IN THE SUPREME COURT OF IOWA

No. 17–0460

Filed February 9, 2018

CHAD DENNIS VANCE,

Plaintiff,

vs.

IOWA DISTRICT COURT FOR FLOYD COUNTY,

Defendant.

Certiorari to the Iowa District Court for Floyd County, Peter B. Newell, District Associate Judge.

Criminal defendant appeals a magistrate's extension of a no-contact order for five years in a simple misdemeanor case. **WRIT SUSTAINED; CASE REMANDED.**

Joseph A. Cacciatore of Graham, Ervanian & Cacciatore, L.L.P., Des Moines, for appellant.

Thomas J. Miller, Attorney General, Louis S. Sloven, Assistant Attorney General, and Rachel Ginbey, County Attorney, for appellee.

ZAGER, Justice.

Chad Dennis Vance appeals from the district court order affirming a magistrate's extension of a no-contact order for five years. After Vance filed his notice of appeal to our court, we issued an order directing Vance to file an application for discretionary review pursuant to Iowa Code section 814.6(2). We subsequently granted his application for discretionary review and requested that the parties brief the following jurisdictional issues: (1) whether the magistrate court had subject matter jurisdiction to extend a no-contact order in a simple misdemeanor case under Iowa Code chapter 664A, and (2) whether a right to appeal exists from the extension of a no-contact order in a simple misdemeanor case. Vance also presents other claims on appeal. Upon our review of the record and the arguments of counsel, we conclude that the present appeal should be treated as a petition for writ of certiorari. Considering the appeal as a certiorari action, we grant the writ and proceed to the merits. On the merits, we hold that the magistrate had subject matter jurisdiction to extend the no-contact order under Iowa Code chapter 664A. However, we conclude that the findings of fact and decision of the district court are not supported by substantial evidence in the record, and we reverse the district court order extending the no-contact order for five years and remand the case to the district court for entry of an order terminating the no-contact order.

I. Facts and Procedural Background.

In February 2016, Chad Vance pled guilty to a charge of harassment in the third degree. In his plea, Vance admitted that he communicated with Les and Amy Staudt "with the intent to annoy" in violation of a civil no-contact order previously entered against him and in favor of the Staudts. Vance had sent his son to the state wrestling

tournament the previous month to annoy the Staudts, who Vance knew would be in attendance. As part of his plea agreement, Vance agreed to the entry of a one year no-contact order. The no-contact order included a provision prohibiting Vance from entering any school in the Charles City Community School District at any time, as well as "any college or university campus, or anywhere in the vicinity of a school currently being attended by any of the protected parties." After approving the plea agreement, the magistrate issued the no-contact order on March 4, 2016, which was to remain in effect for one year. In addition to the aforementioned school-related provisions, this no-contact order required Vance to refrain from any contact with the Staudt family.

On January 24, 2017, the State filed a motion to extend the no-contact order. Vance resisted the motion, and the court held a hearing on the motion on February 15. Amy Staudt testified at the hearing that she wanted the no-contact order extended. She feared the situation with Vance would go back to the way it was before the no-contact order was entered if the court did not extend it. However, she admitted that Vance had not violated the no-contact order in any way since it was entered. William Vetter, a Charles City police officer, testified on Vance's behalf. He testified that he had known Vance since Vance worked as a probation/parole officer. He was unaware of any instances in which Vance had violated the terms of the no-contact order, and he saw no reason why Vance could not be present in a school environment. Finally, Vance testified on his own behalf. He testified that he had fully complied with all terms of the no-contact order and that he was no threat to the Staudts. Most importantly, he wanted to be able to attend his daughter's activities within the Charles City Community School District. The magistrate granted the motion and, based on the testimony, extended the

no-contact order for a period of five years pursuant to Iowa Code section 664A.8 (2017). This no-contact order is now set to expire on March 4, 2022.

Vance appealed the magistrate's decision to the district court pursuant to Iowa Rule of Criminal Procedure 2.73(3). On appeal, the associate district court judge affirmed the magistrate's order to extend the no-contact order. Vance then appealed to our court. We treated the appeal as an application for discretionary review and granted the application. However, as we will explain later, we now decide to treat this appeal as a certiorari action.

