

*This opinion is nonprecedential except as provided by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
A23-1971**

In re the Guardianship of: Doris Anita Seward.

**Filed February 3, 2025
Affirmed
Smith, Tracy M., Judge**

Hennepin County District Court
File No. 27-GC-PR-21-588

Taylor Lars Florin-Clemants, Minnetonka, Minnesota (pro se appellant)

Patricia J. Stotzheim, Messick Law, PLLC, St. Paul, Minnesota (for respondent Judith Yess)

Melanie A. Engh-Liska, St. Paul, Minnesota (for respondent Doris Anita Seward)

Considered and decided by Frisch, Chief Judge; Smith, Tracy M., Judge; and Schmidt, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellant Taylor Lars Florin-Clemants is the adult grandson of respondent Doris Anita Seward, who is a person subject to guardianship. Seward's guardian and daughter, respondent Judith Yess, imposed restrictions on Florin-Clemants's contact with Seward and the assisted-living facility where Seward lived. On a petition by Florin-Clemants, the district court modified the guardian's restrictions, permitting Florin-Clemants to visit his grandmother on weekdays during set hours, prohibiting him from asking facility staff about

his grandmother's care, and prohibiting him from initiating phone calls to his grandmother or the facility. Florin-Clemants challenges the modified restrictions. We affirm.

FACTS

This is Florin-Clemants's third appeal to this court in connection with his grandmother's guardianship. *See In re Guardianship of Seward*, No. A23-0533, 2024 WL 3093501, at *1 (Minn. App. June 24, 2024), *rev. denied* (Minn. Oct. 15, 2024); *Seward v. Florin-Clemants*, No. A23-1445, 2024 WL 2890843, at *1 (Minn. App. June 10, 2024), *rev. denied* (Minn. Sept. 25, 2024). Regarding the dispute at issue in this appeal, the following facts are relevant.

Seward is a 93-year-old woman with advanced neurological disease. Between approximately 2019 and July 2022, Florin-Clemants resided in Seward's home, where he provided her with in-home care as her medical condition progressed. At one point during that period, when Seward had surgery and spent about two months in a care facility, Florin-Clemants was appointed Seward's limited emergency guardian. In June 2022, following the expiration of his appointment as emergency guardian, Florin-Clemants and Yess entered into a stipulation that Yess would serve as Seward's guardian, and the district court entered an order appointing Yess as guardian.

On July 19, 2022, Yess moved Seward from her residence to an assisted-living facility. Nine days later, Yess filed a notice restricting Florin-Clemants's visiting hours with Seward to business hours when administrative staff were available, on the ground that Seward was interfering with care staff and jeopardizing Seward's care and continued residence at the facility.

On June 26, 2023, Yess filed another notice restricting Florin-Clemants's visits with Seward. The new restrictions fully prohibited Florin-Clemants from visiting Seward at the facility and from communicating by telephone with Seward or facility staff. In the notice, Yess stated that she believed the restrictions were "necessary because . . . Florin-Clemants poses a significant risk to [Seward's] physical, psychological, and financial security" and that "no other means" existed to avoid that risk of harm.

Three days after Yess filed the notice, Florin-Clemants filed a petition with the district court to remove or modify the restrictions. In October, the district court held a trial on Florin-Clemants's petition. Florin-Clemants testified in support of his petition. He described his concerns with Seward's level of care at the assisted-living facility and his interactions with facility staff.

In opposition to the petition, Yess testified regarding her decision to impose restrictions. She stated that, on multiple occasions, when Florin-Clemants was told by staff that he could not enter the facility late in the evening because Seward was sleeping, he snuck into the facility and went to her room anyway; that he "intimidated and interrogated" facility staff "on a regular basis"; and that he videotaped and took pictures at the facility. Yess also testified about a residential meeting at which Florin-Clemants displayed "uncalled for" "body language, . . . tone of voice, [and] . . . aggressive attitude" toward the facility's group leaders. Yess stated that "the last straw" was when group leaders said that they would not attend future residential meetings if Florin-Clemants were there; Yess then decided it was necessary to place restrictions on Florin-Clemants.

