

IN THE COURT OF APPEALS OF IOWA

No. 3-844 / 13-0414
Filed October 2, 2013

KATHLEEN INGALLS-COY,
Plaintiff-Appellant,

vs.

SCOTT ALLEN MEDHAUG,
Defendant-Appellee.

Appeal from the Iowa District Court for Black Hawk County, Bradley J. Harris, Judge.

Kathleen Ingalls-Coy appeals the district court's order following her petition and hearing for relief from domestic abuse. **AFFIRMED.**

David McManus of Sole & McManus, P.C., Cedar Rapids, for appellant.

John J. Wood of Beecher, Field, Walker, Morris, Hoffman, & Johnson P.C., Waterloo, for appellee.

Considered by Vogel, P.J., and Danilson and Tabor, JJ.

DANILSON, J.

Kathleen Ingalls-Coy appeals the district court's order following her petition and hearing for relief from domestic abuse. She contends the district court failed to fulfill its procedural obligation to provide specific findings of fact and conclusions of law when dismissing her petition and asks that we remand so the court may do so.¹ Upon review, we affirm.

I. BACKGROUND FACTS AND PROCEEDINGS.

On January 28, 2013, Ingalls-Coy filed a petition for relief from domestic abuse, claiming her former husband, Scott Medhaug, had endangered her. The same day the district court filed an order stating Ingalls-Coy had failed to plead facts that reasonably suggested she was in danger of domestic abuse² within the meaning of Iowa Code section 236.4 (2013). The court nonetheless ordered a hearing on the matter for February 8, 2013.

At the hearing Ingalls-Coy testified about an incident that occurred when she was picking up her daughters for visitation. She recounted being pushed and physically restrained by her ex-husband's neighbor when she tried to remove her daughters from the neighbor's vehicle. Her daughter from another relationship also testified and corroborated the account. Medhaug did not testify or offer further evidence. At the conclusion of the hearing, the court dismissed

¹ This issue is more suitable for a writ of mandamus. See Iowa Code § 661.1 ("The action of mandamus is one brought to obtain an order commanding an inferior tribunal, board, corporation, or person to do or not to do an act . . ."). Nonetheless, we determine the merits of the issue on appeal.

² Domestic abuse, as defined by chapter 236, includes committing assault where the assault "between separated spouses or persons divorced from each other and not residing together at the time of the assault." Iowa Code § 236.2(2)(b).

the petition, stating Ingalls-Coy had not made a sufficient showing that any type of domestic assault had taken place. On February 11, 2013, the court entered an order formally dismissing the petition “for reasons stated on the record.”

On February 19, 2013, Ingalls-Coy filed two motions for findings and conclusions. The court granted the motions and filed an order in response on March 6, 2013. The order, setting forth the court’s reasons for dismissing Ingalls-Coy’s petition in greater detail, stated in part:

The court hereby specifically finds that plaintiff Kathleen Ingalls-Coy failed to show by a preponderance of the evidence that the defendant Scott Allen Medhaug committed domestic abuse assault against Kathleen Ingalls-Coy and further failed to show that defendant Scott Allen Medhaug represents a credible threat to the physical safety of Kathleen Ingalls-Coy. The court has considered the theories of both primary participant and as aider and abettor in making its determination that no domestic abuse assault has occurred in this matter.

.....
The court determines that the evidence in this matter shows that plaintiff has attempted to use the protection provided in Chapter 236, Code of Iowa, to bring about a change in prior custodial orders regarding the children of the parties. Plaintiff failed to allege sufficient facts to be granted a protective order in her petition and further failed to present sufficient facts to allow this court to grant a protective order following hearing.

Ingalls-Coy appeals.

II. STANDARD OF REVIEW.

Ingalls-Coy alleges the district court erred in failing to make specific findings of fact and conclusions of law concerning her claim of domestic abuse, as required by Iowa Rule of Civil Procedure 1.904(1). Our review of statutory interpretation is for correction of errors at law. *In re S.J.D.*, 641 N.W.2d 794, 797 (Iowa 2002).

III. DISCUSSION.

As Ingalls-Coy argues, chapter 236 proceedings are held in accordance with the Iowa Rules of Civil Procedure. See Iowa Code § 236.7. Iowa Rule of Civil Procedure 1.904 states, in pertinent part, “The court, trying an issue of fact without a jury, whether by equitable or ordinary proceedings, shall find the facts in writing, separately stating its conclusions of law, and direct an appropriate judgment.” She claims the district court failed to provide findings of fact and conclusion of law as obligated, even after granting her motion for findings and conclusions. We disagree.

The district court rectified any failure to recite findings of fact and conclusions of law with the order entered on March 6, 2013. We acknowledge the court could have provided a more detailed recitation, but find the explanation provided by the court was sufficient. See *Berger v. Amana Soc’y*, 120 N.W.2d 465, 467 (Iowa 1963) (“One of the primary purposes of this section is to advise counsel and the appellate court of the basis of the trial court’s decision in order that counsel may direct his attack upon specific findings or rulings in the event of an appeal.”).³ Clearly, the district court concluded that if an assault occurred, Medhaug was not the responsible party nor did he aid and abet the responsible party. The district court also concluded that Ingalls-Coy initiated the action for the wrong purpose.

³ Ingalls-Coy did not appeal the decision of the district court. Thus, we do not consider the merits of the allegations of domestic abuse.

We also note that both parties have requested appellate attorney fees. Upon our review, we decline to award fees to either party.

AFFIRMED.