

*This opinion is nonprecedential except as provided by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
A23-1078**

In re the Custody of:

A.M.M., DOB 03/05/2017, C.K.M. DOB 08/01/2018:
Adam Kent Murdock, petitioner,
Respondent,

vs.

Megan Marie Murdock,
Appellant,

Ramsey County,
Intervenor.

**Filed August 26, 2024
Reversed and remanded
Schmidt, Judge**

Ramsey County District Court
File No. 62-FA-21-1374

William K. Davies, Lanners & Olson, P.A., Roseville, Minnesota (for respondent)

Jennifer M. Nixon, Henningson & Snoxell, LTD., Maple Grove, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Cochran, Judge; and
Schmidt, Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant Megan Marie Murdock (mother) challenges the district court's decision to change the children's school district, and award joint legal custody, joint physical

custody, and equal parenting time with respondent Adam Kent Murdock (father). The district court's findings neither provide sufficient detail on each statutory best-interests factor, nor explain how each best-interests factor led the district court to its determinations. Since the order does not allow for meaningful appellate review, we reverse and remand.

FACTS

The parties were in a relationship for seven years but never married. They have two minor daughters together. In September 2021, father petitioned the district court for joint legal custody, joint physical custody, reasonable parenting time, and to establish child support.¹ In mother's counterpetition, she requested that the court deny father's petition, award mother sole physical and sole legal custody of the children, and modify father's parenting-time determination or order father's parenting time to be supervised.

In December 2021, the district court filed a stipulated order for temporary relief to address matters pending a final decision after trial. On January 30, 2023, the district court held a one-day trial on father's petition. Mother and father, among others, testified at trial. At the time of trial, both children attended school in the Wayzata School District where mother was living, with one child in kindergarten and the second in prekindergarten.

With respect to school choice, mother testified to having done research into multiple school districts in the Twin Cities area before deciding on the Wayzata School District. Father testified that he would prefer the children go to Mounds View School District, which is the school district for father's residence.

¹ Neither party challenges the district court's award of child support.

The parties both testified about the issue of domestic abuse between them. Mother testified that father got into a fight with her in July 2021, which resulted in the police responding to their home. She testified that father “was very unhappy and said [‘]what’s different from this time than all the other times,[’] meaning all the other times he’s physically assaulted [mother] and [she] didn’t call the police.” Father testified that he was not arrested, no charges were filed, but that law enforcement encouraged him to leave for the night. Father returned to his home the following day and spoke with mother, and she decided to leave with the children and eventually moved to Cambridge, Minnesota.

The referee received, as an exhibit at trial, an Order for Protection (OFP) that was issued in September 2021. The OFP states that “[father] does not object to an Order for Protection and understands that the order will be enforced as if there was an admission or finding of domestic abuse.” Father testified at the trial, however, that he disagreed with the contents of mother’s OFP petition and, only on the advice of counsel, he agreed to the entry of an OFP *without* findings of domestic abuse in order to “get more parenting time.”

Following the trial, the referee filed an order granting the parties joint legal and joint physical custody of both children, modified the school choice from Wayzata to the Mounds View School District, and awarded an equal parenting schedule.

With respect to the domestic-abuse allegations, the referee found the following:

An Order for Protection (“OFP”) is in place protecting [mother], dated September 10, 2021, in Ramsey County, under Court file number: 62-DA-FA-21-1019. This order was entered with no findings of domestic abuse. The Court did not hear any credible evidence that [father] had ever harmed the minor children. [Father’s] testimony regarding the incident between the parties at the ending of the relationship is more

credible than [mother]. The Court would support safety measures in place for [mother] for both parties' safety.

....

Pursuant to Minn. Stat. § 518.17, subd. 1(12)(b)(9), the Court shall use a rebuttable presumption that upon request of either or both parties, joint legal custody is in the best interests of the minor children. However, the court shall use a rebuttable presumption that joint legal custody or joint physical custody is not in the best interests of the child if domestic abuse, as defined in section 518B.01, has occurred between the parents. In determining whether the presumption is rebutted, the court shall consider 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. The Court finds that [mother's] testimony regarding domestic [abuse] does not rise to the level of rebutting the presumption of joint legal custody.

The district court signed the order and entered a judgment and decree on May 24, 2023. Mother appeals.

DECISION

A district court has wide discretion in balancing the best-interests considerations, which appellate courts rarely question. *Ewald v. Nedrebo*, 999 N.W.2d 546, 551 (Minn. App. 2023) (“Caselaw leaves scant if any room for an appellate court to question the [district] court’s balancing of best-interests considerations.” (quotations omitted)), *rev. denied* (Minn. Feb. 28, 2024). “A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotations omitted).