II. Standard of Review.

Our standard of review for questions of statutory interpretation is for correction of errors at law. *State v. Iowa Dist. Ct.*, 889 N.W.2d 467, 470 (Iowa 2017). We also review an original certiorari action for the correction of errors at law. *State v. Iowa Dist. Ct.*, 828 N.W.2d 607, 611 (Iowa 2013). "Illegality exists when the court's findings lack substantial evidentiary support, or when the court has not properly applied the law." *State Pub. Def. v. Iowa Dist. Ct.*, 747 N.W.2d 218, 220 (Iowa 2008) (quoting *Christensen v. Iowa Dist. Ct.*, 578 N.W.2d 675, 678 (Iowa 1998)). "Evidence is considered substantial when reasonable minds could accept it as adequate to reach a conclusion." *State v. Garrity*, 765 N.W.2d 592, 595 (Iowa 2009).

III. Analysis.

When we granted Vance's application for discretionary review, we specifically directed the parties to brief the following jurisdictional issues: whether a magistrate has subject matter jurisdiction to extend a no-contact order in a simple misdemeanor case pursuant to Iowa Code chapter 664A, and whether the defendant has a right to appeal the

extension of a no-contact order in a simple misdemeanor case. Additionally, Vance presents a number of other issues on appeal. He argues the associate district court judge unlawfully affirmed the magistrate's extension of the no-contact order. Moreover, he asserts Iowa Code section 664A.8 is unconstitutionally vague. Further, Vance claims courts cannot extend a one year no-contact order to five years unless the State can show a change of circumstances warranting extension. Finally, Vance alleges the State provided insufficient evidence to establish that he continued to pose a threat to the safety of the victims as required to extend a no-contact order. We will address each of these arguments in turn as necessary.

A. Subject Matter Jurisdiction of the Magistrate. Vance contends that the magistrate lacked subject matter jurisdiction to extend the no-contact order under Iowa Code chapter 664A, so the extension is void. Vance claims that the legislature's decision to grant magistrates subject matter jurisdiction to hold trials in simple misdemeanor cases did not confer magistrates with unlimited jurisdiction to extend no-contact orders arising in those simple misdemeanor cases. Vance notes the omission of chapter 664A from Iowa Code section 602.6405, the statute governing subject matter jurisdiction for magistrates. In contrast, the State argues the magistrate exercised appropriate subject matter jurisdiction in extending the no-contact order in this simple misdemeanor case because nothing in section 602.6405 specifies that magistrates only have jurisdiction over the trial phase of simple misdemeanors.

"Subject matter jurisdiction refers to the power of the court to hear and determine cases of the general class to which the proceeding in question belongs." *State v. Erdman*, 727 N.W.2d 123, 125 (Iowa 2007)

(quoting *Smith v. Smith*, 646 N.W.2d 412, 414 (Iowa 2002)). The subject matter jurisdiction of a magistrate is governed by Iowa Code section 602.6405, which grants magistrates "jurisdiction of simple misdemeanors." Iowa Code § 602.6405(1). Thus, our decision on this issue hinges on our interpretation of both section 602.6405 and chapter 664A.

Our statutory interpretation turns on whether or not the statute is ambiguous. *Iowa Dist. Ct.*, 889 N.W.2d at 471. We enforce the plain language of the statute when the statute's language is unambiguous. *Id.* Yet, "if reasonable minds could differ or be uncertain as to the meaning of the statute," the statute is ambiguous, and we must rely on our tools of statutory construction to resolve the ambiguity. *Id.* (quoting *Iowa Ins. Inst. v. Core Grp. of Iowa Ass'n for Justice*, 867 N.W.2d 58, 72 (Iowa 2015)). In this case, both parties present reasonable interpretations of the statutes governing a magistrate's jurisdiction to extend no-contact orders in simple misdemeanor cases. Therefore, we must use our customary principles of statutory construction to resolve this issue. *See id.* at 472.

