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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1603**

In the Matter of:

Rebecca Ann Pera Cole
on behalf of Minor Child, petitioner,
Appellant,

vs.

Zachary Cole,
Respondent.

**Filed August 19, 2024
Affirmed
Larkin, Judge**

Hennepin County District Court
File No. 27-DA-FA-23-4354

Rebecca Pera Cole, Minneapolis, Minnesota (pro se appellant)

Melanie I. Nelson, Chestnut Cambronne PA, Minneapolis, Minnesota (for respondent)

Considered and decided by Frisch, Presiding Judge; Larkin, Judge; and Bratvold,
Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant mother challenges the district court's denial of her request for an order for protection (OFP) restricting respondent father's contact with their now sixteen-year-old son. We affirm.

FACTS

Appellant Rebecca Ann Pera Cole (mother) and respondent Zachary Cole (father) were married in 2006. Their marriage was dissolved by judgment and decree in 2022. They have a son, JC, who was born in November 2007. Mother has sole physical custody of JC, but the parties share equal parenting time: JC spends one week with mother and the next with father.

There is a history of domestic violence in the family. On July 25, 2020, father was arrested for assaulting mother, and he later pleaded guilty to disorderly conduct for that offense. On August 5, 2020, mother was granted an ex parte OFP against father, and on October 29, 2020, father was charged with violating that OFP. On August 2, 2021, the district court granted mother's request for an extension of her August 2020 OFP. Mother requested another extension based on her assertion that father had possessed firearms in violation of the OFP on or around June 24 to July 1, 2022. The district court denied mother's request for another extension.

In August 2023, mother petitioned the district court for an OFP against father on behalf of JC, who was then fifteen years old. Later, mother requested an OFP on her own behalf. As support for an OFP on JC's behalf, mother's petition described several events: an incident on July 25, 2020, which led to father's arrest for domestic assault; events from October 29, 2020, through April 30, 2021, which led to allegations that father had violated probation and mother's existing OFP; and events on or around June 24, 2022, to July 1, 2022, which led mother to allege that father had violated her OFP. But mother primarily

relied on a July 21, 2023 event, which she says caused her to become “terrified for [the] child’s physical safety.”

The district court denied mother’s request for an ex parte OFP on JC’s behalf. In doing so, it noted the parties’ parenting-time schedule and that there were “no motions currently of record in the parties’ [family court case] asking the Court to modify the existing parenting time order.” But the district court scheduled a hearing on mother’s petition for an OFP on behalf of JC, to occur less than one week later.

The district court ultimately held a two-day evidentiary hearing on mother’s requests for an OFP on JC’s behalf and a subsequent OFP on her behalf. A district court referee presided over that hearing, and it was the same referee who had presided over the parties’ marital dissolution, as well as the parties’ prior OFP proceedings. Mother was self-represented at the evidentiary hearing. Father was represented by counsel.

As to father’s July 25, 2020 arrest for domestic assault (27-CR-20-16393), mother testified:

So, on that particular day, [father] had—his assault had started in, you know, the early afternoon. He had consumed an entire bottle of wine, threw the bottle down off of our balcony, he had kicked me, punched me, shoved me to the ground, he sat on me, he pinned me up against the wall, he shoved me down to the ground, sat on my head and shoulders to restrict my breathing, he broke glass on my body, he punched me, he locked me in a bathroom, he threatened to kill me multiple times that day.

. . . .

I was seen in the emergency room—well, I should backtrack a little bit. I called—I attempted to call 9-1-1 with our son’s cell phone, and I was also attempting to record some

of [father's] behavior with the cell phone, and he stole the cell phone out of my hands. I never got that cell phone back. I subsequently had to get [JC] a new cell phone.

And I eventually managed to get upstairs and call 9-1-1 from our rotary dial phone, and that's when two police officers reported to the scene. And when they arrested [father] outside of the house, um, from what I was told [father] was a bit defiant in—with the police officers in the arrest and *[JC] was horribly traumatized. He was sobbing.*

. . . .

And so, as soon as the police officers saw what condition I was in – well, the one police officer, the other one was outside with [father], he immediately radioed for EMTs. And so then there were five EMTs and an ambulance that reported and six firefighters, and it was—um, *it [was] the firefighters and [JC] who had to clean up all of my blood and broken glass around the house, and [JC] was really upset about that.*

(Emphases added.)

