ELECTRONICALLY FILED JAN 15, 2026 CLERK OF SUPREME COURT

IN THE SUPREME COURT OF IOWA

Upon the Petition of, TAYLOR VAN KOOTEN n/k/a TAYLOR AHRENS, Petitioner-Appellee, And Concerning NATHAN VAN KOOTEN, Respondent-Appellant	SUPREME CT. NO. 25-1345 Poweshiek County Case No.: CDCV004009

APPEAL FROM THE IOWA DISTRICT COURT FOR POWESHIEK COUNTY
THE HONORABLE CRYTAL CRONK

BRIEF FOR PETITIONER-APPELLEE, TAYLOR AHRENS

Patrick J. Mahaffey, AT0012557
Robert S. Seer, AT0016630
MAHAFFEY LAW OFFICE, P.C.
107 South Fourth St.,
P.O. Box 850
Montezuma, IA 50171
(641) 623-5425 (T)
(641) 623-5421 (F)
pjm@mahaffeylaw.net
rseer@mahaffeylaw.net
ATTORNEYS FOR
PETITIONER-APPELLEE,
TAYLOR AHRENS

TABLE OF CONTENTS

TABLE OF AUTHORITIES **3**

STATEMENT OF ISSUES PRESENTED FOR REVIEW **5**

ROUTING STATEMENT **6**

NATURE OF THE CASE **6**

ARGUMENT **28**

I. THE TRIAL COURT'S DECISION TO AWARD TAYLOR SOLE CUSTODY OF THE CHILDREN SHOULD BE AFFIRMED **28**

A. The Iowa Supreme Court's Holdings in *Frazier* and *Venechuk* Support the District's Court's Decision Awarding Taylor Sole Legal Custody 30

B. The District Court Correctly Found a Substantial and Material Change in Circumstances Necessitating Modification of the Custody Decree 42

C. The District Court's Decision to Award Sole Legal Custody to Taylor Was Necessary, Proper, and in the Children's Best Interests 46

II. THE TRIAL COURT PROPERLY DENIED NATHAN'S APPLICATION FOR CONTEMPT 51

III. THE DISTRICT COURT PROPERLY DENIED NATHAN'S REQUEST FOR ATTORNEY FEES AND NO ATTORNEY FEES SHOULD BE AWARDED TO NATHAN ON THIS APPEAL. RATHER, THIS COURT SHOULD AWARD TAYLOR ATTORNEY FEES FOR DEFENDING THIS MATTER ON APPEAL 53

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIATION, TYPEFACE REQUIREMENTS, AND TYPE-REQUIREMENTS **55**

CERTIFICATE OF SERVICE **58**

TABLE OF AUTHORITIES

Cases

In re Marriage of Comstock, 958 N.W.2d 611 (Iowa Ct. App. 2021) 44

In re Marriage of Fennelly & Breckenfelder, 737 N.W.2d 97 (Iowa 2007) 29

In re Marriage of Flick, 965 N.W.2d 202 (Iowa Ct. App. 2021) 29, 44

In re Marriage of Frazier, 1 N.W.3d 775 (Iowa 2024) 5, 31, 32, 34, 35, 37, 44

In re Marriage of Frederici, 338 N.W.2d 156 (Iowa 1983) 45

In re Marriage of Hansen, 733 N.W.2d 683 (Iowa 2007) 51

In re Marriage of Harris, 877 N.W.2d 434 (Iowa 2016) 46

In re Marriage of Heiar, 954 N.W.2d 464 (Iowa Ct. App. 2020) 49

In re Marriage of Makela, 987 N.W.2d 467 (Iowa Ct. App. 2022) 32

In re Marriage of Riddle, 500 N.W.2d 718 (Iowa Ct. App. 1993) 50

In re Marriage of Stanley, 411 N.W.2d 698 (Iowa Ct.App.1987) 46

In re Marriage of Swan, 526 N.W.2d 320 (Iowa 1995) 55

In re Marriage of Walton, 577 N.W.2d 869 (Iowa Ct.App.1998) 46

Kocinski v. Christiansen, 2021 WL 5106051, at *5 (Iowa App., 2021) 54

Marriage of Rolek, 555 N.W.2d 675 (Iowa 1996) 50

Marriage of Swenka, 576 N.W.2d 615, 617 (Iowa Ct.App.1998) 46

Melchiori v. Kooi, 644 N.W.2d 365 (Iowa Ct.App.2002) 46

Phillips v. Davis-Spurling, 541 N.W.2d 846 (Iowa 1995) 51

Venechuk v. Landherr, 20 N.W.3d 471 (Iowa 2025) 5, 33, 34, 35, 37, 49

Statutes

Iowa Code § 598.1(3)..... 36, 37

Iowa Code § 598.41(3)..... 50

Rules

Iowa R. App. P. 6.904(3)(n) 50

STATEMENT OF ISSUES PRESENTED FOR REVIEW

I. WHETHER, IN A CASE WHERE THE ORIGINAL DECREE IS SILENT ON SCHOOL CHOICE, THE DISTRICT COURT PROPERLY AWARDED MOTHER SOLE LEGAL CUSTODY WHERE THE PARENTS' INTRACTABLE CONFLICT OVER THE CHILD'S EDUCATION CONSTITUTED A SUBSTANTIAL AND MATERIAL CHANGE IN CIRCUMSTANCES THAT RENDERED JOINT LEGAL CUSTODY UNREASONABLE AND NOT IN THE CHILDREN'S BEST INTERESTS.

II. WHETHER THE DISTRICT COURT PROPERLY DENIED FATHER'S APPLICATION FOR CONTEMPT

III. WHETHER THE DISTRICT COURT PROPERLY DENIED FATHER'S APPLICATION FOR ATTORNEY FEES AND WHETHER MOTHER SHOULD BE AWARDED APPELLATE ATTORNEYS FEES

ROUTING STATEMENT

This case is properly before the Iowa Court of Appeals. The facts and issues do not seek to resolve conflict in existing Iowa law, involve matters of first impression, or otherwise present substantial questions of law. Contrary to Nathan's belief, the holdings in *In re Marriage of Frazier*, 1 N.W.3d 775 (Iowa 2024) and *Venechuk v. Landherr*, 20 N.W.3d 471 (Iowa 2025), are not in conflict. Moreover, the facts presented in this case are easily disposed of under, and in harmony with, the holdings in *Frazier* and *Venechuk*.

NATURE OF THE CASE

Taylor essentially agrees with the "Nature of the Case" in Nathan's brief but adds that the District Court also denied Respondent's Application for Contempt and Request for Attorney Fees, both of which Respondent now appeals in addition to the decision to award Petition sole custody of the children.

Procedural History

Taylor Van Kooten n/k/a Taylor Ahrens ("Taylor") and Nathan Van Kooten ("Nathan") dissolved their marriage by Decree of Dissolution entered on May 28, 2021. D0016, Decree (5/28/2021). The Decree approved and incorporated the Parties' Stipulation and Agreement (executed on May 5, 2021, filed May 21, 2021) and restored both parties to single status. D0016, Decree at 2; D0015, Stip., (5/21/2021). The Stipulation granted joint legal custody of the parties' three minor

children – E.V.K. (born 2016), B.V.K. (born 2018), and A.V.K. (born 2019) – with primary physical care placed with Taylor and scheduled parenting time for Nathan. D0015, Stip. at 3.

On March 19, 2024, Nathan filed an Application for Contempt against Taylor alleging that she willfully violated the Decree and Stipulation by taking B.V.K. out of Montezuma public school and beginning to school her at home. D0031, App. for Contempt at 2, (3/19/2024). At the same time, Nathan filed an Application for Temporary Injunction which asked the Court to order Taylor to cease homeschooling B.V.K. and place B.V.K. back in public school. D0030, App. for Temp. Injunction at 2-3, (3/19/2024). The Court granted Nathan's request for temporary injunction. D0033, Order Granting Temporary Injunction, (3/19/2024). On May 6, 2024, Taylor filed her Answer to Nathan's Application for Contempt, wherein all material allegations of wrongdoing were denied. D0037, Ans. to App. for Contempt (5/6/2021).

After the parties' mediation failed to result in a resolution, Taylor filed a Petition for Modification seeking sole legal custody of the children. D0043, Pet. for Mod. (11/15/2024). Nathan filed his Answer and Counterclaim for attorney fees on December 3, 2024. D0046, Ans. & CC, (12/3/2024). In his Answer, Nathan denied there had been a substantial change in circumstances. D0046, Ans. & CC, (12/3/2024). Trial was scheduled for June 19, 2025. On June 17, 2025, Nathan filed

a Request for Relief wherein he asked the Court to deny Taylor's request for sole legal custody and, for the first time, a reduction of his monthly child support obligation. D0126, Resp. Req. for Relief, (6/17/2025). Taylor filed her Request for Relief on June 18, 2025, wherein she reiterated her request for sole custody of the three children. D0105, Pet. Req. for Relief (6/18/2025).[1]

Trial proceeded on June 19, 2025. On July 23, 2025, the District Court issued its Findings of Fact, Conclusions of Law, and Order Modifying Decree awarding sole custody of the children to Taylor. D0155, Order Modifying Decree, (7/23/2025). This appeal followed.

STATEMENT OF FACTS

Background of The Family and Co-Parenting Relationship

Taylor resides in Montezuma, Iowa, with her husband Frank, their child together, and her and Nathan's three children, E.V.K., B.V.K., and A.V.K., who were nine, six, and five years old, respectively, at the time of trial. [2] D0155, Order Mod. Dec. at 2, 7/23/2025; D0159, Tr. at 7:15-8:10, (6/19/2025). E.V.K. completed third grade at Montezuma Community School in the spring of 2025. D0159, Tr. at

[1] Taylor filed an Amended Request for Relief later the same day (June 18, 2025) which took out paragraphs relating to visitation and transportation that were mistakenly included in the initial Request. D0108, Am. Req. for Relief, (6/18/2025).
[2] At certain places in the record, B.V.K. is referred to as "B.Q.V." and "B." Additionally, A.V.K. is sometimes referred to as "Exxx," including in the trial transcript. D1059.

