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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1874**

In re the Marriage of: Gena Maria Kramp,
Respondent,

vs.

Clayton Henry Kramp,
Appellant,

Cass County,
Intervenor.

**Filed February 10, 2020
Affirmed
Larkin, Judge**

Cass County District Court
File No. 11-FA-06-1591

John E. Valen, Walker, Minnesota (for respondent)

Kristian Lee Oyen, Savage, Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Larkin, Judge; and Reyes,
Judge.

UNPUBLISHED OPINION

LARKIN, Judge

In this appeal and cross-appeal, appellant father and respondent and cross-appellant mother challenge the district court's ruling on mother's motion for custody modification. We affirm.

FACTS

In November 2006, the district court dissolved the marriage of appellant Clayton Henry Kramp (father) and respondent and cross-appellant Gena Maria Kramp (mother). The district court awarded the parties joint physical and joint legal custody of their minor children, A.K., born in 2001 and now an adult; J.K., born in 2002; T.K., born in 2003; and S.K., born in 2006. In 2007, the district court modified custody, granting father sole physical and sole legal custody, based in part on mother's chemical-dependency issues. In 2009, the district court once again modified custody, granting the parties joint legal custody. Father retained sole physical custody.

In its findings supporting the 2006 dissolution judgment and decree, the district court expressed concern that father's sister, M.M., had interfered with the parties' parenting in a manner that was not in the children's best interests. Specifically, the district court found:

[O]ne of the biggest impediments to joint custody may be the interference of [father's] sister. Although she may have the interests of the children in mind, the Court finds her skewed viewpoint and aggressive behavior toward the [mother] does not serve the best interests of the children. Continued interference with the parenting by persons other than the

parties could be sufficient grounds to terminate any joint custody determination.

In the 2009 modification order, the district court once again expressed its concerns regarding M.M.'s involvement in family affairs. The district court noted that M.M. "has continued to be excessively involved in the affairs of the parties and has at times sought to sabotage the parent-child relationship between [mother] and the children," "has acted on behalf of [father] in legal affairs and has acted in the role of a substitute parent to the detriment of the relationship between the children and their mother," and has "used the children as pawns in an effort to control the affairs of [father] and the children." The district court found that "[t]he efforts of [M.M.] in seeking to minimize the contact by [mother] with the children have impaired [their] emotional development."

In 2018, mother moved for custody modification, requesting sole physical custody of A.K. and T.K. Father opposed the motion, and mother filed an amended motion seeking sole physical custody of all four children. The district court determined that mother had made a prima facie case of endangerment and granted her request for an evidentiary hearing.

On the day of the evidentiary hearing, the district court privately interviewed the children individually to determine their custodial preferences. During the hearing, the district court heard testimony from mother, mother's husband, mother's sister-in-law, the children's maternal grandmother, father, and a county social worker who had investigated a physical incident that had occurred between father's girlfriend, S.B., and A.K.

The district court also received an audio recording of a five-hour “family meeting” with the children that occurred after mother filed the custody-modification motion. Father’s sister M.M. led the meeting, in a purported effort to “fix the family.” The district court granted mother’s custody-modification motion in part, relying heavily on the recorded meeting, which the district court described as “a five-hour haranguing of the children.” The district court noted that the recording was a “significant piece of evidence because of what occurred during the meeting” and that the “statements made demonstrate the environment in Father’s household had been bad for a long time.”

The district court’s findings describe the “family meeting” in great detail. The district court found that M.M. told the children that “she was providing a professional service in her capacity as a social worker.” She described the endangerment standard for custody modification “in an attempt to show [the children] that the Court [would] not grant an evidentiary hearing” and that mother’s custody-modification motion was “illegal.” M.M. had A.K. read out loud “what sound[ed] like [her] CV” and told the children that as a parenting-time expeditor and consultant, she has “the same authority as a f----n’ judge” and “exceptional” credibility with the court.

