WEST UNION FALL CLE

Juvenile Case Law Update

September 4, 2024-September 4, 2025

Presented by

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CINA ADJUDICATION/DISPOSITIONAL HEARING:

In the Interest of D.C., T.C., T.C., T.C., and T.J., No. 24-1258 (October 16, 2024) Affirmed in Part, Reversed in part.

A mother appeals the adjudication of her 4 sons and one daughter as children in need of assistance, their continued removal, and the State's reasonable efforts at reunification. The state did not offer clear and convincing evidence to support adjudication on 2 of the 3 grounds. The district court made a removal finding in its adjudication order but included little detail. The court simply pointed to Destiny's "very recent positive methamphetamine test" as a "clear and present danger" to the children. T.J. attended the adjudication hearing, but the GAL did not want him to testify. The GAL shared T.J.'s views with the district court, but the court ruled that "because there's no cross-examination afforded to any party, [it would] put no weight in those hearsay comments." This ground for adjudication was reversed (neglect). They also reversed on the lack of supervision ground. They only cited the report of the child (from Missouri), and a DV incident.

In the Interest of G.G., No. 24-1271 (December 4, 2024) Affirmed.

A mother appeals the removal, adjudicatory, and dispositional orders arising from allegations of medical child abuse. After reviewing thousands of pages of medical records, a medical team at a child protection center determined that a child, who is now seventeen years old, was the victim of medical child abuse by her mother. Dr. Torson and her medical team reviewed 10,000 pages of medical records from hospitals, identifying conditions reported by the mother that were not supported by the records. The false reports included claims that the child had been born prematurely and suffered recurring urinary tract infections, dehydration, thyroid failure, and a genetic disease that had been ruled out by other providers. The inaccurate reports resulted in unnecessary or ineffective tests, procedures, medications, and treatments. The medical team's report observed the child "may now also be complicit with providing false information." Mother did not order full transcript. So, while we do not condone the mother's failure to order the full transcript, we find the record is sufficient to review her challenges on appeal. This court has found that "fabrication" or "exaggeration" of symptoms and failure to follow medical advice can demonstrate the imminent neglect or abuse and failure to supervise that is needed to sustain an adjudication under the precursors to paragraphs (2) and (3)(b). The court determined G.G.

remained at "imminent risk of future harm" until the reason the mother provided inaccurate information was known, and they could rebuild trust in her reporting.

In the Interest of A.G., E.G., T.G., C.O., C.P., I.P., S.P., and T.P., No. 24-1507 (December 4, 2024) Affirmed.

A mother and father separately appeal the adjudicatory and disposition orders in a children-in-need-of-assistance (CINA) proceeding. Each parent challenges the grounds for the CINA adjudication. The mother also challenges the determination that the State made reasonable efforts to prevent the children's removal. The Adjudication Order adjudicated the children but did not provide specific code provisions for the adjudication. The question is whether failing to cite the statutory provisions under which the court was adjudicating the children as CINA renders the court's order so indefinite and uncertain as to be void. The State petitioned for a CINA adjudication on those grounds, and the court's fact findings state clear and convincing evidence supported granting the State's petition as to both.

In the Interest of M.A., No. 24-1274 (January 9, 2025) Affirmed.

A mother appeals the juvenile courts dispositional review order and finding of reasonable efforts. The mother struggled with substance abuse and the child was placed with her father in Nebraska pursuant to ICPC. The mother addressed the substance use sufficiently but did not address her poor relationship with M.A., the child. The mother continued to deny responsibility for the situation of M.A.., blamed the teens for the situation she created, and did not show an ability to have a positive relationship with them. Mother moved for reasonable efforts, alleging the department failed to provide services such as visitation, family counseling, and individual counseling for M.A and appealed on the removal and disposition. Mother focused solely on improvements she had made but didn't address her contact issues with the child. The mother failed to preserve her issue regarding visitation.

In the Interest of M.D., No. 25-0019 (March 19, 2025) Affirmed.

A father appeals the adjudicatory and dispositional orders in a child-in-need-of-assistance proceeding. The father's hair-stat and UA tests were generally positive for marijuana, while his sweat-patch tests were generally positive for methamphetamine, cocaine, and marijuana. The father challenged the reliability of sweat-patch testing and claimed his prescription medication caused a "false positive", although he later testified that he had discontinued the use of the medication during those testing periods. During a 2-day hearing, the department testified to their testing procedures and the state had an expert testify. They agreed that the patches are the best method because it struck a balance between convenience to the tester with reliability of discerning active use. This court finds that the lower court provided clear and convincing evidence that the father was actively using methamphetamine and cocaine. The tests, taken in conjunction with the father's history with the department, his failure to participate in services, and the Department's own testimonies.

In the Interest of A.S., No. 25-0402 (September 4, 2025)-Affirmed

One of the interesting pieces of this appeal is that HHS was unable to join the intervenor's appeal. Then, after the State filed responses that were adverse to the juvenile court's rulings and the child's attorney asked for the responses and position of the State not to be considered, our supreme court also ordered that issue to be submitted with the appeal.

A.S. was seven years old when both of her parents passed away within ten days of each other, of drug overdoses. After the father died, HHS got involved with A.S. and her mother. When HHS learned of the mother's passing, HHS initially assumed the maternal grandparents would assume A.S.'s care without additional state involvement. There was miscommunication between the grandparents, department and the kinship placement resulted in A.S. remaining in the fictive kin's care with whom she had been staying with when her mother died. As a result, the department opened a CINA case. The maternal grandparents intervened in their granddaughter's CINA case and appealed the adjudication order, the court placing their granddaughter with fictive kin (instead of them/adult relatives) and the denial of their motion for concurrent jurisdiction. During this time, A.S. was staying with the fictive kin placement with whom she was familiar with.

As the proceedings continued, concerns about the grandparents arose and A.S. was clear that her preference was to stay with the fictive kin turning the juvenile court proceedings into a custody battle. A.S.'s attorney and Guardian ad Litem requested an attachment/bond assessment to help determine the most appropriate placement for A.S. A.S.'s attorney and GAL later bifurcated her role and solely became A.S.'s attorney. Two months prior to the dispositional hearing and prior to the attachment/bond assessment being finished, the department tried to move A.S. to the care of her grandparents. A.S. resisted and the juvenile court found HHS had "unreasonably or irresponsibly failed to discharge its duties in selecting a suitable placement" when it sought to move A.S. to the grandparents before the dispositional hearing. ***The juvenile court further enjoined the department from changing A.S.'s placement*** based upon information provided to the court by the children's therapist and said this matter would be litigated at the time of the dispositional hearing.

At the time of the dispositional hearing, HHS, the GAL and the grandparents all advocated for A.S. being placed with the grandparents. A.S. and her attorney requested she stay with her fictive kin placement. Evidence at the time of the dispositional hearing identified concerns with the grandparent's history, their relationship with A.S., their emotional regulation, their mental health, the input of the child's therapist and the assessment/bond evaluator, the lengthy and strong relationship between A.S. and the kinship placement—the stabilizing factor they have provided A.S. and A.S.'s wishes despite her only being eight years old. ***The appellate court found her wishes should be considered because of the maturity exhibited behind her decision***. The court of appeals found there is are a "host of factors" to consider (age, education level, strength of their preference) and because the child's attorney detailed the child's reasons of the preference, which showed her maturity the court of appeals is not prohibited from considering her option.

In contrast, the department's recommendation for placement of A.S. with her grandparents was based solely upon the statutory preference for placing children in the care of relative(s). ***After the dispositional hearing, the juvenile court ruled that A.S. was to be placed within the "fictive kin category" and not specifically withing a certain home***. *See Iowa Dep't of Health and Human Servs. v. Iowa Dist. Ct.*, No. 24-0834, 2025 WL 548012, at *4 (Iowa Ct. App. Feb. 19, 2025) (recognizing that when HHS is the child's custodian, chapter 232 gives the juvenile court the power to identify a category of placement—like adult relatives or fictive kin—while the department has the authority to select the specific person within that category for placement).

The juvenile court also ruled that the child should not be moved from the fictive kin's home "without reasonable notice to the child's attorney and the GAL." The juvenile court found HHS acted unreasonably and irresponsibly as the department made their recommendation without considering the child's best interest (including her current and future medical, emotional, recreational and educational needs) when discharged its duties pursuant to Iowa Code section 232.102(1)(b)(2). The Court of Appeals determined the juvenile court did not need to make this analysis and determined it was not necessary so disregarded it. Since the Court of Appeals did not believe the finding impacted the court's overall ruling they did not consider it.

The Court of Appeals also made a finding in this opinion that the agreed "with our sister panel, that the best-interest framework in section 232.116(2) guides a juvenile court's best-interest analysis.12 See L.P., 2025 WL 2237316 at *8–9. See In re L.P., No. 25-0044, 2025 WL 2237316, at *10 (Iowa Ct. App. Aug. 6, 2025) (disregarding the finding that the department acted unreasonably and irresponsibly when affirming the dispositional order, as the juvenile court's "unreasonably and irresponsibly" ruling was unnecessary in deciding to direct placement within the category of fictive kin).

