

NE IOWA FALL CLE

Juvenile Case Law Update

September 4, 2025-September 2, 2026

Presented by

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IOWA SUPREME COURT CASES

***Iowa Dep't of Health & Hum. Servs. v. Iowa Dist. Ct. for Polk Cnty.*, 27 N.W.3d 76 (Iowa 2025)**

The child's GAL was advised right before a status conference on March 21, 2024 to pick hearing dates on the mother's motion to re-open the record on her pending termination case, that the department planned to move the youngest child, T.T. (who had been in her foster home since she was one month old) to be placed with two of her three older siblings. These three older siblings had been previously removed from the mother's care and custody by the juvenile court prior to T.T's birth.

The department wanted to immediately move the child into the siblings foster home who were the foster parents first placement. These new foster parents were struggling to manage the behaviors of the two children recently placed with them. These two children had struggled behaviorally in other foster homes leading to disrupted placements. The youngest child had thrived in her foster home and had been integrated into the foster family during the seventeen months she had been placed in their care; The GAL asked the court to enter a stay to prohibit the department from moving the child until there could be an evidentiary hearing.

The Iowa Department of Health and Human Services challenged the 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. HHS contested the juvenile court's authority to issue such an order and refused the juvenile court's offer to conduct a hearing. Instead, HHS petitioned for a writ of certiorari. The Court of Appeals sustained the writ and the Guardian ad litem filed an application for further review.

The Supreme Court held the issue on whether or not the juvenile court exceeded its statutory authority by issuing an order staying HHS from moving the child until evidentiary hearing was held to determine whether the move was in the best interest of the child was moot: this issue came within the "public importance" exception to the mootness doctrine and therefore the issue before the court should be decided by the court.

The Supreme Court held the juvenile court had authority to temporarily stay HHS from moving the child pending hearing to determine whether the move would be in the best interest of the child vacating the Court of Appeals judgment and annulling the writ.

Chief Justice Christensen wrote, “The transfer of a child's placement within juvenile court can be successfully accomplished “and still show few or no long-term effects when it's done properly, slowly, and with the support of all of the adults in the child's life... That requires collaboration between the court, guardian ad litem (GAL), Iowa Department of Health and Human Services (HHS), and other professionals involved with the child's best interests as the paramount concern. This case is both a reminder of how important that collaboration is and of the problems that arise when it does not occur.”

The majority found, “Iowa Code chapter 232 governs these proceedings and prioritizes the child's best interests. The juvenile court's exercise of its statutory authority to review HHS's placement decision did just that by temporarily staying any move and thus potentially preventing unnecessary harm and trauma to the child until the court could review the proposed move. This interpretation of the chapter 232 provision at issue furthers chapter 232's design as both a preventative and remedial statutory scheme.”

The court wrote, “The juvenile court “shall give deference” to HHS's placement decision, but deference does not mean blind acceptance that freezes the juvenile court out of any meaningful review of HHS's decision. *Id.* § 232.102(1)(b)(2); *see also In re D.D.*, 955 N.W.2d 186, 197 (Iowa 2021) (Christensen, C.J., concurring specially) (“[T]here is a difference between reasoned deference to the opinions of professionals involved in the case and blind acceptance on substantive matters.”). A party opposing HHS's placement must prove that HHS “failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge its duties in selecting a suitable placement for the child.” Iowa Code § 232.102(1)(b)(2).”

The court held that Chapter 232 is to be preventative as well as remedial. To limit judicial review of HHS's placement decisions until after a child has been moved and subjected to the possibility of additional trauma would defeat the purpose of Chapter 232.

***Int. of L.P.*, 32 N.W.3d 804 (Iowa 2026)**

L.P. was removed from her mother's custody at the hospital when she was born positive for opiates. Her mother has a lengthy history of substance use and mental health related issues and had four previous terminations. Those four previous terminations resulted in one child being adopted by one set of intervenors (hereafter referred to as “relative intervenors”) through HHS and other children being adopted by a family in Illinois. L.P.'s mother did not participate nor engaged in services and had abandoned L.P. by the time of the dispositional hearing. L.P.'s father was never located.

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 for the Thanksgiving holiday which HHS was aware of when placing L.P. in their home. HHS did not help them find a provider and a mutual friend connected the foster parents with the other set of intervenors (herein after referred to as the Smiths (same pseudonym used by the Supreme Court) who lived nearby. The department approved the Smiths to provide respite care (including overnights) along with daycare for L.P. on the weekdays as L.P. was too young to attend a traditional daycare and the foster mom was a teacher unable to take time off from work.

When L.P. was two months old the Smiths learned the department intended to move L.P. to a different foster home who would be a concurrent plan. 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.” The Smiths 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 Smiths 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 Smiths, 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 placements. 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 Smith's 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, the Smiths

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 the Smiths to intervene and granting the Smith's request for an attachment assessment. The relative intervenors also contested the denial of their request for concurrent jurisdiction. The Smiths defended the juvenile court's orders. The GAL and County attorney joined in the Smiths' response.

The Supreme Court vacated the Court of Appeals' decision holding the Smiths as respite caregivers for L.P. were not "fictive kin" and as such, were not entitled to intervene in order to seek placement of the infant with them and the juvenile court erred in directing placement of the infant with the respite caregivers.

The Supreme Court held to qualify as fictive kin, are persons who are not actual relatives, but who have "an emotionally positive significant relationship with the child or the child's family and that relationship needs to have predated the child's removal, in the same way that a person's status as a relative of the child ordinarily would. In the placement categories, fictive kin falls behind adult relatives and a head of licensed foster parents. Because most foster parents resumable develop an "emotional positive significant relationship" with the children in their home, the court found the distinction between fictive kin and foster parents would erode away and could elevate their placement priority. The court found it was only logical that the relationship with the child or the child's family should be one that existed before the chapter 232 proceedings began. To not make this distinction it would allow nearly every foster parent to become fictive kin and be permitted party status (intervention). The court held that the Smiths as respite care providers,

they did not have a protectible legal interest in the proceedings and there for should not be allowed to intervene under rule 1.407(1)(b) (noting the Smiths did not articulate a basis under which permissive intervention under rule 1.407(2) would have been appropriate)

The court held under Iowa Code section 232.102(1), when HHS has custody of the child, the court is authorized to determine the category for placement of the child—i.e., adult relative, fictive kin, any other suitable person identified by the child's relatives, licensed foster care provider, or group care facility. See Iowa Code § 232.102(1)(b)(1). HHS, however, has the authority to select “the specific person or facility within that category for placement,” subject to court review. The court comply with the legislature’s directive to “make the least restrictive disposition appropriate considering all the circumstances of the case. The court may not order placement in a nonrelative category “without a specific finding that placement with an adult relative is not in the child’s best interest and providing reasons for the court’s finding.”