The district court explained that during the meeting, M.M.’s “unconditional support of Father and her deep animosity toward Mother resulted in [her] either intentionally or carelessly misrepresenting facts and the law to the children” and that M.M. “impressed upon the family her knowledge of the law,” but “repeatedly misrepresented the law to the family.” As A.K. read an affidavit that she had prepared in support of her mother’s motion, M.M. told the children that “the judge won’t accept the affidavit” and that “[n]o judge is

going to believe this s--t.” To support her claim that she understood the law regarding affidavits, M.M. told the children that she was a notary and knew “everything” about being a notary. M.M. also said, “Sorry to burst your f----n’ bubble again. Guess who’s not a notary? Your mother.” M.M. told the children they were “not going to live with [their] mom, ever” and that she would “rather see [them] in a jail cell every single day than at [their] mom’s.”

The district court noted that M.M.’s “expletive of choice was ‘f-----g’ and she made liberal use of it.” M.M. repeatedly used that expletive in her negative statements about mother, telling the children, “I’m not a f----n’ evil, conniving two-faced f-----n’ b---h like your mother,” that she was “sick and f-----g tired of [mother’s] s--t hurting other people,” and that the children had “no f-----n’ s--t ‘n clue what [M.M.] [had] been put through at the hands of [their] Mother.” M.M. told the children that she had spent “sixty-thousand f-----g dollars fighting” mother, that the children did not understand how much it would cost father “to go to court” to “defend this,” and that the money “could be spent on something else.” On the recording, M.M. is heard saying:

You guys did this, do you understand that? [A.K.], look at me. Do you understand that? . . . Your dad has to go to court on April 23rd. Do you know what it’s going to cost him to go to court and defend this? Anybody have a clue what it’s going to cost? Because he has to. . . . [T]he law says you must appear in court. See it? [A.K.]? F-----g listen because you’re p-----g me off! And you know what, I’m not [S.B.], I’m not going to whoop your a-- and I’m not going to f-----g fight with you. I’ll just sit here and make your life f-----g miserable. Own what you done! The law says, you appear in court. [Father], you be here. To go to court what does your dad need? An attorney and \$4,000 dollars, right? So once again, thank you [A.K.] and

[T.K.] and [mother] for taking \$4,000 away from this family that could be spent on something else.

M.M. told the children that mother “is mentally unhealthy and unstable,” and that mother “don’t give jack s--t about [the children].” M.M. also criticized A.K., stating that A.K. had been playing “little junior f-----g mom,” and insulted A.K.’s efforts with respect to her siblings. M.M. also told A.K. that she should feel bad for putting S.K. in the situation of having to “go to f----n’ court.” When A.K. defended herself and S.K. supported her, M.M. became even more combative. For example, when A.K. expressed concern regarding father’s inability to address the conflicts in his home, M.M. told A.K. that she “would hit [her]” if A.K. were her child. The district court noted that based on those statements, it was clear that “Father struggles to parent these children.”

During the meeting, the family discussed father’s girlfriend, S.B. The district court found that the environment in father’s home had given rise to conflict between A.K. and S.B., but that “Father was unable or unwilling to do anything about it.” Based on the representations M.M. made about S.B. during the meeting, the district court found that S.B. “has serious, untreated mental health issues” and that her presence in the home “destabilizes the environment for the children.”

At the end of the meeting, M.M. told the children that they were no longer permitted to possess anything mother had given them, except for cell phones. However, M.M. told the children they could not use the phones to contact mother, were prohibited from talking about mother and her family members, and that if they violated the prohibitions, they would

lose their phones until they move out of the house at age 18. Specifically, M.M. told the children:

Material stuff from mom's house, cell phones, material items, all the stuff from mom's house that toxifies this family needs to be gone. There is no more discussing of mom in this house . . . unless it's a safety concern. If it's a safety concern, then we need to hear about it. Until that happens, you guys no longer have permission to discuss her in this house during this family's time. That includes the drive down here, the drive up there, school events. If it's your dad's time, we don't want to hear about it. Nobody wants to hear about it. Is that clear?

The second you are in your dad's care it (cell phone) becomes dad's f---n' property. That's how the law works. If your dad wants to take every one of those phones and smash those f-----g things, he can legally do it and there is nothing she can do about it. Anyone know why? Cause it's in his possession and in his home on his property.

