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IN THE SUPREME COURT OF IOWA

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

APPEAL FROM THE IOWA DISTRICT COURT FOR POWESHIEK COUNTY
THE HONORABLE CRYSTAL S. CRONK

PETITIONER-APPELLEE'S APPLICATION FOR FURTHER REVIEW OF THE IOWA COURT OF APPEALS' DECISION DATED JULY 8, 2026 (Chicchelly, J., dissenting)

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)
pjm@mahaffeylaw.net
rseer@mahaffeylaw.net

ATTORNEYS FOR PETITIONER-APPELLEE-APPLICANT, TAYLOR AHRENS

QUESTION PRESENTED FOR REVIEW

Whether the Court of Appeals erred in resolving the parents' joint-custody impasse by writing a schooling provision into a decree that is silent on the issue of schooling rather than modifying legal custody, as *Frazier* requires and *Venechuk* confirms.

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STATEMENT SUPPORTING FURTHER REVIEW

This case presents, for the third time in three years, a question that has divided the Court of Appeals each time it has arisen: when and how a court may resolve an impasse between joint legal custodians. The first two decisions came to this Court. Both were vacated. *See In re Marriage of Frazier*, 1 N.W.3d 775 (Iowa 2024), *vacating* 2023 WL 4104024 (Iowa Ct. App. June 21, 2023); *Venechuk v. Landherr*, 20 N.W.3d 471 (Iowa 2025), *vacating* 2024 WL 2312559 (Iowa Ct. App. May 22, 2024). This is the third.

The impasse here is a common one. Two parents, sharing joint legal custody, cannot agree on whether their daughter should be homeschooled or sent to public school. When the question of how courts resolve these joint-custody stalemates results in three straight split-decisions by the Court of Appeals, and when this Court has twice had to correct the resulting decisions, the doctrine is not being applied. It is being litigated. Panel by panel. To conflicting ends. And to the detriment of Iowa families. The dissent below said it best: "our court has repeatedly issued split decisions in these cases, and so it is unsurprising that our district courts and the litigants who come before them are also struggling for clarity in terms of approaching any dispute involving parents' legal custodial rights." Van Kooten, slip op. at 21 (Chicchelly, J., dissenting).

This Court should grant further review for three reasons. First, the majority opinion of the Court of Appeals erred by issuing a decision contradictory to this Court's holdings in *Frazier* and *Venechuk*. This Court has drawn a clear line. Where a decree contains a specific provision on the issue in dispute, a party may modify the decree without seeking sole legal custody. *Venechuk*, 20 N.W.3d at 476–77. Where the decree is silent, and there is "nothing but the joint legal custody provision to modify," the only remedy for the impasse is modification of legal custody. *Id.* at 476; *accord Frazier*, 1 N.W.3d at 781 ("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").

On November 15, 2024, Taylor Ahrens ("Taylor"), filed a Petition for Modification of the divorce decree she shares with her ex-husband, Nathan Van Kooten ("Nathan"). Taylor alleged there had been a substantial change of circumstances and that it would be in the children's best interests for the parties' middle child, B.V.K., to be homeschooled due to serious ongoing behavioral issues. Taylor further alleged that it would likewise be in the children's best interests for her to be awarded sole legal custody. D0043, Petition for Modification, ¶ 17. An evidentiary hearing was held before the District Court on June 19, 2025. The Court heard testimony from the parties and each of their two witnesses. Numerous exhibits were admitted into the record.

The District Court found that Taylor proved a substantial change of circumstances, that it was in B.V.K.'s best interests to be homeschooled, and that it was in all three children's best interests for Taylor to be awarded sole legal custody. D0155, Order Modifying Decree at 3 (July 23, 2025). The Court of Appeals agreed with the District Court that B.V.K.'s behavioral crisis and the resulting impasse between the parties on the schooling issue constituted a substantial and material change in circumstances. Van Kooten, slip op. at 2 ("We agree the schooling impasse is a substantial and material change in circumstances."). And the Court of Appeals agreed with the District Court that homeschooling serves B.V.K.'s best interests. *Id*.

