

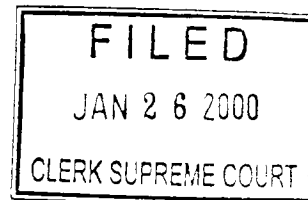
IN THE COURT OF APPEALS OF IOWA

No. 1999-518 (9-775) / 99-937
Filed January 26, 2000

**IN THE MATTER OF THE GUARDIANSHIP OF
B.J.P., Minor Child,**

J.P.,

Appellant.



Appeal from the Iowa District Court for Polk County, Ruth B. Klotz, Associate
Probate Judge.

J.P. appeals a ruling of the probate court terminating B.J.P.'s guardianship.

APPEAL DISMISSED.

Catherine K. Levine, Des Moines, for appellant.

Martha L. Johnson, Des Moines, for appellee minor child.

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

VAITHESWARAN, J.

Janet's son and daughter had an incestuous relationship which resulted in the birth of Bryan. When Bryan was three years old, the probate court appointed Janet his guardian. In 1996, the juvenile court adjudicated Bryan a child in need of assistance and removed him from Janet's care. The juvenile court subsequently terminated the rights of his parents and placed him in the custody of the Department of Human Services to facilitate adoption. The court also granted the probate court concurrent jurisdiction to permit revocation of Janet's guardianship. The court later ordered Janet and her husband to have no contact with Bryan.

Janet appealed the no contact order and Bryan's mother appealed the termination of her rights. In an unpublished opinion, we affirmed both orders. The probate court subsequently terminated the guardianship. Janet filed a petition to vacate the probate court order and for new trial. The probate court denied the petition. Janet did not seek district court review of the ruling. Instead, she appealed directly to the Iowa Supreme Court, which transferred the case to this court. A party may not directly appeal a probate referee's report. *In re Estate of Willis*, 418 N.W.2d 857, 860 (Iowa 1988).¹ Because Janet did not first seek district court review, we lack jurisdiction, and have no alternative but to dismiss the appeal. *Id.*

APPEAL DISMISSED.

¹ Although the probate referee's title has since changed to "associate probate judge," neither Iowa Code section 633.20 authorizing use of probate referees and judges nor the Fifth Judicial Rules of Practice state the probate court's decisions are now final. *Cf. In re Melodie L.*, 591 N.W.2d 4, 7 (Iowa 1999) (holding hospital referee's dismissal order was final judgment).