7:15-8:10, 10:23-11:1. E.V.K. did well in school and has no substantial behavioral issues. D0159, Tr. at 11:4-13. A.V.K. was never enrolled in primary school as she was too young at the time of the events and circumstances giving rise to this matter. *See*, D1059, Tr. 8:15-19, 36:16-21, and 44:17-22.

Both Taylor and Nathan acknowledge that, apart from school choice, they generally communicate well and co-parent effectively. D0159, Tr. at 49:3-24 and 65:15–67:12. Taylor did, however, testify that communication with Nathan became more difficult after he filed his Application for Contempt against her. D0159, Tr. at 57:20-58:3. Nonetheless, she was more willing to increase the level of communication with Nathan if granted sole custody and permitted to homeschool the children. D0159, Tr. at 57:20-58:3.

History of B.V.K.'s Behavioral Issues

Unfortunately, Taylor and Nathan's middle child, B.V.K., began demonstrating significant difficulties with emotional regulation and impulse control from an early age. Prior to entering kindergarten, B.V.K. was "kicked out of two or three daycares" due to aggressive and disruptive behaviors, including hitting, kicking, biting, pinching, and throwing objects. D0159, Tr. at 12:5-13:25; D0155, Order Mod. Dec. at 3. These behaviors were serious enough to require the involvement of the Area Education Agency ("AEA"), even before B.V.K. reached

compulsory school age. D0159, Tr. at 13:21-14:8 and 15:1-22; D0155, Order Mod. Dec. at 3.

In the fall of 2023, B.V.K. began attending begindergarten, a transitional educational program prior to kindergarten. D0159, Tr. at 15:13-16:1. During this time, her behavioral problems continued while in the classroom setting. D0159, Tr. at 15:13-16:1. To help with her issues, B.V.K. was assigned a behavior-focused Individualized Education Plan ("IEP"). D0159, Tr. at 16:22-17:6 and 22:1-25. In accordance with her IEP, special education teacher, Macy Richards (f/k/a Macy Taylor), worked closely with B.V.K. and B.V.K.'s begindergarten teacher, Lisa Huff, throughout the 2023-2024 school year. [3] D0159, Tr. at 21:10-23, 151:12-152:2.

Despite these interventions, B.V.K.'s behavioral issues persisted throughout the fall of 2023. On December 12, 2023, B.V.K. was removed from class early and suspended for the following school day after an incident in which she kicked a pregnant paraeducator, requiring hospitalization. D0109, Pet. Ex. 1, Notice of Suspension 12/12/23, (filed 6/20/2025); D0159, Tr. at 16:1–17:7 and 18:24-19:5. After completing her one-day suspension, school administrators placed B.V.K. on a modified, half-day "mornings only" schedule beginning on December 14, 2023, and

[3] Macy Richards is also referred to in the record as Macy, Ms. Macy, Ms. Richards, Macy Taylor, and Macy Richards.

which was to remain in effect for the remainder of the 2023–2024 school year. D0159, Tr. at 19:6-16. The school advised that this accommodation would not be available for the following academic year, when B.V.K. was to begin kindergarten. D0159, Tr. at 20:22-21:9.

B.V.K.'s behavioral issues did not substantially improve after moving to half-days on December 14, 2023. In this regard, specific incidents documented by Ms. Richards and Ms. Huff in B.V.K.'s daily compliance reports included: refusing to sit down and running out of the classroom on December 14, 2023; hitting another classmate's head into the wall on December 19, 2023; throwing sand, kicking other students, and hitting Ms. Richards on December 21, 2023; throwing rocks at a teacher on January 8, 2024; throwing things at teachers and students and using bad language on January 18, 2024; throwing things and using bad language on January 22, 2024; hitting a teacher on January 24, 2024; kicking a classmate on January 29, 2024. D0113, Pet. Ex. 5, B.V.K. Daily Reports 12/12/2023 – 05/02/2024, at 9-10, 13-14, 21-22, 27-32.

Ms. Huff, testified that B.V.K.'s behavioral issues were "abnormal" for children her age and that B.V.K. was having outbursts involving verbal and physical anger "every day." D0159, Tr. at 182:16-183:1 and 170:23-171:7. On June 8, 2024, Ms. Huff wrote a letter summarizing B.V.K.'s behavioral issues and shared her opinion on the matter.

I had learned from the successes and struggles from [B.V.K.'s] preschool teacher that once B.V.K. knew I cared about her and trusted me she was going to be much more likely to listen and do the things I asked her to do. I was able to build a strong relationship with [B.V.K.] fairly quickly.

. . . .

Unfortunately, it wasn't all that easy. All of the skills and strategies that [she] had learned over the years as both a general education teacher and a special education teacher to manage challenging behaviors within my classroom simply were not working with [B.V.K.]. [B.V.K.] often would not listen and was rarely doing what she was supposed to be doing in the classroom. She would not take choices, and often exhibited physical aggression towards peers and adults. [B.V.K.] would frequently throw and destroy things, while using very mean and hurtful words.

. . . .

Ignoring proved to be the best strategy and would result in her doing whatever she wanted in the classroom while the rest of the class did their part to keep going and ignore what she was doing.

. . . .

Over time, [Ms. Richards and I] were able to come up with a schedule that was increasing [B.V.K.'s] on-task/positive behavior. This included numerous accommodations and modifications that we put in place to help meet [B.V.K.'s] significantly individualized social/emotional needs. *Unfortunately, [B.V.K.] continued to have challenging days and behaviors despite all the positive support in place to encourage on task behavior*.

. . . .

When [B.V.K.] came back to school [after being homeschooled] she exhibited many of the same behaviors as she did before . . . [h]owever, we continued to struggle to get B.V.K. to listen and follow directions in both [the general and special education] classroom settings.

. . . .

> Like before, we were able to make some progress [after her return to begindergarten] in minimizing negative behaviors across both [classroom] settings, but even up to the last day of school, B.V.K. was often still unwilling to follow directions and exhibited a numerous amount of off-task/negative behaviors.

D0121, June 8, 2024 Letter from Lisa Huff at 1-3, filed 6/12/2025.

Ms. Huff further testified that the challenges with B.V.K. quickly became more than she was able to handle. D0159, Tr. at 172. Accordingly, she received help from Ms. Richards. The two worked together and came up with the best plan they could to provide B.V.K. with breaks. D0159, Tr. at 172:5-16. However, following the plan proved to be tricky. D0159, Tr. at 172:14-173:5. When asked if B.V.K. responded well to the plan, Ms. Huff replied that "there were still challenges" . . . "there were still challenges, definitely," and that it was her opinion that these challenges persisted throughout the year. On cross-examination, Ms. Huff testified that she was aware of "plans" that were put in place for B.V.K.'s kindergarten year and that she did not think B.V.K. would be successful without those plans in place. D0159, Tr. at 180:24-181:13. However, she quickly acknowledged that she did not teach B.V.K. her kindergarten year and clarified on re-direct that: 1) she had no reason to believe Taylor could not provide for B.V.K.'s special needs in a homeschool setting; and 2) in her opinion, a student can receive the same amount of structure in a homeschool setting as in school, though she would not know for sure

because she does not homeschool and doesn't go to the homes of homeschooled children. D0159, Tr. at 183:9-11, 183:21-24, and 184:4-8.

Taylor testified that the shorter days were "a little better, but she still had behavior issues throughout the morning." D0159, Tr. at 20:16-20:19. For his part, Nathan testified that he did not believe that B.V.K. was regressing in school in January 2024. D0159, Tr. at 94:24-95:8. Conversely, he believed that the "reports from the principal and special education teacher" indicated that B.V.K. was "doing phenomenal" at this time. D0159, Tr. at 94:24-95:8. Nathan was "not really active" in the children's schooling until 2024. Often times, Nathan would fail to ensure that the couple's oldest child, E.V.K., was getting her homework done in a timely manner. D0159, Tr. at 46:6-47:3.

Discussions of Homeschooling as a Problem-Solving Measure

Following B.V.K.'s suspension, Taylor promptly notified Nathan and sought his input regarding how best to address B.V.K.'s escalating difficulties. D0159, Tr. at 17:17–24. Over the next several weeks, the parties engaged in repeated discussions—by text message, telephone, and in person—regarding available educational options and potential solutions. D0159, Tr. at 23:13–22, 24:13–25:24, and 26:1–28:11; D0133, Resp. Ex. H, Text Messages Between Parties, January 11-30, 2024, (6/12/25).

Initially, it was Nathan who suggested homeschooling as a possible option, though this was not immediately feasible because Taylor was still employed outside the home. D0155, Order Mod. Dec. at 3; D0159, Tr. at 18:2–10. At trial, Nathan denied that he initially suggested homeschooling as an option but later admitted he had brought it up, but only as a last resort. D0159, Tr. at 131:1132:18. However, in late December 2023, Taylor resigned from her employment and became a stay-at-home parent, in part to better address the children's needs, and specifically to support B.V.K.'s educational and behavioral requirements. D0159, Tr. p. 23:2324:5; D0155, Order Mod. Dec. at 2.

On January 14, 2024, Taylor and Nathan met in-person at which time Taylor more fully advised Nathan of her beliefs and reasoning behind why she believed B.V.K. would benefit from homeschooling. D0159, Tr. at 25:13-22. Nathan indicated he needed time to think about it, and no decision was made at such time. D0159, Tr. at 25:13-22. Three days later, on January 17, 2024, Taylor texted Nathan asking if he had thought anymore about homeschooling. Nathan responded that he had been "full tilt at work [and] haven't [*sic*] had a chance to think or research." D0133, Resp. Ex. H, Texts Between Parties, at 2-8.

