

IN THE COURT OF APPEALS OF IOWA

No. 1-470 / 11-0192
Filed July 13, 2011

**IN THE INTEREST OF R.J.B.,
Minor Child,**

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

Appeal from the Iowa District Court for Audubon County, Susan Larson Christensen, District Associate Judge.

R.J.B. appeals from dispositional orders placing him in a short-term highly structured residential treatment facility (boot camp). **APPEAL DISMISSED.**

William Early, Harlan, for appellant.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, and Francine O'Brien Andersen, County Attorney, for appellee State.

Considered by Sackett, C.J., and Doyle and Danilson, JJ.

DOYLE, J.

R.J.B. appeals from a review/modification order and a hearing order on delinquency adjudication/disposition, which both transfer his custody to Juvenile Court Services for placement in a short-term highly structured residential treatment facility (boot camp.) He argues the juvenile court erred by ordering his removal to a boot camp to address his substance abuse problems and his noncompliance with probation terms. We dismiss the appeal as moot.

I. Background Facts and Proceedings.

The State charged R.J.B. with possession of a controlled substance (marijuana) and possession of drug paraphernalia (a marijuana pipe) in February 2010. The juvenile court accepted R.J.B.'s guilty plea to the commission of delinquent acts, based on the possession charges, at a hearing in March 2010. Accepting the recommendation of a juvenile court officer, the court granted R.J.B. the privilege of a consent decree. Adjudication was withheld, and R.J.B.'s care, custody, and control remained with his parents, subject to supervision of Juvenile Court Services. Certain conditions and terms were imposed.

The juvenile court revoked the consent decree at a hearing in May 2010 because R.J.B. failed to meet many of the decree's requirements. R.J.B. was adjudicated as delinquent for having engaged in conduct that would be the public offenses of possession of a controlled substance and possession of drug paraphernalia. His custody remained with his parents and under the supervision of Juvenile Court Services. The terms and conditions of the consent decree remained imposed upon R.J.B.

In December 2010, R.J.B. was again before the court. This time, on the State's delinquency petition alleging R.J.B. had possessed alcohol as a minor. R.J.B. admitted his guilt to the allegation. Although his eighteenth birthday was less than six months away, the State decided not to seek a waiver moving the case to district court because it believed substance abuse treatment would be more beneficial for R.J.B. than time in jail. During this hearing, the court also conducted a delinquency review hearing on his previous delinquency adjudication.

On February 2, 2011, the court entered its orders. On the minor-in-possession charge, the court adjudicated R.J.B. to have committed a delinquent act and ordered custody of R.J.B. to be transferred to Juvenile Court Services for placement in a short-term highly structured residential treatment facility (boot camp). The court provided for the same disposition on its review of the delinquency adjudication for the possession of a controlled substance and possession of drug paraphernalia.

On February 7, 2011, R.J.B. filed a notice of appeal and motion for stay of execution of the juvenile court's order in each case. On February 14, 2011, our supreme court issued temporary stay orders providing R.J.B. remain in the custody of his parents until further order of the court. The appeal was transferred to this court on May 31, 2011.

II. Discussion.

According to the record, R.J.B. became eighteen years of age on May 21, 2011. Before getting to the merits of the appeal, we must first determine whether

the appeal is 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 Cnty. Sheriff v. Iowa Dist. Ct.*, 594 N.W.2d 421, 425 (Iowa 1999); *Shannon v. Hansen*, 469 N.W.2d 412, 414 (Iowa 1991).

Iowa Code section 232.53(1) (2011) provides in relevant part: “Any dispositional order entered by the court pursuant to section 232.52 shall remain in force for an indeterminate period or until the child becomes eighteen years of age unless otherwise specified by the court” The dispositional orders in question do not specify otherwise, so pursuant to the statute, they remained in force only until R.J.B. became eighteen years of age on May 21, 2011, a date that has now passed.¹ Because the only issue on appeal has been rendered moot, we dismiss the appeal.

APPEAL DISMISSED.

¹ We recognize Iowa Code section 232.53(2) provides, in part: “Dispositional orders entered subsequent to the child attaining the age of seventeen years and prior to the child’s eighteenth birthday [as happened in this case] shall automatically terminate one year and six months after the date of disposition.” While this section provides, under specified circumstances, the maximum amount of time a dispositional order may remain in force after a child’s eighteenth birthday, it does not automatically extend enforceability of a dispositional order beyond the eighteenth birthday. If the juvenile court wishes a dispositional order to remain in force beyond the child’s eighteenth birthday, it must so specify in its order.