Despite acknowledging that the parties' decree is silent on the issue of schooling, the majority declined to affirm the remedy those findings compel, sole legal custody. Instead, it instructs the District Court to write a schooling provision into the decree itself. Under *Frazier* and *Venechuk*, the lack of any provision regarding schooling in the decree and reserving the district court's authority places this case squarely on the *Frazier* side of the line, where sole legal custody is the only available remedy. The majority's decision holding otherwise is the strongest ground for review. *See* Iowa R. App. P. 6.1103(1)(b)(1).

Second, the majority admits that its opinion stretches this Court's precedent, particularly that set in *Venechuk*. "We do not pretend this case falls neatly within *Venechuk*'s exact facts. *Venechuk* involved a decree that set a school district; this

decree set none, and to that extent, our holding asks *Venechuk* to take one further step." Van Kooten, slip op. at 16. The majority's decision to carry this Court's precedent a "further step" than this Court itself has taken is precisely the kind of case this Court reviews. *See* Iowa R. App. P. 6.1103(1)(b)(2).

The majority framed the move as a single modest step. Not so. In *Venechuk*, this Court permitted the modification of a school-choice provision that was in the original decree. Here, the majority has ordered the District Court to supply a schooling provision where the decree contained none. The distance between those two propositions is not a "further step." It is the difference between changing a judgment and writing one.

The rule itself is not unclear. Where a decree is silent on the disputed subject, the only remedy for a joint-custody impasse is modification of legal custody. This Court stated it in *Frazier* and confirmed it in *Venechuk*. What has proven difficult is its application, and the difficulty is real. Three successive panels of the Court of Appeals have divided over how these decisions fit together, and, as the dissent below observed, that disarray has left "our district courts and the litigants who come before them" struggling to apply the rule to these disputes. Van Kooten, slip op. at 21 (Chicchelly, J., dissenting). This is precisely the circumstance in which further review is warranted. The governing standard is settled, but only this Court can restore consistency to how it is applied.

Third, the impasse in this case, two parents who cannot agree on an issue of joint custody committed to them both, is among the most common in Iowa family law. And the area of family law is not small. In 2024, there were 9,309 dissolution cases filed in Iowa. *See* Iowa Judicial Branch, Annual Statistical Report of the Iowa Judiciary (2024).[1] While it is unclear exactly how many modification actions are filed each year, domestic-relations cases comprise a substantial share of the district and appellate court dockets, including twelve percent (12%) of all appeals in 2025. *See* Iowa Court of Appeals 2025 Statistics.[2]

The confusion that followed *Frazier* and *Venechuk* among Iowa family law practitioners and district courts is well documented. The decision below, which openly departs from both, will compound it. The rule the Court of Appeals announced here, that a court faced with a silent decree may write in a new substantive provision rather than modify legal custody, will govern how those disputes are resolved. Vastly different results in factually analogous cases are sure to follow.

All legally separated Iowa families and unmarried parents that have established custody live under a decree that cannot anticipate every future

[1] The Iowa Judicial Branch FY 2024 Annual Report (January 15, 2025) can be found on the Court's website at: https://www.iowacourts.gov/for-the-public/reports.
[2] The Iowa Court of Appeals 2025 Statistics can similarly be found at: https://www.iowacourts.gov/iowa-courts/court-of-appeals/caseload-statistics.

disagreement. They are all entitled to know, in advance, how the law resolves these disagreements. *See* Iowa R. App. P. 6.1103(1)(b)(4). Accordingly, this Court should grant further review to restore the single, administrable rule that it announced in *Frazier*, and clarified in *Venechuk*. That rule works in practice, not just in theory.

STATEMENT OF THE CASE

Taylor Ahrens and Nathan Van Kooten divorced in 2021. D0016, Decree (5/28/2021). Pursuant to their stipulation, the decree granted joint legal custody of their three children, E.V.K., B.V.K., and A.V.K., with primary physical care to Taylor. D0015, Stipulation at 3 (5/21/2021); D0016, Decree at 2. The Stipulation does not contain a provision governing the children's schooling. Rather, it only states that the parents "shall participate equally in decisions affecting the children's legal status, medical care, education, extracurricular activities, and religious training," mirroring the language from Iowa Code § 598.1(3). D0015, Stip. at 3.