During a phone conversation the same day (January 17, 2024), Nathan requested additional information regarding what homeschooling would entail. D0159, Tr. at 27:23-28:8. Taylor subsequently provided an article on the benefits of

homeschool. D0159, Tr. at 27:23–28:11. Nathan responded by texting that he had only suggested homeschooling as a "last option." The same text further stated, "[Y]ou do what you do and I'll do what I have to do." D0133, Resp. Ex. H, Texts Between Parties at 7. On direct examination, Nathan was asked what he meant. Nathan responded:

> I'm basically saying that you do what you want to do, and I'll do what I want to do. So, if you want to make your decision, I'm not going to tell her what to do. You make your own decisions. *If you think it's right, do it, but I'm going to do what I think is right.*

D1059, Tr. at 88:6-89:25. (emphasis added).

On January 30, 2024, Taylor informed Nathan that she would be removing B.V.K. from begindergarten and begin homeschooling in February 2024. D0159, Tr. at 33:4-24; D0133, Resp. Ex. H, Texts Between Parties at 12. Taylor testified that she believed she had the ability to make this decision because she had primary physical care of the children. D0159, Tr. at 50:7-10. Moreover, B.V.K. had not yet reached mandatory school age. D0159, Tr. at 31:20–22 and 33:4–10; D0155, Order Mod. Dec. at 3.

Taylor's Ability to Homeschool the Children

In terms of her ability to serve as B.V.K.'s teacher, Taylor researched and utilized established homeschool curricula—such as *The Good and the Beautiful*, *All About Reading*, and *All About Spelling*—and offered to share curriculum information with Nathan. D0159, Tr. at 36:14–38:5, 32:7-10, and 58:5-12; D0155,

Order Mod. Dec. at 4. Taylor obtained her GED in 2019 from Des Moines Area Community College (DMACC) after initially not obtaining her high school diploma. D0143, Pet. Ex. R, Taylor's Educational Background at 2.

Taylor confirmed that she has no formal training in educating young children but was nevertheless well-aware of the support available to her, including the AEA, through dual-enrollment, as well as a local homeschool group called PEACE. D0159, Tr. at 47:21-23 and 36:3-9. Her husband Frank, will not be participating in the homeschooling of the kids, as he works full time. D0155, Tr. at 54:15-22.[4] Taylor had no concerns about her competence and in fact, was confident she had the capabilities to homeschool the children. D0159, Tr. at 47:21-48:11. In this regard, she testified that the things she would be teaching her elementary-school-aged children amounted to "pretty basic stuff." D0159, Tr. at 47:21-48:11. Taylor further noted that if there was something she was not sure about, that "the curriculum always comes with a parent instruction manual." D0159, Tr. at 48:4-23.

Homeschooling Trial, Subsequent Legal Filings, and B.V.K.'s Worsening Behavior After Being Ordered Back to Begindergarten

Taylor provided B.V.K. with individualized instruction in a structured, low-transition environment. D0155, Order Mod. Dec. at 4; D0159, Tr. at 38:11-

[4] While wholly irrelevant to the case at hand, Taylor testified on direct about a DHS investigation stemming from Frank previously spanking the kids. Notably, DHS found that the safety of the children was never at issue. D0159, Tr. at 52:23-54:9.

39:15. Taylor testified that during homeschooling, B.V.K.'s behavioral challenges "lessened a lot" with B.V.K. and A.V.K. getting along "a lot better" which caused "all the children [to] get along a lot better." D0159, Tr. at 39:10-15. The daily homeschool schedule typically started around 9:00 a.m. and concluded before lunch, mirroring the prior half-day structure. D0159, Tr. at 38:13–39:9. As the District Court put it, "Taylor was able to establish a routine that worked for B.V.K. and eliminated having so many transitions throughout her day." D0155, Order Mod. Dec. at 4.

On March 19, 2024, Nathan filed Applications for Contempt and Temporary Injunction. D0031, Application for Contempt; D0030, Application for Temporary Writ of Injunction Without Bond. The Court granted the temporary injunction and B.V.K. was returned to public school. D0033, Order Granting Temporary Writ of Injunction Without Bond, 3/19/2023; D0155, Order Mod. Dec. at 4.

Upon her return to Montezuma Community School, the record reflects B.V.K.'s behavioral and emotional challenges not only resurfaced, but worsened, with her having to being removed frequently from the regular classroom to the special education setting for de-escalation and regulation. D0159, Tr. at 173:2-14. On cross-examination, Ms. Richards confirmed that B.V.K. showed "some regression" upon her return to the classroom. D0159, Tr. at 162:13-17. In her letter

of June 10, 2024, Ms. Richards, described B.V.K.'s behavior upon her return to begindergarten:

> We began to see a lot of the same behaviors . . . but there was no talking through it with her like it [sic] had before. There was no ignoring the situation waiting for her to calm down on her own. It was very overwhelming if I'm being honest.
>
> . . . .
>
> One thing we did see more of towards the end of the year than we ever saw before was that she was more physical. There were more situation she became physical with students, but it was more so directed at myself, Mrs. Huff, or the paraprofessional that was with her. She had to release that anger or frustration in that little body and she couldn't cope with figuring out how to talk it out with me, but we kept trying and kept working through it. Towards the end of the year, [B.V.K.] was in my classroom majority of the time and it was to keep her calm, to continue to keep things as simple as possible for her.

D0121, Pet. Ex. 11, Letter from Macy Richards 6/10/24 at 1-2. B.V.K.'s compliance reports from her remaining time in begindergarten (April 2, 2024 through May 2, 2024) further detail the deterioration of B.V.K.'s behavior.[5] Examples include but are not limited to:

1. Hitting a classmate and failing to follow directions on April 2, 2024;
2. Throwing a scissors that hit a classmate in the face and hitting numerous students (April 4, 2024);
3. Spitting water in the face of another student and screaming during math (April 5, 2024);
4. Failing to listen on numerous occasions (April 8, 2024);

[5] While Taylor had B.V.K. placed back in begindergarten immediately after the Court's issued its temporary injunction, compliance reports only exist for April 2, 2024 through May 2, 2024, with respect to the 2023-2024 school year.

5. Flicking ranch [dressing] at another student during lunch (April 9, 2024);
6. Hitting a student in the neck with a stick (April 10, 2024);
7. Telling Ms. Huff to "shut up," kicking a classmate, and calling others stupid (April 11, 2024);
8. Spending all day outside of the classroom with Ms. Richards (April 12, 2024);
9. Hitting and calling classmates stupid, kicking Ms. Huff, and biting Ms. Richards, requiring early dismissal (April 15, 2024);
10. Biting Ms. Richards again the next day (April 16, 2024);
11. Not listening, running out of the room, screaming numerous times (April 18, 2024);
12. Kicking a classmate, refusing to apologize, and spitting at Ms. Huff (April 22, 2024);
13. Throwing [things] and hitting (April 24, 2024);
14. Hitting others and coloring on the table (April 25, 2024);
15. Yelling and screaming (April 29, 2024);
16. Yelling and failing to follow directions (May 2, 2024).

D0113, Pet. Ex. 5, B.V.K. Daily Reports 12/12/2023 – 05/02/2024, at 43-88.

B.V.K.'s Behavioral Problems Continue Throughout Kindergarten

In the fall of 2024, B.V.K. was enrolled in kindergarten with Ms. Ferguson. D0159, Tr. at 41:9-11. Due to Ms. Richard's departure, B.V.K. also had a new special education teacher, Brooke Gaignard.[6] D0159, Tr. at 42:12-16. Neither Ms. Ferguson nor Ms. Gaignard testified at trial.

Taylor testified that B.V.K.'s time in kindergarten "has been rough," though she showed a "slight" improvement in her behavior. D0159, Tr. at 41:12-16. Taylor further testified that some of B.V.K.'s bad behaviors in kindergarten included,

[6] Ms. Gaignard is also referred to in the record as Ms. Brooke and Ms. G.

"[getting] upset at circle, not sitting where she needs to be," "cuss[ing] at Mr. O'Rourke," and "hit[ting], kick[ing]."[7] D0159, Tr. at 41:19-23.

Daily compliance reports continued to be kept on B.V.K. throughout her year in kindergarten, with Ms. Ferguson and Ms. Gaignard responsible for filling out said reports. D0159, Tr. at 22:12-18. While the daily compliance reports reflect higher scores, Taylor did not believe they lacked the detail and accuracy when compared to those filled out by Ms. Richards and Ms. Huff when B.V.K. was in begindergarten. D0159, Tr. at 115:7-116:21. In this regard, the reports from kindergarten contain substantially fewer written comments concerning B.V.K. behavior (both positive and negative) and daily activities as compared to those from when B.V.K. was in begindergarten.[8] *Compare* D0113, Pet. Ex. 5, B.V.K. Daily Reports 12/12/2023 – 05/02/2024 *with* D0114, Pet. Ex. 6, B.V.K. Daily Reports 9/3/2024 – 11/14/2024; D0115, Pet. Ex. 7A, B.V.K. Daily Reports 11/15/2024 – 5/16/2025; and D0116, Pet. Ex. 7A, B.V.K. Daily Reports 11/15/2024 – 5/16/2025. While it is difficult to read some of the reports from kindergarten (likely due to bad photocopying), it is readily apparent that many are undated, ungraded, and/or entirely blank. *See e.g.*, D0014, Pet. Ex. 6, B.V.K. Daily Reports 9/3/2024 – 11/14/2024 at 27-28, 31-32, and 35-36.

[7] While not entirely clear, it appears "circle" refers to the time students spent sitting in a circle on floor, usually during reading.

