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# LEGAL UPDATE

Legal Services Division



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## IOWA SUPREME COURT DECISION — JUDICIAL REVIEW OF CHILD PLACEMENTS

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### **Iowa Department of Health and Human Services v. Iowa District Court for Polk County**

**Filed October 31, 2025**

**No. 24-0834**

[www.iowacourts.gov/courtcases/22899/embed/SupremeCourtOpinion](http://www.iowacourts.gov/courtcases/22899/embed/SupremeCourtOpinion)

**Factual and Procedural Background.** Trinity (pseudonym) was a part of child in need of assistance (CINA) proceedings from the time she was one month old. Shortly after Trinity's CINA proceedings began, Trinity's custody was transferred to Department of Health and Human Services (HHS) for placement in family foster care. Trinity was placed in a home separate from her three other siblings that were already removed from Trinity's mother's (Mom) care. At a trial in December 2023, Mom consented to the termination of parental rights to Trinity's oldest sibling, and the HHS case manager stated that finding an adoptive home that would take Trinity and her two middle siblings would be ideal, but HHS was still "working out the... plan for the three... children." The case manager also stated that Trinity's current foster parents would like to be considered for Trinity's adoption, and another family was interested in adopting Trinity's two middle siblings. At a scheduling conference on March 21, 2024, Trinity's guardian ad litem (GAL) discovered HHS planned to move Trinity into the foster home with her two middle siblings. The GAL resisted the move and requested an evidentiary hearing on the issue of Trinity's placement and guardianship. The juvenile court granted the GAL's request for a hearing, said it would consider the issue during Mom's termination trial on May 23, and prohibited HHS from moving Trinity from her current foster home without a court order identifying emergency reasons. A day after the juvenile court entered its order prohibiting HHS from moving Trinity, HHS moved to have the court reconsider the order and strike the provision prohibiting HHS from moving Trinity. HHS maintained that HHS had been continuously engaged in efforts to find a home for Trinity and her two middle siblings, that HHS alone had the authority to select Trinity's placement, and that the juvenile court exceeded its authority to review HHS's placement decisions. At the hearing on HHS's motion, the GAL presented a letter from a pediatric nurse practitioner who cared for Trinity as a part of the Drug Endangered Child program. The letter advised that moving Trinity from the home she had lived in for nearly her whole life, even to be with siblings, could have lasting detrimental effects on Trinity's health and well-being. The juvenile court offered to commence an evidentiary hearing to determine whether HHS's planned move was in Trinity's best interests, but HHS declined. The juvenile court then ordered that Trinity remain in her current placement and that an evidentiary hearing be held prior to any move to determine whether the move would be in Trinity's best interests. HHS filed a petition for writ of certiorari. The Court of Appeals sustained the writ (juvenile court exceeded its authority), and the GAL applied for further review. Since the application for further review, Mom's parental rights were terminated, the juvenile court awarded Trinity's foster parents

guardianship and custody of Trinity, and the Court of Appeals remanded the case to the juvenile court to enter a new order returning guardianship to HHS.

**Issue.**

1. Should review of the writ of certiorari be dismissed as moot?
2. When a child's custody has been placed with HHS, is a juvenile court allowed to prohibit HHS from transferring the child's placement until the juvenile court can review the potential placement?

**Holding.** In a unanimous decision, the Iowa Supreme Court found:

1. A court may review a matter that is moot when the matter involves a public issue that is likely to recur yet evade appellate review.
2. Due to the harm which may result from a child's improper placement, a court must be able to review a child's placement before and after the placement.

**Analysis.** The Court first addressed the question of whether the Court's review of the writ of certiorari should be dismissed as moot. The Court noted that given the circumstances, the review of the writ is moot. However, the Court found that the public importance exception to mootness applied because the matter presented a public issue that is likely to recur yet evade appellate review due to the expedited nature of child welfare proceedings.

The Court then addressed whether the juvenile court acted within its authority when it suspended HHS's ability to move Trinity until the juvenile court could conduct an evidentiary hearing. The Court noted that in a review of a writ of certiorari, the Court reviews a lower court's decision for errors at law. The Court uses the same standard when interpreting statutes.

The Court stated that the relevant statute in this case is Iowa Code section 232.102(1), which allows a juvenile court to transfer custody of a child to HHS for placement within a defined category selected by the juvenile court, such as adult relatives or foster care providers. Once HHS has legal custody of the child, HHS has "the authority to select the specific person or facility within [the juvenile court's selected] category for placement, subject to court review..." The Court noted that, while the statute requires the juvenile court to give deference to HHS's decision, deference does not mean blind acceptance. The Court also noted that the statute allows a party opposing HHS's placement to 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."

The Court noted that HHS's argument was that the juvenile court is only permitted to limit HHS's authority to place a child in HHS's custody after the juvenile court has found that HHS acted unreasonably or irresponsibly in the discharge of its duties. The Court stated that Iowa Code sections 232.1 and 232.102 require a court to consider a child's best interests as the guiding concern for CINA proceedings and termination of parental rights proceedings. If judicial review of HHS action was limited to retrospective review as the Court of Appeals reasoned, then the juvenile court would be incapable of preventing probable harm to a child and finding a remedy from that harm.

The Court determined that, as applied to Trinity's case, a temporary stay was necessary for judicial review of the move to determine whether the move was in Trinity's best interests. As such, the juvenile court did not act unreasonably or illegally when prohibiting HHS from moving Trinity. The Court then vacated the decision of the Court of Appeals and annulled the writ of certiorari.

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