Unfortunately, B.V.K. developed serious behavioral and developmental problems after entry of the parties' decree. These issues resulted in her removal from multiple daycares. D0159, Transcript of June 19, 2025, Hearing at 12:5-13:25; D0155, Order Mod. Dec. at 3. Later, she was suspended from "begindergarten," an early learning program, for kicking a pregnant paraeducator, resulting in the teacher's hospitalization. D0159, Tr. at 16:1–17:7 and 18:24-19:5. B.V.K.'s

disruptive and aggressive conduct continued after she was readmitted on a half-day schedule and after the Area Education Agency became involved.

Initially, it was Nathan who suggested homeschooling as a possible solution. However, this was not immediately feasible at the time because Taylor was employed outside of the home.[3] D0155, Order Mod. Dec. at 3; D0159, Tr. at 18:2–10. Later, Nathan chose to oppose homeschooling. When Taylor began homeschooling B.V.K. in February of 2023, her behavior and studies drastically improved. When a temporary injunction returned her to the classroom, her behavior deteriorated. Van Kooten, slip op. at 3-4; D0159, Tr. at 12:5-13:25, 21:10-23, 151:12-152:2; D0155, Order Mod. Dec. at 3.

The parents could not agree on how to educate B.V.K. Mediation failed, and so Taylor petitioned to modify the decree. Her petition pleaded that "[j]oint legal custody is untenable and *In Re Marriage of Frazier* now requires that these issues must be brought within the context of a modification proceeding," and requested that the decree be modified to grant her sole legal custody of the minor children. D0155, Pet. for Mod. ¶¶ 16(h), 17 & Wherefore Clause (Nov. 15, 2024).

[3] At the modification hearing, Nathan initially denied that he was the first to suggest homeschooling as an option but later admitted he had brought it up, but only as a last resort, and then tried to walk back certain text messages he sent regarding the same. D0159, Tr. at 131:1-132:18.

Following the modification hearing, the District Court (Cronk, J.) found the situation constituted a substantial and material change in circumstances and concluded it was in the best interest of B.V.K. to be homeschooled and in the best interest of all the children for Taylor to be granted sole legal custody. D0155, Order Mod. Dec. at 7. The court modified the decree accordingly. Nathan appealed.

The Court of Appeals affirmed in part, reversed in part, and remanded, over a dissent. The majority found "the schooling impasse is a substantial and material change in circumstances and that, on this record, homeschooling B.V.K. serves her best interests," but held that the District Court's award of sole legal custody "swept far wider than the dispute called for." Van Kooten, slip op. at 2. It reversed the award of sole legal custody and remanded with directions for the District Court to modify the decree so that B.V.K. is educated through Taylor's homeschooling program, while restoring joint legal custody for all three children. Van Kooten, slip op. at 20. Judge Chicchelly dissented, finding that because the decree is silent on schooling, "this case is much closer to *Frazier* than *Venechuk* in its facts," and thus under the rule established in *Frazier* and *Venechuk*, the "only allowable modification of the decree . . . is one that modifies legal custody." Van Kooten, slip op. at 23, 24. (Chicchelly, J., dissenting). Taylor now seeks further review.

ARGUMENT

I. BECAUSE THE DECREE IS SILENT ON SCHOOLING, *FRAZIER* REQUIRED THE DISTRICT COURT TO RESOLVE THE IMPASSE BY MODIFYING LEGAL CUSTODY.

Frazier answered when and how a court may resolve a dispute between joint legal custodians. *Frazier*, 1 N.W.3d at 777. The parents there disagreed over whether to vaccinate their children; the decree said nothing about vaccination; and the mother, disclaiming any interest in changing legal custody, asked the court to decide the question through a free-standing "application for vaccination determination." *Id.* at 778. This Court held that the district court could not entertain such an application, finding that it "attempts to end-run around the dissolution decree that gave the parents joint legal custody," and "short of a petition to modify the decree to award one of the parent[s] sole legal custody, the court lack[ed] authority to do anything else." *Id.* at 781.