The court also held that the code imposes a significant burden of proof on “[a] party opposed to [HHS’s] placement of a child shall have the burden to prove the department failed to act in the child's best interests by unreasonably or irresponsibly failing to discharge its duties in selecting a suitable placement for the child.” Id. § 232.102(1)(b)(2). However, this burden of proof is not the standard for reviewing a determination of the category of placement of a child under section 232.102(1)(b)(1).

Chief Justice Christiansen wrote a concurring opinion. She wrote, “HHS is not an adoption agency. In the child welfare system, it exists first and foremost to strengthen families and keep them together through meaningful services and support whenever possible. Adoption is not the starting point, but a last resort reached only after reasonable efforts have been exhausted and proven unsuccessful. When that structure is not followed, the consequences are profound. This case, now delayed for months in the appellate process because of fundamental errors below, illustrates the cost of short-circuiting Iowa's child welfare framework—and reinforces why juvenile courts must ensure a child's case begins with sincere attempts to achieve family preservation, not adoption.”

The Chief Justice provides guidance for future cases to avoid delays in achieving permanency for children and the responsibility of the trial court, HHS and mom’s attorney for ensuring reasonable efforts occur and are provided.

The Chief Justice wrote:

I am keenly aware of what our order means in the life of this precious child. And I have no doubt the Smiths love L.P. to the moon and back and have provided her with an exceptional home. But love and stability, however genuine, cannot replace the process our law requires to protect a parent's fundamental liberty interest “in the care, custody, and control of their children.” *G.Y.*, 968 N.W.2d at 894 (quoting *Troxel*, 530 U.S. at 65, 120 S.Ct. 2054). Mom was never given a chance to demonstrate her ability to change. Based on my experience with thousands of families over decades of work in juvenile court, I harbor serious doubts that such a change will ultimately occur in a way that would prevent termination of parental rights. But she deserves—and is legally entitled to—a meaningful opportunity to try.

As the court of appeals has said, 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. We certainly recognize the bond that is developed between a foster parent and child. We also recognize that a bond between the foster parents and the child signifies a good foster home. However, if every foster parent who formed a bond with a child were given enforceable rights to the children, it would upset the goals of the system. *Int. of L.P.*, 32 N.W.3d 804, 816 (Iowa 2026)

NOTE: 2026 Legislative Change 232.102:

(2) Notwithstanding any provision under this subsection to the contrary, if the court finds, during the dispositional hearing, that the child has been placed with an individual licensed under chapter 237 *to provide foster care for at least nine months immediately preceding the dispositional hearing*, the court shall not order placement of a child in a category identified in paragraph “a”, subparagraph (1), (2), or (3), without a specific finding that such placement is in the child's best interests and providing reasons for the court's findings.

Int. of J.B., 35 N.W.3d 132 (Iowa 2026), amended (July 14, 2026)

J.B. had just turned one year old when his sister, R.R. was born in late November 2024. The children were removed from their parents’ care due to parental drug use, domestic violence and lack of stable housing. J.B. had had a number of unstable caregivers and R.R. tested positive at birth for methamphetamine and amphetamine. J.B.’s tested positive for methamphetamine and amphetamine through a hair test.

The children were placed by HHS in the home of a suitable other person leading to R.R. being hospitalized for a week and the children living with and being cared for by a registered sex offender. The children were placed in their foster home in early January 2025.

In December 2024 HHS was in contact with a great-aunt in Tennessee who indicated a willingness to be placement of the children. An ICPC study was ordered at the dispositional hearing in March 2025 and the aunt was approved on May 7, 2025. Virtual visits did not start until June 2025 upon the insistence of the GAL who was concerned about the aunt not seeking to visit with the children nor HHS working towards building a relationship between the children and the aunt. The aunt traveled to Iowa for five days in June 2025 and the department only arranged for her to have two in-person visits. The aunt returned to Iowa on September 1, 2025 and as of September 9, 2025 HHS had not arranged any in person visitation. The department’s plan was to simply send the children with the aunt in Tennessee as soon as they were made the children’s guardian.

At the time of the termination trial, the children’s GAL called an expert in infant and early childhood mental health to share what an appropriate transition plan would be. HHS testified that such a transition plan was not feasible under the circumstances of the case. The expert testified as to risks to these children if there was not a thoughtful transition including the children being more susceptible to attachment disorders, developmental delays and all parties agreed these children are fragile due to their status as drug-affected children and the mental health disorders that run in their family.

The HHS worker testified that she considered the foster parents to be fictive kin because “they are the only adults the children have had a positive, safe and stable relationship with throughout their young lives”

After hearing the evidence, the juvenile court declined to transfer guardianship and custody of the children to HHS under Iowa Code section 232.117(3)(2025), determined the children’s foster parents to be “fictive kin” and appointed the foster parents the children’s guardians. HHS appealed arguing that Iowa Code section 232.117(3)(2025) requires the juvenile court to transfer guardianship to HHS unless HHS waives that right.

The Supreme Court agreed with HHS’s argument stating, “There is nothing discretionary about the statute's directive to transfer guardianship and custody of the children to HHS “if [HHS] had custody of the child[ren] at the time of the filing of the petition for termination of parental rights ... unless [HHS] waives its priority.” *Id.* § 232.117(3)(a). We also reiterate our recent ruling in *In re L.P.*, 32 N.W.3d 804, 815–18

(Iowa 2026), in which we held that only those individuals who maintained an emotionally positive significant relationship with the children or their family before the children's removal qualify as fictive kin under chapter 232.”

