

*This opinion is nonprecedential except as provided by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
A22-0399**

In re the Matter of:
M. V. K., d/o/b July 12, 2017,

Joel Steven Kangas,
Respondent,

vs.

Jennifer Ann Kangas,
Respondent,

Jordan Lane Peacock,
Appellant.

**Filed March 27, 2023
Affirmed in part, reversed in part, and remanded
Gaïtas, Judge**

Dakota County District Court
File No. 19HA-FA-19-276

Lee A. Hacklander, Eastlund Hutchinson, Ltd., Savage, Minnesota (for respondent Joel Kangas)

Jennifer Ann Kangas, Burnsville, Minnesota (self-represented respondent)

Christopher Zewiske, Ormond & Zewiske, Minneapolis, Minnesota (for appellant)

Considered and decided by Ross, Presiding Judge; Gaïtas, Judge; and Wheelock,
Judge.

NONPRECEDENTIAL OPINION

GAÏTAS, Judge

Jennifer Ann Kangas (mother) is the mother of M.V.K., the child at issue in these proceedings. While testing indicates that Jordan Lane Peacock is M.V.K.'s biological father, the district court adjudicated Joel Steven Kangas as M.V.K.'s legal father and awarded mother and Kangas joint legal and joint physical custody. In this appeal, Peacock challenges the district court's adjudication of Kangas as M.V.K.'s legal father and the award of joint physical and joint legal custody to Kangas. Peacock argues that the district court erroneously determined that Kangas was entitled to a presumption of paternity under the Minnesota Parentage Act and abused its discretion in awarding custody and parenting time. In a cross-appeal, Kangas contends that the district court erred by ordering the amendment of M.V.K.'s birth certificate to add Peacock's name and birth date. Kangas also argues that the district court erred when it granted Peacock reasonable visitation time with M.V.K.

Because the district court did not err in adjudicating Kangas as M.V.K.'s legal father, we affirm in part. But because the district court erred in ordering the amendment of M.V.K.'s birth certificate and by including Peacock in the custody and parenting-time order, we reverse in part and remand.

FACTS

This appeal involves a paternity dispute between two presumptive fathers, Peacock and Kangas. In 2017, mother gave birth to M.V.K., who was conceived near the end of mother's marriage to Kangas. Peacock is M.V.K.'s biological father. Kangas has been a

primary caregiver to M.V.K. since her birth, as well as to M.V.K.'s two older siblings, who are the joint children of Kangas and mother.

In 2019, mother moved out of state with M.V.K., leaving the two older siblings with Kangas. Kangas then filed a petition requesting a formal adjudication of paternity or, in the alternative, third-party custody of M.V.K. Peacock filed a counterpetition seeking an adjudication of paternity and joint physical and joint legal custody of M.V.K., shared with mother. The district court held two separate proceedings on the competing petitions—a paternity trial and an evidentiary hearing addressing custody and parenting time.

During the two-day paternity trial, the parties called multiple witnesses and stipulated to the admission of dozens of exhibits including family photos, texts and emails, M.V.K.'s medical records, and home videos. We briefly summarize the significant facts from the undisputed trial evidence.

Mother and Kangas were married in 2009, and as noted, they have two joint children. Although Kangas is not the biological father of the older child, he adopted that child during the marriage. Kangas is the biological father of the second joint child.

In February 2016, mother began an extramarital affair with Peacock. Sometime in November 2016, mother learned that she was pregnant and suspected that Peacock was the biological father.

Mother and Kangas separated and then divorced in November 2016. But because mother's pregnancy was difficult, Kangas moved in with mother in January 2017 to provide extra support for mother and their children. Although Peacock knew that the

unborn child was likely his, he did not help mother during this time. The intimate relationship between mother and Peacock ended during the pregnancy.

M.V.K. was prematurely born in July 2017. Kangas was present at the hospital for the birth, signed the birth certificate as M.V.K.'s parent, and brought M.V.K. home from the hospital four days later. While M.V.K. was an infant, Kangas handled multiple emergency room visits and spent many days in the hospital with her for complications related to her premature birth. When mother returned to work, Kangas provided daily care for M.V.K. from September 2017 to October 2018. Kangas attended M.V.K.'s routine medical appointments and M.V.K.'s Catholic baptism. And Kangas was present for M.V.K.'s infant milestones—her rolling over, crawling, and first words.

