

**IN THE COURT OF APPEALS OF IOWA**

No. 9-937 / 09-0565  
Filed December 17, 2009

**ADAM HANSON,**  
Appellee,

**vs.**

**STATE PUBLIC DEFENDER,**  
Appellant.

---

Appeal from the Iowa District Court for Polk County, Joe E. Smith, District Associate Judge.

The State Public Defender appeals a juvenile court order determining the State Public Defender should pay the attorney fees in a child in need of assistance case. **AFFIRMED.**

Tomás Rodríguez, State Public Defender, and Julie Miller, Assistant State Public Defender, for appellant.

Michael J. Burdette of Burdette Law Firm, Clive, for appellee.

Considered by Eisenhauer, P.J., Potterfield, J., and Mahan, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2009).

**MAHAN, S.J.**

Attorney Adam Hanson was court-appointed to represent the interests of the maternal aunt and uncle in this child in need of assistance proceeding.<sup>1</sup> It is undisputed that the maternal aunt and uncle were custodians of the child in interest from shortly after the child's birth in May 2008 until a modification of disposition order was entered on September 15, 2008, changing custody of the child to the maternal grandmother. All parties to this appeal agree that Attorney Hanson is entitled to be compensated for his representation from the date of his appointment on July 9, 2008, through September 15, 2008.

The dispute in this case involves Hanson's claim for fees after September 15, 2008. The State Public Defender's Office (SPDO) argues the maternal aunt and uncle lost their status as custodians on September 15, 2008, and became intervenors from that point forward. However, the modification of disposition order clearly shows the custodians did not agree to its entry.<sup>2</sup> In addition, it clearly indicates "Any party may request a hearing." The maternal aunt and uncle did request a hearing and the matter was finalized in the juvenile court's subsequent order dated October 20, 2008, dismissing them from the case.

We have reviewed the record submitted with this appeal, which includes the juvenile court's order dated March 12, 2009. We conclude said order fully sets out the issue in this appeal and we agree with the reasoning therein. The

---

<sup>1</sup> All parties and the juvenile court refer to both the maternal aunt and uncle as being represented although the removal order and dispositional orders only refer to the maternal aunt. This discrepancy is not at issue in this appeal.

<sup>2</sup> This order was entered without hearing upon the agreement of the guardian ad litem, county attorney and Department of Human Services. No other party is listed as agreeing thereto despite form language to the contrary.

maternal aunt and uncle were not in agreement to their removal as custodians on September 15, 2008, and requested a hearing following the entry of said order. We agree with the juvenile court that they were clearly custodians and not interveners and the misuse of that terminology is of no consequence in this appeal. The decision of the juvenile court entered on March 12, 2009, is affirmed.<sup>3</sup>

We affirm the decision of the juvenile court.

**AFFIRMED.**

---

<sup>3</sup> The fee reduction of 2.7 hours for work completed prior to September 15, 2008, appears to have already been reflected in the original payment of \$697.10 submitted with the Notice of Action dated January 5, 2009. If this is not the case, the SPDO may deduct this amount from the judgment award made by the juvenile court.