Yess also called as witnesses the executive director of the assisted-living facility and a family member named S.A. The executive director testified about her interactions with Florin-Clemants, her concerns that his behaviors at the facility were “inappropriate,” and the fears that facility staff had expressed to her related to Florin-Clemants’s visits. She also testified that she believed lesser restrictions could be imposed if Florin-Clemants could “follow parameters” related to the relationship between staff and Seward. On cross-examination, she stated that she had “never restricted a visitor in [her] entire tenure” at the facility. The family member S.A., who is a retired physical therapist, testified regarding her visits with Seward. She testified that Seward was receiving quality care and was “doing great” at the facility. She said that the restrictions imposed on Florin-Clemants’s visits had caused no negative effect on Seward and that staff were “perhaps more relaxed.” S.A. also testified that she regularly avoided Florin-Clemants when he visited Seward because his unpredictability and anger “makes [her] uncomfortable.”

Following trial, the district court filed an order granting, to some extent, Florin-Clemants’s petition to modify the restrictions on his visits with Seward. In the order, the district court concluded that Yess had not abused her discretion as Seward’s guardian by imposing a total restriction on Florin-Clemants’s visits because she had “acted appropriately to take measures to keep [Seward] safe.” The district court concluded that the evidence proved that Florin-Clemants posed a “*risk* of significant harm” to Seward, specifically because Florin-Clemants’s “unpredictable and threatening behavior” impacted other visitors, which may have prevented Seward from being able to “freely engage with other loved ones, family members, or friends.” But the district court determined that the

risks posed by Florin-Clemants’s behavior could be mitigated by allowing him to visit Seward during “peak business hours when supervisory staff is present” and by informing Seward’s friends and family of the hours that Florin-Clemants would be permitted to visit. It ordered that Florin-Clemants be allowed to visit Seward at the facility on weekdays between 2 and 4 p.m. (The district court later modified the timeframe of Florin-Clemants’s permitted visits to weekdays between 10 a.m. and 12 p.m. in response to a request submitted by Yess, which was unobjected to by Florin-Clemants.) The district court also prohibited Florin-Clemants from asking staff questions about Seward’s care, and it continued the total restriction on his phone calls to the facility.

Florin-Clemants appeals.

DECISION

“We review a district court’s determination of the terms of a guardianship for an abuse of discretion.” *In re Guardianship of O’Brien*, 847 N.W.2d 710, 714 (Minn. App. 2014). The district court abuses its discretion if it makes findings of fact that are not supported by the evidence, misapplies the law, or decides the case in a manner that is contrary to logic and the facts in the record. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022). We review questions of law de novo, including questions of statutory interpretation and the district court’s application of law. *See In re Guardianship of Wells*, 733 N.W.2d 506, 509 (Minn. App. 2007) (regarding statutory interpretation), *rev. denied* (Minn. Sept. 18, 2007); *Harlow v. State, Dep’t of Hum. Servs.*, 883 N.W.2d 561, 568 (Minn. 2016) (regarding application of law). We review a district court’s factual findings

for clear error. Minn. R. Civ. P. 52.01; *In re Guardianship of Pates*, 823 N.W.2d 881, 885 (Minn. App. 2012).

I. The district court did not err in its application of guardianship law.

Florin-Clemants, who is self-represented, argues that the district court erred in its application of guardianship law. We discern two arguments from his brief.

First, Florin-Clemants argues that the district court’s “leniency towards [the guardian’s] actions contradicts statutes meant to safeguard vulnerable adults’ rights,” citing Minnesota Statutes section 524.5-313 (2024). That section describes the powers and duties that a district court may grant a guardian. Minn. Stat § 524.5-313. The district court may grant these powers and duties as “necessary to provide for the demonstrated needs of the person subject to guardianship.” *Id.* (b). But the statute limits when a guardian may place restrictions on the civil rights and personal freedoms of a person subject to guardianship:

A guardian may not restrict the ability of the person subject to guardianship to communicate, visit, or interact with others, including receiving visitors or making or receiving telephone calls, . . . unless the guardian has good cause to believe restriction is necessary because interaction with the person poses a risk of significant physical, psychological, or financial harm to the person subject to guardianship, and there is no other means to avoid such significant harm.

Id. (c)(6). Florin-Clemants argues that the district court misapplied this subdivision. We disagree.