PROCEDURAL-EVIDENTIARY

Iowa Department of Health and Human Services vs. Iowa District Court for Polk County, No. 24-0834 (February 19, 2025) Writ Sustained.

The Iowa Department of Health and Human Services challenges a juvenile court order prohibiting the department from changing the placement of a child in its custody until the court first holds an evidentiary hearing on whether the change is in the child's best interest. The juvenile court prohibited the department from moving a child to another placement (same category) before an evidentiary hearing was held. HHS petitioned for a writ of cert. The Appeals court found that the juvenile court's order was illegal because it exceeded the court's authority. The juvenile court did not find that the department had acted against the child's best interests and removed the department as guardian prior to ordering the move not happen. Child's attorney and GAL argued that best interest meant the child was not moved from the only placement she had ever known. But a court must make its best-interest determination within—not outside of—existing statutory procedures and standards. Rather than setting the category of placement or conducting the statutory review process with its required deference, burdens, and findings, the juvenile court ordered the daughter's placement to be with the current foster family. Such an order is outside the authority granted under the statute to the juvenile court. The Appeals Court also indicated that the way the department went about this was not the right way to do it, and that they should be giving notice to all parties if they want to move the child.

Dissent by Judge Greer.
"The Department is not infallible, nor is its power absolute; and neither is the court's. That is why the process matters, and that is why the primary focus is the child." The statute presumes that the court and all interested parties are alerted to any possible change in placement, but the department did not do that here. The dissent really focuses on the failures of how the department handled this situation and how that can negatively affect the child.

In the Interest of L.G., K.G. and N.G., No. 25-1555 (March 19, 2025) Affirmed.
A father appeals the adjudication of his three daughters as children in need of assistance. The father appeals their adjudication as children in need of assistance (CINA) and claims the district court "improperly admitted both documentary and testimonial evidence in contravention of the applicable rules of evidence regarding admissibility." Father claims that if the evidence had been kept out as he had asked, the State wouldn't meet their burden for adjudication. Father objected to 3 State exhibits, and 1 GAL exhibit. The 3 State exhibits were a letter from the children's therapist, a letter from the Child Protection Response Center, and a report from the Dr. and the Child Protection Response Center. The GAL exhibit was letters from the children specifying their feelings and somewhat touching on the allegations. This Court held that exhibits 2 and 3 of the State's exhibits fit the hearsay exception as outlined in 232.96(6). The lower court held that State's exhibit 1 could be admitted under Iowa Rule of Evidence 5.803(4), but this court is not convinced that an update from a therapist fits under this exception. However, the evidence in 1, is cumulative of information contained in exhibits 2 and 3. The GAL exhibit was not entered in the lower court as the Court believed the letters were hearsay and is not covered by any exception. This was not taken up on appeal by the GAL.

Further, footnote 3 is very important. It says that the exhibits in the appellate record do not contain physical exhibit stickers or an electronic exhibit stamp. "The clarity of the appellate record benefits by having exhibit stickers on the electronically submitted exhibits." "Our independent review of the record is decidedly more difficult due to the absence of exhibit stickers or other identifying markers on the bulk of the exhibits. It is critical for review of the trial court record that the exhibits contain an identifier on the exhibit."

In the Interest of J.L., No. 24-2071 (March 19, 2025) Reversed and Remanded.
A party appeals the denial of her motion to intervene. J.C. maintains she is the "fictive kin" of J.L., born in 2022. Because of her connections with the child, J.C. moved to intervene in a child-in-need-of-assistance (CINA) case involving J.L. After a December 2024 hearing, the juvenile court denied the motion, which J.C. challenges on appeal. At this CINA stage of these proceedings, we agree that J.C. has a right to intervene, and the juvenile court erred by denying the motion. The mother transported the child to Indiana where the child lived with J.C. for 5 months. HHS removed custody from the mother and transferred custody to foster care, and the child was transported back to Iowa and placed with foster parents, then paternal aunt. On March 12 she filed a motion to intervene, and it was denied. On December 2nd she filed another motion to intervene, it was denied, and she appealed. Iowa Rule of Civic Procedure 1.407 controls the right to intervene in a CINA case. The question, then, is whether J.C. fits into any of the enumerated categories of individuals with the legal right to be considered for custody.

On our de novo review, we conclude that the juvenile court erred in summarily rejecting J.C.'s argument that she is fictive kin and thus do not consider whether she would satisfy the standard for an "other suitable placement." Fictive kin is defined as "an adult person who is not a relative of a child but who has an emotionally positive significant relationship with the child or the child's family." This court looked through the history of this case and determined that she in fact had a strong, positive relationship with the child's father, known the history of the family, grandmother of and currently has guardianship of R.L. the half-sibling to J.L. and S.R.'s child and that she would qualify as fictive kin.

In the Interest of B.H., Minor Child, No. 25-0504 (May 21, 2025) Affirmed in part, Reversed in part; Reversed on cross-appeal.

A father appeals and the Iowa Department of Health and Human Services cross-appeals the juvenile court's dispositional review order. After a father disclosed potential sexual abuse, visitation with his daughter was stopped. The Court later determined fully supervised visits could protect the child, but the father then obtained an alarming psychosexual evaluation which suggested he should have no contact with any minors and needed inpatient sexual offender treatment.

Over the next year, the Department was unable to locate any inpatient facility that would take the father as a patient, and the father wanted visits. The daughter had reported to her therapist that she missed her dad and wanted to see him. The therapist determined that fully supervised visitation within a therapeutic setting would be safe, but the juvenile court denied the request. The Court also ordered the father to obtain a new evaluation, at his request. The father requested the evaluation be done by a new provider, which the court did not order but also did not forbid. The Court of Appeals specifically indicated that the use of a new evaluator cannot be used as an attempt to hide information from the evaluator and specifically found "the new evaluator should have access to all information he or she finds necessary, including the prior evaluation." This supports the premise that parents can be ordered to provide prior records, even those with sensitive information, to new providers.

Scott R. Luke v. State of Iowa Department of Health and Human Services, Families First Counseling, Samantha Weigman, Katrina Guhl (f/k/a Miller), Jennifer White, Cerro Gordo County Attorney's Office, and David Grooters, No. 24-1421 (August 6, 2025) Affirmed.

Scott Luke's infant son was removed from his custody through a CINA case. The infant later died in the mother's custody from severe malnourishment. The father sued the State, two IDHHS employees, the Cerro Gordo County Attorney, the GAL, and the mother's counselor, all of whom he alleged were connected with the CINA case. Mr. Luke was self-represented in all his pleadings, and the district court dismissed all his claims. The Court of Appeals affirmed the district court's rulings. The Court of Appeals notes, however a "preliminary concern" that Mr. Luke's brief was "riddled with citations to nonexistent Iowa cases." The Court agreed that he likely misused an "artificial intelligence tool" to create his brief, which resulted in pages of discussion about nonexistent cases. The Court states: *"we stress that self-represented litigants and attorneys alike have a duty to independently verify the authenticity and veracity of all sources and assertions when relying on artificial intelligence tools to prepare trial or appellate court filings."*

INDIAN CHILD WELFARE ACT

In the Interest of B.T., No. 24-1585 (January 9, 2025) Affirmed.

A father appeals the termination of his parental rights. GAL, State and the Osage Nation agreed with the recommendation. The father struggled with substance abuse for the last 14 years and was not participating adequately in mental health treatment or continued substance abuse treatment. A representative of the Osage Nation testified as the QEW. He testified that the Osage Nation believed the father's rights should be terminated, and that the son would not lose his tribal membership or any rights with the termination. The court also found under the Iowa Indian Child Welfare Act that continued custody of the son by the father "is likely to result in serious emotional or physical damage to the child." The father raises whether the State met the heightened burden under the ICWA. The Qualified Expert Witness testified that returning the son to the father's custody could result in physical, emotional, or serious damage.

Justice Buller concurred in part but dissented in part. Foot note 2 states, "The State argues that the father did not preserve error on his challenge to the sufficiency of the evidence for this statutory ground by explicitly challenging it in the juvenile court. But the father may challenge whether the State has met its burden to prove a ground for termination on appeal even if he did not do so in the juvenile court" Justice Buller believes it was undisputed at trial that the father did not make the same legal challenge to the statutory grounds for termination. This conclusion is inconsistent with many of our unpublished decisions and contrary to fundamental principles of error preservation and our role as a "court for the correction of errors at law.

In the Interest of H.D., A.D., E.D., and A.D., No, 25-0587 (July 2, 2025) Affirmed

The father of four children appealed the termination of his parental rights after being convicted of second-degree sexual abuse and incest after raping and impregnating his then-thirteen-year-old daughter (DNA testing confirmed he was the abuser). All four of his children were removed from his care and he was sentenced to thirty years in prison with a lengthy mandatory minimum term. The father and all four of his children are members of the Navajo Nation, making the Indian Child Welfare Act (ICWA) applicable. The father did not object to the active efforts HHS provided to him until the termination hearing, specifically that HHS should have moved to modify the no contact order which had been imposed over a year before the termination trial. The Court of Appeals held his objection to it was far too late. The court held that ICWA does not override "a state's error preservation rules" and requires parents to object prior to termination, similarly to reasonable efforts, to give the juvenile court the opportunity to make any necessary changes and/or direct HHS to provide the father with certain services.

