

IOWA COURT OF APPEALS

Brian D. Happel v. Iowa District Court for Black Hawk County

No. 24-1959 (Iowa Ct. App. May 13, 2026) · No. No. 24-1959 · Decided May 13, 2026

SUMMARY

The Iowa Court of Appeals annulled a writ of certiorari challenging contempt findings arising from a child-custody and visitation dispute. The court held that the father's due process claims were not preserved, that substantial evidence supported the contempt findings, and that the district court did not abuse its discretion in awarding the mother trial attorney fees. The court declined to award appellate attorney fees and taxed costs to the father.

CASE DETAILS

COURT	Iowa Court of Appeals
WRITING FOR THE COURT	Ahlers, P.J.; Chicchelly, J.; Sandy, J.
JURISDICTION	Iowa Court of Appeals
DECIDED	May 13, 2026
DOCKET	No. 24-1959
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Brian Happel sought certiorari review of a district court order finding him in contempt for violations relating to co-parenting and ordering him to pay a portion of Nicole Shimp's attorney fees. The Iowa Supreme Court granted the writ and transferred the case to the Iowa Court of Appeals.
STANDARD OF REVIEW	Certiorari review sustains a writ when the district court exceeded its jurisdiction or otherwise acted illegally. Illegality includes findings lacking substantial evidentiary support or an incorrect application of law. Constitutional claims are reviewed de novo. Contempt findings must be supported by substantial evidence sufficient to convince a trier of fact beyond a reasonable doubt; attorney-fee awards under Iowa Code section 598.24 are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Brian D. Happel v. Iowa District Court for Black Hawk County

TOPICS

writ of certiorari

contempt

due process

preservation of error

appellate procedure

PRACTICE AREAS

family law

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Happel preserved his claims that the order and format of the contempt proceedings, the lack of greater specificity in Shimp's contempt application, the limitation on his questioning, the court's consideration of evidence from the modification proceeding, and the withholding of mittimus violated due process.
2. Whether substantial evidence supported the district court's findings that Happel willfully violated the dissolution decree by undermining the oldest child's relationship with Shimp and involving the children in parental matters.
3. Whether the district court abused its discretion by ordering Happel to pay \$5,000 of Shimp's trial attorney fees while awarding no fees to Happel.
4. Whether the court of appeals had statutory authority to award appellate attorney fees in the certiorari action.

HOLDINGS

1. Happel failed to preserve his due-process claims because he did not raise those constitutional theories in the district court or obtain rulings on them.
2. The district court's findings that Happel willfully violated the dissolution decree by undermining the oldest child's relationship with Shimp and involving the children in parental matters were supported by substantial evidence.
3. The district court did not abuse its discretion by ordering Happel to pay \$5,000 of Shimp's attorney fees without ordering Shimp to pay Happel's fees.
4. The court of appeals lacked statutory authority to award appellate attorney fees in this certiorari action and therefore denied both parties' requests.

KEY QUOTATIONS

“But Brian never raised any related due process arguments below. And even in an original certiorari proceeding, fundamental error-preservation principles still apply, even to constitutional claims.” (5)

“The district court was authorized to award attorney fees under section 598.24, but we are not statutorily authorized to award appellate attorney fees in this certiorari action.” (10)

FACTUAL BACKGROUND

Happel and Shimp are divorced parents of three children whose custody and visitation arrangements were governed by a dissolution decree. During the contempt proceedings, evidence showed that the oldest child had

stopped attending visits with Shimp and that Happel imposed limited and largely ineffective consequences, suggested that Shimp wanted the child to undergo a psychological evaluation, and discussed parental matters with the children. The district court found Happel willfully violated the decree in two respects, imposed concurrent thirty-day sentences, withheld mittimus, and ordered him to pay \$5,000 of Shimp's attorney fees.

PROCEDURAL HISTORY

Happel and Nicole Shimp divorced under a stipulated decree providing joint physical care of their three children. After a later modification proceeding, the district court held competing contempt hearings and found both parties in contempt, finding Happel in contempt for undermining the oldest child's relationship with Shimp and involving the children in parental matters. The district court imposed concurrent thirty-day sentences on Happel, withheld mittimus, and ordered him to pay \$5,000 toward Shimp's attorney fees. Happel filed posttrial motions, which were denied, then sought certiorari; the Iowa Supreme Court granted the writ and transferred the matter to the court of appeals.

DISPOSITION

writ_denied

CASES CITED

- In re Marriage of Happel, No. 22-1393, 2023 WL 2670032, at *1 (Iowa Ct. App. Mar. 29, 2023)
- In re Marriage of Happel, No. 24-1290, 2025 WL 1449468, at *1, *10 (Iowa Ct. App. May 21, 2025)
- State v. Patterson, 984 N.W.2d 449, 455-56 (Iowa 2023)
- Spitz v. Iowa District Court, 881 N.W.2d 456, 464 (Iowa 2016)
- Sorci v. Iowa District Court, 671 N.W.2d 482, 489-90 (Iowa 2003)
- Reis v. Iowa District Court, 787 N.W.2d 61, 66 (Iowa 2010)
- Ary v. Iowa District Court, 735 N.W.2d 621, 624 (Iowa 2007)
- Felton v. Iowa District Court, No. 21-1398, 2023 WL 1809820, at *4 (Iowa Ct. App. Feb. 8, 2023)
- In re Marriage of Hankenson, 503 N.W.2d 431, 433 (Iowa Ct. App. 1993)
- Lane v. Oxberger, 224 N.W.2d 245, 247 (Iowa 1974)