That holding rests on the statutory definition of joint legal custody. Iowa treats joint legal custody as "an all-or-nothing proposition that 'leaves no room for a parceling of rights.'" *Id.* at 779 (quoting *In re Marriage of Makela*, 987 N.W.2d 467, 471 (Iowa Ct. App. 2022)). A court therefore may not "unbundle legal custodial rights to carve out a limited right for one parent to be the sole decision-maker" over a disputed subject "while maintaining joint legal custody." *Id.* at 786; *see also In re Marriage of Sokol*, 985 N.W.2d 177, 182 (Iowa 2023) (declining to disturb the

conclusion of the Court of Appeals that granting one parent final decision-making authority is inconsistent with joint legal custody); *In re Marriage of Milne*, 2020 WL 5230461, at *4 (Iowa Ct. App. 2020) (questioning whether such unbundling is permissible under chapter 598). The rights within joint legal custody cannot be parceled out one at a time. *See* Iowa Code § 598.1(3) (rights of joint legal custody "include, but are not limited to, equal participation in decisions affecting the child's legal status, medical care, education, extracurricular activities, and religious training"). So where the decree fails to "reserve[] the district court's authority for future review to modify the decree," (i.e., is silent on the disputed subject), and nothing but the joint legal custody provision remains to modify, the only way to give one parent decisional control is to modify legal custody itself. *Frazier*, 1 N.W.3d at 781.

That is this case. The decree is silent on schooling. There is, in *Frazier*'s words, "nothing but the joint legal custody provision to modify." *Venechuk*, 20 N.W.3d at 476 (describing *Frazier*). Taylor did not, however, seek sole legal custody only because *Frazier* told her to. In her words, she sought it "[b]ecause I believe I have the best interest in the kids." D0159, Tr. at 48:24-49:2. What *Frazier* supplied was not the reason to revisit custody. Rather, it clarified the form that request had to take. Because the decree is silent on schooling, and the parties had reached an intractable impasse, the dispute could be resolved in only one way, through a

modification of legal custody. Taylor pleaded exactly that. She alleged B.V.K.'s behavioral crisis and the deadlock that produced the change, and she alleged that joint legal custody had become "untenable." D0155, Pet. for Mod. ¶¶ 16-17. The District Court found she proved a substantial change in circumstances, that it was in the best interests of the children for her to be awarded sole legal custody, and accordingly granted the only modification available. The Court of Appeals held that this was error. That was the mistake.

II. VENECHUK DOES NOT AUTHORIZE THIS RESULT; THE COURT OF APPEALS ERRED IN EXTENDING ITS HOLDING.

The majority grounded its result in *Venechuk*, but *Venechuk* holds the opposite of what the panel needed. There, the decree *contained* a provision on the disputed subject. Namely, "a provision stating which school M.L. would attend." *Venechuk*, 20 N.W.3d at 476. This Court held "[t]hat was the provision [the mother] sought to modify, and she could do so without also seeking to obtain sole legal custody." *Id.* at 477. The dividing line *Venechuk* drew was between a litigant who invokes the court's inherent power to modify or enforce a provision in an existing decree and one who asks the court "simply to answer a 'free floating' question about the raising of a child." *Id.* at 472. The existence of a provision to modify is what put *Venechuk* on the permissible side of that line.

Here, there was nothing on schooling to modify. That places this case with *Frazier*, not *Venechuk*, as the majority itself half-acknowledged when it conceded

that "this decree set none" and that its holding "asks *Venechuk* to take one further step." Van Kooten, slip op. at 16. But *Venechuk* cannot be stretched that far, because the very feature that made *Venechuk*'s result permissible, an existing provision to modify, is absent here.

Nor does the Court of Appeals' own reliance on Judge Langholz's dissent in *Venechuk* support the extension. That dissent, later vindicated by this Court, argued only that *an existing* school-district provision may be modified without disturbing legal custody. *Venechuk v. Landherr*, 2024 WL 2312559, at *3-4 (Iowa App., 2024) (Langholz, J., dissenting). On this, Judge Langholz was clear:

> [U]nlike the decree in *Frazier*—which did not contain a provision requiring or prohibiting COVID-19 vaccination—the custody order here set the daughter's school district. So there is something to modify—not merely a free-floating best-interest-of-the-child question to answer. And because the provision mandating the school district is in the order governing the parties, I find it untenable that Iowa law would suddenly say there is no way it can be changed or removed.
>
> . . .
>
> To be sure, the supreme court in *Frazier* said, "This 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 (emphasis added). But notice, the court's comment was carefully limited to "This decree." *Id*. That decree did not have a provision—like the school-district provision here—settling a disputed issue and binding the parties unless modified. And so the court reasoned that for the decree at issue there, the parties' only option was a modification proceeding to change the legal custody.