GUARDIAN AD LITEMS & CHILD REPRESENTAION

In the Interest of A.D., No. 24-0232 (May 8, 2024) Reversed and Remanded
A father appealed termination of his parental rights- but this case is in the permanency section of the case law update because the court of appeals reversed the juvenile court's TPR order and concluded a six-month extension was warranted. Although the father struggled to address his substance abuse and mental health issues early in the case, the court of appeals gave more weight to his improved performance leading up to the hearing (substance abuse evaluation and treatment, medication management, increased participation in visits, and stable housing) than the trial court did. ***The trial court's reliance on the GAL's recommendation was misplaced when the GAL filed a barebones report and did not follow the mandates of Iowa Code Section 232.2(25)***. And the social work case manager's recommendation was entitled to less weight when she had limited contact with the father, was unwilling to give any weight to his negative hair stat test, and failed to move him to less supervision in visits in spite of his progress.

There was also an interesting section on drug testing. The court of appeals based its decision to grant an extension in part on the department's drug testing choices (related to a reasonable efforts argument made by the father). The father tested positive for methamphetamine via sweat patch on several occasions late in the case- but blamed a prescription drug for a false positive. Nonetheless, the department failed to perform any further testing on those positive tests, initially declined to provide a hair stat test at the father's request, and discounted other negative drug tests. They tried to present expert testimony on the sweat patches, but the trial court denied the request because they did not give enough notice to the other parties.

There was a concurrence by Judge Buller explaining that any issues with the GAL's reporting should not have been considered by the court of appeals because error was not preserved. The father did not move for a continuance, move to compel a report to be filed, or seek to exclude the GAL's opinion. Merely complaining about the lack of a report is not preserving error. Judge Buller also expressed concern that the ***court's opinion implied that a GAL's failure to file a report could be viewed as reversible error- something he does not think the law contemplates, or legislature intended***.

In the Interest of T.R., N.R., K.R., L.R., No. 24-0914 (October 16, 2024) Affirmed.
After a seven-day trial, a mother appealed the termination of her rights, alleging in part that the Guardian ad Litem for all of the children and attorney for three "***failed to meet her statutory duties***." The child N.R. also appealed, but did not specifically address the GAL. The Court of Appeals affirmed the juvenile court's decision.

The Court also specifically addressed Mother's claims that the GAL failed to conform to statutory duties. Mother claimed the ***GAL report lacked "sufficient explanation for how she reached her conclusions***." Mother also argued the GAL did not interview the children's mental health professionals and educational providers as required in the code. She further argues the ***juvenile court should have bifurcated the GAL's role for K.R. and I.R. because the children's opinions regarding termination differed from the GAL recommendation – going so far as to allege the GAL was untruthful when reporting the children reported to her that they wished to stay with their father***. The Court of Appeals analyzed each of Mother's arguments about the GAL as follows:

Statutory Compliance: The Code does not provide a level of specificity or detail for a GAL report, but the Court does agree that this GAL report was "sparse with details or reasoning for her conclusions." The Court has previously held that a "***skeleton report***" was not sufficient to comply with the code and could serve as a basis for error if the juvenile court relied on the GAL's position that TPR was in the child's best interest. Here, though***, the juvenile court detailed the reasons why TPR was in the children's best interest separately from the GAL's position and in fact never relied upon the GAL's opinion at all***. The record

was replete with support for termination of the mother's parental rights and the juvenile court provided specific reasoning for its ruling. ***The Court of Appeals further found that any error that could be inferred through a lack of information or independent interview in the GAL report was cured in this instance because the providers testified at the TPR hearing and filed written reports***.

Bifurcation: The Court of Appeals disagrees with mother's argument that the role of the GAL should have been bifurcated. While there is precedent for the juvenile court ordering bifurcation where a child was a teenager, here the children were seven and ten years of age. Additionally, the GAL stated in her report the children were not of a sufficient age or maturity to have an informed position on the matter. ***The children's therapist testified she had not asked the children about their position on the termination of their mother's rights as she did not believe they were sufficiently mature to make such a decision***. Therefore, the juvenile court did not err by denying the motion for bifurcation.

Ultimately, the Court of Appeals ruled the GAL's report did not comply with the statute; however it did not amount to reversible error.

In the Interest of L.A., No. 24-2086 (March 19, 2025) Affirmed.
A mother and father appeal the juvenile court's order terminating their parental rights. The important footnote for this is on page 2. "We note that the child's guardian ad litem (GAL) filed a response to the parents' petitions on appeal. We find such responses useful and encourage GALs to file responses when they are able while recognizing the time and resource burden on our juvenile-law practitioners is a potential impediment to doing so."

In the Interest of L.B. and H.B., No. 25-0113 (April 23, 2025) Affirmed.
A mother and father separately appeal the juvenile court order terminating their respective parental rights to their two minor children. One of the arguments centered around the court not bifurcating the role of the children's GAL and attorney. The GAL stated at the end of the termination trial, "that H.B. does not want to be adopted, but she wants to remain with her grandparents." The parents argue that there was conflict regarding the children's positions on termination.

This court found that both children had talked about wanting to stay with their grandparents for their childhood, that H.B. was asked in front of the court if they wanted termination and H.B. nodded in the affirmative. Further, the GAL informed the court of the children's back and forth and their desires, including back and forth about being adopted or not. The court found the parents' testimony to be not credible and found there was no conflict.

In the Interest of B.T. and J.T., No. 25-0265 (May 7, 2025) Affirmed.
A mother and her twelve-year-old son appeal the termination of her parental rights to him and his younger brother. The mother struggled with substance use, refused to submit drug screens, struggled to appropriately parent the two boys. The juvenile court terminated her parental rights despite the objection of her older son who wanted to ensure his mother was cared for. The juvenile court explained he "should not be burdened with being responsible for his mother's well-being and mental health." The Court of Appeals held,

> But at twelve years old, he deserves to be a kid. ***And one of our core responsibilities is to ensure children are cared for—not doing the caretaking.*** So, like the juvenile court, we find the child-objection exception should not prevent termination here. As for the older son's objection, by affirming termination, we in no way wish to diminish the older son's desire to remain in his mother's life. We respect him for participating in the proceeding, voicing his preferences, and

wanting to ensure his mother is supported. Yet our task is to place his childhood and development first.

In the Interest of J.B., No. 25-0144 (June 18, 2025) Affirmed.
The putative incarcerated father appealed the juvenile courts CINA dispositional order. The father claimed that putative fathers have standing to make requests CINA proceedings, specifically in relation to GAL Reports; that the GAL report was incomplete and father's counsel's criticisms of that report were not "personal attacks" and that GAL reports should be treated as evidence in CINA proceedings.

The Court of Appeals found that the first issue regarding the father's standing to make requests was moot as he had been established as the father through paternity testing. The trial court found the GAL report to be sufficient, that the GAL report was not evidence and as such, she did not rely upon it to make her ruling at the dispositional hearing and that the father's attorney was making personal attacks against the GAL.

The Court of Appeals affirmed the trial court's ruling. They declined to determine whether or not GAL reports should be considered as evidence or a pleading, but included an important footnote it its discussion, "The takeaway from this line of cases is not for juvenile courts to disavow reliance upon GAL reports, but for GALs to strive to comply with the statutory requirements for representing the best interest of children who are adjudicated in need of assistance.

The Court of Appeals also declined to rule on the father's request to not have her arguments regarding the GAL report be deemed as a "personal attack" on the Guardian ad Litem.

PERMANENCY
Guardianships & Bridge Orders

In the Interest of C.T., No. 24-1035 (October 30, 2024) Affirmed.
A mother appeals from a permanency order establishing a guardianship on behalf of her child, she further asserted that DHHS failed to make reasonable efforts. Mother refused to undergo any drug testing, did not do a substance abuse evaluation, and refused to sign any medical releases for the department. Mother asserted just prior that DHHS did not provide her help to arrange a mental health evaluation. State argued that there was no jurisdiction. Generally, appeals in CINA proceedings must be taken from a final order. ***Question here is: did the court intend to end the CINA case and not move to termination proceedings -- which would make the permanency order a final order***. If the answer is yes, then it constitutes a final adjudication of the CINA case.

The department is not required to make every effort thought possible. The mother is the one who caused the delay in testing. The mother did not respond to the professionals, did not engage in services consistently, and did not follow through on scheduled appointments.

In the Interest of B.C., A.C., J.C. and E.C., No. 24-1069 (October 30, 2024) Affirmed.
A father appeals a juvenile court bridge order. The father had struggled with illegal substances, controlling behavior, and domestic violence. The father did not engage in substance abuse

treatment. The Court ordered joint legal custody and physical care for the mother with visitation (with rules) for the father. The objective of a physical-care determination is to place the children in the environment most likely to bring them to health, both physically and mentally, and to social maturity. The father had failed to follow through on treatments, expectations, and safe parenting at times.