[8] This Court may take judicial notice of this fact pursuant to Iowa Rule of Evidence 5.201. *See, State v. Sorensen*, 436 N.W.2d 358, 363 (Iowa 1989) (taking judicial notice on appeal).

More importantly, the daily reports from kindergarten do not show substantial improvement in B.V.K.'s behavior. Instead, they demonstrate that while B.V.K. had some good stretches, she continued to have outbursts of anger and emotional regulation issues on a reoccurring basis. Such instances include but are not limited to:

1. Telling a substitute teacher that she was going to get a gun from home, bring it to school, and shoot [the substitute teacher], whereafter B.V.K. spent the rest of the day with Ms. Gaignard (September 19, 2024);
2. Not listening in class (unknown date in late September or early October 2024);
3. Refusing to do work, yelling, tearing things, pushing things, and arguing (October3, 2024);
4. Throwing food, yelling, and kicking Ms. Gaignard (unknown date in October 2024);
5. Yelling, not following directions, and throwing food (October 11, 2024);
6. Throwing rocks and sticks at people (unknown date in October 2024);
7. Refusing to participate or work and yelling at the teacher (unknown date);
8. Refusing to participate (November 5, 2024);
9. Yelling and throwing her shoes (unknown date in November 2024);
10. Throwing rocks, screaming and yelling, playing unsafe with scissors (November 12, 2024);
11. Yelling and running around during class, arguing with the teacher, cursing (November 14, 2024);
12. Climbing, yelling, and crying (November 21, 2024);
13. Sent home from school early for undisclosed reason (November 22, 2024);
14. Unspecified issue resulting in time out of classroom (December 4, 2024);
15. Refusing to sit at the carpet (January 7, 2025);
16. Shouting in class, struggling with transition from recess to class (January 10, 2025);
17. Unspecified issue with classmates (January 21, 2025);
18. Struggling to follow rules on the playground (January 24, 2025);
19. Arguing with friends (January 27, 2025);
20. Unspecified issue resulting in leaving the classroom to be with Ms. Gaignard (February 3, 2025);

21. Yelling in class, distracting classmates, refusing to do work, kicking and screaming, unable to stay calm (February 4, 2025);
22. Arguing and yelling at teacher (February 5, 2025);
23. Refusing to work, threw an iPad across the room, screaming, running, cursing at other students (February 7, 2025);
24. Initially refusing to do work, arguing with friends, struggling to play correctly (February 19, 2025);
25. Screaming that she was going to "kick [Ms. Ferguson] and [her] baby," principal called in to handle (February 20, 2025);
26. Arguing with friends (February 28, 2025);
27. Interrupting class (March 25, 2025);
28. Non-compliant and arguing during reading (April 1, 2025);
29. Arguing with adults, yelling, and throwing objects (April 23, 2025);
30. Arguing with classmates and refusing to participate in music class (May 1, 2025); and
31. Failing to listen to instructions (May 13, 2025).

D0114, Pet. Ex. 6, B.V.K. Daily Reports 9/3/2024 – 11/14/2024 at 21-22, 27-30, 37-40, 45-46, 61-62, 65-66, 69-70, and 73-74; D0115 Pet. Ex. 7A, B.V.K. Daily Reports 11/15/2024 – 5/16/2025 at 5-8, 13-14, 37-38, 41-42, 55-56, 61-64, 71-76, 79-80, and 93-94; D0116, Pet. Ex. 7A, B.V.K. Daily Reports 11/15/2024 – 5/16/2025 at 1-2, 13-14, 31-32, 39-40, 63-64, 73-74, and 87-88.

In addition, B.V.K.'s "report card" for kindergarten shows that she met all benchmarks in reading and math set by the State of Iowa, though the amount by which she met the benchmarks fell towards the end of the year as compared to her testing in the fall and winter. D1036, "B.V.K. 2024-2025 Report Card" at 1 6/20/2025. The report card further reveals that B.V.K. was meeting expectations in reading and most of her expectations in math." D1036, Report Card at 2. However,

it also demonstrates that B.V.K. was regressing with her social development, which included three distinct categories: 1) works and plays well with others; 2) exercises self-control; and 3) follows classroom/school rules. D1036, Report Card at 2. In this regard, B.V.K. received the highest grade possible "consistent in the skill" in each of the three social development categories during her first semester. D1036, Report Card at 2. In her second semester, B.V.K. received a lower grade of "developing in the skill" in all three categories. D1036, Report Card at 2. She also regressed in her second semester with respect to "work[ing] without disturbing others." D1036, Report Card at 2. For both semesters, she was graded as "developing in the skill" when it came to "following directions." D1036, Report Card at 2.

At trial, Nathan testified on direct examination that B.V.K.'s behavior was "getting better" throughout kindergarten and that she "did very, very great – or good." D0159, Tr. at 73:25-74:16 and 76:17-77:11. Nathan was asked to "flip through" the kindergarten compliance reports and identify "how many days you see in these seven months where she's not virtually 100 percent smiling faces?" Nathan responded that it was "95, 99 percent that she had a great year," later adjusting his answer to "90 percent." D0159, Tr. at 76:17-77:5. Regarding her schoolwork, Nathan (again) testified that B.V.K. was doing "phenomenal." D0159, Tr. at 95:16-20. With respect to her report card, Nathan testified that B.V.K. was "exceeding" her benchmark scores but was silent on B.V.K.'s social development scores. D0159,

Tr. at 95:21-96:11. Nathan was "not getting regular updates every single day or every week" on B.V.K.'s behavior, though claimed to "keep track" of it. D0159, Tr. at 73:7-74:16.

Additional Trial Testimony of the Principal and Superintendent

In addition to hearing from Taylor, Nathan, Ms. Richards, and Ms. Huff, the Court heard testimony from Kelly O'Rourke, the Principal of the Montezuma Community School District, and Rich Schulte, the Superintendent of the Montezuma School District, who were called as witnesses by Nathan.

Mr. O'Rourke participated in the IEP meetings for B.V.K. and believes there was an improvement in the number of outbursts B.V.K. had from begindergarten to kindergarten. D1059, Tr. at 203:23-25. When asked if he had any concerns about B.V.K. if she were [to be] homeschooled, he deferred, stating he, "can't say what that structure would look like." D1059, Tr. at 206:3-5. Mr. O'Rourke further testified that he only observed B.V.K. in her regular classroom approximately ten total times and about once per week in her special education classroom over the course of her year in kindergarten. D1059, Tr. at 207:3-5. Mr. O'Rourke confirmed that B.V.K. was leaving Ms. Ferguson's classroom to go to the special education classroom every day, usually for twenty to thirty minutes. D1059, Tr. at 209:22-210:9.

Mr. Schulte testified that he has attended one IEP meeting regarding B.V.K. and believes B.V.K. was exhibiting "some growth" in her kindergarten year. D1059,

Tr. at 187:13-188:2. Mr. Schulte acknowledged that he had not observed B.V.K. in her classroom at any point, with all observations taking place outside of the classroom. D1059, Tr. at 193:4-10. Mr. Schulte further implied that at least some progress in kindergarten was expected given the "very frustrating year for everyone" when B.V.K. was in begindergarten. D1059, Tr. at 193:16-23. Mr. Schulte also confirmed that homeschooled children can participate in AEA as well as other activities offered through the Montezuma Public School District. D1059, Tr. at 195:10-21.

The District Court's Findings and Modification of the Decree

In its Findings of Fact, Conclusions of Law, and Order Modifying Decree, the District Court found that "B.V.K. has had numerous serious behavioral issues" including yelling, hitting, biting, pinching, and throwing things, which "have happened in the school setting as well as at home." D1055, Order Mod. Dec. at 3. The Court further found that "B.V.K.'s behavior improved" with homeschooling in February and March of 2024 and "Taylor was able to establish a routine that worked for B.V.K. and eliminated having so many transitions throughout her day." D1055, Order Mod. Dec. at 4. Moreover, after B.V.K. was returned to school, "B.V.K.'s behaviors deteriorated." D1055, Order Mod. Dec. at 4. The Court also determined that "Taylor had offered to share the homeschooling curriculum with Nathan" and

that "Nathan was not nearly as well versed in the educational possibilities as Taylor." D1055, Order Mod. Dec. at 4.

After evaluating testimony from parents, teachers, and administrators, reviewing the evidence, and discussing the relevant legal authorities, the Court ruled that "Taylor proved that the behavioral issues B.V.K. developed and the changes in her educational needs were not contemplated by the Court at the time the [original] Decree was entered and is a substantial change in circumstances." D0155, Order Mod. Dec. at 7. The Court further concluded that Taylor had shown she "carefully considered the children's educational needs, the need for the children to maintain contact with Nathan, the need to address B.V.K.'s behavioral issues, and acts in the children's best interest." D0155, Order Mod. Dec. at 7. Finding it to be in the best interest of the children for Taylor be granted sole legal custody, the Court granted Taylor's Petition for Modification and modified the Decree to place sole legal custody of the three children with Taylor. D0155, Order Mod. Dec. at 7-8.

Lastly, the District Court denied Nathan's Application for Contempt based on its finding that "Taylor credibly testified that she believed that since she and ordered each party to pay their own attorney fees and one-half of the court costs. (D0155, Order Mod. Dec. at 8). The parties were ordered to split court costs and pay their own attorneys' fees. (D0155, Order Mod. Dec. at 8).

ARGUMENT

I. THE TRIAL COURT'S DECISION TO AWARD TAYLOR SOLE CUSTODY OF THE CHILDREN SHOULD BE AFFIRMED

Preservation of Error

Taylor has no objections to preservation of error.