According to her testimony, mother suffered multiple injuries, including a head wound, spinal damage, chest wall damage, and bruises, and she remained in the emergency room overnight. Mother further testified that on July 28, 2020, when father returned home to gather his belongings, JC “was cowering” in the back of mother’s car, and father told JC about “retaking [JC] and removing him at that point in time potentially to Pakistan.”

As to mother’s allegation that father violated her OFP in 2022, she alleged that father accessed firearms with JC in violation of mother’s then-existing OFP, while visiting father’s family in Michigan. Mother alleged in her petition that JC sent videos to his best friend CJ of father and JC handling ammunition and loading firearms, as well as shooting firearms described as Glockes, automatic rifles, and shotguns. The district court accepted

the videos into evidence. In her petition, mother alleged that CJ's mother, KJ, called mother and told her about the videos, and mother filed a police report alleging that father had violated her OFP. Mother asked the district court to extend her existing OFP based on the firearm incident, but the district court denied that request.

The incident that prompted mother to request an OFP on behalf of JC occurred on July 21, 2023. Mother testified that father intended to take JC to Michigan to visit father's family. According to mother's testimony, JC informed father that he did not want to go on the trip, primarily because he had a paid internship from which he could not be absent. Mother testified that as a result of a posting on Our Family Wizard, father was aware that JC was scheduled to spend the night of July 21 at CJ's house.¹ Mother alleged in her petition that while JC was at home with mother, mother received a text message from CJ's mother, KJ, stating that father had appeared at KJ's home. Father remained parked outside of the home for several hours. KJ testified that she communicated with mother during that time. The record reflects that mother sent a friend's husband, BM, to the residence to talk with father. According to mother's petition, BM has a background in de-escalation and conflict resolution, and he had known father since 2003. BM tried to convince father to leave the scene, but father refused to do so. Mother testified that she, KJ, and BM's wife each called 9-1-1. The police arrived at KJ's home, spoke with father, and father departed.

¹ Our Family Wizard is "a court-ordered communication website." *Winkowski v. Winkowski*, 989 N.W.2d 302, 306 (Minn. 2023).

At one point during the first day of the evidentiary hearing, father's attorney objected to mother's testimony regarding JC's out-of-court statements on hearsay grounds.

The following exchange occurred.

THE COURT: Part of my concern is that on one hand I could sustain it, and maybe I will under the rules, but it does look to me like we're probably going to wind up putting on a second day [of testimony], and then *I'm just going to by necessity have a request to have [JC] come in and testify.*

Is that what everyone wants? Because I'm going to tell you right now I'm going to sustain that objection if you maintain it, because I don't see a recognized hearsay exception that applies. But, like, and then what?

So how do you want to go with that, [defense counsel]?

[DEFENSE COUNSEL]: I'll take back my objection, Your Honor.

(Emphasis added.)

During the first day of the hearing, mother requested some "guardrails" on father's contact with JC. The district court asked the parties if it should refer the case for "a brief focused assessment on what [JC's] preferences are going to be." Father's counsel replied that she did not intend to ask for such an assessment. Mother replied that she did not know what a "brief focused assessment" was. In the end, JC did not testify at the hearing, and the district court was not presented with any direct evidence regarding whether he feared imminent bodily harm as a result of father's behavior at KJ's home or otherwise wanted to limit his contact with father.

On the second day of the evidentiary hearing, father testified. Mother cross-examined father and asked him about the video of father and JC handling guns and ammunition.

[MOTHER:] [Father], do you have access to firearms?

[FATHER:] N–yes.

[MOTHER:] [Father], isn't it true that you accessed firearms while prohibited with our child on or around June 24th to July 1st, 2022?

[FATHER:] I take the Fifth on that.

THE COURT: I'm just going to note—and I can give you a minute to have a sidebar with your attorney—the statute says that I'm not supposed to—just, other people aren't supposed to be able to use his testimony here in criminal matters. This is a civil matter. If he pleads the Fifth, I can, and I'm ask—guessing that I will be asked to, make adverse inferences on his decision to do that.

Would you like a minute to talk with your attorney and a sidebar before you stand on that answer? I don't have a horse in the race, but it will be one of those moments that's going to be important in the transcript if somebody doesn't like my outcome. And I just want the record to reflect that I am not rushing through this obvious appellate issue. And if people want to have an opportunity to have a conversation, I will take a brief recess.

Did you want to have a recess, talk with your attorney?

[FATHER]: No.

The district court made an adverse inference and found it more likely than not that father accessed firearms in Michigan at a time when he was prohibited from doing so under an existing OFP. Based “largely” on that adverse inference, the district court found that

mother proved she was entitled to an OFP on her own behalf and granted a three-year OFP.