Now, your dad and I talked about this. He does not want you guys to not have cell phones. He can't afford cell phones right now. He realizes it's a big part of your life, but there is no more contacting mom on dad's time. There is no more snapchatting, there is no more calling, and there is no more of any of that stuff. None. No more. If you want to talk to mom, you may use the house phone and call her anytime you want. That is the only thing he is required to do by the law, right?

If anyone violates the rule about contacting mother, they lose their phone. Done. If your phone is used for inappropriate things, to support the unhealthy stuff your mom does, what does that mean? Recording stuff, taking pictures of things, making drama and sending it. No phone.

The district court found that the “ban on possessing anything Mother has given them, talking about Mother or other family members, use of phones their Mother gave them, [and] contacting Mother in any way, significantly endangers the children’s emotional health and development.” The district court also found that “[a]lthough Father rarely spoke

during the five plus hour ‘family meeting,’ his instigation of the meeting and his failure to intervene on the children’s behalf was harmful to the children.” The district court acknowledged father’s testimony that “he thought it was not appropriate for [M.M.] to tell the children they would never be in Mother’s custody,” but the district court noted that father “did not speak up” at any time when M.M. “emphatically stated the children would never be in Mother’s custody.” The district court also noted that father thought the meeting was a “good meeting” and “an effective way to cope with family issues.”

The district court reiterated its concern regarding M.M.’s involvement in family affairs, explaining that despite its “repeated warnings about the negative impact [M.M.’s] involvement was having on the children, [M.M.] was invited to Father’s home the day after receiving Mother’s motion to modify custody.” The district court noted that M.M. was aware of “the Court’s Orders in this case” and “the Court’s warnings to Father about her involvement, yet [she] continued to interject herself into the family and between Mother and the children.” The district court explained that “[M.M.’s] conduct shows that the Court’s earlier warnings about the detrimental effect of [her] involvement with this family were prescient, but completely ignored by Father.” The district court summarized its concern as follows: “Father’s conduct in both rushing to seek [M.M.’s] assistance despite prior warnings from the Court, as well as Father’s acquiescence in [M.M.’s] statements and conduct, establish [his] inability to recognize and prevent harm to the children.”

The district court concluded that there had been “significant changes in circumstances,” explaining:

The most significant [change] has been the breakdown of the family unit within Father's household to the point that the children feel that Father does not communicate with them, does not listen to them and that the family does not do anything as a family anymore. The impression is each member of Father's household feeling isolated from the others, and Father not knowing how to improve the situation. Father's effort to improve his household was to call [M.M.] for help. This is a choice the Court repeatedly warned him to avoid.

Another substantial change in circumstance is the requested change in custody by two teenage children who have declined in their academic endeavors while in Father's custody.

The significant changes in Mother's life stand in stark contrast to the decline in Father's household. In addition to having maintained her sobriety for many years, Mother has made other positive changes in her life including obtaining her Bachelors and Masters Degrees, becoming Counseling Supervisor of the CD program . . . , marrying and having two more children . . . whom she is raising with her husband

As to the children's best interests, the district court noted that both A.K. and T.K. had expressed a desire to live with mother and found that their preferences were reasonable. It concluded that the best interests of A.K., T.K., and S.K. would be "served by a modification of physical custody," but that given J.K.'s individual circumstances, it was in his best interests to remain in father's physical custody.

Regarding endangerment, the district court concluded that "[t]he children's present environment significantly endangers their emotional health and impairs their emotional development," noting that "[t]he antagonism to Mother and instability in Father's household presents a significant endangerment to the children's emotional health and development" and that father had "taken no action to correct the problems other than

bringing in [M.M.] in direct contradiction of previous Court warnings about the harm her involvement could do to the children.” The district court reasoned:

The April 8, 2018, “family meeting” that Father feels went well consisted largely of [M.M.] yelling, swearing and attacking [A.K.] and Mother. [M.M.] was dismissive of the concerns expressed by the children, particularly as they related to the relationship between Father and [S.B.]. The “family meeting” was damaging for the children and sought to further alienate the children from Mother. Involving [M.M.] was harmful, yet Father continued to rely upon her to help with parenting challenges. Father’s testimony regarding the “family meeting” shows a detrimental lack of insight into the harm caused by this language and behavior.