In the Interest of A.D., No. 24-1478 (December 4, 2024) Affirmed.

A mother appeals the entry of a bridge order by the juvenile court granting the child's father sole legal custody and physical care. This case presents a challenging question of whether the juvenile court had subject-matter jurisdiction over a child and her parents who no longer resided in Iowa when a bridge order was entered. After numerous permanency review hearings, the child was found to still be a CINA and ordered to remain in her father's custody in Illinois. Unexpectedly, the mother moved to Illinois to be closer to the child and father. The mother's first argument on appeal is straightforward. She argues the juvenile court can only transfer jurisdiction over a child "through a bridge order if the district court has jurisdiction to enter an initial child custody order." She attempts to add an additional requirement not contemplated by the statute—that a transfer of jurisdiction to the district court through a bridge order can only occur if the district court has subject-matter jurisdiction to enter an initial child-custody order. But when a statute is clear and unambiguous, we must give effect to express terms. Although the entry of a bridge order creates a new "proceeding" on the district court's civil docket, it is really a continuation of the underlying CINA case for purposes of closing the CINA case. Therefore, the district court is not making an "initial child-custody" determination upon entry of a bridge order. It is simply giving effect to the initial child-custody determination the juvenile court already made. We have previously interpreted this provision (of the ICPC, Iowa Code 232.158(5)(a)) to mean the juvenile court retains subject-matter jurisdiction over a child even if the child and all other relevant parties move out of the state.

In the Interest of K.L., No. 24-0873 (December 18, 2024) Affirmed.

In March of 2021, the State of Texas removed K.L. from parents' custody and placed her with maternal aunt (Iowa resident) as possessory conservator under the ICPC. In January 2022, a Texas court terminated the parental rights of both K.L.'s parents and continued having the aunt as possessor conservator, and Texas the permanent managing conservator for K.L. In May 2023, the Texas court entered a final order and found that Texas is the home state of the child and Texas court had jurisdiction, along with closing the case, named the aunt as the permanent managing conservator and released Texas from further duties. During this time, another sibling (M.C.) was placed with her aunt, but the parents' rights were not terminated. In early 2024 the aunt contacted Iowa DHHS asserting problems with Texas and court services, and Texas terminated M.C.'s placement and removed the child to Texas. HHS in Iowa filed an application for removal of K.L. based on her claims about Texas. The day after the removal Texas notified Iowa of a jurisdiction issue over K.L.'s case. GAL was not in agreement with removal and criticized HHS. The removal order indicated HHS had emergency jurisdiction over K.L. A jurisdictional hearing was held and Texas wanted to assert jurisdiction and Iowa declined to assert it. D.P. appeals that finding asking for K.L. to be returned to Iowa court jurisdiction. Court agrees Iowa is now the home state. However, since Texas invoked jurisdiction, it must be determined if Iowa courts have exclusive, continuing jurisdiction and the Appeals court determined it did (lived in Iowa most of her life, relationships, care, etc.). And while the courts of each state are familiar with certain facts and

issues, Texas's history with this family and the presence of M.C. and the younger sibling in the same placement favors Texas. So, on balance, we agree with the juvenile court that the sibling connection supports declining jurisdiction in Iowa so that K.L. can be placed with her siblings in Texas under the supervision of the Texas court.

In the Interest of A.H., No. 25-0291 (May 7, 2025) Affirmed

A previous CINA case was closed with the child being placed into a guardianship with the maternal grandmother in 2021. The guardianship was closed in 2022 at the grandmother's request, and the child was returned to the mother's custody. Later in 2022, the current CINA proceeding opened due to mother's substance use and refusal to drug test or engage in services offered by the department. In July 2024, after nearly six years of involvement with HHS, the termination trial was held with continued concerns about her substance use, her mental health and her relationship with the biological father. The mother appeals the termination order and advocates for a guardianship with her mother instead of termination. The Court of Appeals held the mother had the burden of proof to show that a guardianship is a preferable alternative to termination.

In the Interest of I.L., No. 25-0477 (September 4, 2025) Affirmed

The mother requested a bridge order under Iowa Code section 232.103A (2024) instead of her parental rights being terminated. The mother agreed she was not in a position to have the child returned to her custody at the time of the hearing. Neither the department nor the father thought a bridge order was appropriate due to the mother's instability, substance use disorder, mental health needs, unhealthy relationships and prior domestic assault by the mother against the father when he tried to be protective of the child. The mother had also violated the department's safety plans and no contact orders forbidding her to have contact with the father. The appellate court held, "Entry of a bridge order is not the preferred solution when there is long-standing discord between the parents. In re B.L., No. 24-1321, 2024 WL 4965955, at *3 (Iowa Ct. App. Dec. 4, 2024). We agree that a bridge order is not in I.L.'s best interests."

In the Interest of M.A., Minor Child. No. 25-0940 (September 4, 2025) Affirmed.

A mother appeals a bridge modification order placing the child in the father's sole legal and physical custody and granting her restricted visitation.

Parties agreed to close out a CINA case through modification of an existing Bridge Order. Mother later withdrew her consent for the plan. After contested hearings, the juvenile court entered a bridge modification order, granting the father sole legal custody and physical care of M.A. The juvenile court granted the mother not less than four hours per week of supervised visitation, which would become unsupervised if the mother completed substance-use treatment. The Court of Appeals agrees with the juvenile court's decision to grant the father sole legal custody and physical care of the child. The evidence supporting that decision includes the mother's failure to adequately address her substance use and her inability to recognize the detrimental effect that her methamphetamine use has on her child. The only impediment to closure of the CINA proceedings is the mother's instability. The negative impact of that instability was curbed by the terms of the bridge modification order. The parents mutually agreed on the supervisors for the mother's visits. Further, the court granted the mother progressive visitation, allowing unsupervised visits if the mother completed substance-use treatment. M.A.'s best interests are served by the visitation arrangement established by the juvenile court, which includes supervised visitation until the mother completes substance abuse treatment.

TERMINATION OF PARENTAL RIGHTS

In the Interest of R.V. and J.V., No. 24-0547 (October 30, 2024) Affirmed.
A father appeals the private termination of his parental rights under Iowa Code Chapter 600A for failing to financially support his children. The father was also ordered to pay $75 for child support each month. The father did not follow through on either front. Despite receiving half of the proceeds from selling the marital home, the father never paid any child support. And the father likewise never exercised his visitation, relying on the mother to initiate visits or phone calls with the children. Father told the court during trial he was not aware of an obligation to pay. The court found him unreliable. He took no interest in his children; no visits, no phone calls, etc., unless initiated by the mother.

In the Interest of L.C. and W.C., No. 24-1300 (October 30, 2024) Affirmed.
The mother of one child and the father of both children separately appeal the termination of their parental rights. The father (incarcerated) argues the juvenile court lacked subject matter jurisdiction to decide termination because the appeal of his convictions was not yet completed. If his criminal appeals were successful, the adjudicatory ground would not persist, and the statutory grounds would not be met for termination. The father did not challenge the adjudication, so they cannot review the validity of that now. Even if he had, the pertinent question is did the grounds exist at the time of the adjudication. The improvement of a parent's or family's circumstances does not retroactively invalidate an action taken by the juvenile court that was proper at the time the court took the action.

In the Interest of N.F., E.M., H.M., K.M. and L.T., No. 24-1328 (October 30, 2024) Affirmed.
Appeal from the mother and father regarding termination. This case is interesting because it focuses on what counts as significant and meaningful contact under Iowa Code Section 232.116(1)(e). The statute defines "significant and meaningful contact" as "the affirmative assumption by the parents of the duties encompassed by the role of being a parent." The parents argued that they had been attending regular visits with the children and were extremely attentive and participating in the caretaking of the son. However, besides visitation, there does not seem to be any other effort to communicate with the children. The mother only called once a month, even though she could have whenever she wanted. The mother was offered in-person visits whenever she wished -- she didn't because she couldn't bring the father. They prioritized their relationship with each other and their drug use over the children. Although visits lend support for the finding of significant and meaningful contact, there must also be affirmative assumption of the duties that go along with being a parent. That is not here in the evidence for this case.

In the Interest of G.A., No. 24-0984 (December 18, 2024) Affirmed
A mother appeals the termination of her parental rights. The mother struggled with substance abuse on and off for years, and would engage in treatment, mental health therapy, but would then have relapses where she was not honest with providers and the professionals. "Throughout this case the mother has said one thing and done another." The mother made some progress in the months between the permanency hearing and the termination hearing. However, they agreed that even with the benefit of services over several years, the mother continues to be unsafe for the same reasons. Judge Ahler concurred in part and dissented in part. Ahlers agreed the child could not be returned at the hearing but believes the mother should've been granted a 6-month extension. "But since the

permanency hearing, the mother has been on a positive trajectory, though not a perfectly linear one." Viewed through the lens of highlighting the mothers progress, Ahlers concludes the mother should have had a 6-month extension.