Standard of Review

Taylor agrees with Nathan's assertion that the standard of review on the issue of the District Court's modification of the dissolution decree is *de novo*. However, Taylor adds that in such matters, reviewing courts "give weight to the trial court's factual findings, especially with respect to the credibility of the witnesses." *In re Marriage of Fennelly & Breckenfelder*, 737 N.W.2d 97, 100 (Iowa 2007). "Even though our review of a modification action is *de novo*, there is deference to the district court in that we will affirm the district court unless the district court failed to do substantial equity." *In re Marriage of Flick*, 965 N.W.2d 202 (Iowa Ct. App. 2021).

Introduction

Nathan incorrectly frames this appeal as a case where the District Court misunderstood the principles of *In re Marriage of Frazier* and *Venechuk v. Landherr*. He further erects a straw man, suggesting that affirming the District Court would set a precedent requiring all Iowa courts to award sole custody in every case where parents with joint legal custody had a disagreement. This mischaracterizes

both the record and the law. The District Court did not misinterpret legal principles; it correctly applied them to a family crisis that Nathan's brief consistently seeks to downplay and ignore.

Nathan's argument further unravels with his claim that the District Court misapplied the substantial change of circumstances and best interest of the child standards. His argument fails because it is built upon a highly selective and distorted view of the factual record. In arguing that no substantial change occurred, Nathan asks this Court to ignore B.V.K.'s well-documented, serious behavioral issues such as her suspension from begindergarten, daily or near daily outbursts of anger and removals from her classroom, and social development regression in kindergarten.

Most tellingly, Nathan's claim that he is a collaborative co-parent is irreconcilable with his own words to Taylor, where he abdicated his parental responsibility and dared her to act alone: "you do what you do and I'll do what I have to do." D0133, Resp. Ex. H, Texts Between Parties at 7. Likewise, in arguing that it was not in the best interest of the children for Taylor to be awarded sole custody, Nathan invents a false narrative of B.V.K.'s success in public school while dismissing the only environment—Taylor's homeschooling—that brought B.V.K. stability and calm.

In reality, the District Court correctly understood that the substantial and material change was not merely B.V.K.'s escalating behavioral crisis; it was the

parents' resulting intractable conflict and complete inability to make a joint decision on how to address it. This very impasse—uncontemplated at the time of the decree—is the substantial change that opened the door for the District Court's to modify the Decree. Once that threshold was met, the Court was not only permitted but required to proceed to the best interest analysis to resolve the deadlock. In doing so, the court properly weighed the evidence—the child's daily distress and regression within the school setting versus the demonstrated success of Taylor's homeschool approach—to break the impasse in the child's best interest. This was not a misapplication of the law; it was the law functioning exactly as intended to protect a child caught in the middle of parental paralysis.

A. The Iowa Supreme Court's Holdings in *Frazier* and *Venechuk* Support the District's Court's Decision Awarding Taylor Sole Legal Custody

In *Frazier*, the Supreme Court assessed the district court's authority to decide disagreements over the child's legal status, medical care, education, extracurricular activities, and religious instructions, in joint custody cases. *Frazier*, 1 N.W.3d at 778. There, a mother filed an "application for vaccination" seeking to have her child receive the Covid-19 vaccination. *Frazier*, 1 N.W.3d at 777. However, she also made clear that she "d[id] not wish to remove or alter [the father's] status as a joint legal custodian." *Frazier*, 1 N.W.3d at 782. The district court denied the mother's application on the basis that the decree gave the parents joint legal custody over the

children, finding that "until that provision of the decree has been modified, each party has the right to equal participation in decisions concerning medical care." *Frazier*, 1 N.W.3d at 778. The court of appeals reversed the district court and ordered the district court to hear the mother's application on the merits. *Frazier*, 1 N.W.3d at 778. The father then appealed to the Supreme Court.

After a thorough analysis of Iowa law, the Supreme Court found Iowa's legal custody statute does not allow district courts to "unbundle legal custodial rights to carve out a limited right for one parent to be the sole decision-maker." *Frazier*, 1 N.W.3d at 786 *citing In re Marriage of Makela*, 987 N.W.2d 467, 471 (Iowa Ct. App. 2022). The Court explained that the statute "treats joint custody as an all-or-nothing proposition that 'leaves no room for parceling of rights.'" *Frazier*, 1 N.W.3d at 779 *quoting Makela*, 987 N.W.2d at 471. The Court went on to say that "[the] decree was entered nearly ten years ago, and short of a petition to modify the decree to award one of the parent's sole legal custody, the court lacks authority to do anything else." *Frazier*, 1 N.W.3d at 781 (Iowa 2024).

Following *Frazier*, practitioners and lower courts—including the Court of Appeals in *Venechuk*—initially struggled to define the scope of the rule, leading to inconsistent applications regarding the district court's authority to resolve joint custody impasses. In *Venechuk*, a mother seeking to move her daughter into a different school appealed from the district court's denial of her petition to modify

the joint custody decree, which incorporated the parties stipulation. *Venechuk*, 20 N.W.3d at 472. A split Appellate Court interpreted *Frazier* as requiring every modification request "within the scope of legal custody" to seek "sole legal custody. *Venechuk*, 20 N.W.3d at 475. "Because [the mother] never sought to receive sole legal custody, her petition was doomed." *Venechuk*, 20 N.W.3d at 475. The Appellate Court thus affirmed the District Court's ruling without reaching the merits of the mother's claims. *Venechuk*, 20 N.W.3d at 472.

In reversing the Appellate Court, the Supreme Court meticulously delineated the boundaries of its decision in *Frazier* and in doing so set guardrails on how it should be applied. *See*, *Venechuk v. Landherr*, 20 N.W.3d 471, 472 (Iowa 2025). Specifically, the Court highlighted that the *Frazier* record lacked two critical elements: a decree that "explicitly reserve[d] the district court's jurisdiction" and a pleading asserting a substantial or material change in circumstances. *Venechuk v. Landherr*, 20 N.W.3d 471, 476 (Iowa 2025) citing *Frazier*, 1 N.W.3d at 781-82. The Court further clarified its prior endorsement of several unpublished appellate decisions that permitted district courts to adjudicate "dispute[s] over a postdecree change of school for a minor child." *Venechuk v. Landherr*, 20 N.W.3d 471, 476 (Iowa 2025) citing *Frazier*, 1 N.W.3d at 782-84. In this regard, the Court noted that district courts can resolve disputes about where a child attends school "when a party filed *a petition to change the school.*" *Venechuk v. Landherr*, 20 N.W.3d 471, 476

(Iowa 2025) citing *Frazier*, 1 N.W.3d at 784. (emphasis added). However, this was not the only requirement.

Crucially, the Court reaffirmed that "in the absence of a motion to modify *some aspect of the decree*—and in *Frazier* there was nothing but the joint legal custody provision to modify—the mother's motion could not succeed." *Venechuk v. Landherr*, 20 N.W.3d 471, 476 (Iowa 2025) citing *Frazier*, 1 N.W.3d at 788. (emphasis added). Simply put, when a decree is silent on a specific joint custody right, the court lacks the authority to resolve "free-floating" disputes and may only modify the joint legal custody status itself. *See*, *Venechuk v. Landherr*, 20 N.W.3d 471, 472 (Iowa 2025).

Moreover, in distinguishing *Venechuk* from *Frazier*, the Court explained that "[h]ere, by contrast, the original decree contained a provision stating which school [the child] would attend. That was the provision [the mother] sought to modify, and she could do so without also seeking to obtain sole legal custody." *Venechuk*, 20 N.W.3d 471, 476-77 (Iowa 2025). In summarizing the differences from *Frazier*, the Court stated:

> The mother in *Frazier* did not file a petition for modification, and she didn't want to alter the decree. She wanted the courts to referee a medical decision. By contrast, this is a modification case. [The *Venechuk* parents'] custody decree stated that [the child] would attend St. Ansgar; [the mother] wanted to change that. *In fact, the decree specifically contemplated court involvement such as occurred here: it required, and thus also foresaw, the possibility of "court approval" to alter the school district.*

Venechuk v. Landherr, 20 N.W.3d 471, 477 (Iowa 2025) (emphasis added) citing *Frazier*, 1 N.W.3d at 779.

Furthermore, citing the long-standing rules governing judgments, the Court reaffirmed that a decree remains binding and final unless a party successfully petitions for modification based on changed circumstances. *See*, *Venechuk*, 20 N.W.3d at 477 (Iowa 2025). This classification of a decree as a judgment underscores that the court's authority to intervene is limited by the formal rules of finality rather than a general power to manage parental disputes. For these reasons, the Court found that the Appellate Court erred in affirming the district court's decision without assessing the merits of the case.

When reading *Frazier* alongside *Venechuk*, the Supreme Court's analysis establishes four critical holdings regarding a district court's authority to resolve post-decree parenting disputes.

First, to properly invoke a district court's authority to resolve a dispute involving a joint legal custody right—such as those medical or educational decisions enumerated in Iowa Code § 598.1(3)—a party must file a petition to modify the decree rather than a mere "application for determination."

Second, the statutory definition of joint legal custody under Iowa Code § 598.1(3) treats custodial rights as a unified bundle that cannot be "unbundled" by the district court. Because parents are entitled to "equal participation" in all decisions

involving a child's medical care, education, and religious instruction, a court lacks the authority to carve out a single issue—such as choice of school—and grant one parent sole decision-making power while maintaining the joint custody label for all other matters. Iowa Code Ann. § 598.1(3); *Frazier*, 1 N.W.3d at 786.

Third, a district court's authority to intervene in a joint custody dispute without having to award sole custody is strictly limited to issues tethered to the decree itself. A court cannot act as a general tiebreaker for daily parenting decisions; however, if the decree contains a specific provision—such as a designated school district or a unique medical protocol—the court maintains the authority to modify that provision upon a proper showing of changed circumstances. *Venechuk*, 20 N.W.3d at 477.