In October 2018, Kangas moved out of mother's home. Mother and Kangas continued to coparent M.V.K. on the same schedule as the two older siblings, sharing parenting time evenly. But in April 2019, mother abruptly moved to Michigan with M.V.K., leaving the two older siblings with Kangas.

Mother returned to Minnesota in fall 2019—after Kangas and Peacock had filed their competing paternity petitions. By this time, DNA testing had revealed that Peacock is M.V.K.'s biological father. The district court issued a temporary parenting-time order on December 18, 2019, which gave Peacock increasing increments of parenting time with M.V.K.

But the onset of the COVID-19 pandemic approximately three months later disrupted the court proceedings in the paternity case. In March 2020, mother contracted COVID-19 and suffered months of resulting health complications. During this time,

Kangas was the sole care provider for M.V.K. Due to Peacock's own health concerns, and concerns about the health of his other three children, Peacock stopped exercising parenting time with M.V.K. and did not seek a modified parenting-time schedule. By the time the paternity trial finally occurred in April 2021, Peacock had not visited with M.V.K. since March 17, 2020.¹

In July 2021, the district court filed its order on the issue of paternity. The district court adjudicated Kangas as the legal father of M.V.K., observing that Kangas "has been there for M.V.K." and has demonstrated "strong evidence of attention, care, and ability to meet the unique medical needs of M.V.K. as well as coparent with Mother." But the district court also declared Peacock to be the "biological father" of M.V.K. and ordered the amendment of M.V.K.'s birth certificate to add Peacock's name and birth date.

In October 2021, the district court held a separate evidentiary hearing regarding custody and parenting time. Kangas, Peacock, and mother participated in that hearing.

Following the hearing, in January 2022, the district court issued a custody and parenting-time order. The district court granted Kangas and mother joint legal and joint physical custody of M.V.K. and ordered equal parenting time. The order also states: "Kangas and Mother shall make M.V.K. reasonably available for visits with Peacock and his family." Additionally, the district court's order requires mediation of any future parenting-time disputes among Kangas, mother, and Peacock.

¹ At the paternity trial, mother testified that she supported adjudicating Peacock as M.V.K.'s legal father, although mother and Peacock no longer have a relationship and Peacock is now married to someone else.

Peacock now appeals the district court’s paternity adjudication and award of custody and parenting-time to Kangas. Kangas, in a cross-appeal, challenges the district court’s order to include Peacock on M.V.K.’s birth certificate and the award of parenting time to Peacock.

DECISION

I. The district court did not err by adjudicating Kangas the legal father of M.V.K.

Because the legal parent and child relationship determines the “rights, privileges, duties, and obligations” of the parties, Minn. Stat. § 257.52 (2022), we first address Peacock’s challenges to the district court’s adjudication of Kangas as M.V.K.’s legal father. Peacock argues that the district court erred in determining that Kangas met the statutory definition of a presumptive father and by giving Kangas the benefit of that presumption in resolving the paternity issue. He also contends that the district court erred in its ultimate decision to adjudicate Kangas as M.V.K.’s legal father.

Before considering Peacock’s arguments, we provide a brief overview of the law governing paternity actions. The Minnesota Parentage Act (MPA), Minn. Stat. §§ 257.51-.75 (2022), provides a “statutory framework for determining parentage.” *Richards v. Reiter*, 796 N.W.2d 509, 511 (Minn. 2011). Under the MPA, “biological fathers do not have custody of the child until paternity has been established.” *In re Application of J.M.M.*, 937 N.W.2d 743, 750 (Minn. 2020). A biological father who is not married to the biological mother must establish paternity by securing a recognition of parentage under section 257.75 or by being adjudicated the child’s father in a paternity action under the

MPA, “which ‘provides the exclusive bases . . . to bring an action to determine paternity.’” *Id.* (quoting *Witso v. Overby*, 627 N.W.2d 63, 65-66 (Minn. 2001)).

