

IN THE COURT OF APPEALS OF IOWA

No. 0-815 / 10-0785
Filed December 8, 2010

STATE OF IOWA
Petitioner,

vs.

**IOWA DISTRICT COURT IN AND
FOR JOHNSON COUNTY,**
Respondent.

Certiorari to the Iowa District Court in and for Johnson County, Stephen C. Gerard II, District Associate Judge.

Through a writ of certiorari, the State argues the juvenile court exceeded its jurisdiction by ordering the Iowa Department of Human Services to pay for a child's remedial services. **WRIT SUSTAINED.**

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Janet M. Lyness, County Attorney, and Emily Voss, Assistant County Attorney, for State.

Bridget Heim, Dubuque, pro se.

Shelly Mott, Coralville, attorney for minor child.

Considered by Sackett, C.J., and Vogel and Vaitheswaran, JJ. Tabor, J., takes no part.

VOGEL, J.

Through a writ of certiorari, the State argues the juvenile court exceeded its jurisdiction by ordering the Iowa Department of Human Services to pay for a child's remedial services following the termination of parental rights. See Iowa R. Civ. P. 1.1401 (Certiorari Petition). Our review is for correction of errors at law. *State v. Iowa Dist. Ct.*, 750 N.W.2d 531, 534 (Iowa 2008). The payment for the services at issue lies within the discretion of the Medicaid program. See *generally* Iowa Admin. Code ch. 441-75. An appeal of the denial of Medicaid benefits must be taken through the administrative process, which was not done in this case. See Iowa Admin. Code ch. 441-7; *see also Keokuk County v. H.B.*, 593 N.W.2d 118, 122 (Iowa 1999) (stating that a party must exhaust administrative remedies prior to seeking relief in the courts and if the party does not do so, the district court is deprived of jurisdiction of the case). As we find the district court was without jurisdiction to order the payment, we sustain the writ.

WRIT SUSTAINED.