In the order granting Florin-Clemants’s petition to modify restrictions, the district court—citing section 524.5-313—determined that “there was clear and convincing evidence that . . . Florin-Clemants posed a *risk* of significant physical and psychological

harm to [Seward]” at the time that Yess imposed restrictions on Florin-Clemants’s visits and communications. The district court also determined that, based on the evidence in the record, Yess took appropriate measures to keep Seward safe and that the restrictions “were necessary to prevent a risk of significant . . . psychological harm to [Seward]” because “Florin-Clemants posed a risk to [Seward’s] well-being due to his escalating behavior.”

The district court further determined that “lesser restrictions should be attempted, as it appears there are other means to avoid risk of significant harm,” partly based on the testimony of the assisted-living facility’s executive director. The district court stated that modifying the guardian-imposed restrictions to limit the timeframe of Florin-Clemants’s visits “would mitigate any significant risk of harm,” so long as family and friends were made aware of his visitation hours and those hours took place “during peak business hours when supervisory staff is present.” Citing Minnesota Statutes section 524.5-317 (2024), which authorizes the district court to “make any . . . order that is in the best interests of the person subject to guardianship,” the district court modified the restrictions on Florin-Clemants’s visits, permitting him to visit Seward every weekday within a two-hour timeframe during the facility’s business hours.

In sum, the district court determined that, based on the evidence, there was good cause for Yess’s belief that the restrictions imposed were necessary at the time they were made and that less-restrictive means were appropriate to avoid a risk of future harm. The district court modified the restrictions accordingly. *See* Minn. Stat. §§ 524.5-313(c)(6), .5-317(b). The district court did not misapply section 524.5-313, subd. (c)(6).

Second, Florin-Clemants argues that the district court misapplied guardianship law when it “failed to consider relevant provisions in the bill of rights of persons subject to guardianship.” *See* Minn. Stat. § 524.5-120 (2024). He argues that the district court “wrongly penalized him” for actions that he took “to respect and protect” the rights guaranteed to Seward under section 524.5-120.

Section 524.5-120 guarantees the rights of a person subject to guardianship. It provides that a person subject to guardianship “retains all rights not restricted by court order.” *Id.* These rights include the right to “communicate, visit, or interact with others.” *Id.* (10). But the statute provides that, if a guardian “has good cause to believe restriction is necessary because interaction with the person poses a risk of significant physical, psychological, or financial harm to the person subject to guardianship, and there is no other means to avoid the significant harm,” the guardian may restrict these rights. *Id.* If a guardian determines that the only means to avoid a risk of significant harm is by imposing restrictions, section 524.5-120(10) requires the guardian to give written notice of those restrictions “to the court, to the person subject to guardianship, and to the person subject to restrictions.”

Though the district court’s order modifying restrictions does not expressly address section 524.5-120, the order demonstrates compliance with that statute. As noted above, the district court applied Minnesota Statutes section 524.5-313(c)(6) in the modification order. That section provides that a guardian who “has good cause to believe restriction is necessary because interaction with the person poses a risk of significant physical, psychological, or financial harm to the person subject to guardianship” may impose

restrictions when “there is no other means to avoid such significant harm.” Minn. Stat. § 524.5-313(c)(6). This language from section 524.5-313 parallels the language in the relevant provision of section 524.5-120. For the same reason that the district court did not misapply section 524.5-313(c)(6), it did not misapply section 524.5-120.

II. The district court’s factual findings are not clearly erroneous.

Florin-Clemants generally challenges the district court’s factual findings, arguing that they are improperly “partial[]” to Yess. But Florin-Clemants seems to specifically challenge the district court’s findings in support of its determination that Florin-Clemants poses a risk of harm to Seward, arguing that the evidence in the record was insufficient to support that determination.

When reviewing district court findings for clear error, appellate courts must “view the evidence in a light favorable to the findings.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021) (quotation omitted). Appellate courts must not make independent factual findings, reweigh the evidence, or reconcile conflicting evidence. *Id.* If “the record reasonably supports the findings at issue on appeal, it is immaterial that the record might also provide a reasonable basis for inferences and findings to the contrary.” *Id.* at 223 (quotation omitted). Appellate courts defer to the fact-finder’s determinations of witness credibility. *See Pates*, 823 N.W.2d at 885.