A presumptive father may bring a paternity action “at any time for the purpose of declaring the existence of the father and child relationship.” Minn. Stat. § 257.57, subd. 1(1). The MPA identifies eight different grounds for establishing a presumption of biological paternity. Minn. Stat. § 257.55, subd. 1(a)-(h). If an individual who qualifies as a presumptive father under section 257.55 brings a paternity action, all presumptive fathers must be joined in the action. *County of Dakota v. Blackwell*, 809 N.W.2d 226, 229 (Minn. App. 2011). When two or more competing presumptions of paternity exist, the district court legally adjudicates paternity based on “the weightier considerations of policy and logic.” Minn. Stat. § 257.55, subd. 2.

A district court’s interpretation of the MPA is a question of law that we review de novo. *In re Welfare of C.M.G.*, 516 N.W.2d 555, 558 (Minn. App. 1994). We will not set aside a district court’s factual findings in a paternity adjudication unless they are clearly erroneous. *A.J.S. v. M.T.H.*, 573 N.W.2d 99, 103 (Minn. App. 1998) (citing Minn. R. Civ. P. 52.01); see *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-23 (Minn. 2021) (discussing the clear-error standard of review); *Bayer v. Bayer*, 979 N.W.2d 507, 513 (Minn. App. 2022) (citing *Kenney* in a family-law appeal).

A. The district court did not err in determining that Kangas was entitled to a presumption of paternity under Minnesota Statutes section 257.55, subdivision 1.

Peacock first argues that the district court erred as a matter of law in determining that Kangas was entitled to a presumption of paternity under the MPA because, as Kangas’s

own paternity petition recognized, Peacock is M.V.K.'s "biological father." According to Peacock, there can be no competing presumptions of paternity when genetic testing establishes the identity of the biological father. The law does not support this argument.

Peacock correctly observes that, as the biological father of M.V.K., he was entitled to a presumption of paternity under Minnesota Statutes section 257.62, subdivision 5(b). That presumption exists when "the results of a blood or genetic test . . . indicate that likelihood of the alleged father's paternity . . . is 99 percent or greater." Minn. Stat. § 257.62, subd. 5(b). Genetic testing established that there is a 99.99994% probability that Peacock is M.V.K.'s biological father. Given this result, the district court presumed in the paternity proceeding that Peacock was M.V.K.'s biological father. As Peacock notes, Kangas has contested neither the validity of the genetic test nor the resulting presumption.

But section 257.62, subdivision 5, makes clear that biological paternity does not necessarily dictate legal paternity. That subdivision states, "A determination under this subdivision that the alleged father is the biological father does not preclude the adjudication of another man as the legal father under [the MPA]." Minn. Stat. § 257.62, subd. 5(c). Moreover, caselaw recognizes that, under the MPA, "to be a parent, biology is not sufficient. Contributing a sperm to an egg is not enough." *J.M.M.*, 937 N.W.2d at 750. "A legal adjudication of paternity is not controlled by biology." *Blackwell*, 809 N.W.2d at 229. And when there are competing presumptions of paternity, "the determination of paternity is no longer solely an issue of biological fact." *C.M.G.*, 516 N.W.2d at 560.

In addition to the presumption that Peacock enjoyed under section 257.62, subdivision 5, based on genetic testing, the MPA provides eight other grounds for a

presumption of paternity. Minn. Stat. § 257.55, subd. 1(a)-(h). Three of these grounds relate to the marital status of the mother and the putative father around the time of conception. *Id.*, subd. 1(a)-(c). The remaining five grounds concern the conduct of the mother and the putative father. *Id.*, subd. 1(d)-(h).

The district court determined that Kangas was entitled to a presumption of paternity under section 257.55, subdivision 1(a), which provides, “A man is presumed to be the biological father of a child if . . . he and the child’s biological mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated.” The district court applied this presumption because the marriage of mother and Kangas formally ended by a divorce decree entered less than 280 days before M.V.K. was born.²

Peacock does not challenge the district court’s finding that M.V.K. was born within 280 days of the end of Kangas’s marriage to mother. Instead, he contends—without any legal authority—that Kangas’s admission that he is not M.V.K.’s biological father “rebutted” by “clear and convincing evidence” any presumption that Kangas is M.V.K.’s “biological” father. Thus, according to Peacock, the district court erred in applying a presumption of paternity to Kangas.

