

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-1029**

County of Clay,
Respondent,

H. N. K.,
Appellant,

vs.

J. D. F.,
Respondent.

**Filed July 6, 2021
Affirmed
Reilly, Judge**

Clay County District Court
File No. 14-FA-19-4774

Brian J. Melton, Clay County Attorney, Kathleen M. Stock, Assistant County Attorney,
Moorhead, Minnesota (for respondent county)

H. N. K., Dilworth, Minnesota (pro se appellant)

J. D. F., Fargo, North Dakota (pro se respondent)

Considered and decided by Slieter, Presiding Judge; Reilly, Judge; and Bryan,
Judge.

NONPRECEDENTIAL OPINION

REILLY, Judge

In this child-custody dispute, appellant-mother argues that the district court abused
its discretion by awarding respondent-father sole physical and sole legal custody of the

minor children. Mother also argues that the district court failed to provide judicial transparency. We affirm.

FACTS

Appellant-mother H.N.K. and respondent-father J.D.F. are the natural parents of three minor children born between 2017 and 2019. Father and mother separated in 2019. Following their separation, the children lived with mother. Father did not have court-ordered parenting time with the children and, since 2019, has only been allowed to spend time with the children at mother's sole discretion. Mother did not allow father to visit the children outside her home.

In 2019, mother applied for public assistance through the Minnesota Family Investment Program. Mother assigned her rights to basic child support and to medical support to the state. In November 2019, respondent-county sought to adjudicate paternity and establish child support. The child support magistrate issued findings of fact, conclusions of law, order establishing paternity and temporary child support, and order of referral to district court. The child support magistrate confirmed that father was the biological father of the children. But the parents could not agree about custody and parenting time, and these matters were referred to the district court for trial.¹

The district court held a court trial in March 2020, and heard testimony from father, mother, a county child support officer, and two of mother's witnesses. The district court filed its findings of fact, conclusions of law, order for judgment, and judgment and decree

¹ The child support magistrate also considered issues related to the name of the oldest child and ongoing child support. Mother does not challenge these issues on appeal.

in June 2020. The district court determined that it was in the best interests of the children to award father sole physical and sole legal custody of the children. The district court awarded reasonable, unsupervised parenting time to mother. Mother appeals.²

DECISION

I. Custody Determination

A. Legal Standard

Mother seeks review of the district court's June 3, 2020 judgment related to physical and legal custody of the children. Our review of the district court's custody decision is "limited to determining whether the district court abused its discretion by making findings unsupported by the evidence or by improperly applying the law." *Zander v. Zander*, 720 N.W.2d 360, 365-66 (Minn. App. 2006), *review denied* (Minn. Nov. 14, 2006). We will sustain a district court's findings of fact unless they are clearly erroneous. *Pikula v. Pikula*, 374 N.W.2d 705, 710 (Minn. 1985). "Findings of fact are clearly erroneous where an appellate court is left with the definite and firm conviction that a mistake has been made." *Goldman v. Greenwood*, 748 N.W.2d 279, 284 (Minn. 2008) (quotation omitted). We defer to a district court's credibility determinations. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988).

² Father did not file a responsive brief or otherwise oppose the appeal. The county submitted a letter stating that it took no position on custody or parenting-time issues. We ordered the appeal to proceed under Minn. R. Civ. App. P. 142.03, which provides that if a respondent fails to file a brief, we will decide the case on the merits.

B. Best-Interests Factors

Mother argues that the record does not support the district court's best-interests findings. In considering a petition for parenting time, a district court "shall consider and evaluate all relevant factors in section 518.17, subdivision 1, to determine the best interests of the child." Minn. Stat. § 257.025(a) (2020). Minnesota Statutes section 518.17 articulates twelve factors to consider in evaluating the best interests of a child:

- (1) a child's physical, emotional, cultural, spiritual, and other needs, and the effect of the proposed arrangements on the child's needs and development;
- (2) any special medical, mental health, or educational needs that the child may have that may require special parenting arrangements or access to recommended services;
- (3) 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;
- (4) whether domestic abuse . . . has occurred in the parents' or either parent's household or relationship; the nature and context of the domestic abuse; and the implications of the domestic abuse for parenting and for the child's safety, well-being, and developmental needs;
- (5) any physical, mental, or chemical health issue of a parent that affects the child's safety or developmental needs;
- (6) the history and nature of each parent's participation in providing care for the child;
- (7) the willingness and ability of each parent to provide ongoing care for the child; to meet the child's ongoing developmental, emotional, spiritual, and cultural needs; and to maintain consistency and follow through with parenting time;
- (8) the effect on the child's well-being and development of changes to home, school, and community;

(9) the effect of the proposed arrangements on the ongoing relationships between the child and each parent, siblings, and other significant persons in the child's life;

(10) the benefit to the child in maximizing parenting time with both parents and the detriment to the child in limiting parenting time with either parent;

(11) except in cases in which domestic abuse . . . has occurred, the disposition of each parent to support the child's relationship with the other parent and to encourage and permit frequent and continuing contact between the child and the other parent; and

(12) the willingness and ability of parents to cooperate in the rearing of their child; to maximize sharing information and minimize exposure of the child to parental conflict; and to utilize methods for resolving disputes regarding any major decision concerning the life of the child.