The court directed that the juvenile court should have appointed HHS as the children’s guardian. The court held that HHS must at least be given the chance to act as guardian before the juvenile court can remove them for failing to act in the children’s best interest. It further directed that if the Guardian ad Litem still had concerns, could move to remove HHS as guardian and ask the court for a stay to prevent a change in placement as authorized by *Iowa Dep’t of Health & Hum. Servs.v. Polk County Dist. Ct.*, 27 N.W.3d (Iowa 2025)

The Supreme Court stated,

Foster parents play a crucial role in providing much-needed care and stability to children who have been removed from their parents. But this is the second juvenile case before us in recent months because a juvenile court prioritized foster parents over HHS's attempts to place children with relatives. *See id.* at 808–11. Therefore, we conclude with this reminder:

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 *139 or placement in a relative's home. We certainly recognize the bond that is developed between a foster parent and child. We also recognize that a bond between the foster parents and the child signifies a good foster home. However, if every foster parent who formed a bond with a child were given enforceable rights to the children, it would upset the goals of the system.

***State v. Lindaman*, 30 N.W.3d 547 (Iowa 2025), reh'g denied (Jan. 16, 2026), amended (Mar. 25, 2026)**

After the Supreme Court’s recent decision in *State v. White*, 9 N.W.3d 1 (Iowa 2024) the Iowa legislature amended Iowa Code section 915.38 to allow the criminal court to protect a minor from the trauma caused by testifying in the physical presence of the defendant by allowing the minor to testify in a room other than the court room via televised closed-circuit equipment viewed in the court room. The statute requires specific findings by the trial court.

Lindaman timely objected to the State’s motion to allow the minor child victim, H.K. to testify via closed-circuit television citing that to allow the closed-circuit testimony, it violated his right to confront the witnesses against him as protected by article I, section 10 of the Iowa Constitution. The district court granted the State's motion.

The majority opinion held that the Court’s recent decision in *State v. White*, controls this issue and that at the time the state constitution was adopted, the right of the criminally accused to confront the witnesses against him was a right to physically be able to have a face-to-face confrontation with witnesses and the right to conduct cross-examination. *State v. White* held allowing a witness to testify against the defendant via one-way closed-circuit television violated the accused's state constitutional right to confront the witnesses against him. The Supreme Court found that holding is controlling here even with the legislative amendment allowing the process. The majority stated, “As judges, we are not at liberty to subordinate that constitutional determination to legislative policy preferences.”

Lindaman also objected to the trial court allowing his (now) ex-wife to testify against him claiming marital privilege. *Iowa Code section* 622.9 generally prohibits married partners from testifying about confidential communications made between them during the course of the marriage. However, the Supreme Court held

that the marital communications privilege is not absolute. The court held that the legislature has determined that the public interest in protecting children from abuse outweighs the benefits of the marital communications privilege. *Iowa Code section 232.74* thus establishes a statutory exception to the privilege requiring the spouse's testimony be resulting from or relating to testimony "regarding a child's injuries or the cause of the injuries in any judicial proceeding, civil or criminal, resulting from a report pursuant to [chapter 232] or relating to the subject matter of such a report." Iowa Code section 232.68(2)(a) provides eleven categories of conduct that constitute "child abuse." It further requires that the abuse be done by a person "responsible for the care of the child." Lindaman unsuccessfully argued that he was not "providing care for" H.K. as H.K.'s grandfather he had frequently been left alone in his care. Lindaman's ex-wife will be able to testify at the retrial.

The dissenting opinion argued, "the majority errs by holding that the district court violated Lindaman's confrontation rights under article I, section 10 of the Iowa Constitution when it allowed his granddaughter to testify against him by one-way video. The majority repeats the unforced error it made last year in *State v. White*, 9 N.W.3d 1 (Iowa 2024)." The dissent further argued the trial court's procedure complied with Iowa Code section 915.38 and with the courts' previous interpretation of article I, section 10 of the Iowa Constitution and the United States Supreme Court's analysis of the identically worded Federal Confrontation Clause. See **570 Maryland v. Craig*, 497 U.S. 836, 860, 110 S.Ct. 3157, 111 L.Ed.2d 666 (1990); *Pitts v. Mississippi*, 607 U.S. —, —, 146 S.Ct. 413, 223 L.Ed.2d 151, 2025 WL 3260171, at *2 (Nov. 24, 2025) (per curiam); *In re J.D.S.*, 436 N.W.2d 342, 346–47 (Iowa 1989) (en banc), overruled by, *White*, 9 N.W.3d 1

***State v. Fredericksen*, 32 N.W.3d 12 (Iowa 2026)**

Fredericksen appeals her conviction for threat of terrorism in violation of *Iowa Code sections 708A.5* and *708A.1*. Fredericksen had a child welfare hearing set to begin in six days and told her adult son (and care take of her removed children) that she would torture the child protective worker assigned to her case and shoot both that worker and the judge. The Supreme Court unanimously held that under these circumstances such threats were "imminent" and constituted a threat of terrorism under Iowa Code section 708A.5 (2024).

Fredericksen told her adult son she fantasized about torturing P.B., the HHS worker assigned to the case, by cutting off her fingers and beating/torturing her until she was physically incapacitated. Fredericksen also told him that she was going to shoot and kill the judge assigned to the case, as well as the HHS worker, the next time they had court. He thought she was planning to bring a firearm with her to the next hearing. Fredericksen also expressed homicidal and suicidal thoughts including statements about killing herself the same day as the next hearing.

Fredericksen's son reported the statements made to him to HHS, who immediately contacted law enforcement. The responding officer knew Frederickson had a history of hostility toward HHS and carried a firearm on her person during previous interactions with them. The deputy spoke with Fredericksen who answered his questions "hypothetically" and then said she was "just venting". She eventually admitted to making the threats but blamed the stress and complications of her child welfare case. After speaking with the defendant about the threats, the officer obtained an arrest warrant for the defendant and later executed a search warrant on her residence and recovered three boxes of ammunition but no firearms.

These threats created a reasonable expectation or fear in all three witnesses who learned of them that she would engage in that conduct, and law enforcement acted accordingly to protect the HHS worker and the judge from Fredericksen's threatened violence. Because Fredericksen's threats suggest that the objective of her threatened acts would be to exact vengeance or retaliation on two individuals who could steer the outcome of the upcoming juvenile court hearing, it was not unreasonable for the district court to conclude Fredericksen threatened to commit an act of terrorism that would "affect the conduct of a unit of government," i.e., the court proceeding in her juvenile court case.

