeal from Independence Probate Court; *Carl B. McSpadden*, Probate Judge; dismissed.

Gary Vinson, for appellant.

Jeffrey E. Hance, for appellee.

JUDITH ROGERS, Judge. This is a step-parent adoption case. Welma Waldrip, appellant, and Randy L. Davis, appellee, were divorced in late 1987. In the divorce, Welma was awarded custody of their two sons, and appellee was ordered to pay \$200 a month in child support. Welma married appellant, Joseph Houston Waldrip, Jr., in August of 1988. In September of 1991, a petition was filed for adoption of the boys by Mr. Waldrip. In this petition, appellants alleged that appellee's consent to the adoption was unnecessary because he had failed significantly and without justifiable cause to provide for the support of the children.

[1] The hearing was held on December 16, 1991. At the