

*This opinion is nonprecedential except as provided by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
A24-0138**

Joseph Lee McClain, petitioner,
Respondent,

vs.

Jennifer Lou Schuler,
Appellant,

Ramsey County,
Intervenor.

**Filed November 25, 2024
Affirmed
Cochran, Judge**

Ramsey County District Court
File No. 62-FA-14-2339

Joseph McClain, Saint Francis, Minnesota (pro se respondent)

Jennifer Schuler, Cambridge, Minnesota (pro se appellant)

Considered and decided by Frisch, Presiding Judge; Connolly, Judge; and
Cochran, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

In this appeal, appellant-mother challenges the district court's December 2023 order granting respondent-father's motion to modify custody and parenting time. Based on mother's brief, we understand mother to argue that the district court abused its discretion

by (1) determining that modification is in the child's best interests, and (2) considering mother's self-represented status in deciding whether to grant the motion. Because mother has not demonstrated that the district court abused its discretion, we affirm.

FACTS

This case arises out of an ongoing custody dispute between appellant Jennifer Lou Schuler (mother) and respondent Joseph Lee McClain (father). The parties are the parents of one minor child, G.L.S., who was born in July 2014.

Prior Orders

In October 2014, the district court filed an order based on the parties' stipulated agreement that acknowledged father's likely paternal status, granted mother temporary sole physical custody, granted the parties temporary joint legal custody, and provided father with temporary supervised parenting time. The parties were not married at the time and have remained unmarried at all times relevant to this appeal. Father's paternity was adjudicated on June 18, 2015. In December 2015, the district court filed an order, pursuant to the parties' agreement, granting the parties joint physical and joint legal custody and establishing a parenting-time schedule.

In October 2017, father filed an ex parte motion for emergency relief based on allegations of illegal drug use by mother in the presence of the child and mother's removal of the child from school. Father also filed a motion to modify physical custody and legal custody. Following an expedited hearing, the district court determined that father had made a prima facie case of endangerment. The district court filed a temporary custody and parenting-time order that granted father temporary sole physical custody, continued joint

legal custody, and provided mother with supervised parenting time every Saturday or Sunday. The district court also referred the matter for a parenting-time and custody evaluation and scheduled a review hearing.

In 2018, following a review hearing, the district court filed an order regarding custody. The order retained joint legal custody. The order also granted sole physical custody to father until mother completed a graduated parenting-time schedule and verified mother's ongoing sobriety. The graduated parenting-time schedule first provided mother with unsupervised parenting time on alternate weekends from Friday evening to Sunday evening and allowed daily phone contact. Mother's parenting time would increase from Thursday evening to Sunday evening on alternate weekends once she successfully completed methadone treatment. Under this order, the parties would share joint physical custody once mother completed the second stage of the parenting-time schedule and demonstrated her ongoing sobriety.

In February 2023, following another review hearing, the district court filed an order reflecting an agreement of the parties. The order granted the parties permanent joint physical custody and permanent joint legal custody, designated father's home as G.L.S.'s primary residence, and included a graduated parenting-time schedule for mother. The parenting-time schedule was similar to the parenting-time schedule included in the 2018 order, but provided that mother's parenting time would progress to the second stage after a successful month at the first stage.

December 2023 Order Modifying Custody and Parenting Time

On July 6, 2023, father filed an emergency motion seeking: temporary sole legal and temporary sole physical custody of G.L.S., temporary limitations on mother's parenting time, and permanent modifications to both custody and parenting time. Father later filed an amended motion. Father alleged that G.L.S. was "endangered in [mother's] care." Father claimed that mother took numerous actions in violation of the February 2023 order, including willfully interfering with father's parenting time and making disparaging remarks about father to G.L.S. The motion was set for an accelerated hearing, at which both parties appeared. At the hearing, mother admitted to withholding parenting time from father, despite father having court-ordered parenting time. After hearing mother's testimony, the district court warned mother of the potential consequences of withholding parenting time but decided not to grant emergency relief to father. Instead, the district court set a combined motion and evidentiary hearing for July 25 on father's request to modify custody and parenting time.