***Cooke v. Iowa Dep't of Health & Hum. Servs.*, 31 N.W.3d 368, 369 (Iowa 2026), amended (Apr. 27, 2026)**

A five-month-old infant died from an anoxic brain injury after she was placed faced down for a nap by the state-registered childcare provider, Cooke, caring for her. The child suffocated on a blanket in the pack-n-play she was placed to nap in, in the basement of the childcare provider's home. Cooke sought judicial review of Department of Health and Human Services (HHS) Director's final agency decision affirming HHS child abuse determination based on failure to provide proper supervision to the five-month-old child.

Cooke as a "category B" registered childcare provider was required to comply with "safe sleep" regulations and facility requirements. HHS issued a founded child abuse assessment against Cooke for denying the infant critical care by failing to provide proper supervision (improper sleep position, blanket in the pack-in-play with the child, not maintaining visual/auditory observation of the child). Proper supervision is statutorily defined as the supervision "that a reasonable and prudent person would exercise under similar facts and circumstances." Iowa Code § 232.68(2)(a)(4)(b) (2023).

The trial court reversed HHS's decision based upon how a objective "generic person" standard that does not consider the training or knowledge of the particular person at issue would have acted in a reasonable and prudent manner under similar facts and circumstances. The Supreme Court reversed the trial court and held that Cooke failed to provide proper supervision of a child that a reasonable and prudent person with her training and experience would exercise under similar facts and circumstances.

IOWA COURT OF APPEALS RULINGS:

CINA ADJUDICATION/DISPOSITIONAL HEARING:

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

Int. of A.S., 27 N.W.3d 856 (Iowa Ct. App. 2025)

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 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 within 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).

Int. of K.S., 35 N.W.3d 145 (Iowa Ct. App. 2026)
(April 29, 2026)(26-0145)

Parents separately appeal the juvenile court’s adjudication of K.S. as a CINA arguing the state failed to prove the grounds under Iowa Code section 232.96(a)(3) (supervision) by clear and convincing evidence. HHS became involved when parents involved in traffic stop where the dad (driving) was under the influence and was arrested for OWI. During the traffic stop, the mother was searched by trooper where methamphetamine and methamphetamine pipes were found on her person. Mom’s drug test negative for substances but was later arrested for distribution of a controlled substance for the meth and meth related issues found in the vehicle. The COA held the State proved grounds for adjudication because the father was arrested for OWI, refused drug testing and drugs were found in the vehicle.

Judge Schumacher dissented and noted that the child was fifteen years old, healthy, no signs of abuse or neglect, did well in school and was not in the care of the parents at the time of the traffic stop. Additionally, the mother was allowed to drive away from the incident and provided a negative drug screen. Judge Schumacher would have held the state had not proven the adjudication grounds by clear and convincing evidence.

REASONABLE EFFORTS

Suspension of Visitation

Int. of J.O., 27 N.W.3d 852 (Iowa Ct. App. 2025)(September 4, 2025)(25-1008)

The appellate court found There is clear and convincing evidence that the parents have not maintained significant and meaningful contact with the child during the previous six consecutive months and have made no reasonable efforts to resume care of the child despite being given the opportunity to do so despite the juvenile court suspending the mothers visits nearly three months before the termination trial took place. The court found she failed to make a genuine effort to engage in the services set forth in the case permanency plan and to maintain communication with the children. The court found the mother failed to consistently attend visits for the entirety of the visit and did not actually engage with the children during the visits. The children were very distressed from the visits. The children's therapist raised concerns with the visits. N.L. cried during the visits. J.O. became extremely distressed in anticipation of visits, which caused him to “pee his pants,” “hit his sister,” and display other acts of increased aggression which, in turn, have “contributed to functional impairments” in his development. A.O. exhibited “severe anxiety” when the topic of his mother was raised and insisted the mother would “call him a liar” for candidly reporting his experiences with her to his therapist. “He reported that he would run away and hide to prevent himself from going to visitation with his mother.”

***Int. of A.H.*, 31 N.W.3d 88 (Iowa Ct. App. 2025)
(December 17, 2025)(25-1532)**

The parents abused their six children, especially targeting the two oldest children, K.H. and E.H., by physically restraining them, restricting their food, and placing them in an isolation room in the basement of the family's home for hours without access to food, water or a bathroom. During HHS’s investigation, K.H. and E.H. were both hospitalized for psychiatric treatment. The children were removed.

Prior to the dispositional hearing, HHS suspended the parents’ visitation with K.H. and E.H. The parents filed a motion for reasonable efforts requesting the juvenile court to order HHS to create a plan for contact with the children. The court also found that the department's suspension of contact between the parents and their children was not a denial of reasonable efforts toward reunification.

The issue of visitation continued and the juvenile court was provided evidence about the harm to the children, the goal to allow the children to form healthy relationships with new therapist and their foster parents and to allow them to focus on themselves to hopefully stop the children’s emotional distress and unsafe behaviors. The children had not had therapist very long and K.H. was not interested in participating in therapy. At one point, the juvenile court entered an order that visitation “ between the children and their parents “shall occur as recommended by their treatment team to include their individual mental health counselors, guardian ad litem, [court-appointed special advocate], and placements,” while warning the department that it “cannot prohibit visitation entirely without meeting the burden” in section 232.102A(2).

The juvenile court did not make a specific finding that family interactions would be detrimental to the children. As such, the COA reversed the juvenile court’s reasonable-efforts ruling and held the parents’ motion for reasonable efforts should have been granted. The COA remanded to the juvenile court to enter an order requiring the department to develop a family interaction plan but noted that the juvenile court retains discretion to bar family interactions if the standard in the current version of Iowa code 232.102A(2) is met.

***Int. of J.B.*, 34 N.W.3d 542 (Iowa Ct. App. 2026)**

(April 1, 2026)(26-0064)

The mother extensively abused her children while they were in her care such as both children suffered from protein malnutrition due to starvation, despite the mother eating full meals in front of them. The mother beat both children with different objects. The children are understandably terrified of their mother which was observed by HHS when the children went on high alert by just driving past the sign to Waterloo (where the mother lived).

The children were in foster care for a brief period of time before going to live with their father in another state. Neither child had begun therapy. The mother argues the state cannot prove visits would “pose a serious risk of physical or emotional harm to the child” pursuant to Iowa Code section 232.102A(2) without the testimony of a therapist. The children have not yet begun therapy.

The COA found that they did not find a therapist testimony to be necessary to conclude that contact with the mother would be emotionally damaging for the children. The COA reiterated that “the nature and extent of visitation is always controlled by the best interests of the child. This standard may warrant limited parental visitation.”