Fourth, a party seeking to modify any joint custody provision—including those 'tethered' to the decree—must generally prove a substantial change in circumstances. The only exception to this is if the decree itself contains an explicit reservation of jurisdiction that "unequivocally provides for later court review" without the need for a showing of changed circumstances. *Frazier*, 1 N.W.3d at 781; *Venechuk*, 20 N.W.3d at 477.

Taken together, these holdings create a cohesive and robust framework that follows the legislature's intent under Iowa Code section 598.1(3) by safeguarding parental rights while empowering courts to resolve fundamental impasses. This

framework is precisely why Nathan's central argument—that affirming the District Court would require courts to award sole custody every time parents disagree—is a legal fiction. The stringent substantial change of circumstances requirement (the fourth holding) serves as the critical gatekeeper, ensuring courts do not intervene in minor disputes, but only when faced with an unforeseen, permanent or near permanent conflict such that it paralyzes the parents' ability to co-parent. The prohibition of unbundling (the second holding) complements this by providing structural clarity. It is not a punitive standard designed to aggressively remove parental rights, but a functional one that prevents courts from becoming perpetual referees over single issues. The third holding then carves out the exception to this rule, clarifying that a court can modify a single provision in a decree, without destroying joint legal custody, only when the provision is already explicitly written into the original decree or stipulation.

By treating joint custody as a unified package except in these narrow circumstances, the law directs the court to assess the core problem: whether the ability to engage in shared decision-making has eroded to the point of collapse. This system respects the finality of decrees and forces parents to resolve typical disagreements, reserving judicial intervention as a last resort for the very kind of intractable impasse that the District Court correctly identified here.

Moreover, Nathan's criticism of the District Court for not citing *Frazier* is not only a red herring, but it is also fundamentally self-defeating. Nathan himself concedes that "*Frazier* does nothing to change the standard by which a modification of joint legal custody is had." Appellant's Br. at 19. This admission is fatal to his argument. If *Frazier* merely reaffirmed the long-standing substantial change of circumstances standard, then the District Court's failure to cite it by name is, at worst, a harmless omission.

In any event, Nathan's procedural complaint is meritless because the record proves the District Court correctly applied the controlling legal principles from *Frazier* and *Venechuk*. Namely, the District Court's Order Modifying the Decree contains a sentence that serves as an ample summary of the "no unbundling" rule: "Recent case law does not allow the court to parcel out the right to determine schooling while leaving joint legal custody in place for remaining issues (such as medical, religion, etc.)." D0155, Order Mod. Dec. at 4. This statement unequivocally demonstrates the court understood it lacked the authority to act as a simple tiebreaker on the schooling issue. By recognizing it could not parcel out this single right, the court correctly concluded that its only available path was to address the joint legal custody status itself upon a proper showing of a substantial change in circumstances.

If, for example, the decree here had included a specific provision governing where the children would attend school and reserved the right to later litigate the

issue before the district court, then Nathan may have a valid complaint. *Venechuk*, 20 N.W.3d at 476-77. However, that is not the case here. The District Court's decision was therefore not an error of ignorance, but a deliberate application of the correct legal framework, rendering the absence of a formal case citation legally irrelevant.

After discussing *Venechuk*, Nathan employs a rhetorical device to suggest the law is now ambiguous, asking what can be learned and what remains unclear. Appellant Br. at 28. This attempt to sow confusion is unavailing, as the Supreme Court's decisions in *Frazier* and *Venechuk* necessarily result in cases being sorted into two groups at the outset. Nathan's analysis fails because he conflates these two distinct groups.

The first group, illuminated by *Venechuk*, applies when the original decree contains a specific provision governing the disputed issue (e.g., naming a specific school district). In such cases, the court has the authority to modify the specific aspect of custody the provision governs allowing for a targeted remedy that does not disturb the joint legal custody arrangement.

The second group, dictated by *Frazier*, governs cases where the decree is silent on the disputed issue. The conflict is therefore not about a specific clause in the decree, but about the fundamental ability of the parents to exercise their joint custodial rights. If that conflict turns into an intractable impasse, then it constitutes

a substantial change in circumstances. However, the court cannot invent a "tie-breaker" power it does not have, nor can it "unbundle" one right from the others. Accordingly, the only available remedy under the statute is to address the joint legal custody status itself. *Venechuk*, 20 N.W.3d at 476 discussing *Frazier*,1 N.W.3d at 788.

Here, because the parties' original decree in this case is silent on the issue of school choice, this case falls squarely into the second group. D0016, Decree; D0015, Stip.). The District Court correctly recognized this. It understood that it could not simply "carve" a decision on schooling. *See*, *Frazier*, 1 N.W.3d at 786. Faced with a proven, substantial change in circumstances—the intractable impasse created by Nathan's refusal to co-parent—the court correctly proceeded to the only remedy available: modifying the joint legal custody status to protect the best interests of the children. D1055, Order Mod. Dec. at 8-9.

Accordingly, this entire exercise is a diversion, designed to distract this Court from one simple, dispositive truth: the law is not unclear, and what we learn from this record is that Nathan manufactured the very crisis he now decries. The answer to his parade of horribles—does every disagreement now lead to sole custody?—is, and always has been, a resounding no. Appellant's Br. at 19. The law is perfectly clear that the gatekeeper is the substantial change of circumstances standard. *In re Marriage of Harris*, 877 N.W.2d 434, 440 (Iowa 2016). A simple disagreement is

not a substantial change. But a parent's complete and unilateral abdication of his duty to engage on a critical issue, forcing a full-blown crisis and leaving the other parent to manage it alone, most certainly is.

His claim of being a reasonable observer of his child's needs is further shattered by his testimony at trial, where he concocted a fantasy of "95, 99 percent" positive daily reports for B.V.K. (Tr. at 76:17-77:5) in the face of school records documenting near daily, violent outbursts and a report card showing regressing social development. *Supra,* pp. 20-21, 23-24.

A reasonable partner does not unilaterally declare an end to joint decision-making and then weaponize the courts with a contempt filing when the other parent is forced to act alone. His attempt to divert this Court's attention to other areas where the parties cooperate is unavailing. The law does not require every aspect of a parental relationship to be in ashes to find joint custody untenable; it requires the court to act when a conflict on a single, vital issue paralyzes the parents and harms the child's best interests. *See*, *Marriage of Rolek*, 555 N.W.2d 675, 677 (Iowa 1996). That is precisely what occurred here, due entirely to Nathan's refusal to act as the partner he now claims to be.

Finally, Nathan heavily cites two of the "*Frazier* approved" unpublished opinions, *In re Marriage of Flick*, 965 N.W.2d 202 (Iowa Ct. App. 2021) and *In re Marriage of Comstock*, 958 N.W.2d 611 (Iowa Ct. App. 2021). Appellant Br. at 25-

26. Nathan claims that *Flick* stands for the proposition that "it is not necessary for a decree to contain an explicit provision regarding the legal custody issue in order for the district court to make tie-breaker determinations." Appellant Br. at 29. It is further claimed that the decree in *Flick* was "silent as to what school the child would attend." Appellant Br. at 29. While it is technically true the decree does not state the specific school the child is to attend, it does have a provision stating that if the parties could not agree on where to send their children to school, then the court (after attending mediation) reserves jurisdiction to determine what school system the child will be enrolled in.[9] As for *Comstock*, as the Court noted in Frazier that it was distinguishable on account of the fact that it involved the issuance of a temporary order and thus the Appellate Court never engaged in a full discussion of the issue at hand. *Frazier*, 1 N.W.3d at 784.

The District Court saw this situation for what it was: not a simple disagreement, but a unilateral abandonment of co-parenting duties by Nathan on a critical issue, leaving Mother as the only parent actively trying to navigate the crisis. The court's decision was not a misapplication of *Frazier*; it was a fact-intensive finding that Nathan's actions had made joint legal custody unreasonable and detrimental to his children's welfare. To accept Nathan's argument would be to

[9] See Flick v. Flick, CDDM002712 (Harrison County, IA), D0084. This Court may take judicial notice of the Decree in Flick pursuant to Iowa Rule of Evidence 5.201 and Sorensen, 436 N.W.2d at 363. (taking judicial notice on appeal).

reward his obstructionism and create a perverse incentive for parents to refuse to engage on difficult issues, knowing they can later run to the court claiming their manufactured "disagreement" does not warrant a change in custody. The District Court correctly refused to endorse such a dysfunctional and dangerous precedent.

B. The District Court Correctly Found a Substantial and Material Change in Circumstances Necessitating Modification of the Custody Decree

To modify the custodial provisions of a dissolution decree, the moving party must establish by a preponderance of the evidence that (1) there has been a substantial and material change in circumstances since the entry of the original decree, and (2) the requested modification is in the best interests of the children. *In re Marriage of Frederici*, 338 N.W.2d 156, 158 (Iowa 1983). The change must be "more or less permanent or continuous" and must not have been within the contemplation of the district court when it entered the original decree. *Frederici*, 338 N.W.2d at 158. The legal standard used in weighing the evidence is a preponderance of the evidence. *Id.*

"Iowa courts have modified custody when the parents simply 'cannot cooperate or communicate in dealing with their children.'" *Harris*, 877 N.W.2d at 441 *quoting In re Marriage of Walton*, 577 N.W.2d 869, 870 (Iowa Ct.App.1998). The Court in *Harris* highlighted similar holdings in prior custody cases, including but not limited to: *Marriage of Swenka,* 576 N.W.2d 615, 617 (Iowa Ct.App.1998)

(allocating primary physical care to one parent because the parents could "not cooperate and d[id] not respect the parenting or lifestyles of the other"); *In re Marriage of Stanley,* 411 N.W.2d 698, 701 (Iowa Ct.App.1987) ("[t]he continued inability or unwillingness of parents to cooperate is a factor in determining if a custody modification is appropriate."). Notably relied upon in *Harris* was the decision of *Melchiori v. Kooi*, 644 N.W.2d 365, 368 (Iowa Ct.App.2002) (finding "discord between parents that has a disruptive effect on children's lives [is] a substantial change of circumstance that warrants a modification of the decree to designate a primary physical caregiver if it appears that the children, by having a primary physical caregiver, will have superior care.).