In the Interest of A.G., No. 24-1908 (March 5, 2025) Affirmed.
A father appeals the termination of his parental rights to his child. The lower court allowed a 6-month extension for the mother and terminated the father's rights. The father was incarcerated at the time of the trial, and his estimated release from federal prison is late 2025- well beyond the 6 months after trial. The father did what he could in prison and did have contact with the child. The lower court denied the rest of the team's request to terminate the mother's rights as well.

In the Interest of K.M, No. 24-1680 (April 9, 2025) Reversed and Remanded.
The mother appealed the termination of her parental rights. After review, the appellate court determined that the State failed to prove the statutory ground for termination by clear and convincing evidence. The mother and father were toxic to each other and their daughter- often putting her in the middle with each parent claiming the other did something wrong, with the mother claiming multiple times the father sexually abused the child. The Court ultimately concluded the State proved the statutory requirements for termination under Iowa Code Section 232.116(1)(f) and terminated the mother's rights. However, this Court found that the evidence does not support the court's ruling due to the lack of lay- and expert testimony causally linking the child's mental or emotional distress to the mother's conduct, along with statements from the child's therapists undermining that link. Further, the therapists could not connect the anxiety diagnosis of the child to the mother's actions which would be needed for Iowa Code Section 232.96(3)(a).

In the Interest of J.H., No. 25-0006 (April 9, 2025) Affirmed.
A father and guardian ad litem separately appeal the termination of the father's parental rights to his child. The child was living with the paternal grandmother, and the GAL had been the GAL on prior sibling cases. The older children were in a guardianship with the grandmother, and that is what the GAL and father requested in this case. The GAL believed the father would not challenge the guardianship as he hadn't on the other children's cases, and the GAL wanted this child to be "equal" to the other siblings in having the grandmother as a guardian. The grandmother also preferred guardianship but was ready to adopt if the court ordered that. The Court found that due to this child's age termination was the more appropriate option. Further, because the father asked for a 6-month extension, it essentially shows he was ready to disrupt a guardianship when he gets out of prison.

In the Interest of D.C.-C., No 25-0617 (July 2, 2025) Affirmed
A mother appeals the termination of parental rights, specifically that the State failed to offer clear and convincing evidence that her son could not "safely return" to her custody. HHS had conducted three assessments centered on the mother's cognitive ability to care for the child, as well as domestic violence and substance use in the child's presence. The mother's psychological testing showed she had an intellectual disability and was eligible for support services but did not access those services. The Court of Appeals held:

> Our case law offers two formulations for what it means when a child "cannot be returned" to parental custody as provided in section 232.102, which discusses transferring the child's custody if staying in the home would be "contrary to the welfare of the child." Many cases cite *in re M.M.*, 483 N.W.2d 812, 814 (Iowa

1992), which provides that a child cannot be returned if it would expose them to "any harm amounting to a new child in need of assistance adjudication." But our supreme court often describes the fourth element as the inability to "safely return" children to their parents' care. See, e.g., *In re T.W.*, No. 20-0145, 2020 WL 1881115, at *1–2 (Iowa Ct. App. Apr. 15, 2020) (collecting cases). Under either formulation, the State met its burden here.

TPR: BEST INTEREST/DISCRETIONARY EXCEPTIONS

In the Interest of I.T., S.T., and T.T., No. 24-1209 (October 30, 2024) Affirmed.
Mother struggled with ongoing substance abuse. Eventually the mother wrote to the court expressing her regret and taking accountability for her use. This was short lived; the mother tested positive for cocaine in June. Despite this, she convinced her physician and therapist that it was a false positive. They testified to that effect and mom remained silent. Months later she admitted it was an accurate test. Two-day termination was held in December with no order by March. Mother filed a Motion to reopen the record to show her progress and that was granted. During that hearing, it was shown that mother had regressed and was not truthful. The mother has shown she will prioritize her own wants and needs over her children. The mother pointed to the children and her bond as a basis for foregoing termination. She did not meet her burden of proof for this by clear and convincing evidence.

In the Interest of L.E. and L.E., No. 24-1263 (November 13, 2024) Affirmed.
A mother appeals the termination of her parental rights. Both children were placed with their father throughout the pendency of the case. Ultimately the state decided to request termination and the mother argued a permissive exception (if a relative has legal custody of the children and the children are over 10 and objection to the termination.) It is the mother's burden to prove these requests, but the mother made it clear she would disrupt things with the father and children as soon as she could. As to the youngest child's objection to termination, the exception does not apply to him as he was not over 10 years old at the hearing. For termination of parental rights, the child's age must be determined upon the date of completion of the termination hearings.

In the Interest of L.T., No. 24-1348 (December 4, 2024) Affirmed.
A mother appeals the termination of her parental rights. This mother has a significant history of use. At just 14 years old she used methamphetamine for the first time and is now 40 years old. She has struggled most of her life with illegal substance use. The court determined that use was significant enough that the termination was appropriate. However, the mother was very bonded to the child, and the child to the mother, and asked for a permissive exception. The record before us is filled with evidence about the bond the mother shares with her child, who was always happy to see her and sad to leave. The provider who supervised the mother's visits told the juvenile court that she was testifying for the mother because the child's "voice needs to be heard." The juvenile court found this evidence "emotionally compelling," as do we, but determined the strength of the bond was outweighed by the child's need for permanency and the mother's "inability to safely parent by properly addressing her methamphetamine use disorder and her need for long term sobriety."

In the Interest of L.A., No. 24-2086 (March 19, 2025) Affirmed on both appeals.
A mother and father appeal the juvenile court's order terminating their parental rights. The father argues that terminating his parental rights is not in the child's best interests because he loves the child and there is a bond between them. Court believes he conflates a best interest argument (step 2 of the 3-step process) with a permissive-exception argument (step 3), this Court interpreted his argument as a challenge under the second step. Conflating the second and third steps based on a claimed bond with the child is not uncommon. On several occasions, we have tried to detangle the conflation by stating that the closeness of the parent-child relationship or the bond between parent and child is not a proper consideration in the best-interests analysis (step two). Court says upon further reflection, they determined those statements were not the clearest or best way to navigate the problem when petitions on appeal conflate these issues.

"This requires us to consider, among other factors, the child's mental and emotional conditions and needs. A child's mental and emotional condition and needs are inherently impacted by the child's bond with a parent, so the parent-child bond is a relevant consideration in the best-interests analysis. As such, we hereby steer a corrective course and disavow the parts of our cases…that state that the bond between a parent and child is not part of the best-interests analysis.

In the Interest of A.C. and L.A., No. 25-0418 (May 7, 2025) Affirmed
The mother appealed the termination of her parental rights. During the CINA matter, the mother was unsuccessfully discharged from several treatment programs and after the ones she had successfully completed, she relapsed every time. The mother struggled to remain sober outside of a structured environment. The evidence also showed there was a strong bond between the mother and both of her children. The Court of Appeals noted that the existence of a bond and love is not enough to avoid termination under Iowa Code section 232.116(3)(c)—that to apply this permissive exception there must be clear and convincing evidence that the termination would be detrimental to the child due to the closeness of the parent-child relationship and added,

> ***Our consideration must center on whether the child[ren] will be disadvantaged by termination, and whether the disadvantage overcomes [the mother's] inability to provide for [the children's] developing needs.***" See D.W., 791 N.W.2d 703, 709 (Iowa 2010). Here, any disadvantage to the children in terminating the mother's rights is overcome by the mother's inability to meet the children's needs. The children's needs are being met in their foster home and terminating the mother's rights ***to free the children for adoption results in a net advantage to the children***. So we do not apply the permissive exception.

In the Interest of C.M., E.M., and C.M., No. 25-0435 (June 18, 2025) Affirmed
The mother appeals the termination of her parental rights to three children. In her argument that termination is not in the children's best interest, she references her bond with the children. However, she did not specifically address "permissive exceptions" to termination (step three of the Court's analysis) which includes Iowa Code section 232.116(3)(c)(2024). Therefore, the Court of Appeals declined to consider if any exception under 232.116(3)(c)(2024) would apply. The Court held, "To avoid the risk of waiving an issue, if a party intends to advance both a best-interests and permissive-exception argument, the party needs a separate issue heading and argument for each." *Id. (citing Iowa R. App. P.* 6.903(2)(a)(3), (2)(a)(8)).

The mother also questioned the validity of using a sweat patch to test her sobriety. Both the juvenile court and the Court of Appeals found the state's expert more credible than the mother's expert. The state's "expert explained that the urine testing could only test whether the mother used drugs in recent days, while the sweat patch test would track use over a longer period. As for hair testing, the threshold amount of drug required to be present in the sample is relatively higher than required for the sweat patch testing to result in a positive test. Moreover, the expert explained that urine can be diluted through various ways to result in a false negative and hair can be modified to result in a false negative."