The COA agreed with the juvenile court that visits with the mother pose a serious risk of emotional harm to the children and should be suspended until the children have had a chance to address the abuse and their fear of their mother in therapy and to have the opportunity to develop the necessary tools to safely interact with her prior to resuming visitation.

PROCEDURAL

Use of Artificial Intelligence

Int. of R.A., 28 N.W.3d 602 (Iowa Ct. App. 2025)(Table)
(October 1, 2025)(24-1629)

The Court of Appeals believed the mother’s reply brief contained AI generated content and asked the attorney to provide copies of some cited sources contained in said brief. At oral argument mom’s counsel informed the court she “believed a monetary sanction was warranted, was very apologetic to the court and took full responsibility for her use of AI.

The COA sanctioned the mother’s attorney based on the factors set forth in this opinion and the somewhat novel nature of the sanctionable conduct the sanctioned the attorney as follows: (1) they struck the mother’s reply brief; (2) they imposed a monetary penalty of \$150, payable to the clerk of appellate courts and due within 60 days OR provided that counsel for the mother may elect to attend two hours of legal ethics training particular to AI within sixty days in lieu of the \$150 penalty. If she elects to attend the training rather than pay the penalty, she must certify her attendance in writing by filing a certification under oath or affirmation in this case number; and (3) we direct the clerk of appellate courts to transmit a copy of this opinion and counsel’s written explanation to the Attorney Discipline Board (ADB) when this opinion is filed.” App. Ct. does not hold counsel’s conduct against mom and considers the full merits of mom’s arguments in this appeal.

Int. of W.G., 34 N.W.3d 541 (Iowa Ct. App. 2026)
(April 1, 2026)(25-1916)

Mom's (K.M.) rights originally terminated to W.G. in 2020 during child welfare proceedings and the child was subsequently adopted. In 2025, during a subsequent CINA case, W.G. was removed from his adoptive parents who consented to their rights being terminated. K.M. moved to intervene, says she should be considered a relative of the child despite her rights being terminated. The juvenile court denied her motion to intervene. The COA found that K.M., despite being the child's biological mother was neither a relative nor fictive kin due to her parental rights being terminated. As such, K.M. does not have sufficient legal interest in the proceeding to warrant intervention.

K.M. filed an appeal. The appellate court had concerns her brief had been drafted using AI as at least one citation was a non-existent Court of Appeals case. The brief also asserted multiple propositions of law that were nowhere to be found in the cited authorities. The COA ordered K.M. to provide copies of the concerning cases and if not, she was required to disclose if she used AI to draft her petition on appeal. K.M. admitted the case was "non-existent" and admitted she used the AI tool Perplexity. The COA chose to use their discretion and imposed a lesser sanction and only struck the problematic portions of K.M.'s petition on appeal and ruled on the merits.

Representation of Children & Youth

Int. of L.T., 29 N.W.3d 330 (Iowa Ct. App. 2025)(Table)
(October 29, 2025)(25-1233)

The mother had been provided with thirty months of reunification efforts at the time of the termination hearing to her three children. Throughout the majority of the CINA proceedings, a previously dismissed TPR, the children had been represented by one attorney in the joint role of attorney and Guardian ad Litem. A trial home visit did not go well, resulting in the middle child being hospitalized, and all of the children being re-removed from their mother's care.

A motion to bifurcate was filed after the second termination was filed. The oldest child was represented by an attorney at the termination hearing and a separate Guardian ad Litem. The oldest child contends on appeal that he was deprived of due process and effective assistance of counsel at the termination hearing. The oldest child did not claim the attorney who represented him at the termination trial did not perform well but instead the roles should have been bifurcated much earlier in the process by the attorney who had represented him in the dual roles. The oldest child claims there would have been a different result at the second termination hearing if he had had more time to have an attorney to do things such as : file motions for reasonable efforts, hold staffings and other types of meetings.

To prove an ineffective-assistance-of-counsel claim in a termination-of-parental-rights case, a party must show that "(1) counsel's performance was deficient, and (2) actual prejudice resulted. The COA found there was no basis to conclude that any additional time could have affected the outcome of the second termination hearing.

The COA found that if he could safely be returned to his mother's care, it would be because he is old enough to self-protect not because the mother is able to provide a safe and appropriate home. The child's argument regarding being able to self-protect lacked merit when the evidence showed he was placed at risk and did not reach out to anyone to ensure his own safety during the failed trial home visit. In fact, the court found the bond between the mother and oldest child to be unhealthy and they relied upon the oldest child to keep the mother's mental health "on track" and should not be a role thrust upon even a teenager. The COA held it is the mother's job to care for and protect her child.

Because the oldest child cannot establish actual prejudice, his ineffective-assistance claim fails.

***State v. Withers*, 29 N.W.3d 637 (Iowa Ct. App. 2025)
(November 13, 2025)(24-0661)**

Rickie Withers Sr. appeals his convictions and sentences for four counts of second-degree sexual abuse & three counts of third-degree sexual abuse. He argued that his constitutional right to a fair trial was violated when the Court allowed the child's Guardian ad Litem to sit next to the alleged victim, G.W. during her testimony. He argues "the State should be required to show a compelling necessity for a special accommodation to allow "comfort accommodations" to complainant child witnesses.

In the middle of G.W.'s testimony, the court took a recess. During the recess and outside the presence of the jury, G.W. requested that her Guardian ad litem be able to sit next to her for support during the remainder of her testimony. Withers objected but then the judge, state and defense counsel agreed on how the jury should be instructed (noting Withers ongoing objection). The judge instructed: "[...] You can see now that she is—As part of her role here, she is sitting next to the witness. As I told you before, her presence is not to be considered by you during your deliberations. Her presence next to the witness is not to be considered by you when you consider whether to believe or disbelieve this witness."

The COA analyzed the role of Guardian ad Litem in criminal cases using the statutory framework under Iowa code section 915.37 and guidance provided under *State v. Skahill*, 966 N.W.2d 1 (Iowa 2021) The COA found, "Accordingly, under these facts and circumstances, we affirm the court's order allowing the GAL to sit beside R.W. during the child's testimony under Iowa Code section 915.37."

