

*This opinion is nonprecedential except as provided by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
A24-0482**

In re the Marriage of:

Xiaoyan Sun, petitioner,
Respondent,

vs.

Qiang Yang,
Appellant.

**Filed December 30, 2024
Affirmed
Bentley, Judge**

Ramsey County District Court
File No. 62-FA-20-737

Xiaoyan Sun, Roseville, Minnesota (pro se respondent)

Qiang Yang, St. Paul, Minnesota (pro se appellant)

Considered and decided by Worke, Presiding Judge; Slieter, Judge; and Bentley,
Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

Appellant-father Qiang Yang and respondent-mother Xiaoyan Sun divorced by a dissolution judgment of the district court, which this court affirmed. The present appeal arises from the district court's subsequent order addressing father's motion for

compensatory parenting time and other relief. The district court granted the motion in part and denied it in part. Seeing no basis to disturb the district court's decision, we affirm.¹

FACTS

The parties married in 2011 and had twin sons in 2014. In April 2020, after father was arrested and charged with domestic abuse, mother petitioned for an order for protection (OFP) on behalf of herself. The district court granted the OFP petition and awarded mother temporary custody of the children. Mother petitioned for dissolution of marriage, and the parties participated in a custody and parenting-time evaluation.

In a 2022 decision, the district court granted mother sole legal and sole physical custody of the children and appointed a special master to handle “pretrial and post-trial matters that cannot be effectively and timely addressed by an available district court judge,” such as parenting time. The order also awarded father phased parenting time. In phase I, father would be permitted limited supervised parenting time at a parenting center such as FamilyWise. To move on to phase II, father would need to prove to mother and the special master that he completed a parent education program and either a 6-month domestic abuse program for perpetrators of domestic abuse or 24 individual sessions with a parent coach or therapist. Father would then be allowed additional parenting time “supervised by FamilyWise Parent Support Outreach Program or a comparable supervisory in-home program.” Father appealed the district court's order, and this court affirmed on

¹ Mother did not file a brief in this appeal. We ordered that the appeal proceed under rule 142.03 of the Minnesota Rules of Civil Appellate Procedure, which provides that the court will decide the case on its merits if the respondent fails to serve and file a brief.

December 11, 2023. *Sun v. Yang*, No. A22-1620, 2023 WL 8539602 (Minn. App. Dec. 11, 2023), *rev. denied* (Minn. Feb. 20, 2024).

In July 2023, father filed a motion with the district court requesting that he be compensated for missed parenting time, that mother provide proof that she attended therapy and provide her therapist's contact information, that father be allowed to keep one child's passport, and that law enforcement assist in parenting-time exchanges. In a January 22, 2024 order, the district court granted father's motion for compensatory parenting time on the basis that mother was unjustified in cancelling two visits. The district court denied all other requests.

Father appeals.

DECISION

The district court has broad discretion in deciding parenting-time and custody questions and will not be reversed absent an abuse of discretion. *Shearer v. Shearer*, 891 N.W.2d 72, 75 (Minn. App. 2017); *Olson v. Olson*, 534 N.W.2d 547, 550 (Minn. 1995). "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) (quotation omitted). The district court's findings of fact are reviewed for clear error, which means that 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, and (4) do not reconcile conflicting evidence. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021); *see Ewald v. Nedrebo*, 999 N.W.2d 546, 552 (Minn. App. 2023) (citing *Kenney* in a family-

law appeal), *rev. denied* (Minn. Feb. 28, 2024). As an appellate court, we do not need to “go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court.” *Kenney*, 963 N.W.2d at 222. “[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.” *Id.* (quotation omitted).

Father raises six issues on appeal. We address each issue in turn.

I

In its January 22, 2024 order concluding that father is entitled to compensatory parenting time, the district court stated, “Presumably, Father is currently still at Phase I of the parenting time plan His compensatory time must be completed under the Phase I conditions.” Father maintains that he has completed the phase I requirements and the district court therefore erred in imposing phase I conditions on the compensatory time.

Father argues that he provided proof of finishing phase I to mother and the special master. In support, he points to his own affidavit filed in support of his reply brief in the district court. In that affidavit, father said that he sent a certificate of completion of the 24-session parenting-coach requirement, but the record does not contain a copy of that certificate. The affidavit also does not say whether he completed the other requirement of phase I—the parent education course. Mother also stated in her brief in the district court that father is “in Phase I.”

Under those circumstances, we conclude that the district court’s finding was reasonably supported by the record. *See Kenney*, 963 N.W.2d at 222. We therefore

conclude that the district court did not abuse its discretion in requiring that the compensatory parenting time take place under phase I conditions.

II

Father argues next that the district court abused its discretion in denying his request for proof that mother attended therapy and for her therapist's contact information. To support this demand, father points to the custody evaluator's report, which states that "individual therapy for both parties and the children would be appropriate."