In the Interest of L.S.-M., No. 25-0582 (July 2, 2025) Affirmed

Child had primarily lived with grandmother since he was six months old due to his parents frequently cycling in and out of incarceration. The child was eventually placed into foster care and remained there at the time of the termination proceeding. The child was ten years old at the time of the appeal. The father appealed the order terminating his parental rights but did not challenge/address all three steps in the court's analysis. He argued that the juvenile court should not have terminated his rights based upon the closeness of the parent-child bond. ***However, the father did not argue this permissive exception (step three of the analysis) and the juvenile court did not address the issue in its ruling***. The appellate court held:

> To properly preserve error for appellate review, a party must both raise the issue in the district court and obtain a ruling on that issue. In re J.R., __ N.W.3d __, 2025 WL 52738, at *2 (Iowa Ct. App. 2025) (holding that when a parent fails to raise a permissive exception during the termination hearing, they cannot pursue it on appeal.). ***Here, the father did not raise the issue of the parent-child bond permissive exception in the juvenile court. And the juvenile court did not address the issue in its ruling. Consequently, the father's argument on this issue has not been preserved for our review***.

In the Interest of C.B., C.B., C.B., and W.B., Minor Children, No. 25-0428 (July 23, 2025) Affirmed on the Father's Appeal; Reversed and Remanded on the Mother's Appeal.

The juvenile court judge who presided over the TPR trial in this matter passed away while the matter was under advisement. A substitute judge was appointed, and pursuant to Iowa Rule of Civil Procedure 1.1802(2) elected to review the entirety of the record and issue a ruling rather than set the matter for a new trial. After multiple months had passed without a ruling, the mother motioned the court to reopen the record or set the matter for a new trial. Mother argued the judge would be "unable to make credibility determinations regarding the witnesses and parties" and that "'substantial changes have occurred in the case regarding the mother and new evidence has come to light.' Mother argued the "ruling for [termination] is no longer timely and the Court would be unable to credibly rule . . . that the children were in desperate need of permanency," given the time that had passed since the termination hearing." The juvenile court denied the request, stating that it had thoroughly reviewed the transcripts and exhibits and felt it had sufficient information to enter a ruling and terminated the mother's rights.

The Court of Appeals agreed with the mother and reversed and remanded for a new hearing on the termination of mother's parental rights. (Father also appealed; his ruling was upheld). The Court stated:

> The supreme court built on that reasoning in Seyler, where it stated: "In a case where the resolution of a material issue requires a determination as to the weight and credibility of testimony, due process requires that the trier of fact hear all of the evidence necessary to make a meaningful evaluation." 559 N.W.2d at 9 (citation omitted). The court emphasized that "[i]n a child custody case where credibility of the witnesses is of paramount importance, due process requires that the deciding judge hear the evidence." Id. at 10.Because the record is incomplete on these crucial credibility questions and lacking relevant evidence about the mother's situation in the six months between the termination hearing and the juvenile court's ruling, we cannot adequately assess the sufficiency of the evidence supporting the decision to terminate the mother's parental rights.7 So we conclude the case must be remanded.
>
> See L.T., 924 N.W.2d at 526 (finding the court abused its discretion in denying a motion to reopen the record where twenty months had passed since the original hearing and the new evidence "directly went to the concerns of the juvenile court")

In the Interest of M.B., Minor Child, No. 25-0793 (September 4, 2025) Affirmed

A mother's rights were terminated despite her having been sober for 2 months, in inpatient treatment, and having her newborn infant in her care. She appealed, focusing on the final element of §232.116(h) – whether clear and convincing evidence established the child could not be returned to her custody at the present time.

This case opened due to a child testing positive for methamphetamine at birth. He was removed from his mother's care. For the next 19 months, the mother made little progress toward reunification. The State filed a petition to terminate parental rights.

Two months later the mother began inpatient treatment, just before she gave birth to her second child. The newborn was not removed from her care and mother remained in inpatient treatment. By the last day of the TPR hearing, the mother had been sober for two months, had "glowing" reports from her treatment providers, and continued to care for her newborn infant.

The Court of Appeals upheld the termination, holding that the mother's participation in treatment falls into the category of "too little, too late." Despite the mother having care of a newborn infant, the Court held that M.B. deserved permanency and the mother had not taken advantage of the previous extension granted her. Because the State proved other grounds for termination, "it is well-settled law that we cannot deprive a child of permanency after the State has proved a ground for termination under section 232.116(1) by hoping someday a parent will learn to be a parent and be able to provide a stable home for the child." (citation omitted).

REMOVAL OF HHS AS CUSTODIAN/GUARDIAN

In the Interest of A.W., No. 24-1213 (December 4, 2024) Reversed and Remanded with instructions.

The state appeals the juvenile courts order removing the Iowa Department of Health and Human Services as guardian. Upon review, reverse and remand with instructions to reappoint the department as guardian of the child. At some point the department learned that A.W. had several siblings, including K.C. That adoptive mother expressed interest in serving as pre-adoptive placement, but HHS did not bring this to the court's attention until the termination hearing in July 2023 (rights were terminated.) K.C.'s mother and the foster parents separately intervened, each expressing willingness to adopt A.W. Both A.W.'s guardian ad litem and her social worker recommended she be placed with her foster parents. But the committee selected K.C.'s mother. A.W.'s adoption specialist testified that the committee relied heavily on K.C.'s mother being a "relative" to A.W., her willingness to maintain A.W.'s Native American heritage, and her experience as a healthcare provider. After the committee decision, the foster parents sought to remove the department as guardian, alleging it acted against A.W.'s best interests by removing her from their care. A.W.'s guardian ad litem joined the motion. Both the State and K.C.'s mother resisted.

The State first argues that the court abused its discretion in finding that the department failed to provide sibling visitation. We therefore find that any alleged failure or shortcomings by the department regarding the provision of sibling visitation do not impact our ultimate determination that the department was neither unreasonable nor irresponsible in choosing a suitable pre-adoptive home for the child. Court agrees that K.C.'s mother is a "relative" for the purposes of placement priority. We do note, however, that even if K.C.'s mother is given such relative status, this priority can be overcome by the child's best interests, which is "[o]ur ultimate concern." After reviewing the record, we cannot find that the foster parents met their burden in establishing the department's removal was in A.W.'s best interests. They provided no evidence that K.C.'s mother was not a suitable placement but focused solely on their bond with A.W. While we acknowledge A.W. has bonded to her foster parents, who "are the only adult caregivers she's ever known," this was considered by the department when it made its placement decision. But it also weighed this bond against K.C.'s mother's status as a relative, her willingness to provide for A.W., and her experience as a healthcare professional. It is not our role on appellate review to substitute our judgment for the department and make its placement decisions.

In the Interest of T.T., No. 25-0072 (March 19, 2025) Reversed and Remanded with instructions.

Following termination of a mother's parental rights, the State appeals from the juvenile court's order placing guardianship of the child with the foster parents. The State appeals from the juvenile court's order placing guardianship of the child with her foster parents, arguing: (1) the juvenile court lacked jurisdiction to decide guardianship and custody issues due to a pending certiorari action before our court; (2) the juvenile court erred by failing to appoint Iowa Department of Health and Human Services (HHS) as the child's guardian and by applying other provisions of Iowa Code chapter 232 (2023) in appointing a guardian; and (3) public policy requires that courts strictly adhere to section 232.117(3).

Following the removal of this child from her mother's care she was placed in foster care and remained there since there since her initial removal. But in May 2024, HHS sought to remove the child to a new foster home in which she could live with 2 of her siblings. However- the juvenile court entered a preemptive order

requiring an evidentiary hearing prior to any relocation of the child. There was a writ that was petitioned on during the time period of this appeal. A hearing was set to determine who would be the guardian and the state asked to continue due to lack of jurisdiction given the pending appeal but the Court denied the motion to continue.

Because section 232.117(3) governs the guardian-appointment decision, the juvenile court's reasoning based on statutes governing the selection of placement categories and review of placement decisions at other times in juvenile proceedings was misplaced. So too was its reasoning based on section 232.118 governing the removal of a court-appointed guardian. As HHS had not yet been appointed guardian, it could not yet have "unreasonably or irresponsibly fail[ed] to discharge" the duties as guardian as required to support removal. And under the governing statutes, HHS must be given the chance to perform its guardianship duties in the child's best interest before the court can remove it for failing to do so.

Greer, Concurring.
He struggles with the "mishmash" involved in Iowa Code 232 must be made so that there can be careful and timely consideration of the positions of the advocates and the paramount concern remains laser-focused on the best interests of the child. Chapter 232 operates to avoid harm to a child, and a process that requires that harm occurs before action is allowed seems counterintuitive. So, tell me that we have a good process to review unreasonable or irresponsible discharge of duty and explain it to me like I am a child trying to seek permanency in the juvenile court system.

In the Interest of L.P., No. 25-0044 (August 6, 2025)-Affirmed

L.P. was removed from her mother's custody at the hospital when she as she was positive for opiates. Her mother has a lengthy history of substance use and mental health related issues and has previous terminations. Mom has four previous terminations resulted in one child being adopted by one set of intervenors and two other children being adopted by a family in Illinois who the department had an ICPC home study.