But the district court denied mother's request for an OFP on behalf of JC, finding:

[Mother's] allegation of domestic abuse centers around an incident that occurred on or around July 21, 2023. After the parties' child was not dropped off for [father's] parenting time, [father] went to the home of [KJ], who is the parent of [JC's] friend, believing that [JC] might be there. [Father] parked his car on the street, knocked on [KJ's] door, and rang [the] doorbell. [KJ] did not answer the door, and she did not observe what [father] did after knocking on the door and ringing the doorbell. [Father] returned to his car, where he remained for several hours.

While this was happening, [KJ], [mother], [BM], and others called and texted each other, worrying what [father] was doing or what he might do next. At one point, [BM] approached [father] and informed him that the people inside were scared, and he asked [father] to leave.

Eventually the police were called, arrived, and no arrests were made. [JC] was at [mother's] home the entire time during the incident at [KJ's] house. There was some evidence that [JC] was being told about what was happening at [KJ's] home.

The district court reasoned that mother did not prove by a preponderance of the evidence that JC had an *imminent* fear of physical harm, bodily injury, or assault because:

(i) [JC] was not located near where the incident occurred (and [mother] testified [father] did not know where they were staying) and (ii) [father] was at that location for several hours.

Mother appeals the denial of her request for an OFP against father on behalf of JC.

DECISION

Under the Minnesota Domestic Abuse Act, an individual may petition the district court for an OFP based on domestic abuse. Minn. Stat. § 518B.01, subd. 4 (2022). The

Act defines domestic abuse to include “(1) physical harm, bodily injury, or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats . . . criminal sexual conduct . . . sexual extortion . . . or interference with an emergency call” committed against a family or household member by a family or household member. *Id.*, subd. 2(a) (2022). The petitioner has the burden of proving that domestic abuse occurred by a preponderance of the evidence. *Butler v. Jakes*, 977 N.W.2d 867, 871 (Minn. App. 2022).

Mother’s request for an OFP on JC’s behalf was based on the second part of the domestic-abuse definition: the infliction of fear of imminent physical harm, bodily injury, or assault. “Present intent to inflict fear of imminent physical harm, bodily injury, or assault can be inferred from the totality of the circumstances, including a history of past abusive behavior.” *Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009). “An overt physical act is not necessary to support the issuance of an OFP.” *Id.* “As a remedial statute, the Domestic Abuse Act receives liberal construction in favor of the injured party.” *Id.* at 98-99 (quotation omitted).

“[A]n OFP is available only if the petitioner shows the respondent committed domestic abuse against the petitioner or the person on whose behalf the petition is brought.” *Schmidt ex rel. P.M.S. v. Coons*, 818 N.W.2d 523, 527 (Minn. 2012) (footnote omitted). But the ultimate decision whether to grant an OFP is discretionary, even if a petitioner proves domestic abuse.

Under the Act, OFPs are never granted automatically. Instead, once a petitioner has alleged the existence of domestic abuse, the district court shall order a hearing. After this hearing, the

court *may* provide relief. . . . The district court’s decision is discretionary.

In other words, once domestic abuse has been established, the district court may examine all of the relevant circumstances proven to determine whether to grant or deny the petition for an OFP. Relevant circumstances may include, but are not limited to, the timing, frequency, and severity of any alleged instances of domestic abuse, along with the likelihood of further abuse.

Thompson ex rel. Minor Child v. Schrimsher, 906 N.W.2d 495, 500 (Minn. 2018) (second emphasis added) (quotations and citations omitted). Thus, we review a district court’s decision whether to grant an OFP for an abuse of discretion. *Id.*

“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.” *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022) (quotation omitted); *see Isenhower v. Isenhower*, 993 N.W.2d 91, 94 (Minn. App. 2023) (citing this aspect of *Bender*).

Appellate courts review a district court’s findings of fact for clear error. Minn. R. Civ. P. 52.01. When doing so, appellate courts (1) view the evidence in the light most favorable to the findings, (2) do not find their own facts, (3) do not reweigh the evidence, (4) do not reconcile conflicting evidence, and (5) “need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court. . . . [A]n appellate court’s duty is fully performed after it has fairly considered all the evidence and has determined that the evidence reasonably supports the decision.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021) (quotation omitted); *see Butler*, 977 N.W.2d at 871 (citing *Kenney*).

Mother identifies five issues for our review. We address each in turn.