Here, the district court based its findings about the risk of harm posed by Florin-Clemants to Seward on witness testimony and exhibits at trial. The district court cited the testimony of the assisted-living facility’s executive director regarding Florin-Clemants’s “bizarre” behavior during visits with Seward, including his filming of

staff and residents, his “demanding and verbally aggressive” behavior, and his threats to subpoena staff members. The district court found that the executive director’s testimony was “both credible and persuasive.” The district court also cited two exhibits—past correspondence from Florin-Clemants to his grandmother—in which Florin-Clemants expressed how frustrated and angry he becomes when Seward asks him repeated questions. In one of those letters, he wrote, “I fear that if you are unable to comply with my wishes I will get angry, mad, frustrated and will yell and scream.” The district court determined that “this behavior makes him an unsafe person to be allowed to visit with [Seward].” The record amply supports the district court’s findings that Florin-Clemants poses a risk to Seward’s safety.

III. The district court did not abuse its discretion by deciding not to lift all restrictions on Florin-Clemants’s visitation and communication with Seward.

Florin-Clemants argues that, because he did not cause actual harm to Seward, the district court should have lifted all restrictions that Yess placed on his visits with Seward. He also argues that the district court abused its discretion by making “illogical findings” that are unsupported by the evidence.

A district court abuses its discretion by misapplying the law, making factual findings that are unsupported by the record, or resolving the matter in a way that is contrary to logic and the facts in the record. *Woolsey*, 975 N.W.2d at 506.

Florin-Clemants appears to argue that the district court abused its discretion because section 524.5-313(c)(6) requires a guardian to first determine that a person *actually* caused harm to a person subject to guardianship before the guardian may impose restrictions on

that person’s visits or communications with the person subject to guardianship. But the plain language of the section provides that, to impose restrictions, a guardian must have good cause to believe restriction is necessary because the person poses “a *risk* of significant . . . harm.” Minn. Stat. § 524.5-313(c)(6) (emphasis added). The district court correctly interpreted the statute, as demonstrated by its determination that “there was clear and convincing evidence that . . . Florin-Clemants posed a *risk* of significant . . . harm” to Seward.

Florin-Clemants also argues that the district court lacked “substantial material evidence” to demonstrate that he harmed Seward and that the district court found that he did not cause Seward the harm of which Yess accused him. But, again, the district court was not required to find that Florin-Clemants *actually* caused harm to Seward; instead, it was required to make findings to support its determination that the guardian had good cause to believe that he posed a *risk* of causing significant harm to her. And, as explained in the previous section, the district court’s factual findings regarding the risk of harm that Florin-Clemants posed to Seward are supported by the record.

Finally, though Seward characterizes the district court’s factual findings as “illogical,” he fails to persuade us that the district court decided this matter in a manner contrary to logic or the facts in the record.

Because the district court properly interpreted and applied the law, made findings that are supported by the record, and did not decide the matter in a manner that is contrary to logic or the facts in the record, it did not abuse its discretion.

IV. We do not reach Florin-Clemants’s statutory and constitutional arguments raised for the first time on appeal.

Florin-Clemants raises on appeal five statutory and constitutional arguments that were not raised in his petition before the district court. He argues that the district court misapplied or misinterpreted (1) Minnesota Statutes section 144.6512 (2024), regarding retaliation for the good-faith reporting of a complaint regarding nursing-home conditions; (2) the Minnesota Vulnerable Adults Act—specifically, the definitions section found at Minnesota Statutes section 626.5572 (2024); (3) the Americans with Disabilities Act, at 42 U.S.C. §§ 12101-12213 (2018 & Supp. IV 2022); (4) a federal law regarding conspiracies against rights, codified at 18 U.S.C. § 241 (2018); and (5) the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the U.S. Constitution.

“A reviewing court must generally consider only those issues that the record shows were presented and considered by the trial court in deciding the matter before it.” *Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1988) (quotation omitted). Based on our review of the record, we determine that Florin-Clemants did not raise any of the five arguments that are noted above and that, as a result, he failed to properly preserve those arguments for appeal. *See id.* Accordingly, we conclude that Florin-Clemants forfeited these arguments and we decline to address them.

Affirmed.