Upon L.P.'s discharge from the hospital (November 20, 2023), she was placed in a foster home that was not a concurrent plan for adoption. Less than a week later, the foster family needed a respite provider and a mutual friend connected the foster parents with the kinship intervenors who lived nearby. The department approved the kinship intervenors to provide respite care (including overnights) along with daycare for L.P. on the weekdays.

When L.P. was two months old the kinship intervenors learned the department intended to move L.P. to a different foster home. They moved to intervene and to modify placement. Their motion alleged they had "formed a relationship with L.P., essentially since she left the hospital, and have seen her, and provided care for her, nearly every day since." They asked to be considered for placement of L.P. and were willing to be the child's concurrent plan.
The juvenile court found that the kinship-intervenors had developed a fictive-kin relationship with L.P. so granted the motion to intervene and set a hearing on their motion to modify placement.
Iowa Code section 232.84(2)(2023) requires HHS to provide notice to adult relatives (including adoptive parents of siblings) within thirty days of a removal order. The relative intervenors were not notified until 81 days after the removal order and the Illinois relatives 101 days after the removal order. At the time of the dispositional hearing HHS advised the court the relative intervenors were interested in being placement for L.P., the court granted the relative intervenors motion to intervene and the hearing was continued to April 2024.
In early April, HHS requested an expedited ICPC home study for the Illinois relatives. By agreement of the parties, the disposition hearing was continued. In May 2024 the fictive-kin intervenors requested an attachment assessment. Initially, the state resisted said request because of the cost and the department's

ongoing evaluation of the relative placements. The court granted the request finding "this is important information for the Court to consider and in the child's best interest." After motions to reconsider, the department ultimately asked for four attachment assessments to include: the relative intervenors, the fictive-kin intervenors, the Illinois relatives and the current foster family (the child was ultimately not moved from the nonconcurrent plan foster home). Said request was granted resulting in the dispositional hearing being continued several more times. The court ordered L.P. was to have visitation with both potential relative families. The state then withdrew their request for the attachment assessments. In August 2024, the department moved to move the child's category of placement from foster care to relative placement. The kinship intervenors provided the court with the opinion of the attachment-bond evaluator who opined

> Given L.P.'s age, the very limited level of a relationship she has with her biological half siblings, and the fact she has siblings in two different adoptive homes in two different states does not give priority to placement with a biological family member over healthy and securely established caregivers, [K.S. and D.S.].

The dispositional hearing took place over two days in November 2024, just shy of L.P.'s first birthday which also addressed two pending motions: the relative-intervenor's motion for concurrent jurisdiction (to obtain a minor guardianship) and the State's motion to modify the level of placement. Both intervenors requested to be placement and the department recommended placement in relative care. The court ordered L.P. be placed in "fictive kin placement" (with the kinship intervenors)

The state and relative intervenors appealed the decision for placing L.P. with fictive kin when relative placements were available. The state also challenges the orders allowing fictive kin to intervene and granting the intervenors' request for an attachment assessment. The relative intervenors also contested the denial of their request for concurrent jurisdiction. The fictive-kin intervenors defended the juvenile court's orders. The GAL and County attorney joined in the fictive-kin intervenors' response.

On the issue of if the juvenile court properly allowed "fictive kin" to intervene the majority found it was appropriate. The state disputes that the kinship intervenors did not actually meet the definition of "fictive kin". They began providing care to L.P. when she was four days old, she was the only child for whom they provided care and they did so without compensation. The state argued there was a lack of evidence provided to the court showing that the kinship intervenors had "developed an emotionally positive significant relationship" with L.P. The kinship intervenors argued the state did not preserve error on this issue. The Court of Appeals found the state minimally preserved error on this issue. The Court of Appeals found under these facts:

> We find that their caregiving relationship with L.P. qualifies them as fictive kin. Our finding follows the GAL's nuanced position at the hearing: "[A] lot of times we have daycare providers, and that might not be a substantial interest in those cases. But in this case . . . it's different because we have a child [who's] so young." The respite caregivers were not in-home daycare providers who enrolled L.P. in the course of their business. Rather, they offered daytime and overnight care for a newborn who, by all accounts, thrived in her early months. And as they point out on appeal, their formative connection with the infant soon after removal was "one of the only relationships L.P. had to that point.

The Court of Appeals specifically stated, "In evaluating these circumstances, we reject the State's implication that L.P. and the respite caregivers could not form an "emotionally positive significant relationship" in two and one-half months."

The next issue, the Court of Appeals addressed if they may intervene in CINA matter and found that as fictive kin, the fictive kin intervenors had a statutory interest in L.P.'s placement during the CINA

proceedings. The court also found the tension between the department and the fictive kin intervenors was relevant to whether their interest were adequately represented by the existing parties. The juvenile court also found that intervention in these cases require a separate determination that intervention is compatible with the in L.P.'s best interest when intervention is permission (versus intervention by right). The court assumed a separate best-interests finding is necessary, they found it was in L.P.'s best interest. (Judge Schumacher filed a dissent and did not think the kinship-intervenors should have been allowed to intervene because "The foster care system is designed to provide temporary, not permanent, homes for children. This is to facilitate the goals of reunification with the parents or placement in a relative's home." In re E.G., 745 N.W.2d 741, 744 (Iowa Ct. App. 2007) and did not believe the kinship-intervenors had a sufficient interest in L.P. and would not have allowed them to intervene.

The juvenile court found that since the court did not place L.P. in a care of a relative, the court must make findings that placement outside of the relative's care is in the child's best interest. The Court of Appeals presumed that the legislature intended best interest to mean the same thing throughout chapter 232 and found, "that the best-interests framework in section 232.116(2) may guide the juvenile court's best-interests finding under section 232.102(1)(c)."

The next legal question was if the department acted unreasonable or irresponsibly, specifically in regards to the department's delay in providing relative notices and choosing the Illinois relatives over placement with the kinship intervenors. On appeal, the kinship-intervenors found that there was no need for this finding is not required when the juvenile court determines a category of placement versus naming a specific placement for a child. The court of appeals agreed that the court's findings under section 232.102(1)(b)(2) was unncesessary.

The court of appeals did not address the issue of the attachment assessment as that issue was not properly preserved for appellate review.

APPELLATE PROCEDURE-PRESERVATION OF ERROR

Preserving Error:

In the Interest of L.F., No. 24-1141 (October 30, 2024) Affirmed.
Mother appeals from a ruling terminating her parental rights. Mother had very sparse participation throughout this case but in late 2023 the Court found that HHS had failed to provide reasonable efforts regarding visitation. At permanency the court found that termination was appropriate, and that the lack of reasonable efforts earlier was not a barrier to mother's participation in other services. At appeal, the State asked that it be found that the mother waived all of her appellate arguments by not being present at the termination hearing. The court chose to bypass this. However, the State did also argue that due to no references or citations to this particular case in the Petition, only boilerplate language. This does not comply with appellate procedure.

In the Interest of L.A. and O.A., No. 24-1442 (November 13, 2024) Affirmed.
A mother appeals the termination of her parental rights to her two daughters. Despite not testifying at the hearing, not contesting any evidence about the daughters through counsel, and taking "no formal position" on termination during the hearing, the mother appeals. Assuming without deciding that the mother's passivity during the hearing does not foreclose appellate review, this court affirmed the termination. The court acknowledged the anomaly of the mother declining to take a position on whether the district court should terminate her rights, yet on appeal asserting an

unequivocal position against termination. The state argued the mother's inaction during the hearing forecloses appellate review as she did not provide any formal position on termination. However, the court elected to affirm on the merits.

In the Interest of E.V.-C., No. 24-1808 (February 5, 2025)
A father appeals the termination of his parental rights. The State disputes whether the father preserved error, arguing the father's minimal conduct during the termination hearing forecloses contesting termination on appeal. During the hearing, father declined to testify, though he was represented by counsel. Counsel briefly cross-examined the HHS social worker but did not offer any evidence or present argument. This court recently clarified that because Iowa Rule of Civil Procedure 1.904(1) applies to juvenile proceedings, parents may dispute sufficiency of the evidence for the first time on appeal. "But we will not bend our error-preservation principals to reach beyond what is required by rule or precedent."

Footnote 3- The court did not decide whether error was preserved on the father's claim of ineffective counsel- or consider its merits- because he has waved it on appeal by failing to cite any legal authority in his petition on appeal. Judge Langholz disagreed with footnote 3. He believes that because this is an expedited child-welfare appeal without normal briefing that they do not need the legal authority cited. He believed that the father's argument sufficiently- even if just barely- presented this claim for our consideration.

In the Interest of J.R., No. 24-0942 (January 9, 2025) Affirmed.
After not participating in any way at the termination hearing, the mother appeals. First, to the extent our unpublished decisions suggest otherwise, there is no categorical rule that a parent must personally participate in a termination hearing to preserve error or prevent a waiver on appeal. Second, our preservation rules are not one-size-fits-all. While issues generally must be raised in and decided by the juvenile court before they are raised on appeal, that is not the case when a parent argues the State failed to meet its burden of proof. Our supreme court has instructed that "the sufficiency of the evidence may be challenged on appeal even though not raised below."