The day before the hearing on father's motion, mother filed an ex parte motion requesting temporary sole physical custody and temporary sole legal custody of the child, as well as reductions to father's parenting time. At the hearing the next day, the district court allowed mother to move for modification of permanent custody and parenting time. The district court then held a hearing on the parties' cross motions. After hearing from the parties, the district court determined that father had made a prima facie case to modify custody and parenting time, but mother had not. Based on that determination, the district court scheduled an evidentiary hearing on father's motion for August 10, and granted father

temporary sole physical custody and temporary sole legal custody. The order also limited mother's parenting time to four hours of supervised parenting time, four days a week.

At the evidentiary hearing, the district court heard testimony from father, mother, mother's social worker, and mother's clinical counselor. Father testified that mother violated the custody and parenting-time provision of the February 2023 order on numerous occasions, including withholding parenting time repeatedly. Specifically, father testified that mother attempted to pick up G.L.S. from school on a day when father was scheduled to have parenting time, resulting in law enforcement involvement. On another occasion, mother withheld G.L.S. from school and took G.L.S. to an out-of-network nonemergency medical appointment without informing father. And, during the summer of 2023, mother denied father parenting time for much of the summer. Father testified that on Father's Day (June 18), mother denied father his court-ordered parenting time. Father also introduced a text message that he received from mother regarding his parenting time on that date, telling father: "if you think you're taking my kid from me you better be ready to kill me." Father further testified that mother had denied him all court-ordered parenting time between June 29 and August 10. After mother picked G.L.S. up on June 29 for her parenting time, mother sent father a text stating that she would not be returning the child when her parenting time ended on July 2. Father testified that when he attempted to pick G.L.S. up on July 2, mother stated she would rather "go to jail" than follow the court-ordered parenting-time schedule. Mother did not return G.L.S. to father's care until August 10, 2023, the first day of the evidentiary hearing.

Father testified that during the period from July 29 to August 10, mother took other actions that he believed were designed to interfere with his custody of G.L.S. Father testified that on July 6th, mother served him with an ex parte harassment restraining order, which was ultimately dismissed. He went on to testify that during this time, mother unenrolled G.L.S. from the elementary school she had attended for two years without father's consent. Father further testified that mother did not send G.L.S. to the summer-school program that she had been attending while residing with father and which was recommended by the school district.

Mother did not refute father's evidence or dispute that she stopped following the February 2023 order. Instead, mother argued that she was justified in withholding parenting time. Mother testified that she was concerned for G.L.S.'s safety while in father's care. Mother further testified that she "noticed a change in [father's] behavior" and that G.L.S. "was uncomfortable going back to her father's every time I would see her." Mother specifically expressed concern about a picture that father sent to mother of G.L.S. in her underwear. And mother expressed suspicion that father was abusing drugs and alcohol. Mother also offered the testimony of her Adult Rehabilitative Mental Health Services (ARMHS) social worker, who testified that mother's home was safe and clean, and she had no concerns for G.L.S. in mother's care. In addition, mother offered the testimony of her clinical counselor, who testified to mother's ongoing work on her mental health. Mother's counselor also testified that she did not have any concerns for G.L.S. in mother's care and that G.L.S. does not get to spend enough time with her mother.

Following the hearing, the district court filed an order modifying custody and parenting time. In its order, the district court found father’s testimony credible and determined that mother had “repeatedly and wantonly violated provisions in the February 2023 order by blocking [f]ather from exercising his parenting time” The district court specifically found that mother denied father his parenting time on Father’s Day and “knowingly and willfully kept the child away from [f]ather and interfered with [f]ather’s court-ordered parenting time without any legally sufficient justification” from June 29 to August 10. The district court rejected mother’s claim that she kept the child from father for safety reasons, finding mother’s testimony not credible. Based on father’s testimony and text messages from mother to father that were entered into the record, the district court also found that mother had “purposely interfered” with G.L.S.’s relationship with father by withholding custody. After analyzing the relevant statutory factors, the district court concluded that joint legal custody is no longer in the child’s best interests. The district court also concluded that “[u]nsupervised parenting time with [m]other is likely to endanger the child’s emotional health or impair the child’s emotional development.” Accordingly, the district court granted father sole legal custody and sole physical custody of the child. The district court also ordered that mother’s parenting time be limited to supervised visits of four hours on designated weekend days. And the district court provided that mother “must demonstrate her ability to *consistently comply* with the court order before requesting that the restrictions on her parenting time be lifted.”