Venechuk, 2024 WL 2312559, at *3-4. Judge Langholz never suggested that a court could *supply* a new provision to a decree. And more importantly, neither did this Court when it decided *Venechuk*. The majority in the case at bar invoked Judge Langholz's reasoning for a proposition he did not advance.

III. WHAT THE COURT OF APPEALS DID WAS SUPPLEMENTATION, NOT MODIFICATION, AKIN TO THE "END-RUN AROUND" *FRAZIER* FORBIDS.

Venechuk rests on the nature of a custody decree as a continuing judgment: a "judgment that grants continuing relief—like a child custody and support decree—may be modified based on changed circumstances." *Venechuk*, 20 N.W.3d at 477. That power is a power to *modify* what the judgment already provides. It is not a power to *supplement* a judgment with terms it never contained, on an issue that was never addressed. The decree provided joint legal custody and nothing about schooling. The majority did not modify a provision; it authored one, directing the district court to write into the decree that B.V.K. "be educated through Taylor's homeschooling program." Van Kooten, slip op. at 20. Supplying a substantive term the decreeing court never imposed is not the modification of a continuing judgment *Venechuk* describes; it is the creation of a new judgment on a subject the decree and Iowa Legislature left to the parents.

The majority sought to escape *Frazier*'s no-parceling rule by drawing a line between "delegation" and "adjudication." Ordering a child homeschooled, it

reasoned, is the court deciding the dispute itself, not handing one parent a standing power to decide. Van Kooten, slip op. at 16. Indeed, the majority goes to great lengths to convince us that the language it supplies to the decree "does not reallocate authority at all" and "[n]either parent is given ongoing unilateral control." *Id*.

The actual, practical effect of the majority's decision is that B.V.K. is homeschooled, the outcome Taylor sought and Nathan opposed, while joint legal custody remains, at best, nominally intact. That is the result the statute and this Court's well-established precedent forbids: one parent's preference on a codified legal-custody right is made binding, the label "joint legal custody" is preserved in name only, and the substance of shared authority over that subject is gone. Whether the court accomplishes that by naming the parent or by naming the outcome, and as the dissent directly pointed out, the decree "attempts to end-run around the dissolution decree that gave the parents joint legal custody." *Id*. at 22 (Chicchelly, J., dissenting) (quoting *Frazier*, 1 N.W.3d at 778).

Section 598.1(3) assigns decisions affecting a child's "education" to the parents as joint legal custodians, not to the court. Iowa Code § 598.1(3). By writing B.V.K.'s schooling into the decree, the majority took for the court a decision the Legislature placed with the parents, which this Court has repeatedly said the judiciary may not do. "[I]t is not the role of the court to alter a statutory requirement in order to effect policy considerations that are vested in the Legislature." *In re*

Marriage of Thatcher, 864 N.W.2d 533, 546 (Iowa 2015) (internal brackets omitted). That is the same error this Court corrected in *Frazier*. *See* 1 N.W.3d at 781.

The majority's reasoning recognized this principle but chose not to follow it. In the space of two consecutive sentences, the majority quoted this Court's holding that decisional authority belongs to the parents after the initial decree is entered and then declared that the same holding makes no sense. It first quoted *Frazier*: "Beyond the initial custody decree, where the court is allowed to make decisions in the child's best interest, the Iowa statutory scheme places parental decisions with the parents, not the court." Van Kooten, slip op. at 12 (*quoting Frazier*, 1 N.W.3d at 781). It then wrote: "If a court may decide B.V.K.'s schooling on its merits at the initial decree and leave joint custody intact, it is hard to see why the same court, facing the same child and the same question on modification, may reach that result only by stripping a parent of legal custody." Van Kooten, slip op. at 12. The answer to why is the sentence from *Frazier* the majority had just quoted: *beyond the initial decree, the statutory scheme places the decision with the parents, not the court*.