In the Interest of J.W., No. 25-0532 (June 18, 2025) Affirmed.
The mother appeals the termination of her parental rights. The department's primary concerns were the mother's substance use and domestic violence. At the time of the termination hearing, the mother had not seen her daughter in over a year, was unhoused and unemployed. The mother appeared at the courthouse for the termination hearing but refused to come into the courtroom or participate in the proceeding. The mother's attorney presented no evidence nor made no substantive arguments against termination. The Court of Appeals held, "But because she did not preserve error on any issues, we affirm termination of her parental rights; While we do not require a parent to be physically present at the termination hearing to preserve error, we do expect some degree of argument from their representative counsel. *See In re J.R.*, ___ N.W.3d ___, ___, 2025 WL 52738, at *1 (Iowa Ct. App. 2025)"

In the Interest of H.L., No. 24-1556 (December 16, 2024) Affirmed.
A father appeals termination of his parental rights, and the State appeals the dismissal of its petition to terminate the mother's parental rights. H.L. and her mother Angela have been involved with the Iowa Department of Health and Human Services since 2020. During that time, Angela has often

been incarcerated but is now on parole. The juvenile court dismissed the petition to terminate her parental rights to seven-year-old H.L., finding the State failed to prove abandonment and the department failed to make reasonable efforts to facilitate their reunion. State appeals the juvenile court's dismissal of its petition against the mother that urged termination under Iowa Code section 232.116(1), paragraphs (b), (d), (e), and (f). Juvenile court decided the State did not meet burden to prove abandonment under paragraph (b). But the court addressed no other ground. And the state did not ask the court to rule on paragraphs (d), (e), or (f) in a post-trial motion. State still urging that it meets its burden under (d) and (f) and asserts that it preserved error by raising four grounds in its petition. But raising issues- without receiving a ruling- fails to preserve them for appeal. State did not preserve error. Reasonable Efforts- Indeed, the case manager testified that the department provided no services to the mother while she was incarcerated. And the department was unaware of what classes or treatment the mother obtained in prison because it did not ask. Because the court decided that the State did not prove grounds for termination, we need not address whether the efforts the department made on mother's behalf to reunite with her daughter were reasonable.

In the Interest of S.H., D.S. and T.W., No. 24-1650 (February 19, 2025) Affirmed.

A mother appealed termination of her parental rights alleging that the State did not offer clear and convincing evidence for termination, that termination was not in the children's best interest, and that the bond should preclude termination. The state argued that the mother waived error on each issue referenced in her appeal due to the mother failing to offer factual support for her legal assertions or apply the facts to the law. The state also urges that the mother waived error by failing to produce a complete record as required by Iowa Rule of Appellate Procedure 6.803(1). Under the special rules for termination, Lateesha cannot reply to the State's claim. The Court found that the mother has minimally complied with the appellate rules for expedited appeals and rejected the State's preservation argument.

Foot note- "That's not to say that the petition on appeal is a model of clarity. Not integrating the material facts with the legal issues hinders our ability to analyze her claims."

In the Interest of K.Y., W.Y. and J.Y., No. 24-1676 (February 19, 2025) Affirmed.

A mother appealed termination of her parental rights to her three children. On appeal, the mother disputes whether the Department provided reasonable efforts toward reunification. Yet the mother never objected to the adequacy of services before the termination hearing. And, during that hearing, the mother's counsel never explained how the Departments efforts were deficient or identified additional services that should have been provided. This is an untimely objection. Then, although the mother's attorney raised both the parental-bond and familial- custody permissive exceptions during closing arguments, the ruling addressed neither exception. And the mother did not move to expand that ruling, so it is untimely.

In the Interest of D.A., Minor Child No. 25-0539 (July 23, 2025) Affirmed.

A mother argues within her TPR appeal that the Department failed to provide reasonable efforts. Court of Appeals notes:

> "That may be accurate, but we do not have a transcript of those proceedings to review, and the permanency order only mentions that reasonable efforts have been made and nothing about any requests for services by the mother. See Iowa R. App. P. 6.803(1) ("It is the appellant's responsibility to ensure that the transcripts of any district court proceeding needed for resolution of the appeal are included in the

record. If the appellant intends to argue on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the record on appeal must include a transcript of all evidence relevant to such finding or conclusion.")." See Olson v. BNSF Ry. Co., 999 N.W.2d 289, 296 (Iowa 2023) (recognizing one of the purposes of error preservation is to ensure the appellate court has "an adequate record for review").

Because the mother did not include the Permanency Hearing transcripts with her appeal, the Court of Appeals found that error on that issue had not been preserved.

DELAYED APPEALS:

In the Interest of I.T., S.T., and T.T., No. 24-1005 (December 4, 2024) Affirmed.

The state requests a delayed appeal from an order terminating parental rights. The state appeals an order terminating parental rights, challenging the juvenile court's failure to appoint the Iowa Department of Health and Human Services as the children's guardian. But the late filing of the petition on appeal impedes them from addressing the merits of the claim. Dismissed for lack of jurisdiction. The State is not in the same position as a parent whose parental rights have been terminated. The issue before us is not one in which "the denial of a right of appeal would violate the due process or equal protection clause of the fourteenth amendment to the federal constitution." Swanson, 406 N.W.2d at 793. Because those concerns are not present, the State is not entitled to a delayed appeal.

In the Interest of D.R. and T.R., No. 24-1050 (December 16, 2024) Affirmed.

A mother and father appeal the termination of their parental rights. Both parents filed their notices of appeal, but their petitions on appeal were filed one day late. Counsel filed amended notice of appeal the next day and used that day as the deadline for filing. The father also used that date to figure out his deadline. Mothers petition only raised one issue, and had almost no legal authorities cited, did not explain why she disagreed with the facts and conclusions from the Court, and the father's petition was similar to the mother's. The parents' appeals were lackluster and did not contain the level of information and argument they should have.

DELINQUENCY:

In the Interest of D.W., No. 23-1386 (October 2, 2024) Affirmed.

A juvenile challenges the sufficiency of the evidence to support his delinquency adjudication for second-degree sexual abuse. The mother found a diary entry that indicated her daughter had been sexually abused 2 years prior by her paramour's son. A.F. participated in a forensic interview. A.F. had also told her parents, a stepsister, and 2 friends about what happened. D.W. took the stand and denied the allegations. The court upheld the adjudication of the child as delinquent. They found that A.F. was consistent in her statements, had no ulterior motive in reporting what had happened, and that she was credible. This testimony was enough, by itself, to sustain D.W.'s adjudication.

In the Interest of E.R., No. 23-1723 (December 4, 2024) Affirmed.

A juvenile appeals the juvenile court's ruling that he committed the delinquent act of sexual abuse in the second degree. "When confronted with different explanations for an occurrence, the simplest is the most likely explanation." E.R. was accused of sexually abusing his younger cousin one night

as the two were playing video games. K.F. approached W.F. and told her E.R. had put inappropriate images on the T.V. the night before. K.F. disclosed E.R. showed him images of "boobies and pee-pees" on the T.V. K.F. further informed W.F. that E.R. sexually assaulted him. Hospital staff reported that she believed K.F. had been sexually abused. E.R. says that the evidence was insufficient to establish that he committed sexual abuse in the second degree. His main argument is witness credibility and says that it was clear W.F. wants him out of the home and that is why W.F. reported this. However, court has found that a victim's testimony alone is enough to sustain a finding of guilt for sexual abuse. The Juvenile case found that W.F. and K.F.'s testimony was credible. These findings are significant because appellate courts are to defer to witness credibility determinations made by the juvenile court.

In the Interest of E.C., No. 24-0863 (April 9, 2025) Affirmed.

A juvenile challenges the sufficiency of the evidence supporting his delinquency adjudication for criminal mischief in the fourth degree. The child was accused of criminal mischief 3rd for slashing all 4 tires on a car that belonged to a classmate. The court adjudicated him on the lesser included fourth degree. The tires belonged to the car of the girl he had been interested in and had rejected him. This made him angry, and he was accused of slicing her tires due to that anger of rejection. An eyewitness put him at the scene where she observed him slashing the tires, the school resource officer was aware of this child due to the victim asking him to help her stop the juvenile from contacting her, and the bus driver identified the child wearing the same clothes that day as the witness had. The police officer showed the witness a photo of the child and she confirmed that was who she saw slicing the tires. The juvenile argued that the witness's identification was insufficient in general, but that the police officer only showing her one photo was unduly suggestive. However, the child did not object to this evidence during the hearing. The lower court found the witness credible, and the appellate court relies on that for their finding.

These cases are selected based upon the opinions of the presenter and the Youth Law Center as being significantly important either due to factual basis or legal analysis. These materials should not be used as legal authority. Attorneys are encouraged to do their own independent research.