Here, Nathan fundamentally mischaracterizes the record in arguing that no substantial change occurred. He attempts to frame the issue as a mere disagreement over schooling and in doing so, dismisses B.V.K.'s profound behavioral issues as nothing more than "temporary" and "foreseeable" challenges. This incredibly idealistic and unrealistic view ignores the mountain of evidence detailing a situation that had become untenable. The District Court correctly identified that B.V.K.'s severe, persistent, and worsening behavioral difficulties—and the parents' resulting intractable conflict on how to address them—constituted a substantial and material change in circumstances not contemplated at the time of the 2021 Decree. Order Mod. Dec. at 7. Yet the seriousness of B.V.K.'s evolving behavioral issues and their

effect on her well-being, and the seriousness of the District Court's ruling seem to escape Nathan, who analogizes the present situation to "whether or not little Johhny plays peewee soccer." Appellant Br. at 19.

Moreover, when the original Decree was entered, neither the parties nor the District Court could have foreseen the devastating behavioral issues that would engulf their B.V.K.. B.V.K.'s difficulties, while present before schooling, exploded upon her entry into the Montezuma public school system. It similarly could not have been contemplated that B.V.K. would be suspended from begindergarten for kicking a pregnant educator in the stomach. D0159, Tr. at 16:1-2, 18:24-19:5). Nor could Taylor, Nathan, or the District Court have predicted, nor contemplated, that the IEP and special education instructors, while valiant in their efforts, would be unable to help B.V.K. reach a point where she was not taken out of class for outburst every day. D0159, Tr. at 182:16-183:1 and 170:23-171:7.

Nathan's claim that these challenges were "addressed" misrepresents the record. While dedicated school staff worked to support B.V.K. through an IEP, the situation quickly overwhelmed the available interventions. The record is a painful chronicle showing that despite the support of the IEP and the efforts of her teachers, B.V.K.'s escalating behaviors could not be contained within the school environment. Following her suspension, B.V.K. engaged in a relentless pattern of disruptive and

violent conduct, including hitting classmates, throwing objects at students and teachers, kicking staff, and eloping from the classroom. *supra*, pp. 20-21.

The most significant change, however, was Taylor's inability, as the primary physical custodian, to manage this crisis with Nathan, ultimately creating an unbridgeable gap on the fundamental issue of their children's education. This paralysis, this inability to reach an agreement on how to best educate B.V.K. while helping her learn how to manage her serious and complex behavioral issues, is the very definition of a profound, permanent, and substantial change in circumstances.

Furthermore, while review of custody matters is *de novo*, the Supreme Court in *Venechuk* noted that its decision to affirm the district court was "driven in large part by the respect [it] give[s] to the district court's findings." *Venechuk*, 20 N.W.3d at 478. It further provided that:

> On intangible matters, such as how best to assure stability in [the child's] life and whether one can trust [the father] to deliver on his promised follow-through, the district court has a closer perspective than we do. 'The trial court has the advantage of listening to and observing the parties and witnesses and is in a better position to weigh the credibility of witnesses than the appellate court, which is limited to a written record.'

Venechuk, 20 N.W.3d at 478 *citing In re Marriage of Heiar*, 954 N.W.2d 464, 469 (Iowa Ct. App. 2020).

It is undeniable that the District Court found Taylor to be more credible than Nathan. For example, the Court found that Taylor "credibly testified that she

believed that since she had primary physical care, she could make the decision to homeschool after discussing it with Nathan." D0155, Order Mod. Dec. at 8. The Court further found that "Nathan was not nearly as well versed in the educational possibilities as Taylor." D0155, Order Mod. Dec. at 8. Notably, "Taylor proved that the behavioral issues B.V.K. developed and the changes in her educational needs were not contemplated by the Court at the time the Decree was entered and is a substantial change in circumstances." D0155, Order Mod. Dec. at 7. To the extent the Court did not specifically state in its decision that it found Taylor more credible, the District Court did note that it "considered all of the evidence at trial, and where it was conflicting, the Court assigns more weight to that evidence judged most believable." D0155, Order Mod. Dec. at 4-5.

For these reasons, the District Court correctly determined that there had been a material and substantial change in circumstances for the parties. D0155, Order Mod. Dec. at 7.

C. The District Court's Decision to Award Sole Legal Custody to Taylor Was Necessary, Proper, and in the Children's Best Interests

Iowa courts enjoy "wide discretion in providing for the best interests of the children." *Rolek*, 555 N.W.2d at 679. In child custody cases, the first and governing consideration of the courts is the best interests of the child. Iowa R. App. P. 6.904(3)(n). The critical issue in determining the best interests of the child is which

parent will do better in raising the child. *In re Marriage of Riddle*, 500 N.W.2d 718, 719 (Iowa Ct. App. 1993). In determining whether a decision to award sole legal custody, Iowa courts must consider the factors enumerated in Iowa Code § 598.41(3). Moreover, awarding sole legal custody is appropriate when it is "very likely that the parties will not be able to agree . . . on fundamental decisions that must be made in their children's lives, such as *education* and medical treatment" *Rolek*, 555 N.W.2d at 677. Here, it is unequivocal that Taylor and Nathan have a disagreement over a fundamental decision – their children's education. *Id*.

Moreover, as the District Court correctly noted, the objective of a court in making a custody decision is to place the children in "the environment most likely to bring [him/her] to healthy physical, mental, and social maturity. *Phillips v. Davis-Spurling*, 541 N.W.2d 846, 847 (Iowa 1995). The District Court also correctly acknowledged that "preservation of the greatest amount of stability possible is a desirable goal." *In re Marriage of Hansen*, 733 N.W.2d 683, 696–97 (Iowa 2007).

Nathan's claim that B.V.K. was "doing phenomenal" in school, especially her kindergarten year, is a gross misrepresentation of the facts, supported only by his testimony, which the Court found less credible than Taylor's. D0159, Tr. at 95:6-8. Furthermore, his overreliance on BVK's daily reports and report card from kindergarten puts too much credence into what are essentially highly subjective documents that were completed on some days, less so on others, and sometimes, not

at all. Nevertheless, Nathan argues that the daily reports show that she received an 18/18 "on the vast majority of days she was in school," and that "if she did not score an 18/18 she typically scored a 17/18." Appellant's brief at 16. Nathan similarly testified that 90 to 99 percent of the reports were nearly perfect. D0159, Tr. at 76:17-77:5.

Not only does this argument get the math wrong (the real answer is approximately sixty-seven percent) but more importantly, it fails to appreciate the important part of the reports—the substantive comments detailing B.V.K.'s behavioral struggles at school. In this regard, the daily reports from kindergarten include no less than thirty-one days with serious outbursts and/or behavioral issues. *supra*, pp. 23-24. Moreover, B.V.K.'s report card does not demonstrate, or even suggest, that B.V.K. is doing "phenomenal" as Nathan suggests. D0159, Tr. at 95:6-8. Rather, it undeniably proves that her kindergarten educators at Montezuma Community School determined she was regressing with respect to her social development. D1036, Report Card at 2.

Nathan's argument also ignores the credible testimony and letter from Ms. Huff, who testified that B.V.K. would need to be taken out of class daily. D0159, Tr. at 170:23-171:7. Ms. Huff's letter dated June 8, 2024, is particularly damaging to Nathan's claims. D0121, Letter from Lisa Huff at 1-3. To a casual observer, Ms. Huff's letter makes it clear that the public school setting is not a healthy place for

B.V.K. to receive her education. To be clear, this has nothing to do with the quality of the Montezuma Public School District. The record is clear that multiple educators came together and did everything they possibly could for B.V.K. However, the challenging days and behaviors remained. D0121, Letter from Lisa Huff at 2-3.

However, as the District Court correctly found, B.V.K.'s behavior improved when Taylor initially began homeschooling her in the beginning of February 2024. D0155, Order Mod. Dec. at 4. The Court further found that Taylor was able to establish a routine that worked for B.V.K. and eliminated having so many transitions throughout the day. As Taylor credibly testified, B.V.K.'s behavioral challenges "lessened *a lot*." D0159, Tr. at 39:10-15. In short, Homeschooling provided B.V.K. with a stable environment that directly benefited her mental health and well-being. Homeschooling is in B.V.K.'s best interests.

Instead of contending with these facts, Nathan attacks Taylor's efforts at enacting B.V.K.'s homeschool plan by: disparaging her research and understanding of the homeschooling curriculums Appellant's Br. at 38; criticizing the daily schedule she enacted for B.V.K. *Id*.; pointing out that Taylor missed one parent-teacher conference but omitting the fact she was sick Appellant's Br. at 10; belittling Taylor's own educational background Appellant's Br. at 17; and baselessly claiming Taylor's husband Frank as the reason behind homeschooling B.V.K. Appellant's Br. at 37—just to name a few. Of course, these *ad hominem* attacks are legally irrelevant,

but worse for Nathan, they support the District Court's finding that Taylor was the more credible of the two parents to testify, adding credence its decision to award Taylor sole custody the parties' children.