***Int. of M.S.*, 34 N.W.3d 258 (Iowa Ct. App. 2026)
(March 11, 2026)(24-1927)**

The father appeals a district court order terminating his parental rights under Iowa Code chapter 600A. The trial court did not appoint the children a Guardian ad Litem despite the father's motions requesting the court to appoint the children a GAL. The mother did not believe a GAL was necessary as she could adequately protect their best interest. The district court ruled and found that each child's interests adequately protected & represented by the petitioner that a GAL was not necessary for the children. The father left the hearing as he felt he could not have a fair trial based upon the district courts preliminary rulings.

The COA found, "Without the guardian ad litem's appointment and participation here, the children's best interests were unprotected, and we have no idea whether they align with the mother's interests—especially given the father's lack of participation in the hearing." and further held "Bottom line, the juvenile court erred in failing to appoint a guardian ad litem for the two minor children. And so, we reverse the termination order and remand for the court to appoint a guardian ad litem and conduct a new termination hearing."

Buller, Judge (concurring in judgment) "I am not a fan of the outcome here, as I do not think harmless errors warrant reversal. There is no reason to think the mother in this case failed to represent the children's interests, nor is there any reason to think timely appointment of a guardian ad litem (GAL) would have changed the trajectory of this case. We thus reverse for a new trial, and delay permanency for the children at the heart of this case, for no good reason." "Writing on a clean slate, I would require a showing of prejudice to obtain reversal when a GAL is not appointed. But, given the command of stare decisis and the mother's failure to overtly request we overrule D.L.B., I reluctantly concur in the judgment to reverse. REVERSED AND REMANDED.

INDIAN CHILD WELFARE ACT

**Int. of M.W.-T., 31 N.W.3d 780 (Iowa Ct. App. 2026)
(February 11, 2026)(25-1880)**

The mother appealed the termination of her parental rights and the COA reversed the termination concluding the juvenile court's order did not comply with the statutory requirements governing expert testimony under the Indian Child Welfare Act (ICWA). The case was remanded for further proceedings in August 2024. *See In re M.W.T.*, 13 N.W.3d 852, 855 (Iowa Ct. App. 2024).

On April 1, 2025 the juvenile court entered a second termination order terminating the mother's parental rights. However, in that second order, the juvenile court removed HHS as guardian finding HHS had acted unreasonably in its handling of the children's placement, appointing the juvenile court as the child's guardian while leaving physical custody with HHS pending further placement determinations.

Throughout the proceedings, the children were not enrolled members but were eligible for enrollment with the Rosebud Sioux Tribe through their father. The Tribe participated informally through its ICWA specialist but did not formally intervene until May 2025. After both parents' rights has been terminated, the Tribe sought to seek transfer of jurisdiction to the Tribe pursuant to the Indian Child Welfare Act (ICWA) and Iowa Code chapter 232B. The State supported the Tribe's request, but the intervening relatives and GAL resisted. The basis for the resistance was lengthy history with the juvenile court, the children's lack of a connection to the reservation and the "practical hardships associated with the transfer".

The juvenile court denied the motion concluding that good cause existed to deny transfer under Iowa Code section 232B.5(13) (2025), including the length and complexity of the proceedings, the children's established ties in Iowa, and the logistical and procedural burdens associated with transferring jurisdiction at that stage. The State's request for an interlocutory appeal was granted.

The COA held, "Iowa ICWA's good-cause clause found in section 232B.5(13) applies to all categories of placement— "Indian child's adoptive placement, foster care placement, pre-adoptive placement, or termination of parental rights." See Iowa Code § 232B.3(3). Noting that the children are in a post-termination pre-adoptive placement. The juvenile court made findings regarding the children's best interest as a basis for denying the motion. Evidence was presented that the Tribe could mitigate any hardship using remote proceedings. The COA found that transferring jurisdiction to the tribe is required—without regard to the children's best interests—unless good cause is shown otherwise." Good cause was not otherwise shown and the juvenile court was required to transfer jurisdiction to the Tribe." The juvenile court was reversed and remanded.

PERMANENCY Guardianships & Bridge Orders

***In re Guardianship of K.W.*, 29 N.W.3d 20 (Iowa Ct. App. 2025)
(October 15, 2025)(24-1875)**

The child, K.W., recently had moved to live full-time with his father in Iowa. The child still visited his mother, and she continued to parenting him despite the separation by doing things such as making and attending medical appointments. Shortly after the move, the father is killed in a car crash. The father's fiancé filed for guardianship of K.W.

The juvenile court denied the guardianship under Iowa Code section 232D.204(2) (2024) and the COA affirmed because they both found the fiancé had not offered clear and convincing evidence that J.A. was unwilling or unable to meet her son's physical and emotional needs. K.W., his attorney and his court visitor all advocated for him being able to stay in Iowa with the fiancé.

The COA found that K.W.'s preferences are more relevant to a determination of best interests, which we need not address because under Iowa Code section 232D.204(2)(a), we are not asked to weigh which household is best. Instead, the only question is whether a parent is willing and able to exercise the powers that would go to the guardian.

***Int. of J.Q.*, 27 N.W.3d 854 (Iowa Ct. App. 2025)
(September 4, 2025)(25-1041)**

J.Q.'s Mom appealed TPR and one of her arguments was that termination was not in the children's best interests and that the juvenile court should have established guardianship with the paternal grandparents instead of terminating the mother's parental rights. The appellate court found that the children couldn't be returned to the mother's care. As it related to the mother's request for a guardianship instead of termination, the court of appeals pointed out that there wasn't evidence that the paternal grandparents were willing to serve as guardians only that they were willing to adopt the children. "And, practically speaking, there must be a named individual who is willing to serve as guardian." *In re M.H.*, No. 25-0398, 2025 WL 1453345, at *2 (Iowa Ct. App. May 21, 2025) (citing *In re M.H.*, 12 N.W.3d 159, 162–63 (Iowa Ct. App. 2024)).

***Int. of B.L.*, 29 N.W.3d 19 (Iowa Ct. App. 2025)
(October 15, 2025)(25-1190)**

The mother challenges the juvenile court's order terminating her parental rights to her son, B.L. B.L. was placed in the care of her older child's father, Jesse. The mother claimed a guardianship would be the least restrictive permanency option, that TPR was not in her son's best interest and the court should apply a permissive exception. The mother a nice job parenting B.L. and understands his unique needs related to his autism diagnosis but had not addressed her substance use disorder, did not comply with requested drug screens, struggled with her mental health and was involved in a domestically violent relationship.

