

Generally, the process in district court involves the assertion of claims and the presentation of evidence to support or refute claims.

The juvenile court is a specialized court within the district court that presides over four kinds of cases related to children:

- Child in Need of Assistance (CINA) cases most typically involve abused, abandoned, or neglected children, and sometimes lead to termination of parental rights.
- Delinquency cases involve acts that would be considered criminal acts if committed by an adult.
- Commitment proceedings involve the placement of a child in a hospital or other treatment facility for mental illness or a substance abuse problem.
- Adoption.

Juvenile court cases involve a series of court hearings that differ somewhat depending on the type of case.

Child in Need of Assistance (CINA)

Removal—At the state’s request and with sufficient proof, a juvenile judge may remove a child from his or her home without a hearing if the child is in imminent danger. If a child is removed without a hearing, a hearing must be held within 10 days after the removal. Additionally, Iowa law provides that if only one parent or adult in the home poses a risk to a child, the court can enter an order removing the parent/adult from the home rather than removing the child.

Adjudication—A CINA case begins when the state files a petition that alleges a child is need of assistance for certain reasons, such as the parent is not providing adequate care or cannot provide the child with adequate care, treatment for an illness or drug addiction, or reasonable supervision, or the child has been abandoned, neglected or abused by a parent or guardian. At the adjudication hearing, the state will offer evidence and call witnesses to support its claim. Typically, the parents deny and contest the allegations, and offer evidence to refute the state’s claim. On occasion, parents agree that their child is in need of assistance so the state can provide treatment and other services that the parents are unable to provide.

Disposition—After the adjudication hearing (and the removal hearing if applicable), the judge holds a disposition hearing. At disposition, the judge determines what services should be provided to the parents to help them overcome whatever problems led to the need for adjudication, what services should be provided to the child, and whether the child should be placed out-of-home.

Review—The court must hold a review hearing every six months after a child has been removed from the home. At a review hearing, the judge will review the parent’s efforts to comply with court-ordered treatment and services, the condition of the child, and the placement of the child if the child was removed from her parents.

Termination of Parental Rights—Under certain circumstances, a juvenile judge may enter an order terminating a parent’s parental rights. This order permanently ends the parent’s legal relationship to the child, and frees the child for adoption. The most common ground for termination of parental rights is that the child has been placed in foster care for an extended period of time and the parent, despite the provision of services and treatment, is unable to safely care for the child. The state may seek to expedite termination of parental rights under certain

circumstances, such as when a parent has abandoned a child, when a parent has severely abused a child, and when the parent is serving a long prison sentence.

Delinquency Proceedings

In general terms, a delinquent act is an act by a child that would constitute a crime if committed by an adult.

Intake—In most situations involving delinquent behavior, the first step is “intake.” This is the preliminary screening of a complaint by a juvenile court officer and the child’s parents. The purpose of intake is to determine whether the court should take action in the case. From intake the case may proceed in two directions, either to informal adjustment or to the filing of a formal delinquency petition. If a child has been apprehended or detained by law enforcement, the matter may go straight to the filing of a petition without the intake procedure. The petition is generally filed by the county attorney.

Informal Adjustment—If a matter proceeds by informal adjustment, the child, the child’s parents and juvenile court services sign an informal adjustment agreement that requires that the child admit the charges and agree to certain conditions. If a child obeys the conditions of the informal adjustment agreement, the child is released from the oversight of the juvenile court.

Formal Proceedings—The filing of a petition by the county attorney on behalf of the state triggers formal court proceedings. The petition contains allegations of the child’s delinquent acts. Most petitions proceed to adjudicatory hearings. An adjudicatory hearing is a court hearing to determine if the allegations in the petition are supported by evidence. The child has the right to be represented by counsel. If the child cannot afford counsel, counsel will be provided at state expense. Both sides present evidence. If the child is found not to have committed the alleged delinquent acts, the petition is dismissed and the child is no longer under the jurisdiction of the court. If the child is found to have committed the acts, the child is adjudicated a delinquent. A disposition hearing follows a determination of delinquency. At the disposition hearing the court determines the appropriate consequences or treatment for the child.

Waiver—In cases involving violent criminal behavior by older adolescents there may be a waiver hearing to decide if a child should be tried as an adult. A juvenile judge may “waive” a child to adult court if the child is over 14 years of age and there are no reasonable prospects to rehabilitate the child in juvenile court. If a child is sixteen or over and commits a “forcible felony,” that child is automatically waived to adult court. Once waived to adult court, the child is no longer under the jurisdiction of the juvenile court and is subject to the same criminal procedures and penalties as adults.

Disposition—The court has two disposition options: probation or placement. If the court orders formal probation, the child must comply with certain conditions. If a child successfully completes the probation, the child is released from the jurisdiction of the court. If a child does not comply with probation, the child will be subject to further disposition by the court. In addition, the court may place the child in foster care, residential treatment or a state institution.