Judge Chicchelly, who wrote the majority opinion when the Court of Appeals decided *Frazier*, read this Court's decisions in *Frazier* and *Venechuk* the way their text requires. She recognized the two-group structure: "I read *Venechuk* to allow modification without changing legal custody only when a decree expressly includes a provision that is the subject of the parties' dispute." Van Kooten, slip op. at 23

(Chicchelly, J., dissenting). And because the decree contains no such provision, she concluded that "the only allowable modification of the decree in this case is one that modifies legal custody of the children." Van Kooten, slip op. at 24. That is the correct reading, and it is the one this Court's decisions compel.

IV. THE COURT OF APPEALS' REMEDY PUTS THE CHILDREN'S STABILITY AT RISK, AND THE DISTRICT COURT'S AWARD OF SOLE LEGAL CUSTODY SHOULD BE REINSTATED.

The panel's two affirmances decide this case. First, it affirmed that the parties' impasse was a substantial and material change in circumstance, not contemplated in the 2021 decree, permanent in nature, and bearing directly on the child's welfare. *See* Van Kooten, slip op. at 2, 11; *In re Marriage of Frederici*, 338 N.W.2d 156, 158 (Iowa 1983). Second, it affirmed that, on this record, homeschooling B.V.K. serves her best interests. *Id.* at 2. Taylor does not contest either finding. Together, they leave only one remedy, and it is the remedy the District Court granted. The majority's refusal to reach that result was error, and its consequences fall on all three children, not B.V.K. alone.

The District Court awarded Taylor sole legal custody of all three children, and that award should be reinstated. Taylor sought exactly that. *See* Pet. for Modification ¶ 17 & Wherefore Clause. After hearing the evidence, the District Court found that sole legal custody of all three children served their best interests. D0155, Order Mod. Dec. at 7. That finding is reviewed *de novo* but is entitled to weight, especially where

it rests on the District Court's firsthand assessment of the witnesses. *See In re Marriage of Hoffman*, 867 N.W.2d 26, 32 (Iowa 2015).

The majority reversed that finding for a reason of its own making, and its own authorities cut against it. The decisions it strings together on pages 17-18 of its decision each resulted in an award or affirmance of sole legal custody, not its denial. *See* Van Kooten, slip op. at 17-18; *e.g.*, *In re Marriage of Weidner*, 338 N.W.2d 351, 358-59 (Iowa 1983); *In re Marriage of Miller*, 390 N.W.2d 596, 602 (Iowa 1986). More importantly, the question is not whether this record matches the worst of those cases. It is whether the parents' impasse on a single vital issue has made joint legal custody unworkable. *See In re Marriage of Rolek*, 555 N.W.2d 675, 677 (Iowa 1996) ("When, following a dissolution decree providing joint custody, the actions of the parties indicate that they are no longer able to cooperate, a modification of the custody status is appropriate.").

Nor does affirming the District Court threaten, as the majority supposes, to force a custody severance in every parental dispute. Van Kooten, slip op. at 17. This Court foreclosed that concern in *Venechuk*. Where a decree addresses the disputed subject, a parent may modify that provision without disturbing joint legal custody. *Venechuk*, 20 N.W.3d at 476-77. Modification of legal custody is the remedy only where the decree is silent and nothing else remains to modify. And the substantial-

change requirement acts as the gatekeeper, so ordinary disagreements never reach that remedy at all. *See In re Marriage of Harris*, 877 N.W.2d 434, 440 (Iowa 2016).

The majority's error carries a further cost. Iowa custody law aims to place children in "the environment most likely to bring them to healthy physical, mental, and social maturity," *Phillips v. Davis-Spurling*, 541 N.W.2d 846, 847 (Iowa 1995), and to serve their "long-range best interests," *In re Marriage of Winter*, 223 N.W.2d 165, 167 (Iowa 1974). Central to that objective is stability. "[S]tability and continuity of caregiving have traditionally been primary factors." *In re Marriage of Hansen*, 733 N.W.2d 683, 696 (Iowa 2007). However, this Court has warned that "imposing a new . . . arrangement on children that significantly contrasts from their past experience can be unsettling, cause serious emotional harm, and thus not be in the child's best interest." *Id.* at 697.