"It is universally accepted that where statutory terms are ambiguous, courts should interpret the statute in a reasonable fashion to avoid absurd results." *Brakke v. Iowa Dep't of Nat. Res.*, 897 N.W.2d 522, 534 (Iowa 2017). In the case of a magistrate's jurisdiction to extend no-contact orders in simple misdemeanor cases, we must interpret Iowa Code section 602.6405 to coincide with Iowa Code chapter 664A to avoid absurd results. *See State v. Nail*, 743 N.W.2d 535, 540–41 (Iowa 2007) ("[W]e necessarily operate on the objective assumption that the legislature strives to create a symmetrical and harmonious system of laws" and may interpret statutes "by reference to other similar statutes

or other statues related to the same subject matter."). As noted previously, Iowa Code section 602.6405(1) states in relevant part that "[m]agistrates have jurisdiction of simple misdemeanors." Iowa Code § 602.6405(1). While nothing in section 602.6405 explicitly mentions chapter 664A, Iowa Code section 664A.2(1) provides that no-contact orders are applicable to criminal offenses involving a "public offense for which there is a victim." *Id.* § 664A.2(1). Vance pled guilty to a simple misdemeanor—harassment in the third degree—that involved victims. Thus, his offense falls squarely within the offenses for which a magistrate can, at the very least, issue a no-contact order under chapter 664A.

Contrary to the argument forwarded by Vance that a magistrate's jurisdiction is limited to the trial phase of simple misdemeanor cases, nothing in the language of Iowa Code section 602.6405 or chapter 664A specifically limits the magistrate's jurisdiction to the trial phase of simple misdemeanor cases. "Statutory text may express legislative intent by omission as well as inclusion," so we may not expand or alter the language of a statute in a way that is not evident from the legislature's word choice within the statute. *State v. Iowa Dist. Ct.*, 730 N.W.2d 677, 679 (Iowa 2007). Vance is asking us to read a limitation into the jurisdiction of magistrates that is not present in the wording of the statute. If the legislature wanted to limit the jurisdiction of a magistrate to solely govern the trial phase of simple misdemeanors, it could have expressly stated as much. However, it did not, and we may not expand or alter the language of Iowa Code section 602.6405 to create this distinction since it is not evident from the language used by the legislature that it intended to create this limitation. *See id.*

Similarly, the legislature never distinguishes between a magistrate and other district court judges in Iowa Code section 664A.8, which would

bar a magistrate from extending a no-contact order in a simple misdemeanor case. Iowa Code section 664A.8 provides,

> Upon the filing of an application by the state or by the victim of any public offense referred to in section 664A.2, subsection 1, which is filed within ninety days prior to the expiration of a modified no-contact order, the court shall modify and extend the no-contact order for an additional period of five years, unless the court finds that the defendant no longer poses a threat to the safety of the victim, persons residing with the victim, or members of the victim's family. The number of modifications extending the no-contact order permitted by this section is not limited.

Iowa Code § 664A.8. Had the legislature sought to limit the jurisdiction of a magistrate to only the issuance of an initial no-contact order in a simple misdemeanor case, without giving the magistrate the power to subsequently modify or terminate it, it could have expressed this intent within the statute. Yet, the legislature declined to implement this limitation on the jurisdiction of a magistrate, and it is not for us to read a limitation into the statute that is not evident from its language or purpose. *See Iowa Dist. Ct.*, 730 N.W.2d at 679.

Further, Iowa Code chapter 664A contains a number of provisions supporting our interpretation that a magistrate has subject matter jurisdiction throughout the pretrial and posttrial stages of simple misdemeanor cases that would allow the magistrate to extend a no-contact order. For example, a magistrate has the authority to enter a no-contact order when a person is brought before the magistrate for an initial appearance for offenses that include harassment, stalking, violating a protective order that arose from a domestic abuse assault or sexual abuse, or public offenses involving victims. *See* Iowa Code

§ 664A.3(1) (2018)[1] (authorizing a magistrate to enter a no-contact order "[w]hen a person is taken into custody for contempt proceedings pursuant to section 236.11, taken into custody pursuant to section 236A.12, or arrested for any public offense referred to in section 664A.2, subsection 1"); *id.* § 664A.2(1) (explaining the applicability of no-contact orders when a person allegedly violates certain statutes). Likewise, Iowa Code section 664A.3 states that a no-contact order "has force and effect until it is modified or terminated by subsequent court action," and "[u]pon final disposition of the criminal or juvenile court action, the court shall terminate or modify the no-contact order pursuant to section 664A.5." *Id.* § 664A.3(1), (3). Nothing in this section distinguishes between magistrates and other district court judges.