² The district court also found that Kangas was potentially entitled to a second presumption under section 257.55, subdivision 1(d), which provides a presumption of paternity when a putative father “receives the child into his home and openly holds out the child as his biological child.” Minn. Stat. § 257.55, subd. 1(d). The district court found that Kangas received M.V.K. into his home and held her out to be his child. But the district court stated that “it is unclear whether Kangas has openly held the child out as his *biological* child.” (Emphasis added.)

We reject this argument for three reasons. First, as noted, biological paternity creates a presumption of legal paternity but is not necessarily dispositive of the separate issue of legal paternity. Second, the MPA offers no textual support for Peacock’s assertion that a presumption based on genetic testing trumps other paternity presumptions. The MPA simply directs that, when two or more competing presumptions exist, the district court should adjudicate legal paternity based on “the weightier considerations of policy and logic.” Minn. Stat. § 257.55, subd. 2. Third, Minnesota courts have not weighed presumptions based on genetic testing any differently than other paternity presumptions specified by the MPA. *See, e.g., Witso*, 627 N.W.2d at 69 (giving equal weight to conflicting presumptions of paternity through genetic testing and through marriage); *B.J.H.*, 573 N.W.2d at 102-03 (giving equal weight to conflicting presumptions of paternity through genetic testing and through marriage); *C.M.G.*, 516 N.W.2d at 561 (affirming paternity adjudication where adjudicated father was not the biological father of the child).

Because M.V.K. was born within 280 days of the divorce of Kangas and mother, Kangas was entitled to a presumption of paternity under section 257.55, subdivision 1(a). Peacock identifies no authority to support his position that Kangas’s presumption of paternity was affected by Peacock’s presumption of paternity. Thus, the district court did not err in determining that Kangas and Peacock had competing presumptions of paternity, and by adjudicating paternity based on “the weightier considerations of policy and logic.” Minn. Stat. § 257.55, subd. 2.

B. The district court did not err in adjudicating Kangas the legal father of M.V.K.

Peacock challenges the district court’s ultimate decision to adjudicate Kangas the legal father of M.V.K. He argues that the district court erred as a matter of law by failing to discuss “the strong preference in Minnesota law for blood relationships.” Peacock also takes issue with the district court’s evaluation of the trial evidence. These arguments are unavailing.

Because Kangas and Peacock had conflicting presumptions of paternity, the district court was required to determine legal paternity by considering “policy and logic.” Minn. Stat. § 257.55, subd. 2. In performing this analysis, “a district court must examine the particular facts of the case and may consider *any relevant factors*.” *A.S. v K.C.-W.*, 923 N.W.2d 325, 332 (Minn. App. 2018) (emphasis added) (citing *C.M.G.*, 516 N.W.2d at 561), *rev. denied* (Minn. Mar. 19, 2019).

Here, the district court addressed the biological relationships of the parties to M.V.K., the parties’ nonbiological relationships with M.V.K., and M.V.K.’s best interests. Peacock challenges the district court’s factual findings in each of these areas.

He first contends that the district court erred as a matter of law when it did “not discuss at all the strong preference in Minnesota law for blood relationships.” Peacock cites four cases to support his assertion that “[n]atural parents have an absolute right to a relationship with their children, absent ‘grave and weighty reasons.’” *See Rodgers v. Knauff*, 649 N.W.2d 166 (Minn. 2002); *Troxel v. Granville*, 530 U.S. 57 (2000); *Kelly v. Cataldo*, 488 N.W.2d 822 (Minn. App. 1992), *rev. denied* (Minn. Sept. 15, 1992); *Durkin v. Hinich*, 442 N.W.2d 148 (Minn. 1989). As Kangas points out, however, these cases do

not concern a district court's weighing of competing presumptions of paternity when deciding the question of legal paternity. Indeed, *Rodgers*, *Troxel*, and *Durkin* are not appeals from paternity adjudications. They address third-party custody and visitation issues, and not the existence of legal parent and child relationships. *Rodgers*, 649 N.W.2d at 167-72; *Troxel*, 530 U.S. at 59-63; *Durkin*, 442 N.W.2d at 150-51. *Kelly* is a paternity case. But in *Kelly*, we considered whether a child must be joined as a party to a paternity proceeding. 488 N.W.2d at 825. In answering that question in the affirmative, we stated that "the child as well as the adult parties can address historic policy considerations on the importance of protecting marriage relationships and the importance of blood relationships." *Id.* at 827. Although *Kelly* suggests that a blood relationship may be a weighty consideration in a paternity case, it does not hold that biological paternity will always outweigh other considerations. *Id.* at 827 n.7.

