
LEGAL UPDATE

Legal Services Division



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IOWA SUPREME COURT DECISION — PREVIOUS CHILD IN NEED OF ASSISTANCE TERMINATION OF PARENTAL RIGHTS

Purpose. *Legal updates are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update is intended to provide legislators, legislative staff, and other persons interested in legislative matters with summaries of recent meetings, court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although an update may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.*

In the Interest of L.B.

Filed February 18, 2022, as amended April 25, 2022

No. 21-0569

www.iowacourts.gov/courtcases/13444/embed/SupremeCourtOpinion

Factual and Procedural Background. L.B. was born in 2014. L.B.'s father was in federal custody from 2014 to 2020. L.B. was in her mother's custody until 2019 when Mother assaulted L.B.'s maternal grandmother in front of L.B. and tested positive for methamphetamine. L.B. was adjudicated a Child in Need of Assistance (CINA) and was placed with L.B.'s maternal grandmother as guardian. However, on at least one occasion, Mother refused to return L.B. to the guardian. The conflict between Mother and the guardian led the state to commence another CINA proceeding. Three days later, the assistant county attorney filed a petition to terminate the parental rights of both of L.B.'s parents.

In a hearing on the second CINA petition and the petition to terminate parental rights, the juvenile court held that it could terminate L.B.'s father's parental rights because L.B. was previously adjudicated a CINA. As such, the court declined to adjudicate L.B. as a CINA for a second time and terminated Father's parental rights.

Father appealed the juvenile court's order terminating his parental rights. The Iowa Court of Appeals affirmed the termination of Father's parental rights. Father applied for further review to the Iowa Supreme Court (Court) which the Court granted.

Issue on Appeal. Whether a court may rely on a previous CINA adjudication when the grounds for termination of parental rights requires such an adjudication.

Holding. In a 7-0 decision, the Court vacated the decision of the Iowa Court of Appeals and determined that a court cannot rely on a previous CINA adjudication in a closed CINA proceeding when the grounds for the termination of parental rights requires such an adjudication.

Analysis. The Court's analysis began by noting the three-step analysis when reviewing the termination of parental rights: (1) whether there are statutory grounds for termination, (2) whether termination is in the child's best interests, (3) whether the court should exercise any permissive exceptions for termination.

The two statutory grounds for termination the juvenile court relied on in L.B.'s case are stated in Iowa Code section 232.116(1)(f) and (g). Both of these grounds require that the juvenile court find that the "child has been adjudicated a child in need of assistance" before a termination of parental rights relating to the child is permissible. Father argued that the phrase "child has been adjudicated" only applies to CINA adjudications made in the present termination proceeding. In order to determine the meaning of statutory phrases, the Court read the statute as a whole and interpreted the phrase in light of the purposes and policies of Iowa Code chapter 232 (Juvenile Justice).

In reading Iowa Code chapter 232 as a whole, the Court found that a goal of CINA proceedings under Iowa Code chapter 232 is to keep families together whenever possible, and allowing an adjudication in a prior, closed CINA proceeding to fulfill a requirement for termination of parental rights would offer a shortcut that would be inconsistent with the goal of keeping families together. The Court also noted that two CINA proceedings may involve actions that are totally unrelated to each other and performed by different individuals. The Court found that allowing one prior CINA adjudication to affect unrelated future actions would be a strained interpretation of the statute's intent. Furthermore, the Court emphasized there are few state actions as severe and irreversible as the termination of parental rights, and as such, it would be inappropriate to allow any shortcuts in such proceedings.

Ultimately, the Court concluded that the juvenile court erred when using a previous CINA adjudication in a closed case as a basis for meeting the statutory requirements for the termination of parental rights under Iowa Code section 232.116(1)(f) and (g). If the state decides to proceed with a termination of parental rights in this case, L.B. must first be adjudicated a CINA. The Court vacated the decision of the Iowa Court of Appeals and remanded the case to the juvenile court to determine whether there are grounds other than those established in L.B.'s first CINA proceedings to adjudicate L.B. as a CINA.

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