Father’s passivity is a significant concern. He says almost nothing during the five-hour “family meeting.” At no point did Father stand up for any of the children. That role is filled on multiple occasions by [A.K.], who stands up to [M.M.] on behalf of herself and her siblings. [A.K.] has been forced into the role of parent because of Father’s passivity and the parents’ inability to effectively communicate and cooperate. Father must assume the greater weight of the responsibility for forcing [A.K.] into this surrogate parenting role. One of the positive consequences of this is that [A.K.] has a close relationship with [S.K.]. Separating [S.K.] and [A.K.] would be detrimental to the wellbeing of both girls, and it is important they remain together.

Father’s passivity is not limited to the April 8, 2018, “family meeting.” Father acknowledges being aware of the deterioration of the family environment and his significant role in the breakdown of his relationship with the children. He cited no strategy to deal with the decline.

....

Given Father’s refusal to heed the Court’s past warnings regarding [M.M.] and the negative impact she is having on the children, there is no reason to believe he would operate any differently in the future. There has been an ongoing, concerted, aggressive, manipulative and threatening effort by [M.M.] to

turn the children against Mother. This has been supported and encouraged by Father to the endangerment of the children's emotional and mental health.

In determining whether the benefit of the change outweighed the harm to the children, the district court concluded that as to A.K. and T.K., "it is clear that the benefit of a change will outweigh the difficulties that are inherent in any significant adjustment," but that it was "more difficult" to assess the harm for S.K. and J.K. The district court determined that ultimately, S.K.'s separation from A.K. would be "more detrimental" and that "the long-term benefits of a change will outweigh what may be a particularly difficult short-term adjustment to Mother's household." The district court also noted that J.K. had a strong desire to remain involved in his present school and that despite the environment at father's home, his academic performance had not declined. It concluded that the "adverse impacts of a change in custody for [J.K.] are greater than any benefit" and that the "impact of the separation from his siblings can be mitigated by having the children together on weekends and during the summer."

The district court granted mother sole physical custody of A.K., T.K., and S.K., but allowed father to maintain sole physical custody of J.K. The parties retained joint legal custody of the children. Father appeals and mother cross-appeals, both challenging the district court's ruling regarding physical custody of the children.¹

¹ The district court also decided issues regarding child support and parenting time. Those decisions are not challenged on appeal.

DECISION

“Appellate review of custody determinations is limited to whether the [district] court abused its discretion by making findings unsupported by the evidence or by improperly applying the law.” *Pikula v. Pikula*, 374 N.W.2d 705, 710 (Minn. 1985). The district court’s findings must be sustained unless they are clearly erroneous. *Id.* “When determining whether findings are clearly erroneous, an appellate court views the record in the light most favorable to the [district] court’s findings.” *In re Custody of N.A.K.*, 649 N.W.2d 166, 174 (Minn. 2002). And “appellate courts defer to [district] court credibility determinations.” *Vangsness v. Vangsness*, 607 N.W.2d 468, 472 (Minn. App. 2000). In reviewing a custody determination, the law “leaves scant if any room for an appellate court to question the [district] court’s balancing of best-interests considerations.” *Id.* at 477.

The district court may not modify a prior custody order unless it finds, upon the basis of facts that have arisen since the prior order or that were unknown to the court at the time of the prior order, that “a change has occurred in the circumstances of the child or the parties and that the modification is necessary to serve the best interests of the child.” Minn. Stat. § 518.18(d) (2018). A party seeking an endangerment-based modification of custody must show: (1) the circumstances of the child or custodian have changed; (2) modification would serve the child’s best interests; (3) the child’s present environment endangers his physical health, emotional health, or emotional development; and (4) the benefits of the change outweigh its detriments with respect to the child. *Id.* (d)(iv); *Crowley v. Meyer*, 897 N.W.2d 288, 293 (Minn. 2017); *Geibe v. Geibe*, 571 N.W.2d 774, 778 (Minn. App. 1997).