A.

Mother contends that the district court abused its discretion by misinterpreting the meaning of “imminent physical harm” as used in the definition of domestic abuse in the Domestic Abuse Act, Minn. Stat. § 518B.01, subd. 2(a)(2). Specifically, mother argues that the district court “erroneously conflated ‘imminence’ with ‘immediacy.’”

The Legislature has not defined “imminent” in the context of the Domestic Abuse Act. Minn. Stat. § 518B.01, subd. 2 (2022). If a term is undefined, the court may rely on dictionary definitions to determine its common meaning. *In re NorthMet Project Permit to Mine Application*, 959 N.W.2d 731, 757 (Minn. 2021). Merriam-Webster defines “imminent” as “ready to take place.” *Merriam-Webster’s Collegiate Dictionary* 621 (11th ed. 2014). Similarly, the American Heritage Dictionary of the English Language defines imminent as “[a]bout to occur; impending.” *The American Heritage Dictionary of the English Language* 879 (5th ed. 2018).

Although we agree that “imminent” does not necessarily equate with “immediate,” the district court’s reasoning is consistent with the dictionary definitions set forth above. Because (1) JC was not located at KJ’s home when the incident occurred, (2) father remained at KJ’s home for several hours, and (3) father did not know where mother and JC were staying, father did not inflict fear that physical harm, bodily injury, or assault of JC was ready to take place or about to occur. We have no doubt that this incident was disturbing for JC, as well as the other individuals who were involved, but the district court did not abuse its discretion in determining that mother did not prove that father’s conduct

caused JC to fear “imminent physical harm, bodily injury, or assault.” Minn. Stat. § 518B.01, subd. 2(a).

B.

Mother contends that the district court abused its discretion by failing to consider father’s history of domestic abuse. “Present intent to inflict fear of imminent physical harm, bodily injury, or assault can be inferred from the totality of the circumstances, including a history of past abusive behavior.” *Pechovnik*, 765 N.W.2d at 99. In explaining its denial of an OFP on JC’s behalf, the district court did not refer to mother’s testimony regarding JC’s exposure to the aftermath of father’s violent assault of mother in July 2020. Nor did it refer to father’s history of violating any prior OFP. Both circumstances were relevant to the issue before the court. *See id.*

Because the district court did not mention father’s prior history of domestic abuse, mother presumes that the district court did not consider it. We do not presume that the district court erred. *See Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (“[O]n appeal error is never presumed.” (quotation omitted)). And in this case, the same judicial officer has presided over the parties’ dissolution and OFP proceedings. There is no basis to presume that the district court did not consider father’s history of domestic abuse when making its decision. The district court may have simply concluded that evidence regarding father’s prior domestic abuse was not adequately persuasive given the absence of any direct evidence indicating that JC feared imminent physical harm, bodily injury, or assault as a result of father’s inappropriate conduct on July 21, 2023, or that JC wanted to limit his contact with father. We cannot reweigh the evidence on appeal. *See Sefkow v. Sefkow*,

427 N.W.2d 203, 210 (Minn. 1988) (stating that an appellate court usurps the role of the district court by reweighing the evidence).

On this record, mother has not shown that the district court abused its discretion by failing to consider father's history of abusive behavior when denying mother's request for an OFP on behalf of JC.

C.

Mother contends that the district court abused its discretion by limiting consideration of its adverse-inference finding regarding father's access to firearms to the court's decision whether or not to grant an OFP on mother's behalf. Mother argues that the adverse inference should have factored into the district court's decision whether or not to grant mother's request for an OFP on behalf of JC.

As to that adverse inference, the district court explained:

Based on that, I do make an adverse inference, and I find that it's more likely than not that [father] accessed firearms in Michigan in—around July of 2022 at a time he was prohibited from doing so by that earlier extended Order for Protection. *That would be proof of a violation of an Order for Protection*, which puts [mother] in the position to ask for an extension under [the Act]. She has demonstrated by a preponderance of the evidence, based largely on the adverse inference drawn from [father's] own testimony, that he has violated a prior or existing Order for Protection.

....
[F]rankly, accessing firearms in violation of an Order for Protection at a time when cameras are around, weeks before it expires, is objectively dumb and an act of profoundly poor judgment. *Folks who are willing to make acts of . . . profoundly poor judgment in such a clear situation, well, I have some concerns about what they're likely to do or not do, and, you know, I have some difficulty predicting what their future*

actions are going to be. I don't see them as fully rational actors.