Additionally, the legislature declined to exclude magistrates or simple misdemeanors when it granted "the court" the sentencing authority to "enter a no-contact order or continue the no-contact order already in effect for a period of five years from the date the judgment is entered or the deferred judgment is granted" for any offense covered under section 664A.2. *Id.* § 664A.5. The legislature went so far as to designate certain violations of no-contact orders as simple misdemeanors, thereby granting the magistrate jurisdiction to hear cases arising out of violations of these no-contact orders and authorizing the magistrate to enter another no-contact order. *See id.* § 664A.7(5). It would be absurd and incongruent with the rest of chapter 664A to hold that section 664A.8 distinguishes between magistrates and other district court judges in bestowing authority to extend no-contact orders.

[1]Following Vance's hearing, the Iowa legislature amended Iowa Code sections 664A.1, 664A.2, 664A.3, 664A.4, 664A.5, and 664A.7 to incorporate the newly enacted Sexual Abuse Act of chapter 236A. *See* Iowa Acts 2017 ch. 121, §§ 26–32.

Chapter 664A clearly encompasses magistrates within the pretrial and posttrial stages of simple misdemeanor cases.

Moreover, to give a magistrate jurisdiction to enter a no-contact order at the pretrial and trial phase of a simple misdemeanor, and then deprive a magistrate of jurisdiction to extend or modify this no-contact order in a posttrial proceeding, would create problematic results within our criminal justice system. The simple misdemeanors that magistrates preside over are "commenced by filing a subscribed and sworn to complaint" rather than a trial information with minutes. Iowa R. Crim. P. 2.54. Also, simple misdemeanor trials are not reported "unless a party provides a reporter at such party's expense," or the magistrate opts to report them electronically. *Id.* r. 2.67(9). Otherwise, the magistrate is only required to "make minutes of the testimony of each witness and append the exhibits or copies thereof." *Id.* Consequently, if the magistrate was stripped of jurisdiction over the no-contact order in simple misdemeanor cases after trial, the district court or associate district court judge presiding over the requested modification of the no-contact order would be forced to reach a decision based on a sparse record. In many cases, this would not provide the full factual extent of what occurred in the underlying proceedings. We doubt the legislature intended to create an inconvenient and impracticable statute. *See* Iowa Code § 4.4(4) ("In enacting a statute, it is presumed that . . . [a] result feasible of execution is intended.").

Overall, nothing in chapter 664A or section 602.6405 expressly precludes a magistrate from extending a no-contact order in simple misdemeanor cases. Although Vance correctly points out that section 602.6405 does not mention chapter 664A to grant magistrates jurisdiction over simple misdemeanor cases, it is clear from reading these

provisions together that a magistrate has jurisdiction to extend a no-contact order in simple misdemeanor cases. Consequently, we need not address the claim by Vance that the associate district court judge could not lawfully extend the no-contact order because the extension was void from its inception.

B. A Defendant's Legal Avenue for Challenging the Extension of a No-Contact Order in Simple Misdemeanor Cases. No right of appeal exists from the magistrate's extension of a no-contact order in a simple misdemeanor case. Rule 2.73(1) of the Iowa Rules of Criminal Procedure provides that "an appeal may only be taken by the defendant . . . upon a judgment of conviction." Iowa R. Crim. P. 2.73(1). With regard to simple misdemeanors, "the Code prescribes appellate jurisdiction within the district court for certain parties and does not provide an avenue for appellants to bypass that jurisdiction." *In re M.W.*, 894 N.W.2d 526, 532 (Iowa 2017). Therefore, rule 2.73 does not authorize any form of discretionary review. *Id.*

Iowa Code section 814.6(1)(*a*) governs appeals from the district court where the defendant is the appellant and states that the "[r]ight of appeal is granted the defendant from . . . [a] final judgment of sentence, except in case of simple misdemeanor and ordinance violation convictions." Iowa Code § 814.6(1)(*a*) (2017). Section 814.6(2)(*d*) further states that discretionary review may be available from a simple misdemeanor conviction. *Id.* § 814.6(2)(*d*). The extension of the no-contact order was a collateral matter to Vance's underlying criminal proceeding that stood separately from his conviction and sentence. Consequently, there is no right of direct appeal to our court from the magistrate's order under rule 2.73 or discretionary review from the associate district court judge's ruling under section 814.6(2)(*d*).