I.

Father contends that the district court abused its discretion in partially granting mother's custody-modification motion and challenges the district court's resolution of each of the endangerment-based modification factors. However, the majority of father's arguments do not assign specific error and instead presume that this court will reweigh the evidence and find facts on appeal. As an appellate court, this court's responsibility is to correct errors, not to retry the case. *Turner v. Alpha Phi Sorority House*, 276 N.W.2d 63, 68 n.2 (Minn. 1979). This court exceeds its scope of review if it "usurp[s] the role of the [district] court by reweighing the evidence and finding its own facts." *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988). In addition, "on appeal error is never presumed. It must be made to appear affirmatively before there can be reversal. . . . [T]he burden of showing error rests upon the one who relies upon it." *Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (quotation omitted). With those principles in mind, we turn to father's arguments.

Change in Circumstances

A change in circumstances under Minn. Stat. § 518.18(d) "must be significant and must have occurred since the original custody order; it cannot be a continuation of conditions existing prior to the order." *Geibe*, 571 N.W.2d at 778. "What constitutes changed circumstances for custody-modification purposes is determined on a case-by-case basis." *Sharp v. Bilbro*, 614 N.W.2d 260, 263 (Minn. App. 2000) (quotation omitted), *review denied* (Minn. Sept. 27, 2000).

Father generally argues that mother relied on preexisting circumstances as support for her motion, such as father's use of inappropriate language, father's pursuit of poor relationships with women, and mother's pursuit of sobriety and an education. But the district court's finding of changed circumstances was primarily based on the "breakdown of the family unit within Father's household," which was on display in the "family meeting."

Father's brief acknowledges that the district court's change-in-circumstances finding was based on the "recorded five-hour family meeting." Father complains that "the District Court also noted in several pages equally incredible, sometimes dramatic and grandiose claims that [M.M.] made in the presentation of the meeting, much of it exaggerated beyond belief." Father next summarily states that "[t]his Court should reverse the District Court on its finding a change in circumstances has occurred."

If father means to suggest that the district court erroneously weighed the recording, his assignment of error fails for two reasons. First, this court does not reweigh evidence on appeal. *See Sefkow*, 427 N.W.2d at 210. Second, the district court in no way exaggerated M.M.'s officious and inexcusable behavior at the "family meeting." The meeting was recorded, the recording was made part of the record, and it was accurately described in the district court's findings.

In sum, the district court did not err in finding a change in circumstances.

Best Interests

"In addition to the substantial change in circumstances, the modification must be necessary to serve the children's best interests." *Gustafson v. Gustafson*, 376 N.W.2d 290,

293 (Minn. App. 1985). In evaluating the best interests of the child for purposes of determining custody, “the [district] court must consider and evaluate all relevant factors,” including the 12 factors in Minn. Stat. § 518.17, subd. 1(a) (2018). In reviewing a custody determination, the law “leaves scant if any room for an appellate court to question the [district] court’s balancing of best-interests considerations.” *Vangsness*, 607 N.W.2d at 477.

Father does not assign specific error to the district court’s best-interests findings or analysis. Instead, he presents his view of the children’s best interests and concludes that the best-interests factors do not support the district court’s custody determination. Essentially, father invites this court to reweigh the evidence and determine the best interests of the children. We cannot do so. *See Sefkow*, 427 N.W.2d at 210.

The district court properly considered and explained its reasoning regarding each of the best-interests factors, including A.K.’s and T.K.’s desire to live with mother. *See* Minn. Stat. § 518.17, subd. 1(a)(3) (providing that one of the best-interests factors the district court must consider is “the reasonable preference of the child, if the court deems the child to be of sufficient ability, age, and maturity to express an independent, reliable preference”); *see also Ross v. Ross*, 477 N.W.2d 753, 756, 757 (Minn. App. 1991) (stating that “[t]he choice of an older teenage child is an overwhelming consideration in determining the child’s custody or in deciding whether he is endangered by preserving the custodial placement he opposes” and that “[t]here is serious question when dealing with a child of this age whether trial courts can practically contradict the child’s choice even if it

was shown to be misguided”). We discern no error in the district court’s best-interests findings and analysis.

