

IN THE COURT OF APPEALS OF IOWA

No. 6-856 / 06-1400
Filed October 25, 2006

**IN THE INTEREST OF K.S., K.S., D.S., and N.S.,
Minor Children,**

C.L.H, Mother,
Appellant.

Appeal from the Iowa District Court for Johnson County, Stephen C. Gerard II, District Associate Judge.

A mother appeals the juvenile court order removing her children from her care. **APPEAL DISMISSED.**

Dawn Wilson, Cedar Rapids, for appellant mother.

Shannon Walsh, Iowa City, for father.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, J. Patrick White, County Attorney, and Kristin Parks, Assistant County Attorney, for appellee State.

Shelly Mott, Coralville, guardian ad litem for minor children.

Considered by Mahan, P.J., and Miller and Vaitheswaran, JJ.

PER CURIAM

A mother's four children were removed from her care and placed in foster care. The children were adjudicated to be children in need of assistance. A dispositional order placed the children in the care and custody of the Iowa Department of Human Services (DHS) for placement in family foster care. The order also provided the children could be placed in the care of the mother for a trial home placement, at the discretion of the department.

The children were placed with the mother for a trial home placement, but were later removed due to allegations of physical abuse. The mother claimed she was entitled to an evidentiary hearing prior to the removal of the children. The juvenile court determined an evidentiary hearing was not necessary because there was no proposed modification to the dispositional order—the children remained in the custody of the department. A permanency hearing was scheduled for a future date. The mother appeals, claiming she should have been provided with an evidentiary hearing.

We determine the juvenile court order is not a final, appealable judgment. See Iowa R. App. P. 6.1(1). A juvenile court decision is not final unless it disposes of all the issues. *In re C.S.*, 516 N.W.2d 851, 857 (Iowa 1994). At all relevant times the children were in the care and custody of the DHS. The placement in the mother's home was simply a trial placement that had been authorized by the court. Even though the mother was not given an evidentiary hearing at the time DHS exercised its discretion to transfer physical care of the children back to foster care, a permanency hearing had been set for a future

date. At the permanency hearing the court may hear evidence concerning the need to continue the children's placement out of the home. See Iowa Code § 232.104 (2005).

We conclude the mother's appeal is from an interlocutory ruling and permission to appeal must be granted pursuant to Iowa Rules of Appellate Procedure 6.1(3) and 6.2. See *In re W.D.*, 562 N.W.2d 183, 186 (Iowa 1997). We are reluctant to allow interlocutory appeals in juvenile court proceedings. *Id.* A delay in juvenile court proceedings is antagonistic to the children's best interests. *In re T.R.*, 705 N.W.2d 6, 12 (Iowa 2005). We determine the appeal should be dismissed.

APPEAL DISMISSED.