Citing *Kelly*, the district court recognized "the importance of blood relationships." *Id.* at 827. And the district court *did* consider the biological relationship between Peacock and M.V.K. in weighing the competing paternity presumptions. But the district court also correctly observed that Minnesota law is "clear that biology is not solely determinative" and that it was required to consider other factors in deciding legal paternity. The district court's analysis reflects a proper application of the law. We therefore reject Peacock's contention that the district court erred by failing to assign sufficient weight to Peacock's biological relationship to M.V.K.

Peacock next challenges the district court's determination that "Kangas has developed a more substantial relationship with the child than Peacock, even when Mother

and Kangas were giving Peacock plenty of opportunities to do so.” According to Peacock, this determination was based on factual findings “all gleaned from one side of the argument ledger—namely Mr. Kangas’s.”

Peacock’s argument concerns the district court’s credibility determinations and weighing of evidence—functions that are within the exclusive province of the district court. *See Kenney*, 963 N.W.2d at 221 (stating that an appellate court is not permitted to “reweigh the evidence when reviewing for clear error”). An appellate court reviews the district court’s factual findings for clear error, deferring to the district court’s first-hand opportunity to evaluate witness credibility. *In re Welfare of Child of H.G.D.*, 962 N.W.2d 861, 873 (Minn. 2021). A factual finding is clearly erroneous when it has no support in the record. *Kenney*, 963 N.W.2d at 222.

Peacock does not challenge any factual finding as clearly erroneous. And the district court’s factual findings support its determination that Kangas had a more substantial relationship with M.V.K. than Peacock. In addition to making detailed findings regarding Kangas’s consistent care for M.V.K., the district court found that: (1) Peacock did not take an active role in mother’s pregnancy; (2) mother and Kangas offered Peacock multiple opportunities to develop a relationship with M.V.K.; (3) Peacock was not present for the birth, but did visit M.V.K. one time in the hospital; (4) before December 2019, Peacock never had M.V.K. alone in his care or overnight; (5) Peacock spent no in-person time with M.V.K. after the beginning of the pandemic in March 2020; and (6) Peacock did not make arrangements to see M.V.K. virtually during the pandemic. Given these findings, the district court did not clearly err in finding that Peacock had “little to no relationship

with [M.V.K.] at the time of the trial” and that Kangas had a more substantial relationship with M.V.K.

Finally, Peacock challenges the adjudication of Kangas as M.V.K.’s legal father because, he contends, the district court improperly analyzed M.V.K.’s best interests. “[A] child’s best interests is a valid policy factor in resolving a conflict between competing paternity presumptions.” *C.M.G.*, 516 N.W.2d at 560. In considering M.V.K.’s best interests, the district court was guided by the 12 best-interests factors enumerated in Minnesota Statutes section 518.17, subdivision 1(a) (2022),³ which is a child-custody statute.⁴ Of the 12 factors, the district court determined that 8 of the factors favored the

³ Section 518.17, subdivision 1, was amended in 2022, 2022 Minn. Laws Ch 98, art. 8, § 35, at 713, but the amendment is not relevant to this case. We therefore cite to the most recent version of the statute. *See Interstate Power Co. v. Nobles Cnty. Bd. of Comm’rs*, 617 N.W.2d 566, 575 (Minn. 2000) (stating that, generally, “appellate courts apply the law as it exists at the time they rule on a case”).