Endangerment

“The existence of endangerment must be determined on the particular facts of each case.” *Sharp*, 614 N.W.2d at 263 (quotation omitted). “Endangerment requires a showing of a significant degree of danger, but the danger may be purely to emotional development.” *Geibe*, 571 N.W.2d at 778 (quotation and citation omitted). Emotional abuse and isolation from relatives may constitute endangerment, *id.* at 779-80, as may a custodial parent’s efforts to undermine the children’s relationship with the noncustodial parent, *Smith v. Smith*, 508 N.W.2d 222, 227 (Minn. App. 1993), or to paint a parent in a poor light, *Newstrand v. Arend*, 869 N.W.2d 681, 691 (Minn. App. 2015), *review denied* (Minn. Dec. 15, 2015).

Father asserts that M.M.’s involvement with the children “does not constitute emotional or physical harm.” He also asserts that because mother “provided no psychological evidence or medical evidence that the children were harmed by [M.M.],” it would be merely speculative “to conclude that the children suffered mental, emotional, or other harm.”

On this record, it is not difficult to understand why the district court found endangerment based on significant emotional harm. As the district court determined, the “antagonism to Mother . . . presents a significant endangerment to the children’s emotional health and development.” Despite being aware of the harm, “Father [took] no action to

correct the problems other than bringing in [M.M.] in direct contradiction of previous Court warnings about the harm her involvement could do to the children.”

Father contends that although the meeting was “approximately five hours long [and] did contain some obscene language and insults directed toward [mother],” it “was largely a constructive conversation asking the children to specify how they felt, and allowed the children to provide feedback on how their feelings could benefit from [father] making changes in his actions.” The recording belies that description. However, father’s inaccurate description of the “family meeting” supports the district court’s finding that father’s “acquiescence in [M.M.’s] statements and conduct, establish [his] inability to recognize and prevent harm to the children.”

Father’s lack of understanding regarding the children’s emotional well-being is shown by his assertion that his conduct did not endanger the children because he “was not the individual who was disparaging [mother]” and that there is “no evidence that demonstrates that [he] and [M.M.] collaborated to script the dialogue in advance to disparage [mother].” As the district court noted, it had repeatedly warned father that M.M.’s involvement could harm the children. Yet father opted to allow M.M. to confront his children regarding mother’s motion for custody modification. The district court correctly reasoned that the “ongoing, concerted, aggressive, manipulative and threatening effort by [M.M.] to turn the children against Mother,” which has “been supported and encouraged by Father,” endangers “the children’s emotional and mental health.”

Lastly, father argues that mother “failed to show that declining grades or school attendance is somehow related to [father’s] conduct.” The lack of such evidence does not

invalidate the district court's endangerment finding. As the district court reasoned, father's decision to subject the children to five hours of indefensible verbal abuse by M.M. in response to mother's motion to modify custody adequately establishes endangerment in the form of emotional harm. One need not be a child psychologist to conclude that the children were emotionally harmed not only by father's decision to enable M.M.'s verbal abuse, but also by his decision to sit as a silent witness to it.

In sum, the district court did not err in finding endangerment.

Balancing the Harms

Stability in custody generally is in a child's best interests. *In re Weber*, 653 N.W.2d 804, 811 (Minn. App. 2002). Father argues that "the current custodial arrangement is extremely stable and structured, has been so for approximately at least 11 years, and [is] in the children's best interests." But when the status quo is more harmful than beneficial, a change is warranted. *Tarlan v. Sorensen*, 702 N.W.2d 915, 924 (Minn. App. 2005). A finding that a child's current environment endangers the child can implicitly support a determination that the benefits of changing that environment outweigh the detriments of a transition. *See Geibe*, 571 N.W.2d at 778 (observing that "balance of harms" may be implicit in other factors).