Id., subd. 1(a)(1)-(12) (2020). The district court must make detailed findings on each factor based on the evidence presented and must "explain how each factor led to its conclusions and to the determination of custody and parenting time." *Id.*, subd. 1(b)(1) (2020).

Here, the district court analyzed each statutory factor and made detailed findings addressing each factor. The district court found that six factors were neutral, five factors favored father, and one factor was inapplicable.

1. Neutral Factors

The district court determined that the second, third, fifth, sixth, seventh, and eighth factors were neutral. The district court found that: (1) the children had no known special needs; (2) the children were too young to express a preference; (3) there was no evidence of physical, mental, or chemical health issues; (4) both parents participated in caring for the children; (5) both parents were willing to provide ongoing care; and (6) the children

would not be affected by changes to their home, school, or community. Mother does not challenge these findings.

2. Factors Favoring Father

Mother mainly challenges the district court's findings in factors one and four, related to domestic abuse, which the district court found favored father. The first factor requires the district court to consider a child's physical, emotional, cultural, spiritual, and other needs. The district court found that there was "ample evidence" that the children were exposed to "physical risk as a result of [mother's] violent and assaultive acts," which threatened both their physical and emotional health. The district court found that this factor favored father.

The district court also found that the fourth factor favored father. This factor requires the district court to assess whether domestic abuse "occurred in the parents' or either parent's household or relationship." Minn. Stat. § 518.17, subd. 1(a)(4). The district court must give special focus to "the nature and context of the domestic abuse and the implications of the domestic abuse for parenting and for the child's safety, well-being, and developmental needs." *Id.* The district court found that there was "extensive testimony" that mother committed acts of domestic abuse against father. The district court found that mother "engaged in acts of domestic abuse," which "compromised the children's safety." The record supports these findings. Father described several specific incidents, such as mother punching father in the head and face while he was driving with a child in the backseat; spitting, and swearing at father in front of the children; smashing multiple televisions; and smashing a framed picture over father's head when he was sleeping. Father

reported mother's conduct to the police on at least two occasions. The district court made detailed findings and explained how these factors supported its conclusions. The record supports the district court's findings about the first and fourth factors and so those findings are not clearly erroneous.

Mother also challenges the district court's findings about the ninth factor, which considers the effect of the proposed arrangements on the ongoing relationships between the child and each parent, siblings, and other significant persons in the child's life. Minn. Stat. § 518.17(a)(9). The district court found that mother controlled "how and when parenting time will be exercised" and only "minimally facilitated the relationship between [father] and the children." Mother challenges this finding because the district court awarded father custody "without [him] asking for it." The record does not support this claim. Father testified that he wanted to spend more time with the children and provide "the best environment for them." Father also testified that he wanted the children to spend more time with his own family. Father testified that he has asked mother to allow him to have the children stay with him overnight at his house, but that mother "doesn't allow" it. The record supports the district court's findings related to this factor.

Mother does not challenge the district court's findings for the tenth and twelfth factors. The district court found that the tenth factor favored father because it would be beneficial for the children to "reduc[e] the time the children spend in the care of [mother], and increas[e] time spent with [father]." And the district court found that the twelfth factor favored father because mother had "demonstrated an unwillingness to compromise in any significant fashion" with father.

3. Inapplicable Factor

The district court noted that the eleventh factor does not apply when domestic abuse has occurred.

C. The Record Supports the Findings

The district court provided detailed findings supporting each of the twelve best-interests factors. Based on its analysis of the statutory factors, the district court determined that it was in the best interests of the children to award sole physical and sole legal custody to father. The district court heard testimony from father, mother, and several witnesses, and made credibility determinations based on the testimony presented. We defer to these credibility determinations. *See Sefkow*, 427 N.W.2d at 210 (deferring to district court’s ability to observe parties’ behavior and noting that credibility determinations are integral to balancing best-interests factors).

While the record may have supported alternate findings—as mother suggests—the district court’s factual findings are supported by the record and reflect a careful examination of the evidence presented. *Vangness v. Vangness*, 607 N.W.2d 468, 477 (Minn. App. 2000) (“That the record might support findings other than those made by the trial court does not show that the [trial] court’s findings are defective.”); *see also Luthen v. Luthen*, 596 N.W.2d 278, 283 (Minn. App. 1999) (recognizing that complainant has duty to show that district court erred in family-law appeal).

In sum, we conclude that the best-interests findings are supported by the record, and the district court’s findings support its conclusions of law. We therefore affirm the district court’s decision to grant father sole legal and sole physical custody of the children.

II. Judicial Transparency

Mother argues that the judicial process was not transparent. But mother does not provide relevant legal authority to support this claim. We recognize that mother represented herself at trial and on appeal. But this court has “repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys and must comply with court rules.” *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001). Generally, even a pro se litigant forfeits claims unsupported by relevant legal authority or legal argument. *See State v. Krosch*, 642 N.W.2d 713, 719 (Minn. 2002) (refusing to consider pro se brief that contained “no argument or citation to legal authority”). Because mother failed to support her judicial-transparency claim, we consider it forfeited.

Affirmed.