Additionally, because we find that the magistrate had subject matter jurisdiction to extend the no-contact order in this case, Vance cannot collaterally attack the judgment in district court through a motion to vacate based on his claim that the magistrate lacked jurisdiction.

Notably, we specifically authorized discretionary review in this case pursuant to Iowa Code section 814.6(2)(*e*). Vance filed a notice of appeal to the district court from the order extending his no-contact order for an additional five years pursuant to Iowa Rule of Criminal Procedure 2.73. Subsequently, Vance filed a timely notice of appeal to us from the associate district court judge's ruling, and we issued an order directing Vance to file an application for discretionary review pursuant to Iowa Code section 814.6(2). We granted the application for discretionary review because this case involved "[a]n order raising a question of law important to the judiciary and the profession," and we specifically directed the parties to brief the two issues that we found raised important legal questions. Iowa Code § 814.6(2)(*e*). But, for the reasons set forth below, we find that the extension of a simple misdemeanor no-contact order, or a district court's appellate ruling on such extension, is not the proper subject of an application for discretionary review. We conclude that the most appropriate method to treat an appeal of this nature is through a petition for writ of certiorari. Certiorari would be first sought from the district court pursuant to Iowa Rule of Civil Procedure 1.1401.

Rule 1.1401 states, "A party may commence a certiorari action when authorized by statute or when the party claims . . . a judicial magistrate exceeded proper jurisdiction or otherwise acted illegally." Iowa R. Civ. P. 1.1401. Rule 2.73 of the Iowa Rules of Criminal Procedure would then come into play if the petition is granted because it

guides the procedure of appellate review from a magistrate's decision in a simple misdemeanor case. *See* Iowa R. Crim. P. 2.73(3). Under rule 2.73, "[i]f the original action was tried by a judicial magistrate, the appeal shall be decided by a district judge or district associate judge." *Id.* This aligns with the Iowa Rules of Civil Procedure, which state, "A district court judge may order the issuance of a writ to an inferior tribunal, board, or officer, or to a judicial magistrate." Iowa R. Civ. P. 1.1404.

After the appeal of a decision by the magistrate on the extension of a no-contact order has gone through this process in the district court, the only other remedy that the defendant has to challenge the extension is through a petition for writ of certiorari under rule 6.107 of the Iowa Rules of Appellate Procedure. *See* Iowa R. Civ. P. 1.1412 ("An appeal [from an order or judgment of the district court in a certiorari proceeding] is discretionary when the order or judgment sought to be reviewed is itself a discretionary review of another tribunal, board, officer, or magistrate."). Rule 6.107(1) allows a party to file a petition for writ of certiorari if the party is "claiming a district court judge, an associate district court judge, an associate juvenile judge, or an associate probate judge exceeded the judge's jurisdiction or otherwise acted illegally." Iowa R. App. P. 6.107(1). While this language does not expressly include claims that a magistrate exceeded its jurisdiction or acted illegally, we have previously held that "our constitutional powers to issue writs to, and exercise supervisory and administrative control over, other judicial tribunals" provides us with the authority to review petitions for writs of certiorari to challenge a magistrate action. *State v. Davis*, 493 N.W.2d 820, 822 (Iowa 1992).