The mother had not shown an ability to work with Jesse in B.L.'s best interests. The mother would do things to drive a wedge between B.L. and Jesse, she would criticize Jesse and would blame him for her not being able to see or communicate with her children. Jesse did not favor guardianship over adoption. The evidence showed the relationship between the mother and Jesse was not free of conflict.

The COA declined to find a guardianship to be appropriate. Because termination is in the best interests of her son and we find no permissive exception applies to preclude termination. The court found the relationship between the mother and the proposed guardian to be a factor in determining the appropriateness of a guardianship. They stated, "A guardianship may be appropriate where the parent and guardian "have a close, mature, and healthy relationship that is free of conflict" and it is evident they "can work together in the best interests of the child." *In re W.M.*, 957 N.W.2d 305, 315 (Iowa 2021) (quoting *B.T.*, 894 N.W.2d at 34)."

***Int. of I.L.*, 27 N.W.3d 851 (Iowa Ct. App. 2025)(Table)
(September 4, 2025)(25-0477)**

Angelica (mom) argued that the juvenile court should have entered a bridge order under Iowa Code section 232.103A(1) instead of terminating her parental rights. The child was placed with his father. At the time of the termination, the HHS worker testified as to the father's preference that Angelica's rights be

terminated over a bridge order because he was concerned she would continue to reach out and not leave him alone and he will forever have to worry about her trying to find him or following her around. The 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.” The court further discussed that Bridge Orders are reliant upon the parents being able to demonstrate they can follow court expectations. In this case, the mother violated the No Contact Order between them, she violated the terms of the HHS’s safety plan, she failed to follow thru with the safety plan (which lead to the child’s removal), she violates the terms of her probation.

In the Matter of the Guardianship of V.H., B.H., Father-Appellant., No. 25-1911, 2026 WL 2427675 (Iowa Ct. App. Aug. 19, 2026)

The father, B.H. appealed an order appointing the mother’s sister as his child’s (V.H.) guardian instead of his cousin. V.H.’s mother was killed in a car accident making B.H. the child’s caretaker. B.H. quickly realized it was too much and asked his cousin to care for V.H. but did not set up a guardianship. Later, V.H.’s maternal aunt petitioned the court for guardianship. B.H. did not contest the need for a guardianship but asked the court to appointed his cousin instead.

After an evidentiary hearing, the juvenile court found both women were suitable guardians. The court noted the child had been living with the cousin for approximately nine months and had settled into her home. However, the court was concerned with the cousins’ decision to limit interactions between V.H. and maternal relatives, her living arrangements (the grandfather was living there and had a domestic violence/assault history), the cousins prior request to be relieved as another child’s guardian. The juvenile court then appointed the maternal aunt finding she was better suited for it and had lived with the children prior to the mother’s death.

Dad argues his preference should be given weight because he agreed to guardianship under section 232D.203. However, the COA held that Chapter 232D gives little guidance on selecting a guardian. Section 232D.308(1) states that the court shall appoint “a qualified and suitable person who is willing to serve” subject to two preferences. The first preference is for a qualified and suitable person nominated as guardian in a will executed by a parent who died while having legal custody of the child. Id. § 232D.308(2). The second is for a person requested by a minor who is fourteen years of age or older. Id. § 232D.308(3). Neither applies here.

The COA also looked for guidance from Iowa Code § 633.559 (2019), repealed by, 2019 Iowa Acts ch. 56, § 43 the predecessor statute to Iowa Code § 232D.308 (2025). And found earlier interpretations of these similar statutes held “that the determinative factor in deciding between two or more qualified and suitable persons is the best interest of the child.” Citing *In re Guardianship & Conservatorship of D.D.H.*, 538 N.W.2d 881, 883 (Iowa Ct. App. 1995). The COA went on to state, “The question is “which party can better provide for the child's emotional, social, moral, material, and educational needs.” Id. at 884. Using this standard, the juvenile court appointed the mother's sister guardian. The supreme court in *L.Y.*, 968 N.W.2d at 895, held that when a guardianship is formed with parental consent under section 232D.203, we presume the parent will act in the child's best interest over all others. Whether this presumption extends to choice of the child's guardian is not before us.”

TERMINATION OF PARENTAL RIGHTS

***Int. of H.W.*, 31 N.W.3d 96 (Iowa Ct. App. 2025)
(December 17, 2025)(25-1501)**

All three parents have substance use disorders and have participated in some services. The mother and H.W.'s father continue to deny use despite repeated positive drug patch test results. At the time of the termination trial, the children had been removed for almost two and half years except for a brief trial home visit. At the heart of the TPR trial was testimony from two toxicologist, Dr. Leo Kadehjjan (who everyone called "Dr. Leo" below) for the State and Dr. Sol Bobst for the mother. While both are independent toxicologists their specific qualifications differ from each other. After hearing their qualifications and testimony, the juvenile court credited and accepted Dr. Leo's testimony and that he was knowledgeable about sweat patches, the manufacturer and laboratory. The juvenile court found Dr. Bobst to be a qualified expert in toxicology-in general-but not specifically as it related to sweat patch testing. Dr. Bobst was, in general, critical of the drug testing and testified as to the different ways tests could be contaminated or become unreliable. The juvenile court specifically found that Dr. Bobst did not have knowledge of sweat patches, lacked familiarity with the particular manufacturer and laboratory at issue in this case and excluded a portion of his testimony where he opined that the sweat patch testing in this case was unreliable. The mother appealed the exclusion of this testimony along with the termination of her parental rights.

The COA affirmed the juvenile courts decision to terminate parental rights and its ruling to exclude a portion of Dr. Bobst's testimony. It held that juvenile courts have board discretion on the admissibility of expert testimony and a reversal is only is appropriate when it is not supported by substantial evidence or is based on an erroneous application of the law.

The COA also noted, "even if we found the juvenile court should have considered the excluded portion, we would find any resulting error harmless, given Dr. Bobst's lack of familiarity with the laboratory and manufacturer and his admission that his opinions were all consistent with the results being valid depictions of these parents' ongoing methamphetamine use."

TPR: BEST INTEREST/DISCRETIONARY EXCEPTIONS

Int. of G.A., 31 N.W.3d 774 (Iowa Ct. App. 2026)
(February 11, 2026)(25-1726)

The children's attorney and Guardian ad Litem (GAL) appealed the juvenile court's denial to terminate the father's parental rights to his two sons by finding the GAL did not meet her burden of proof to prove by clear and convincing evidence that termination was in the children's best interest.