As such, I think that there's a basis for the Court to extend the Order for Protection [protecting mother] for three years to get through the minority of [JC's] childhood

(Emphases added.)

The district court did not mention the adverse inference when explaining why it denied mother's request for an OFP on behalf of JC. But we do not presume that the district court did not consider its finding regarding father's OFP violation or its finding that the violation showed "profoundly poor judgment." *See Loth*, 35 N.W.2d at 546 ("[O]n appeal error is never presumed." (quotation omitted)). And we cannot reweigh the evidence on appeal. *See Sefkow*, 427 N.W.2d at 210.

Moreover, the district court's explanation shows why the probative value of the adverse inference was much greater regarding mother's request for an OFP on her behalf: the adverse-inference finding that father violated an existing OFP entitled mother to a subsequent OFP on her behalf as a matter of law, but it did not necessarily show that JC feared imminent harm from father on July 21, 2023. *See Minn. Stat. § 518B.01, subd. 6a(b)(1) (2022)* (providing that the court may grant a new OFP based on a showing that the respondent has violated a prior or existing OFP).

On this record, the district court's limited consideration of its adverse inference regarding father's firearm possession was not an abuse of discretion.

D.

Mother contends that the district court erred in reviewing and confirming the referee's recommended orders and findings.

Minn. Stat. § 484.65 (2022) governs the Family Court Division of the Fourth Judicial District and addresses the appointment and duties of referees serving in that division, as well as the confirmation and appeal of a referee's recommended order. "All recommended orders and findings of a referee shall be subject to confirmation by said district court judge." Minn. Stat. § 484.65, subd. 9.

Upon the conclusion of the hearing in each case, the referee shall transmit to said district court judge the court file together with the referee's recommended findings and orders in writing. The recommended findings and orders of a referee become the findings and orders of the court when confirmed by said judge. The order of the court shall be proof of such confirmation.

Id., subd. 10.

Mother notes that a district court judge confirmed the referee's recommended findings and order denying an OFP on JC's behalf approximately three hours after the conclusion of the evidentiary hearing. Mother argues that such a short time period might cause one to "reasonably conclude that the District Court Judge was not given the opportunity to fully review or confirm" the referee's recommended findings and order. Although we acknowledge mother's point regarding the optics of the prompt confirmation of the referee's recommended findings and order in this case, we reject her argument for the following reasons.

Even though the short time between the hearing before the referee and the district court's confirmation of the resulting recommended findings and order might allow the inference mother wants this court to draw, it does not require that inference. Thus, instead of showing that the district court erred, mother is functionally asking this court to assume that the district court erred. Appellate courts cannot assume district court error. *Loth*, 35 N.W.2d at 546; *Luthen v. Luthen*, 596 N.W.2d 278, 283 (Minn. App. 1999) (applying *Loth* in a family-law appeal).

In addition, to obtain relief on appeal, the appellant must show both error and prejudice arising from that error. *Midway Ctr. Assocs. v. Midway Ctr., Inc.*, 237 N.W.2d 76, 78 (Minn. 1975); see *Braith v. Fischer*, 632 N.W.2d 716, 724 (Minn. App. 2001) (applying *Midway* in a family-law appeal), *rev. denied* (Minn. Oct. 24, 2001). An appellant must also show that the demonstrated prejudice is substantial. See *Risk ex rel. Miller v. Stark*, 787 N.W.2d 690, 694 n.1 (Minn. App. 2010) (refusing to grant appellate relief when any error was de minimis), *rev. denied* (Minn. Nov. 16, 2010); *Hesse v. Hesse*, 778 N.W.2d 98, 105 (Minn. App. 2009) (same).

Even if we were to assume—without deciding—that the district court erred by not adequately reviewing the referee's recommended order, such error would not merit relief. We have thoroughly reviewed the record, and we discern no abuse of discretion justifying relief in the form of an OFP on behalf of JC. Thus, if we were to remand for the district court to re-evaluate its decision to confirm the referee's recommended order, the district court would likely once again confirm that proposed order. We therefore decline to remand the case for reconsideration. See Minn. R. Civ. P. 61 (requiring harmless error to be

ignored); *Katz v. Katz*, 408 N.W.2d 835, 839 (Minn. 1987) (stating that a district court will not be reversed if it reached an affirmable result for the wrong reason); *Grein v. Grein*, 364 N.W.2d 383, 387 (Minn. 1985) (refusing to remand when doing so would not change the result).

E.

