

SUPREME COURT OF IOWA

In re C.M., Jr.

652 N.W.2d 204 (Iowa 2002) · No. No. 02-0304 · Decided October 9, 2002

SUMMARY

The Iowa Supreme Court held that expedited appellate procedures for termination-of-parental-rights cases, including the use of a petition on appeal instead of full briefing, do not violate equal protection or procedural due process. The court also rejected the mother's ineffective-assistance claim based on counsel's failure to challenge those procedures. The court affirmed the court of appeals and the juvenile court's judgment.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Ternus, Justice
JURISDICTION	Iowa
DECIDED	October 9, 2002
DOCKET	No. 02-0304
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed a juvenile court order terminating parental rights under Iowa Code section 232.116(1)(g) and (d). The Iowa Court of Appeals affirmed, and the Iowa Supreme Court granted further review solely to address the constitutionality of the appellate procedures governing termination-of-parental-rights appeals.
STANDARD OF REVIEW	Constitutional claims are reviewed de novo. A party challenging the constitutionality of a statute must negate every reasonable basis upon which the statute could be upheld. The appellate court conducts de novo review of a juvenile court termination order under the applicable appellate rules.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	D.A., Mother v. State of Iowa, C.M., Jr., a Minor Child, through guardian ad litem

TOPICS

termination of parental rights

appellate procedure

preservation of error

procedural due process

equal protection

PRACTICE AREAS

appellate procedure

family law

constitutional law

termination of parental rights

QUESTIONS PRESENTED

1. Whether Iowa's expedited appellate procedures for termination-of-parental-rights cases, including the use of a petition on appeal instead of mandatory full briefing, violate equal protection.
2. Whether those expedited appellate procedures violate procedural due process under the United States and Iowa Constitutions.
3. Whether trial counsel rendered ineffective assistance by failing to preserve the constitutional challenges to the appellate procedures.

HOLDINGS

1. The mother's constitutional challenges to the appellate procedures were not preserved because she did not raise them in her petition on appeal after the procedures became applicable.
2. Counsel was not ineffective for failing to challenge the expedited appellate procedures because the constitutional challenges lacked merit; therefore, the mother could not avoid the preservation requirement through an ineffective-assistance claim.
3. The expedited appellate procedure for termination-of-parental-rights cases does not violate equal protection, even assuming the more demanding strict-scrutiny standard applies.
4. The expedited appellate procedure does not violate the mother's procedural due process rights under the federal or Iowa Constitutions.

KEY QUOTATIONS

"We hold the expedited appellate procedure in termination-of-parental-rights cases that permits only a petition on review rather than full briefing does not violate constitutional requirements of procedural due process or equal protection." (213)

"DECISION OF COURT OF APPEALS AND JUDGMENT OF DISTRICT COURT AFFIRMED." (213)

FACTUAL BACKGROUND

The case arose from the termination of parental rights concerning C.M., Jr. The mother challenged Iowa's expedited appellate procedures for termination cases because they required issues to be presented in a petition on appeal rather than a traditional full brief, with full briefing available only at the reviewing court's option. The procedures were designed to expedite permanency for children involved in termination proceedings.

PROCEDURAL HISTORY

The juvenile court terminated the mother's parental rights. The court of appeals affirmed. On further review, the Iowa Supreme Court considered whether the expedited appellate procedure, which generally requires a petition on appeal rather than a traditional full brief, violated equal protection or procedural due process and whether counsel was ineffective for failing to raise those constitutional challenges earlier.

DISPOSITION

affirmed

CASES CITED

- State v. Yaw, 398 N.W.2d 803, 805 (Iowa 1987)
- State v. Wages, 483 N.W.2d 325, 326 (Iowa 1992)
- In re A.R.S., 480 N.W.2d 888, 891 (Iowa 1992)
- State v. Pace, 602 N.W.2d 764, 774 (Iowa 1999)
- State v. Ceaser, 585 N.W.2d 192, 195 (Iowa 1998)
- In re C.B., 611 N.W.2d 489, 492-93 (Iowa 2000)
- Santi v. Santi, 633 N.W.2d 312, 316-17 (Iowa 2001)
- Bowers v. Polk County Board of Supervisors, 638 N.W.2d 682, 688-91 (Iowa 2002)
- In re Detention of Williams, 628 N.W.2d 447, 452 (Iowa 2001)
- In re Detention of Morrow, 616 N.W.2d 544, 548 n.1 (Iowa 2000)
- Abney v. United States, 431 U.S. 651, 656 (1977)
- State v. Hinnners, 471 N.W.2d 841, 843 (Iowa 1991)
- Rinaldi v. Yeager, 384 U.S. 305, 310 (1966)
- In re A.C., 415 N.W.2d 609, 613, 615 (Iowa 1987)
- Troxel v. Granville, 530 U.S. 57, 65-66 (2000)
- In re R.K., 649 N.W.2d 18, 20-21 (Iowa Ct. App. 2002)
- United States v. Marines, 535 F.2d 552, 556 (10th Cir. 1976)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)