

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

IN RE THE MARRIAGE OF CHRISTOPHER RUHLAND AND SHAUNA RUHLAND

UPON THE PETITION OF
LIEN BEAVERS,

Petitioner,

AND CONCERNING
JERRY BEAVERS,

Respondent.

EQUITY NO. CDCD124890

RULING ON CONTEMPT APPLICATION

This case is before the Court regarding the Respondent's Application for Contempt filed May 17, 2020. Hearing on this matter was held on July 8, 2020. At the conclusion of the hearing, the Court fully stated its findings of fact and conclusions of law. Cristi Bauerly made a record of the entire proceeding.

Contempt is defined as willful disobedience. *McKinley v. Iowa Dist. Ct.*, 542 N.W.2d 822, 824 (Iowa 1996). A party alleging contempt has the burden to prove the contemner had a duty to obey a court order and willfully failed to perform that duty. *Ary v. Iowa Dist. Ct.*, 735 N.W.2d 621, 624 (Iowa 2007). If the party alleging contempt can show a violation of a court order, the burden shifts to the alleged contemner to produce evidence suggesting the violation was not willful. *Id.* However, the person alleging contempt retains the burden of proof to establish willfulness beyond a reasonable doubt because of the quasi-criminal nature of the proceeding. *Ervin v. Iowa Dist. Ct.*, 495 N.W.2d 742, 745 (Iowa 1993). A finding of disobedience pursued "willfully" requires evidence of conduct that is intentional and deliberate with a bad or evil purpose, or wanton and in disregard of the rights of others, or contrary to a known duty, or unauthorized, coupled with an unconcern whether the contemner had the right or not. *Ary*, 735 N.W.2d

at 624. See *In re Marriage of Mennen*, 2010 WL 2384865, unpublished Court of Appeals decided June 16, 2010.

For the reasons orally stated at the conclusion of the hearing, it is ordered that:

1. The Petitioner is found in contempt for failing to comply with the summer visitation requirements set forth in the Court's prior order of June 14, 2019. As sanction for contempt, the Respondent shall serve 10 days in the Woodbury County Jail and the Respondent shall be allowed to make up the six weeks of summer visitation he has been denied. These 6 weeks shall be made up 1 week per year during either the Petitioner's Easter or Thanksgiving holiday parenting time unless the parties mutually agree to another 1 week period that year. The Court will allow the Petitioner to purge the 10 day jail sentence if she fully complies with this make up schedule.

2. The Petitioner shall deliver the children to the Respondent at his residence no later than Sunday July 12, 2020 at 6:00 p.m. The Petitioner shall also be responsible for picking up the children at the end of this summer's visitation period and the time set in the Court's June 14, 2019 order. In the even the Petitioner does not deliver the children to the Respondent by that time, the Respondent is authorized to pick up the children to begin his summer visitation at any time after July 12, 2020. In that event, the Petitioner shall also reimburse the Respondent \$658.86 for the travel expenses he incurred in May 2020, said reimbursement to be made within 30 days of July 12, 2020.¹

3. The Petitioner shall pay \$3,000.00 to the Respondent for his attorney fees and judgment is entered for this amount.

¹ Petitioner will not be required to make this payment if she delivers the children to the Respondent by 6:00 p.m. on July 12, 2020.



State of Iowa Courts

Type: OTHER ORDER

Case Number **Case Title**
CDCD124890 LIEN BEAVERS VS JERRY BEAVERS

So Ordered

A handwritten signature in black ink that reads "Patrick H. Tott". The signature is written in a cursive style and is positioned above a horizontal line.

Patrick H. Tott, District Court Judge,
Third Judicial District of Iowa