Mother's final contention is that the district court abused its discretion by not adequately considering JC's safety. But the circumstances of this case are unique. The referee who presided over the evidentiary hearing on mother's request for an OFP on behalf of JC is the same referee who presided over the parties' dissolution and some of the prior OFP proceedings. In fact, the referee expressed concern that parenting-time issues had not been brought to his attention sooner. The referee explained:

The other thing I wanted to say is, I'm not aware that either you [(mother)] or [father] have asked to have the parenting time order that was issued in the family court file revisited, but it sounds like people have a lot of concerns about what's going on and whether the existing parenting time order is appropriate. And I always just like to say that there's nothing stopping you or him from coming back to the family court and bringing a motion to have the parenting time terms revisited. So, you're always welcome to do that and the folks at the Self-Help Center at the Family Justice building can provide that information to you if you have anything else that you need there.

And the referee expressed frustration regarding the parties' failure to comply with the parenting-time order:

I do think that there's been some profound and perhaps intentional misunderstanding of the Court's underlying custody and parenting time order on all sides of this case. I feel like there's a little game playing going on with what the

Court wrote in the findings of fact, as opposed to what made it into the order, where everyone is told this is how you're going to do it.

And I'll note that nobody decided to come back to the Family Court to say, "Hey, we're having some issues with our custody and parenting time order. We'd like you to help us address them." Instead, people sort of doubled down their respective behaviors, and, you know, we're here in an OFP situation. And that's fine; that's the way the facts came in. I'm super curious as to why nobody brought the Court in earlier to address that, and, for that reason, I am going to direct [father], before you leave here today, I want you to sit down in a conference room with [your attorney] and have a conversation about if there are additional court order issues that appear—that pop up, is there a better way to settle those than by parking in front of somebody's house for three hours?

The referee's statements show his familiarity with this particular family dynamic. In addition, at the time of the hearing, JC was 15 years old. Given JC's age, the fact that he spends every other week with father, the fact that mother did not raise a parenting-time concern in the family-court proceeding despite the apparent willingness of the judicial officer who had presided over the case to address any concerns regarding parenting time, and the absence of direct evidence showing that JC was in fear of the necessary imminent harm or otherwise desired to restrict his father's parenting time, we cannot say that the district court abused its discretion in denying mother's request for an OFP against father on JC's behalf.²

² We understand the hesitance to call JC as a witness at the evidentiary hearing. We also understand the referee's hesitance to issue an OFP that would put an end to a parenting-time schedule that allowed JC to spend every other week with his father, in the absence of any evidence regarding JC's wishes. The evaluation of JC's best interests necessarily included his age, evidence that he is in therapy, and the district court's familiarity with the family dynamic. See Minn. Stat. § 518.17, subd. 1(a)(3) (2022) (stating that when evaluating the best interests of a child for purposes of determining parenting time, "the

In conclusion, this is a very difficult case. Mother’s briefing includes significant information regarding “critical dangers posed by armed domestic abusers.” As compelling as that information is, our review is limited to our role as an error correcting court. See *Leifur v. Leifur*, 820 N.W.2d 40, 43 (Minn. App. 2012) (rejecting a party’s “meritorious policy arguments” because “this court may not disregard unambiguous statutory language”), *petition for rev. dismissed* (Minn. Nov. 1, 2012); *LaChapelle v. Mitten*, 607 N.W.2d 151, 159 (Minn. App. 2000) (stating that “[b]ecause this court is limited in its function to correcting errors it cannot create public policy”), *rev. denied* (Minn. May 16, 2000); see also *Binkley v. Allina Health Sys.*, 877 N.W.2d 547, 554 n.7 (Minn. 2016) (making similar observations). We have no reason to question the multiple studies mother cites showing a connection between domestic abuse and gun deaths. But we cannot provide appellate relief based those studies.

One might question why the district court did not take additional steps to ensure that JC’s contact with his father did not jeopardize his safety. But given the referee’s familiarity with the family dynamic in this case and the absence of direct evidence indicating that father’s conduct in July 2023 caused JC to fear imminent physical harm, bodily injury, or

court must consider and evaluate all relevant factors, including . . . 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”); *Ross v. Ross*, 477 N.W.2d 753, 757 (Minn. App. 1991) (noting that “[t]here is serious question when dealing with [an elder teenager] whether [district] courts can practically contradict the child’s choice even if it was shown to be misguided”).

assault or to want more restricted contact with his father, we cannot say that the district court abused its discretion in refusing to grant an OFP against father on behalf of JC.

Affirmed.