⁴ The factors a district court considers when addressing a child’s best interests vary with the context in which the district court is addressing those best interests. This court has noted:

[I]f the parties’ use of the phrase “*the* best-interests factors” (emphasis added) assumes that there is a single, definitive list of best-interests factors applicable to all circumstances, that assumption is incorrect. Different authorities identify different best interests for different circumstances. *See, e.g.*, Minn. Stat. §§ 260C.329 (2020) (petition for reunification), .511 (distinguishing, for permanency proceedings, best interests of a child from best interests of an Indian child); Minn. R. Juv. Prot. P. 5 (continuances), 50.02 (withholding adjudicating child in need of protection or services), 58.04 (termination of parental rights); *In re Welfare of Child. of J.C.L.*, 958 N.W.2d 653, 657 (Minn. App. 2021) (distinguishing best interests under Minn. R. Juv. Prot. P. 58.04(b) for general permanency purposes from best interests under Minn. R. Juv. Prot. P. 58.04(c)(2)(ii) for purposes of termination of parental-rights

adjudication of Kangas as the legal father of M.V.K. Peacock asserts that the best-interests factors favored Kangas only because Kangas had access to M.V.K.

Again, Peacock does not challenge any of the district court's factual findings as clearly erroneous. And the factual findings support the district court's determination that adjudicating Kangas as M.V.K.'s legal father serves M.C.K.'s best interests.

The district court made extensive factual findings and thoughtfully considered those findings in weighing considerations of policy and logic. We discern no error in the district court's factual findings, application of the law, or ultimate decision that considerations of logic and policy favored adjudicating Kangas as the legal father of M.V.K.

II. The district court erred when it ordered the amendment of M.V.K.'s birth certificate.

Kangas argues that the district court erred by ordering the amendment of M.V.K.'s birth certificate to also include Peacock. Peacock agrees that the birth certificate should

matters), *review denied* ([Minn.] May 12, 2021); *see also* Minn. Stat. § 518.17, subd. 1 (2020) (custody and parenting time); *In re Paternity of B.J.H.*, 573 N.W.2d 99, 102 (Minn. App. 1998) (distinguishing best interests for purposes of custody from best interests for purposes of resolving conflicting presumptions of paternity). Because these authorities recognize that what is relevant to a child's best interests for one purpose may differ from what is relevant to a child's best interests for another purpose, we conclude that the best-interests factors a district court must consider will vary with the decision it is making and the circumstances of the child.

In re Welfare of Child. of M.L.S., 964 N.W.2d 441, 452 n.6 (Minn. App. 2021). The parties do not address the impact, if any, from this district court's decision to use the best-interests factors applicable to custody determinations in this parentage dispute. Therefore, we do not address that question.

only include the name of M.V.K.’s adjudicated legal father—although, he contends that *he* should be the adjudicated legal father, an argument we have now rejected. Because M.V.K.’s birth certificate already identifies her adjudicated legal father as Kangas, we determine that the district court erred by ordering the amendment.

When the “paternity of a child is determined by a court,” the father’s name “shall be entered on the birth record.” Minn. Stat. § 144.215, subd. 3 (2022). The MPA provides, “If the judgment or order of the court *is at variance with the child’s birth record*, the court shall order that a new birth record be issued under section 257.73.” Minn. Stat. § 257.66, subd. 2 (emphasis added).

Here, where M.V.K.’s birth certificate identifies Kangas as her father and the district court formally adjudicated Kangas as M.V.K.’s legal father, there is no variance between the birth record and the district court’s order. Thus, the district court erred in ordering a new amended birth certificate that also includes Peacock’s name. We reverse the portion of the paternity order that requires amendment of M.V.K.’s birth certificate and remand for the district court to modify the paternity order accordingly.

III. The district court erred when it ordered Kangas and mother to make M.V.K. available for visitation with Peacock.

Finally, we turn to the district court’s January 2022 custody and parenting-time order, which both Peacock and Kangas challenge. The district court awarded Kangas joint legal and joint physical custody of M.V.K., shared with mother, and divided parenting time equally. But, after determining that visitation with Peacock is in M.V.K.’s best interests, the district court also ordered Kangas and mother to make M.V.K. “available” to Peacock for visitation and to mediate any disputes concerning the court-ordered visitation.