The case before the court originally opened in the juvenile court in January 2022 with the children being removed due to parental substance misuse and domestic violence. The father has an extensive history of domestic violence with both the criminal court and juvenile court, including prior terminations. The children were eventually reunified with their mother after engaging in extensive services for herself and the children. The mother has a total of five children, G.A. and V.T. are the only children she shares with the father of this appeal. G.A. has extensive needs related to his past trauma and autism diagnosis. V.T. has extensive behaviors.

In the fall of 2024, the juvenile court held a contested bridge order hearing and ultimately denied entry of the bridge order. Subsequently the GAL filed the underlying petition to terminate.

The father was incarcerated during a large portion of the case due to assaulting the mother (was arrested when he strangled her on a bed in front of the children). Upon his release, he continued to use marijuana (eventually got a medical card and testified it was okay for him to use medical marijuana but not for the mother to use medical marijuana), failed to meaningfully engage in substance use treatment or mental health therapy. He was very inconsistent with his visitation with the boys. The father was allowed to

transport the boys to attachment-based therapy sessions, but that privilege was revoked for not following HHS's guidelines. The father interfered with boys' schooling and threatened the mother that he would fight her for custody when the juvenile court case closed. The father dodged efforts of child support recovery to serve him and testified that he should only have to pay child support if the children were with him half the time.

There was evidence presented that G.A. would hide at his school on visit days. There was evidence presented that G.A. had more "accidents" at school on visit days. The father would tell the boys lies about the mother impacting her relationship with the children (and their trust in her). There was evidence presented that the boys' behaviors were escalated after visits and caused disruption in the mother's home. HHS was apathetic as to the correct outcome of the case because they trusted the mother to keep herself and the boys safe from harm.

The juvenile court even shared its concern that the father would use any resulting "bridge order as an opportunity to relitigate custody, put the children in the middle of more conflict, and harass [the mother] rather than a mechanism for retaining his parental rights and keeping some involvement in the boys' lives."

The COA outlined concerns with the juvenile courts' ruling (1) potential burden shifting, finding "While the GAL had the burden to prove termination was in the children's best interests, we do not think the GAL was required to put on evidence disproving the appropriateness of a bridge order when the juvenile court itself had already ruled a bridge order was inappropriate." (2) the juvenile court's suggestion that the mother should unfairly carry the burden of regulating the father's future conduct, despite being a victim of his domestic violence. (3) the father's failure to address his history of domestic violence (4) the father's failure to progress to unsupervised visitation (5) the father's repeated disregard for HHS rules and the broader pattern of behavior of the father's refusal to abide by the social contract (6) the father making false promises to the children (7) the juvenile court not considering what she thought was in the children's best interests despite repeatedly praising the mother for the improvements she has made in her life and her prioritization of the children's needs.

The COA reversed and remanded with directions to the juvenile court to enter an order terminating the father's parental rights.

APPELLATE PROCEDURE-PRESERVATION OF ERROR

DELINQUENCY

**Int. of K.K., 31 N.W.3d 196 (Iowa Ct. App. 2026)
(January 7, 2026)(25-0160)**

K.K. appeals his adjudication of delinquency, arguing the State offered insufficient evidence to show he committed sexual abuse in the third degree. The COA deferred to the juvenile court's credibility findings, found sufficient evidence to affirm the adjudication. The allegations surround what occurred between K.K.

and his cousin Jane at their grandparents' home. Jane testified K.K. climbed into bed with her, sexually assaulted her and only stopped when he heard the laundry room door open. Jane testified K.K. pretended to sleep when he heard the door open. Three adults, their grandmother, their grandfather and K.K.'s father testified to walking into the room and observing them in bed together. K.K. contends this is enough to undermine Jane's testimony. The COA noted that factfinders may choose which witnesses to believe and disbelieve but that none of the testimony offered by the three adults contradicted Jane's testimony.

**Int. of J.H., 35 N.W.3d 142 (Iowa Ct. App. 2026)
(April 29, 2026)(25-0657)**

A teenager (J.H.) attacked her ex-boyfriend causing him to suffer a broken jaw that was wired shut for nearly three months. J.H. appeals a restitution order requiring her to pay restitution totaling \$19,131.50 to the victim and his family. The state questioned whether or not the juvenile could appeal a restitution order. The COA found the restitution order to be an appealable order.

**Int. of K.L., No. 25-1279, 2026 WL 2110799 (Iowa Ct. App. July 22, 2026)
(July 22, 2026)(25-1279)**

K.L. appeals from the juvenile court's order revoking his consent decree. The child was accused of violating the terms and conditions of his consent decree in part because of his new charges. The court held a hearing on both motions, a motion to revoke the child's consent decree and the motion waive him to adult court. The parties waived court reporting of said hearing so there are no transcripts available and the only record is the resulting order. The juvenile court revoked K.L.'s consent decree, adjudicated him a delinquent and waved K.L. to district court to be tried as an adult on the new charges. K.L. was required to register as a sex offender.

The COA held:

Without a transcript of the hearing, our “court may not speculate as to what took place or predicate error on such speculation.” *In re F.W.S.*, 698 N.W.2d 134, 135 (Iowa 2005). Regardless of the arguments being made on appeal, we “will not consider facts for which there is no record support.” *Alvarez v. IBP, Inc.*, 696 N.W.2d 1, 3 (Iowa 2005). We cannot assume that K.L.'s attorney objected to the combined hearing. Because we cannot find the answer in the juvenile court's order, we will not read between the lines as to do so would inappropriately make the order “a substitute for the required appellate record.” *In re Marriage of Sprague*, 33 N.W.3d 589, 594 (Iowa 2026) (citation omitted). K.L.'s failure to comply with these rules precludes him from obtaining relief from our court. “Without the benefit of a full record of the [juvenile] court's proceedings, it is improvident for us to exercise appellate review.” *F.W.S.*, 698 N.W.2d at 135–36. For that reason, consistent with the caselaw addressing similar issues, we must affirm the juvenile court's ruling, “so long as it is not fundamentally erroneous on its face.” *Sprague*, 33 N.W.3d at 594. The juvenile court's ruling is not fundamentally erroneous on its face, and we therefore affirm.

These cases are based upon the opinion of the presenter and are included either due to being thought of as being legally significant or having an interesting fact pattern. These materials should not be used as legal authority. Attorneys should do their own independent research.