That warning describes exactly what the majority's remedy invites. The District Court awarded sole legal custody in June 2025, and the children's lives have since settled around homeschooling. E.V.K., who attended public school through third grade, was homeschooled for fourth and will be for fifth. A.V.K., who has never set foot in a public school, has now been homeschooled through preschool and kindergarten. Taylor intends to continue homeschooling E.V.K. and A.V.K. unless a court orders otherwise. By restoring joint legal custody, the majority's decision leaves the door open for Nathan to Petition the district court to place A.V.K. into a

classroom she has never seen, and to pull E.V.K. back into one after years away. That is not continuity. It is the whiplash *Hansen* warns against, and the opposite of the stable, single household the District Court preserved.

It also fractures the family. While not necessarily controlling here, Iowa's well-established presumption for keeping siblings together when establishing physical custody is persuasive on this issue. *See In re Marriage of Jones*, 309 N.W.2d 457, 461 (Iowa 1981); *In re Marriage of Will*, 489 N.W.2d 394, 398 (Iowa 1992). Taylor testified that B.V.K. does better when her sisters are homeschooled alongside her, and that homeschooling B.V.K. alone would create significant strife. *See* D0159, Tr. at 47:6-47:20. The District Court kept all three children within one coherent custodial structure, in the home where they live with their mother, the primary physical custodian.

The majority's remedy would divide that family into two decision-making regimes, inviting the very conflict, and the repeat litigation, that a unified structure prevents. If the majority's opinion is allowed to stand, it is expected that the schooling of A.V.K. and E.V.K. will be litigated in the district court, which will take nine to twelve-plus months. Regardless of which party emerges victorious, an appeal will likely follow; another six to nine months of uncertainty and costly litigation. But it does not need to remain this way for Taylor and all the other Iowa parents in similar situations. By affirming its decisions in *Frazier* and *Venechuk*, and reversing

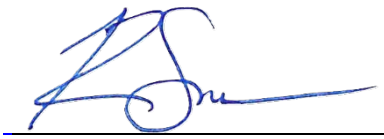
the Court of Appeals decision here, this Court can put to bed any lingering confusion on how Iowa courts should resolve disputes among joint legal custodians.

CONCLUSION

Based on the foregoing, Petitioner, Taylor Ahrens, respectfully requests that this Court grant further review, vacate the Court of Appeals' decision, and affirm the District Court's Order awarding sole legal custody of the parties' three children to Taylor.

Respectfully submitted,

MAHAFFEY LAW OFFICE

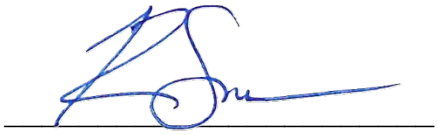


Patrick J. Mahaffey AT0012557
Robert S. Seer AT0016630
107 S. 4th St., PO Box 850
Montezuma, IA 50171
Ph.: 641-623-5425
Fax: 641-623-5421
Email: pjm@mahaffeylaw.net
Email: rseer@mahaffeylaw.net
ATTORNEYS FOR PETITIONER-APPELLEE-APPLICANT, TAYLOR AHRENS

CERTIFICATE OF COMPLIANCE WITH TYPEFACE REQUIREMENTS AND TYPE-VOLUME LIMITATION

This Application for Further Review complies with the typeface and type-volume requirements of Iowa R. App. P. 6.1103(4) because:

This Application for Further Review has been prepared in a proportionally spaced typeface using Times New Roman in size 14, and contains 4,940 words, excluding the parts of the Application for Further Review exempted by Iowa R. App. P. 6.903(1)(i)(1) and 6.1103(5)(a).

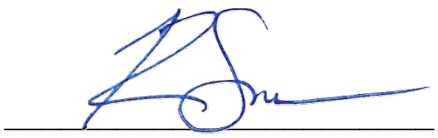


Robert S. Seer AT0016630

CERTIFICATE OF FILING AND SERVICE

I certify that on July 28, 2026, I electronically filed the foregoing Application for Further Review with the Clerk of the Supreme Court using the Iowa Electronic Document Management System, which will serve the following counsel of record pursuant to Iowa R. Elec. P. 16.317:

Bryan J. Goldsmith
Carly M. Schomaker
Gaumer, Emanuel & Goldsmith, P.C.
111 West Second Street, Box 601
Ottumwa, IA 52501-0601
641-682-7579
bjg@ottumwalaw.com
cms@ottumwalaw.com
Attorneys for Respondent-Appellant



Robert S. Seer AT0016630