Kangas argues that Peacock, who is not M.V.K.'s adjudicated father, has no right to custody or parenting time and lacks standing to seek custody or parenting time. He contends that Peacock should have been dismissed from the case upon the adjudication of Kangas as the legal father and should not have been included in the custody and parenting-time order. Peacock seems to agree that a person not adjudicated as a parent has rights to neither custody nor parenting time. But he contends that he is entitled to custody and parenting time as M.V.K.'s adjudicated "biological father." We determine that the district court erred by including Peacock in the custody and parenting-time order and by ordering Kangas and mother to make M.V.K. available for visitation with Peacock.

Under the MPA, "whatever custodial right the father may have cannot arise until paternity has been established pursuant to the Act." *Morey v. Peppin*, 375 N.W.2d 19, 23 (Minn. 1985). The parent and child relationship is established according to an adjudication under section 257.55. Minn. Stat. § 257.54(b). And "[t]he judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes." Minn. Stat. § 257.66, subd. 1. A father's due process rights arise once the existence of an established relationship with the child has been found. *R.B. v. C.S.*, 536 N.W.2d 634, 637-38 (Minn. App. 1995).

Preliminarily, we reject any claim that by declaring Peacock the "biological father," the district court conferred on him the rights of an adjudicated legal father. The district court did not "adjudicate" Peacock as M.V.K.'s biological father. Instead, the district court's order "declared" Peacock's status as a biological father, which appears to have been a simple recognition of his blood relationship to M.V.K. This declaration did not create a

“parent and child relationship” under the MPA. The district court’s adjudication of Kangas as the legal father of M.V.K. created the legal relationship between father and child “incident to which the law confers or imposes rights, privileges, duties, and obligations.” Minn. Stat. § 257.52.

Having established that Peacock does not have the rights of an adjudicated legal father, we now consider whether the district erred by including him in the custody and parenting-time order. “District courts have broad discretion on matters of custody and parenting time.” *Hansen v. Todnem*, 908 N.W.2d 592, 596 (Minn. 2018). Appellate review of custody matters “is limited to whether the district court abused its discretion by making findings unsupported by the evidence or by improperly applying the law.” *Rodgers*, 649 N.W.2d at 174. But “[i]nterpretation of the custody and parenting time statutes . . . is subject to de novo review.” *Hansen*, 908 N.W.2d at 596.

An adjudicated legal father is a child’s father. *R.B.*, 536 N.W.2d at 637 (citing Minn. Stat. §§ 257.52, .54). As the father, he is endowed with the “right to make decisions concerning the care, custody, and control” of a child. *SooHoo v. Johnson*, 731 N.W.2d 815, 820 (Minn. 2007) (citing *Troxel*, 530 U.S. at 65). And because control over one’s own child is a fundamental due process right, the government can only mandate visitation with a nonparent under limited circumstances. *SooHoo*, 731 N.W.2d at 820-21. In Minnesota, those circumstances are prescribed by statute. *See, e.g.*, Minn. Stat. § 257C.08 (2022) (addressing grandparent visitation).

After the paternity proceeding, Peacock, who was not adjudicated M.V.K.’s legal father, was a legal stranger to M.V.K. Peacock cites no legal authority that allows a legal

stranger to have custodial rights to a child over the objections of the child's legal parents. Therefore, Peacock had no right to be included in a custody and parenting-time proceeding to determine the rights of the legal parents. Moreover, Peacock has never sought third-party visitation with M.V.K. or asserted that he satisfies the criteria for third-party visitation. Nor did the district court make any determination regarding Peacock's status as a third party. Accordingly, the district court erred as a matter of law by including Peacock in the custody and parenting-time proceeding and by granting a right to visitation.⁵ We therefore reverse the January 2022 custody and parenting-time order and remand to the district court to remove the portions of the order granting Peacock visitation with M.V.K.

We recognize that this is a difficult and emotional case for the parties. But fortunately, M.V.K. has many people in her life who love her. We commend the district court for its detailed orders and concern about M.V.K.'s best interests. And although we reverse the custody and parenting-time order insofar as it grants a visitation right to Peacock, we note that both Kangas and mother have laudably expressed their willingness to voluntarily foster a relationship between M.V.K. and Peacock.

Affirmed in part, reversed in part, and remanded.

⁵ For these same reasons, we also conclude that Peacock cannot challenge the substance of the district court's custody and parenting-time order on appeal.