Since a district court reviews the decision of a lower tribunal for correction of errors at law, "a review on the record is not equivalent to a

proceeding where the appellate court makes its own factual determinations or receives additional evidence before announcing its sentence." *State v. Bower*, 725 N.W.2d 435, 447–48 (Iowa 2006); *see also* Iowa R. Crim. P. 2.73(3) (binding the district court to findings of fact in the original action so long as those facts are supported by substantial evidence). Certiorari is particularly appropriate in handling claims that "a lower court or tribunal has exceeded its authority or otherwise acted illegally" by making findings that are not supported by substantial evidentiary support or improperly applying the law. *Iowa Dist. Ct.*, 828 N.W.2d at 611. We find this approach most logical to review the extension of a no-contact order after it has already been appealed and reviewed by the district court. Accordingly, we will treat the notice of appeal and accompanying briefs as a petition for writ of certiorari. *See State v. Propps*, 897 N.W.2d 91, 97 ("[I]f a case is initiated by a notice of appeal, but another form of review is proper, we may choose to proceed as though the proper form of review was requested by the defendant rather than dismiss the action."); *see also* Iowa R. App. P. 6.108.

C. Sufficiency of the Evidence. Vance claims the magistrate and associate district court judge both made findings that were not supported by substantial evidence in the record when it decided to extend his no-contact order for an additional five years. He argues that the mere assertion by Amy Staudt that she wanted the order continued for the safety of herself and her family, without more evidence, was insufficient to extend his one-year no-contact order for an additional five years. We agree.

When the State or victim requests the modification or extension of a no-contact order, Iowa Code section 664A.8 states that

> the court *shall modify and extend* the no-contact order for an additional period of five years, *unless the court finds that the defendant no longer poses a threat to the safety of the victim, persons residing with the victim, or members of the victim's family.*

Iowa Code § 664A.8 (emphasis added). Vance argues this provision is unconstitutionally vague because it does not allocate or explain the burden of proof, or the circumstances that must be shown to extend a no-contact order. However, section 664A.8 can be construed to avoid constitutional adjudication, so we need not address this constitutional argument regarding the alleged vagueness of the statute. *See Simmons v. State Pub. Def.*, 791 N.W.2d 69, 74 (Iowa 2010) ("Only if the statute cannot bear a constitutional construction do we consider the merits of the constitutional issues.").

Nothing in the language of Iowa Code section 664A.8 explicitly places the burden of proof on the defendant. Yet, the language of the statute implies this by requiring the court to extend the no-contact order "unless the court finds that the defendant no longer poses a threat" to the protected parties. Iowa Code § 664A.8. Further, nothing in the language of Iowa Code section 664A.8 requires the victim or the State to claim or prove that the defendant violated the existing order to show the defendant poses a continuing threat. Similarly, the court presiding over the extension hearing need not consider the defendant's needs or how he or she may be negatively affected by the extension of the no-contact order. This coincides with the purpose of the statute to "grant the court express authority to extend the duration of no-contact orders when the circumstances require continuing protection." *Ostergren v. Iowa Dist. Ct.*, 863 N.W.2d 294, 299 (Iowa 2015). Thus, it is clear from the statutory language and purpose of section 664A.8 that the statute

prioritizes the safety of the victims and places the burden of proof upon the defendant to show that he or she no longer poses a threat.

Additionally, although the statute does not explicitly provide the standard of proof a defendant must meet to show he or she no longer poses a threat, no-contact orders are "civil in nature and based only upon a determination of probable cause and a need to protect the safety of another." *State v. Wiederien*, 709 N.W.2d 538, 543 (Iowa 2006) (Cady, J. dissenting). We have likewise previously noted that no-contact orders are analogous to injunctions. *Dakota, Minn. & E. R.R. v. Iowa Dist. Ct.*, 898 N.W.2d 127, 135 (Iowa 2017) (citing Iowa Code section 664A.5 governing no-contact orders as support for the proposition that a permanent injunction may be subject to court-ordered time limits). Given the analogous relationship between no-contact orders and injunctions, we can apply the same preponderance-of-the-evidence standard of proof governing similar injunctions to establish that the preponderance-of-the-evidence standard applies under Iowa Code section 664A.8. *See Wiederien*, 709 N.W.2d at 544; *see also* Iowa Code § 236.4(1) (codifying the preponderance-of-the-evidence standard as the standard of proof to justify a temporary protective order in domestic abuse cases); *Kennedy v. Oleson*, 100 N.W.2d 894, 896 (Iowa 1960) (holding the standard of proof for an injunction is the preponderance of the evidence). Consequently, if the defendant proves by a preponderance of the evidence that he or she no longer poses a threat to the protected persons, the court should not extend the no-contact order for an additional five years.

