

**IN THE COURT OF APPEALS OF IOWA**

No. 6-783 / 05-2139  
Filed December 28, 2006

**IN RE MARRIAGE OF SHELLY DOWDEN-PARROTT AND  
RODNEY DOWDEN-PARROTT**

**Upon the Petition of  
SHELLY DOWDEN-PARROTT, n/k/a  
SHELLY BUCKLEY,**  
Petitioner-Appellee,

**And Concerning  
RODNEY DOWDEN-PARROTT,**  
Respondent-Appellant.

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Appeal from the Iowa District Court for Dallas County, Darrell Goodhue,  
Judge.

Rodney Dowden-Parrott appeals from the district court's refusal to find his  
former spouse in contempt of court. **AFFIRMED.**

Eric Borseth of Borseth Law Office, Altoona, for appellant.

John Reich of Reich Law Firm, Adel, and Chad Boehlje of Boehlje Law  
Firm, P.L.C., Pella, for appellee.

Considered by Huitink, P.J., and Mahan and Zimmer, JJ.

**ZIMMER, J.**

Rodney Dowden-Parrott appeals from the district court's refusal to hold his former spouse, Shelly Dowden-Parrott, now known as Shelly Buckley, in contempt of court. We affirm.

***I. Background Facts and Proceedings***

Rodney and Shelly were divorced in May 2004. When their marriage was dissolved, the parties agreed they would have joint legal custody of their minor children, Greg, born in 1990; Justine, born in 1993; and Matthew, born in 2001. Shelly was awarded primary physical care of the children, and a visitation schedule was established.

Rodney filed his first application seeking to have Shelly held in contempt in August 2004. Following a contested hearing, a district court judge dismissed the application.

In October 2005 Rodney filed another application to show cause asking the court to hold Shelly in contempt for denying visitation, interfering with his joint legal custody rights, and interfering with his right to telephone contact with the children. Following another contested hearing, another district court judge declined to hold Shelly in contempt. Rodney has appealed from that decision.

***II. Scope and Standards of Review***

Our standard of review in contempt actions is unique. *In re Marriage of Swan*, 526 N.W.2d 320, 326 (Iowa 1995). When the district court finds a party in contempt, we review the evidence to assure ourselves that the court's factual findings are supported by substantial evidence. *Id.* at 326-27.

A different standard of review applies on appeal when a district court refuses to hold a party in contempt under a statute that allows the court some discretion. *Id.* at 327. The statute involved in this case is Iowa Code section 598.23(1) (2005). Section 598.23(1) states that a person who willfully disobeys a temporary order or final decree “*may* be cited and punished by the court for contempt.” (Emphasis added.) Under a statute such as this, a district court is not required to hold a party in contempt even though the elements of contempt may exist. *Swan*, 526 N.W.2d at 327. Decisions regarding contempt are within the sound discretion of the district court, and unless this discretion is grossly abused, the decision must stand. *State v. Lipcamon*, 483 N.W.2d 605, 607 (Iowa 1992). With these principles in mind, we turn to the facts of this case.

### ***III. Discussion***

Rodney first contends Shelly should be cited for contempt for denying him weekend visitation with Justine on one occasion. The record reveals Rodney was scheduled to have weekend visitation with the children commencing August 26, 2005. He did not have visitation with Justine because Shelly permitted their daughter to accept an invitation to travel to Chicago to visit relatives. The district court found Shelly committed a technical violation of the decree, but declined to hold Shelly in contempt. Upon careful review of the record, we find no reason to disagree with the court’s decision.

Justine, not Shelly, asked her father if she could go to Chicago with her aunt to visit her cousins on the weekend in question. Justine had made similar requests in prior years, but Rodney always denied the requests. Shelly communicated the scheduling conflict to Rodney in writing on August 24, 2005,

and verbally offered to make reasonable accommodations for Justine, including offering Rodney additional visitation. In a letter dated August 25, 2005, Rodney refused to make any accommodation for Justine's wishes, and he made no further attempts to resolve the matter.<sup>1</sup> Rodney contends the weekend he missed was of particular importance because of a birthday celebration he had planned for Matthew, Justine's younger brother. However, the record reveals the birthday celebration Rodney planned was actually the second such celebration that week. Matthew's birthday was Tuesday, August 23, and Rodney, Justine, and Matthew celebrated Matthew's birthday together during Rodney's scheduled visitation with the children on August 24.

The district court also heard evidence that prior to the weekend at issue, Justine had missed scheduled visits with her father only on those occasions when she had been ill. Shelly also testified that Matthew has not missed a visit with Rodney since the parties divorced. Under all the circumstances of this case, we conclude the district court did not abuse its discretion in refusing to hold Shelly in contempt.

Rodney next claims the district court should have held Shelly in contempt because she has denied his right to telephone contact with the children. Rodney's testimony regarding this issue was both conflicting and unconvincing. Shelly denied ever failing to return phone messages or failing to tell the children there had been a call from their father. The district court concluded Rodney did

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<sup>1</sup> Rodney claims to have mailed the letter for one-day delivery, but he produced no evidence to support this claim.

not establish telephone contact was denied. Because the record supports the court's conclusion, we reject this assignment of error.

Rodney also claims Shelly should be held in contempt because she violated the terms of the parties' decree concerning joint custody in a variety of ways.<sup>2</sup> The district court considered each of Rodney's claims and concluded they were either not supported by the evidence or were not serious enough to warrant a finding of contempt. Once again, we believe the evidence supports the court's ultimate conclusions. Through his own behavior, Rodney has made it nearly impossible for the parties to communicate in a manner that would give full effect to the language of their dissolution decree. Rodney's destructive behavior has also adversely affected his relationship with his children. Rodney no longer has a relationship with Greg, and Justine is afraid of him. Unfortunately, Rodney appears more interested in escalating the conflicts he has with his former spouse and children than eliminating them.

#### ***IV. Conclusion***

We find the district court did not abuse its discretion in refusing to hold Shelly in contempt, and we affirm the court's ruling. We award no appellate attorney fees.

**AFFIRMED.**

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<sup>2</sup> Rodney contends Shelly signed Matthew up for preschool without discussion; intentionally excluded him from the family history sheet when she registered the children for school; interfered with his ability to obtain information from the school; failed to provide him with information concerning the children's education; and failed to advise him that the children had been involved in an Iowa Department of Human Services investigation.