Mother appeals.

DECISION

In a self-represented brief, mother challenges the district court’s December 2023 order modifying custody and parenting time. Mother’s arguments are, at times, difficult to follow. Based on our review of mother’s brief, we discern that mother argues the district court abused its discretion by: (1) determining that modification of custody and parenting time serves G.L.S.’s best interests, and (2) considering mother’s self-represented status in reaching its decision.¹ We are not persuaded.

When reviewing a district court’s child-custody and parenting-time determinations, appellate review “is limited to whether the [district] court abused its discretion” *Pikula v. Pikula*, 374 N.W.2d 705, 710 (Minn. 1985); *see also Hansen v. Todnem*, 908 N.W.2d 592, 596 (Minn. 2018) (applying an abuse of discretion standard of review to modifications of parenting time). The district court has broad discretion in making child-custody and parenting-time determinations. *Matson v. Matson*, 638 N.W.2d 462, 465 (Minn. App. 2002). “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 the logic and the facts on record.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quoting *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022)). We

¹ To the extent mother’s brief sets forth any other arguments on appeal, we conclude those arguments are forfeited because they are difficult to discern, presented in summary form, and not supported by legal authority. *State v. Bursch*, 905 N.W.2d 884, 889 (Minn. App. 2017). While some leeway can be provided to a self-represented party in attempting to comply with court rules, mother still has “the burden of, at least, adequately communicating to the court what it is [s]he wants accomplished and by whom.” *Carpenter v. Woodvale, Inc.*, 400 N.W.2d 727, 729 (Minn. 1987).

review a district court’s findings of fact for clear error and “will not conclude that a factfinder clearly erred unless, on the entire evidence, we are left with a definite and firm conviction that a mistake has been committed.” *In re Civ. Commitment of Kenny*, 963 N.W.2d 214, 221 (Minn. 2021) (quotations omitted). The clear-error standard “is a review of the record to confirm that evidence exists to support the decision.” *Id.* at 222.

Before reviewing the district court’s decision, we briefly discuss the legal standards governing modification of custody and modification of parenting time. The district court may not modify a prior custody order unless it finds, upon the basis of facts that have arisen since the prior order or that were unknown to the court at the time of the prior order, that “a change has occurred in the circumstances of the child or the parties and that the modification is necessary to serve the best interests of the child.” Minn. Stat. § 518.18(d) (2022). A parent seeking modification of custody based on endangerment must demonstrate that “(1) the circumstances of the children or custodian have changed; (2) modification would serve the children’s best interests; (3) the children’s present environment endangers their physical health, emotional health, or emotional development; and (4) the benefits of the change outweigh its detriments with respect to the children.” *In re custody of M.J.H.*, 913 N.W.2d 437, 440 (Minn. 2018); Minn. Stat. § 518.18(d)-(e) (2022). Willfully interfering with the parent-child relationship of the other parent constitutes endangerment for purposes of modifying custody. *Amarreh v. Amarreh*, 918 N.W.2d 228, 231-32 (Minn. App. 2018).

Regarding parenting time, a district court must grant a motion to modify parenting time if “modification would serve the best interests of the child . . . [and] the modification

would not change the child’s primary residence.” Minn. Stat. § 518.175, subd. 5(b) (2022). The movant has the burden to show that it is in the best interests of the child to modify parenting time. *Griffin v. Van Griffin*, 267 N.W.2d 733, 735 (Minn. 1978). But the district court may not “restrict” parenting time unless it finds that (1) parenting time is likely to endanger the child, or (2) “the parent has chronically and unreasonably failed to comply with court-ordered parenting time.” Minn. Stat. § 518.175, subd. 5(c) (2022). “There is no statutory definition of what constitutes a ‘restriction’ of parenting time.” *Suleski v. Rupe*, 855 N.W.2d 330, 336 (Minn App. 2014). Not all reductions in parenting time are restrictions. *Dahl v. Dahl*, 765 N.W.2d 118, 123-24 (Minn. App. 2009). When determining whether a modification of parenting time is a restriction, we consider “the reasons for the change as well as the amount of the reduction.” *Id.* at 124. A significant reduction in parenting time suggests that a reduction is a restriction. *See Matson*, 638 N.W.2d at 468.