As noted above, on an appeal from a magistrate decision, "[f]indings of fact in the original action shall be binding on the judge deciding the appeal if they are supported by substantial evidence." Iowa

R. Crim. P. 2.73(3). However, we are not convinced that the findings of the magistrate that Vance continues to pose a threat to the protected persons, and in turn the decision of the associate district court judge to affirm those findings, were supported by substantial evidence in the record. To the contrary, Vance proved by a preponderance of the evidence that he is no longer a threat to the Staudts that would warrant an extension of the no-contact order. Consequently, we find the district court erred in its decision to affirm the extension of the no-contact order for an additional five years.

The record before us is largely devoid of any evidence explaining the underlying conduct that gave rise to the civil no-contact order. However, this case is not about domestic abuse or sexual harassment. There is no evidence that the conduct giving rise to the no-contact order ever involved violence, the threat of violence, or that the physical safety of any member of the Staudt family was of concern. At the extension hearing, Staudt testified the case was brought on by "unsolicited and unreciprocated texts and tweets, Snapchats, and phone calls." Yet, at the same extension hearing, Staudt testified that Vance had not contacted them "through texts or calls or social media, Snapchats, anything along that lines" during the year since the no-contact order at issue was entered. The only evidence offered to show that Vance continued to pose a threat to the Staudts was the testimony by Amy Staudt that she was worried her family's relationship with Vance would go back to the way it was before the civil no-contact order was entered. Still, Staudt agreed that Vance had fully complied with the no-contact order.

Additionally, Vance presented evidence that he posed no threat to the Staudts. William Vetter, a Charles City police officer, testified that

Vance had fully complied with the no-contact order. He explained that he has known Vance for ten years in a professional capacity and that he could not think of any reason why Vance should not be allowed at school-sponsored events. He further testified that Vance had never been prone to violence or posed a threat to the safety of anyone in the community.

Moreover, Vance testified about his own compliance with the no-contact order. The only interaction Vance and the Staudts had during the term of the no-contact order was a coincidental encounter at the local gas station when Amy Staudt and her son arrived at the gas station while Vance was already there. To ensure his own compliance with the no-contact order, Vance contacted the police and made them aware of the situation while it was happening. The record contains absolutely no other interactions between Vance and the Staudts during the time the no-contact order was in place. Vance made clear at the extension hearing that he wants nothing to do with the Staudts and poses no threat. Vance acknowledged that he was fighting the extension of the no-contact order out of a desire to attend his daughter's school-sponsored events, which he cannot do under the no-contact order.

Given the testimony of both Vance and Officer Vetter demonstrating that Vance did not continue to pose a threat to the protected parties, there is no substantial evidence in the record to support the finding by the magistrate and associate district court judge that Vance continued to pose a threat to the Staudts. To the contrary, the substantial evidence in the record clearly demonstrates that Vance does not pose a continued threat to the Staudt family warranting an extension of the no-contact order. Additionally, all parties acknowledged that Vance had fully complied with the terms and conditions of the no-

contact order. However, in reaching our decision, we are not holding that mere compliance with the terms of a no-contact order, while important, should by itself foreclose the possibility of the extension of a no-contact order. This would be particularly true if the original conduct at issue involved violence or the threat of violence.

Accordingly, we reverse the decision of the district court to extend the no-contact order for a period of five years and remand this case for the entry of an order terminating the no-contact order. In light of our disposition of the appeal, we need not address the additional claims that Vance presented in his brief in support of his overall request for us to reverse the extension of his no-contact order.

IV. Conclusion.

For the aforementioned reasons, we conclude that the magistrate had subject matter jurisdiction to hear and decide the issue of the extension of the no-contact order. However, we reverse the decision of the district court to extend the no-contact order for an additional five years. We remand to the district court for entry of an order terminating the no-contact order.

WRIT SUSTAINED; CASE REMANDED.