Nathan's argument that he communicates well with Taylor and is a good dad are further unavailing because they fail to contend with the reality that he and Taylor are incapable of coming to a consensus on their children's education. *See, Kocinski v. Christiansen*, 2021 WL 5106051, at *5 (Iowa App., 2021). In *Christiansen*, like in the case at bar, had a minor child that unfortunately struggled mightily with emotional and behavior issues that required medical and/or educational assistance. *Christiansen*, 2021 WL 5106051, at *1. Also analogous is the fact that the father argued breakdowns in communication [with his ex-wife] were rare." *Christiansen*, 2021 WL 5106051, at *5. However, as the Appellate Court pointed out, the reality was of the record in *Christiansen* demonstrated that the parties were "incapable of coming to a consensus on [the minor child's] course of treatment." *Christiansen*, 2021 WL 5106051, at *5. Most notably, the Court distinguished the facts in *Christiansen* from other cases where the court refused to sever joint legal custody:

> We acknowledge that many cases reflect a difficulty in communication between parents; however, the special medical and educational needs of C.B.K., along with the parents' inability to agree on educational and medical issues, separates this case from others.

Christiansen, 2021 WL 5106051, at *5 (Iowa App., 2021). The Court consequently awarded the mother sole legal custody.

The Court should follow the *Christiansen* Court, and affirm the District Court's decision, which did the same thing here.

Conclusion

The framework established by *Frazier* and *Venechuk* requires courts to sever joint custody in cases like the one at bar. Moreover, the complete inability of the parents to communicate about a fundamental issue—B.V.K.'s education—constitutes a substantial change in circumstances under well-established Iowa law. The District Court acknowledged the same. Finally, as it was mandated to do so, the District Court reviewed all of the testimony and evidence and made a determination that it was in the best interest of the children for Taylor to be awarded sole legal custody. For these reasons, this Court must affirm the District Court's decision granting Taylor's Petition for Modification and awarding her sole custody.

II. THE TRIAL COURT PROPERLY DENIED NATHAN'S APPLICATION FOR CONTEMPT

Preservation of Error

Taylor has no objections to preservation of error.

Standard of Review

Taylor does not agree with the standard of review set forth by Nathan. In general, a district court's denial of an application for contempt is reviewed under a

gross abuse of discretion standard. *In re Marriage of Swan*, 526 N.W.2d 320, 327 (Iowa 1995).

Argument

Filing this contempt application is the legal equivalent of telling someone, "Go ahead, jump in a lake," and then suing them for getting wet. Nathan explicitly texted Taylor, "[y]ou do what you do, and I'll do what I have to do." D0133, Resp. Ex. H, Texts Between Parties, at 5. At trial, he clarified what he meant. "[B]asically all it was, was that if you want to do it, do it." D0155, Tr. at 136:7-14. Now he is before this court expressing shock and demanding punishment because she did, in fact, do what she had to do. If this Court does what it has to do, then the District Court's decision on this matter will be affirmed.

Nathan's contempt argument fundamentally fails for the additional reason that it glosses over the most crucial element required for a finding of contempt: willfulness. Citing *Felton*, Nathan notes that willfulness requires evidence of a "bad or evil purpose" or a "wanton and in disregard of the rights of others." Taylor's act in homeschooling B.V.K. meet neither of these definitions. *Felton v. Iowa District Court for Polk Cnty*., 2023 WL 1809820, at *4 (Iowa App., 2023).

The District Court, which had the unique advantage of observing the witnesses firsthand, made a specific factual finding that Taylor's testimony on this issue was credible. Order Mod. Dec. at 8. The court accepted her explanation that

she acted not in defiance of the decree, but under the good-faith belief that as the primary physical caregiver, she could make the necessary educational decision for her child. Order Mod. Dec. at 8. A finding of contempt requires proof beyond a reasonable doubt of a "bad or evil purpose." *Felton*, 2023 WL 1809820, at *4. An act taken under a credibly held, good-faith belief cannot, by definition, meet this extraordinarily high standard. Accordingly, this Court should affirm the District Court's decision denying Nathan's Application for Contempt.

Conclusion

Petitioner-Appellee, Taylor Ahrens, respectfully requests that this Court affirm the District Court's July 23, 2025, Order Modifying Decree denying Respondent-Appellant, Nathan Van Kooten's, Application for Contempt, and for any further justice this Honorable Court deems just and proper.

III. THE DISTRICT COURT PROPERLY DENIED NATHAN'S REQUEST FOR ATTORNEY FEES AND NO ATTORNEY FEES SHOULD BE AWARDED TO NATHAN ON THIS APPEAL. RATHER, THIS COURT SHOULD AWARD TAYLOR ATTORNEY FEES FOR DEFENDING THIS MATTER ON APPEAL

Preservation of Error

Taylor has no objections to preservation of error.

Standard of Review

Taylor agrees that the standard of review is abuse of discretion.

Argument

The district court courts enjoy broad discretion in awarding attorney fees. *In re Marriage of Guyer*, 522 N.W.2d 818, 822 (Iowa 1994). Whether attorney fees should be awarded depends on the respective abilities of the parties to pay. *Id*. In addition, the fees must be fair and reasonable. *Id*. Here, the District court found both parties had some success on their pleadings and both parties had the ability to pay their own attorney fees. Accordingly, it denied the parties' respective requests and ordered them to each pay their own respective fees.

Nathan should not be permitted to recover attorney fees at either the trial or appellate court, even if successful on appeal. The income information exchanged during the District Court proceedings revealed that Nathan earns a substantially higher income as compared to Taylor, a stay at home mother that homeschools here children. *Compare*, D0145 to D1048. Moreover, while the District Court noted that each party had some success, it is clear Taylor prevailed on the key issues.

Taylor has had to incur additional fees in defending this matter on appeal. Accordingly, Taylor requests appellate attorney fees in the amount of $11,985.00. An Affidavit of Appellate Attorney Fees to date is submitted with this brief. If additional work is required, Taylor will file a supplemental Affidavit.

Conclusion

Petitioner-Appellee, Taylor Ahrens, respectfully requests that this Court affirm the District Court's July 23, 2025, Order Modifying Decree denying

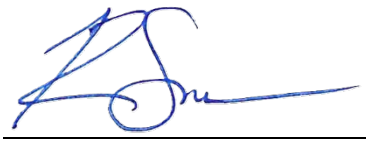
Respondent-Appellant, Nathan Van Kooten's, request for attorney. Petitioner-Appellee further requests that Respondent-Appellant's request for appellate attorney fees be denied and that this Court grant her request for appellate attorney fees in an amount of no less than $11,985.00 and for any further justice this Honorable Court deems just and proper.

REQUEST FOR ORAL OR NONORAL SUBMISSION

Petitioner-Appellee, Taylor Ahrens, submits that oral argument is not necessary. This appeal presents no novel question of law but rather requires the straightforward application of established precedent to the facts of the case. As the issues are fully addressed in the briefs, she believes the Court can resolve this matter efficiently without oral argument. However, should the Court or Respondent-Appellant, Nathan Van Kooten, request oral argument, Taylor welcomes the opportunity to present her case.

TAYLOR AHRENS

Petitioner-Appellee

BY: 

Robert S. Seer AT0016630
Mahaffey Law Office, P.C.
107 S. 4th St., PO Box 850
Montezuma, IA 50171
Ph.: 641-623-5425
Fax: 641-623-5421
Email: rseer@mahaffeylaw.net

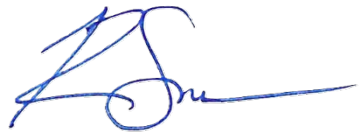


Patrick J. Mahaffey AT0012557
107 S. 4th St., PO Box 850
Montezuma, IA 50171
Ph.: 641-623-5425
Fax: 641-623-5421
Email: pjm@mahaffeylaw.net
Attorneys For Petitioner-Appellee

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIATION, TYPEFACE REQUIREMENTS, AND TYPE-REQUIREMENTS

This brief complies with the typeface requirements and type-volume limitation of Iowa Rs. App. P. 6.903(1)(d) and 6.903(1)(g)(1) or (2) because:

> [X] this brief has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman in 14-point font and contains 12,037 words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(g)(1)



Robert S. Seer AT0016630
Mahaffey Law Office, P.C.
107 S. 4th St., PO Box 850
Montezuma, IA 50171
Ph.: 641-623-5425
Fax: 641-623-5421
Email: rseer@mahaffeylaw.net



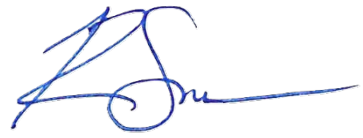
Patrick J. Mahaffey AT0012557
107 S. 4th St., PO Box 850
Montezuma, IA 50171
Ph.: 641-623-5425
Fax: 641-623-5421
Email: pjm@mahaffeylaw.net
ATTORNEYS FOR PETITIONER-APPELLEE, TAYLOR AHRENS

CERTIFICATE OF SERVICE

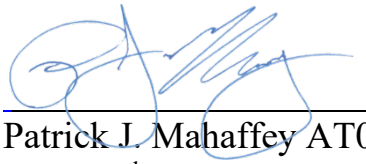
The undersigned hereby certifies that a true copy of the Petitioner-Appellee's Brief and Argument was served January 15, 2026, upon the following parties:

Bryan J. Goldsmith, AT0008946
Carly M. Schomaker, AT0013834
Gaumer, Emanuel & Goldsmith, P.C.
111 West Second Street
P.O. Box 601
Ottumwa, IA 52501
Email: bjg@ottumwalaw.com
Email: cms@ottumwalaw.com
Attorneys for the Respondent-Appellant

The undersigned further certifies that on January 15, 2026, I will electronically file this document with the Clerk of the Iowa Supreme Court.



Robert S. Seer AT0016630
Mahaffey Law Office, P.C.
107 S. 4th St., PO Box 850
Montezuma, IA 50171
Ph.: 641-623-5425
Fax: 641-623-5421
Email: rseer@mahaffeylaw.net



Patrick J. Mahaffey AT0012557
107 S. 4th St., PO Box 850
Montezuma, IA 50171
Ph.: 641-623-5425
Fax: 641-623-5421
Email: pjm@mahaffeylaw.net
ATTORNEYS FOR PETITIONER-APPELLEE, TAYLOR AHRENS