Mother’s Argument Regarding the Best Interests of the Child

Mother contends that the district court abused its discretion when it determined that modification of custody and parenting time in favor of father is in the child’s best interests. For example, mother argues that the district court “removed [mother] from the picture completely, which is in no way what’s best for our child.” But mother does not appear to challenge any of the district court’s factual findings supporting its best-interests determination. Instead, she seems to ask that this court reweigh the evidence regarding the child’s best interests. That is not our role. Appellate courts cannot reweigh the evidence presented to the district court when determining whether the district court abused its

discretion. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988). As an appellate court, this court's responsibility is to correct errors, not to retry the case. *Turner v. Alpha Phi Sorority House*, 276 N.W.2d 63, 68 n.2 (Minn. 1979). And the law "leaves scant if any room for an appellate court to question the [district] court's balancing of best-interests considerations." *Vangsness v. Vangsness*, 607 N.W.2d 468, 477 (Minn. App. 2000).

Furthermore, we detect no abuse of discretion in the district court's determination that it is in the child's best interests to modify custody and parenting time in favor of father. With regard to custody, the district court analyzed the relevant best-interests factors set forth in Minn. Stat. § 518.17 (2022) and found that the best interests of G.L.S. are furthered by modifying custody from the parties sharing joint legal and joint physical custody to sole legal and sole physical custody in father. In support of its decision, the district court found that mother disenrolled the child from her elementary school and removed the child from a summer-school program without consulting father. The district court also found that mother's conduct "raise[d] concerns about how she resolves disputes" and determined that mother was not willing to cooperate as a co-parent with father. The district court further found that mother's interference with father's parenting time endangered G.L.S.'s relationship with father and impacted G.L.S.'s wellbeing. These findings are supported by the record. Thus, the district court did not abuse its discretion when it determined that joint custody was no longer in G.L.S.'s best interests and that granting sole legal custody and sole physical custody to father was in the child's best interests.

Similarly, the district court found that it was in G.L.S.'s best interests to modify parenting time after analyzing the applicable statutory factors. The court found mother

deliberately disregarded the parenting-time provisions of the February 2023 order and repeatedly withheld the child from father during his court-ordered parenting time. The district court further found that this repeated interference demonstrated mother's lack of cooperation with father's parenting time and exposed G.L.S. to parental conflict that necessitated law enforcement involvement. The district court also highlighted the benefits of "consistent and predictable parenting time" to G.L.S.'s best interests. Further, the district court found that mother had "chronically and unreasonably failed to comply with court-ordered parenting time" and that "[u]nsupervised parenting time with [m]other is likely to endanger the child's emotional health" These findings are supported by the record. Thus, the district court did not abuse its discretion when it determined that the modification of mother's parenting time to supervised parenting time on weekend days would serve the child's best interests. *See* Minn. Stat. § 518.175, subd. 5(b), (c)(2).

Mother's Self-Represented Status

Next, mother argues that the district court abused its discretion by basing its decision to modify custody and parenting time on mother's self-represented status instead of properly applying the law. Specifically, mother argues the district court became "frustrated that [she] didn't have an attorney" and "made [its] decision more or less because [it] was sick of dealing with the case." This argument is not supported by the record.

Instead, the record reflects that the district court allowed mother significant leeway due to her self-represented status. For example, the district court heard mother's motion to modify custody at the same time as father's motion, notwithstanding that mother filed her motion the day before the hearing. And at the subsequent evidentiary hearing, the

district court permitted mother to call witnesses and present evidence without providing father with timely notice. *See* Minn. R. Gen. Prac. 303.03(a)(2) (requiring a party who is responding to a motion and seeks to raise new issues to serve and file the relevant documents “at least 14 days before the hearing”). The district court also took time to explain the evidentiary hearing process to mother and gave her an opportunity to review the relevant statutes. In sum, the record reflects that the district court treated mother fairly and made accommodations for mother because of her self-represented status.

Furthermore, nothing in the district court’s order suggests that mother’s self-represented status affected the district court’s ultimate decision. Instead, the district court’s order reflects that it based its decision on the applicable law after considering the evidence in the record. There is no mention of mother’s self-represented status as a basis for the decision.

In sum, the district court did not abuse its discretion in granting father’s motion to modify custody and parenting time.

Affirmed