

**IN THE COURT OF APPEALS OF IOWA**

No. 0-991 / 10-1416  
Filed January 20, 2011

**IN THE INTEREST OF D.J.B.,  
A Minor Child,**

**D.J.B., Minor Child,**  
Appellant.

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Appeal from the Iowa District Court for Dubuque County, Thomas J. Straka, Associate Juvenile Judge.

D.J.B. appeals a dispositional review order continuing his stay at the State Training School. **APPEAL DISMISSED.**

Sarah E. Stork Meyer of Clemens, Walters, Conlon & Meyer, L.L.P., Dubuque, for appellant.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Ralph R. Potter, County Attorney, and Lyle R. Galliard, Assistant County Attorney, for appellee State.

Considered by Eisenhauer, P.J., and Potterfield and Doyle, JJ.

**DOYLE, J.**

D.J.B. appeals from an August 4, 2010 juvenile court dispositional review order that continued his stay at the State Training School in Eldora, Iowa, until his completion of the residential substance abuse treatment program or he reaches his maximum separation date, December 27, 2010, whichever first occurs. He argues the juvenile court erred in failing to consider the least restrictive disposition and that it was not shown that retention at the State Training School was in the best interests of D.J.B. and/or the community. We dismiss the appeal as moot.

An appeal “is moot if it no longer presents a justiciable controversy because [the contested issue] has become academic or nonexistent.” “The test is whether the court’s opinion would be of force or effect in the underlying controversy.” As a general rule, we will dismiss an appeal “when judgment, if rendered, will have no practical legal effect upon the existing controversy.”

*In re M.T.*, 625 N.W.2d 702, 704 (Iowa 2001) (internal citations omitted) (alteration in original). We generally refrain from reviewing moot issues. *Polk County Sheriff v. Iowa Dist. Ct.*, 594 N.W.2d 421, 425 (Iowa 1999); *Shannon v. Hansen*, 469 N.W.2d 412, 414 (Iowa 1991). Matters that are technically outside of the record and have transpired during or since the appeal, like the passing of the maximum separation date in this case, are properly considered in the resolution of a mootness claim. See *In re L.H.*, 480 N.W.2d 43, 45 (Iowa 1992).

Upon a dispositional review hearing, the juvenile court continued D.J.B.’s placement at the State Training School and ordered he be released “once he completes the residential substance abuse treatment program or reaches his maximum separation date, whichever occurs first.” The record reflects his

maximum separation date to be December 27, 2010. This case was transferred to this court by the Iowa Supreme Court on December 21, 2010. Subsequently, this court was informed that on December 13, 2010, the juvenile court ordered that D.J.B. be released on December 17, 2010 and that upon discharge, the juvenile matter be deemed closed. D.J.B.'s maximum separation date has now passed, and the order appealed from provides for D.J.B.'s release from the State Training School on or before that date. Because the only issue on appeal has been rendered moot, we dismiss the appeal.

**APPEAL DISMISSED.**