Father also argues that because "no physical abuse occurred, the District Court abused its discretion." Father relies on two cases that involved physical abuse. *See Gustafson*, 376 N.W.2d at 292-93 (concluding that the district court did not err in determining that there was a change in circumstances based on allegations that mother's boyfriend had sexually and physically abused the children); *see also Leyh v. Stelzer*, 398

N.W.2d 63, 66-67 (Minn. App. 1986) (determining that the child’s environment did not endanger the child’s physical or emotional health in part because the child was not in physical danger). Father’s reliance on those cases is not on point because this case involves emotional harm. Having correctly found significant endangerment in the form of emotional harm, the district court thoroughly considered the potential impact of the requested custody change on each child. We discern no error in the district court’s finding that the benefits of a change would outweigh its detriments to A.K., T.K., and S.K.

In sum, the record supports the district court’s determination that all four custody-modification factors support a change of custody for A.K., T.K., and S.K. The district court did not abuse its discretion in granting mother sole physical custody of those children.

II.

In her cross-appeal, mother contends that the district court abused its discretion by refusing to award her sole physical custody of J.K. Mother argues that “[t]his court has not favored split custody as a general rule, and has supported the general policy that the best interests of minor children are usually served by permitting them to remain together.” She complains that “[t]he trial court’s decision in effect elevated the importance of the relationships between [J.K.] and his friends over his relationships with his siblings” and that the district court’s approach “has no support in case law or in the statutory ‘best interests’ factors.” She concludes that the “evidence as a whole clearly shows that all of the children are better off if they remain together, and to separate them . . . constitutes an abuse of discretion.”

As a general rule, split custody is not favored, and the best interests of minor children are served by keeping children together. *Sefkow*, 427 N.W.2d at 215. “However, the welfare of the child is paramount, and the decision to split custody is not conclusively erroneous.” *Id.* The district court must make an individualized determination of each child’s best interests. See Minn. Stat. § 518.17, subd. 1; see also *Maxfield v. Maxfield*, 452 N.W.2d 219, 223 (Minn. 1990) (“Split custody is not favored. Yet, . . . children come into this world one by one, and in deciding their future, this, too, must be decided one by one.”); *Sefkow*, 427 N.W.2d at 215 (“Other factors . . . [may] outweigh the need for [siblings] to reside together.”); *Doren v. Doren*, 431 N.W.2d 558, 561 (Minn. App. 1988) (“[When] other factors outweigh the need for siblings to reside together, split custody may be appropriate.”); cf. *In re Welfare of Child of S.S.W.*, 767 N.W.2d 723, 731 (Minn. App. 2009) (citing to juvenile-protection and custody statutes and stating that in determining a child’s best interests, “the district court traditionally considers *the child’s unique circumstances and individual needs*” (emphasis added)).

The district court considered all four endangerment-based modification factors when ruling on mother’s custody-modification motion regarding J.K. Even though the district court found that “[t]he antagonism to Mother and instability in Father’s household presents a significant endangerment to the children’s emotional health and development” and that “[a]ll the children are adversely affected by this negative environment,” the district court determined that it was in J.K.’s best interests to remain with father. The district court noted that J.K. “has not requested a change in custody,” that he “is an older teenage child with two years left of school,” and that he “has a strong desire to remain involved in his

present school based upon social and athletic attachments.” The district court explained that “[a]lthough there is reason to believe the environment in Father’s household has been damaging to [J.K.’s] development,” the “adverse impacts of a change in custody for [J.K.] are greater than any benefit,” and the “impact of the separation from his siblings can be mitigated by having the children together on weekends and during the summer.” The district court did not abuse its discretion in concluding that, because J.K.’s individual circumstances were different than those of his siblings, father should retain sole physical custody of J.K.

Once again, in reviewing a custody determination, the law “leaves scant if any room for an appellate court to question the [district] court’s balancing of best-interests considerations.” *Vangsness*, 607 N.W.2d at 477. In this case, the district court properly applied the relevant custody-modification standard, thoroughly considered the relevant factors, and made accurate, detailed findings explaining its discretionary decision. We discern no basis to reverse its decision to leave J.K. in father’s physical custody.

In conclusion, we commend the district court for making detailed findings that clearly explain and support its custody decision and show its concern for the best interests of each of these children.

Affirmed.