“The guiding principle in all custody cases is the best interest of the child,” *Pikula v. Pikula*, 374 N.W.2d 705, 711 (Minn. 1985), and a court’s “paramount commitment” is to that best interests. *Olson v. Olson*, 534 N.W.2d 547, 549 (Minn. 1995). “In considering the child’s best interests, a district court must consider and evaluate all relevant factors, including 12 factors set forth by statute.” *Thornton v. Bosquez*, 933 N.W.2d 781, 789 (Minn. 2019) (quotations omitted). These factors include “whether domestic abuse . . . has occurred in the parents’ . . . relationship.” Minn. Stat. § 518.17, subd. 1(a)(4) (2022). The court “must provide detailed findings” on each of these statutory factors “and explain how each led to its conclusions and to the determination of custody and parenting time.” *Thornton*, 933 N.W.2d at 789 (quotations omitted).

Mother argues that the district court abused its discretion by (1) modifying the children’s school district without making adequate findings of fact; (2) awarding father joint legal custody, joint physical custody, and equal parenting time without making adequate findings of fact; and (3) ruling that mother did not rebut the presumption against joint legal custody being in the children’s best interests. We address each argument in turn.

A. School choice

Father requested the children be enrolled in Mounds View School District. The parties agree that the best-interests considerations apply to the district court’s decision on the choice of the children’s school. *See Wolf v. Oestreich*, 956 N.W.2d 248, 253 (Minn. App. 2021), *rev. denied* (Minn. May 18, 2021); *Novak v. Novak*, 446 N.W.2d 422, 424–25 (Minn. App. 1989), *rev. denied* (Minn. Dec. 1, 1989) (concluding that a district court should consider the best interests of the child—rather than the “nature or weight of

competing joint custodial rights”—when resolving a disagreement between joint legal custodians about a child’s education). In granting father’s petition and changing the school district, the district court considered the stability of housing provided by father, who testified that he lived at the same home for 17 years, and the court found that the children were too young to be engaged in a school community.

The district court, however, did not make specific and detailed findings as to each of the 12 best-interests factors with respect to school choice. *Thornton*, 933 N.W.2d at 789. The district court also did not explain how each best-interests factor led the court to its determinations. *Id.* The parties both ask this court to make inferences from the district court’s order that favor themselves, and to rule in their favor. But without detailed findings on all of the relevant factors and an explanation as to how each best-interests factor led the court to its determinations, we cannot adequately review the district court’s decision. *See Wallin v. Wallin*, 187 N.W.2d 627, 631 (Minn. 1971) (recognizing the district court’s broad discretion in family cases, but noting that “in view of that broad discretion, it is especially important that the basis for the court’s decision be set forth with a high degree of particularity if appellate review is to be meaningful”).

Because the order did not detail each best-interests factor as required by the statute, a remand is necessary to allow for meaningful appellate review of the district court’s determination regarding school choice. *Id.*

B. Custody and parenting time

Mother next challenges the district court’s awards of joint legal and joint physical custody and equal parenting time. In ruling on custody and parenting time, the district

court did not make specific and detailed findings as to each of the 12 best-interests factors. The district court also did not explain how each best-interests factor led the court to its conclusions. Without those findings, this court cannot adequately review the order on appeal and, as a result, a remand is necessary. *Id.*

Mother also argues the district court erred in determining that she had not rebutted the presumption of joint legal custody because the court did not make findings regarding whether domestic abuse occurred. In applying the best-interests factors, a district court must also apply nine provisions that govern the application of those factors. Minn. Stat. § 518.17, subd. 1(b)(1)–(9) (2022). One of these provisions requires the district court to employ “a rebuttable presumption that joint legal custody or joint physical custody is not in the best interests of the child if domestic abuse, as defined in section 518B.01, has occurred between the parents.” Minn. Stat. § 518.17, subd. 1(b)(9). In determining whether the presumption has been rebutted, a district court must “consider 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 rebuttable presumption “does not assign a burden of production or persuasion to rebut the presumption to any particular party.” *Thornton*, 933 N.W.2d at 793.

The district court heard testimony from both parties on the issue of domestic abuse and found father more credible in describing the alleged abuse at the end of the parties’ relationship. But the district court did not address the box checked in the OFP that had previously been granted to mother, which stated that the OFP was to “be enforced as if there was an admission or finding of domestic abuse.”

We do not know whether the checked box in the OFP would have influenced the district court's decision with regard to domestic abuse. Because the district court did not address the finding of domestic abuse in the OFP in its analysis of the best-interests factors, a remand is necessary.

Accordingly, we reverse and remand the matter for the district court to make detailed findings as to each best-interests factor, explain how each best-interests factor led the court to its determinations, and for reevaluation of the applicability of the presumption in light of those findings. On remand, the district court may amend the judgment and decree without reopening the record.

Reversed and remanded.