In its January 22, 2024 order, the district court noted that "[t]he decree did not impose such a requirement on Mother," and "nothing in the record suggests Mother's mental health has changed in any way that negatively impacts her ability to parent the children safely and appropriately." Therefore, although the custody evaluator's report recommended therapy for all parties, the district court did not impose that requirement on mother. It follows that the district court cannot have abused its discretion in denying father's request for mother's therapy records and therapist's contact information.

III

Father also asks us to allow him to subpoena mother's travel records, which he maintains would show that she violated the court's order requiring that the parties sign a travel affidavit prior to any international trips. This issue relates to father's request in the district court that he be permitted to keep one of the children's passports to prevent any such violations from taking place in the future.

Liberally construing father's brief, we presume he is challenging the district court's decision on the control of passports. Father claims that mother took the children on a

vacation to Canada in August 2023 without notifying father in a travel affidavit. In support, he points to notes from a FamilyWise visit in July 2023 that say, “Kids talked that they were heading to Canada and won’t be able to see their father for a while.” The following month, mother cancelled six of father’s visits and informed father that she was taking the children on vacation. However, mother attested to the district court that she “did not take the children out of the country for vacation.” Subsequently, in a travel affidavit filed in December 2023, mother disclosed plans to take the children to Canada over the holidays—months after the timeframe on which father focuses his argument.

The district court denied father’s request to hold one child’s passport, explaining that “[n]othing has changed since the decree that would justify changing th[e] provision” granting mother exclusive control over the children’s passports. Father has identified no basis in the record that leads us to conclude that the district court’s decision was “against logic and the facts on record.” *Woolsey*, 975 N.W.2d at 506. We therefore discern no abuse of discretion.

Father’s more specific request that we “rule to let [father] subpoena [mother] for her travel records between August 11, 2023 and August 28, 2023” is raised for the first time on appeal. In the district court, father lamented that mother had not provided documentation supporting her position that she had not taken the children out of the country without complying with the court’s order. He did not, however, ask the district court to order mother to turn over her travel documents. Appellate courts generally will not consider matters not argued to and considered by the district court. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). We therefore do not reach his argument relating to a subpoena of travel records.

IV

Father also challenges the district court's decision denying his request for law-enforcement assistance during parenting-time exchanges. Father maintains that such assistance is needed because of mother's cancellation of visits.

The district court has discretion to "provide that a law enforcement officer or other appropriate person will accompany a party seeking to enforce or comply with parenting time." Minn. Stat. § 518.175, subd. 1(d) (2022). But, as the district court noted, FamilyWise already had been supervising the parenting-time exchanges. And compensatory time is the remedy for improperly cancelled visits. *See* Minn. Stat. § 518.175, subd. 6(c) (2022). The district court granted father's motion for compensatory parenting time.

Given its broad discretion over parenting-time issues, *Dahl v. Dahl*, 765 N.W.2d 118, 123 (Minn. App. 2009), the district court did not abuse its discretion in concluding that FamilyWise supervision and compensatory parenting time were sufficient and that "[l]aw enforcement intervention is unnecessary at this time."

V

Father's next two arguments relate to the district court's September 2022 order dissolving the marriage. First, father argues that the district court should not have appointed a special master to navigate parenting-time issues because there was not a justifiable reason to do so under Minn. R. Civ. P. 53. Second, Father argues that the district court erred by requiring supervised parenting time through the FamilyWise Parent Support Outreach Program. He claims that a "supervising parenting supervisor" at FamilyWise advised him

that the Parent Support Outreach Program is “an education program instead of a supervised program,” as was a similar outreach program provided by the county. In short, he seems to argue that his phase II in-home parenting time cannot be supervised through the programs he was ordered to use.

Neither argument is properly before us. “[A]n appeal may be taken from a judgment within 60 days after its entry[.]” Minn. R. Civ. App. P. 104.01, subd. 1. “Once the time to appeal a decision of the district court expires, that ruling is final, even if it is wrong.” *Johnson v. Johnson*, 902 N.W.2d 79 (Minn. App. 2017) (citing *Dieseth v. Calder Mfg. Co.*, 147 N.W.2d 100, 103 (Minn. 1966)). Because these two arguments relate to the September 2022 judgment, the deadline to appeal passed 60 days after its entry. *See* Minn. R. Civ. App. P. 104.01, subd. 1. Therefore, the rulings in that judgment are final. In fact, father already appealed the September 2022 judgment, and this court affirmed. *Sun*, 2023 WL 8539602, at *1. Additionally, our review of the record for this appeal revealed no indication that father raised his concerns about the supervised parenting program to the district court in the proceedings on this motion. Therefore, we will not consider that issue on the merits. *See Thiele*, 425 N.W.2d at 582. Father may seek additional clarification about his phase II supervised parenting time from the district court or the special master, who has “full authority and the responsibility to implement the parenting time provisions” of the judgment.

VI

Finally, father argues that the district court referee erred in limiting the time that each party could talk at the motion hearing. Father maintains that the court gave them each

20 minutes, but that actually amounted to only 10 minutes each, because father required a Chinese interpreter. He maintains that, as a result, the parties were given an “unreasonably short time to talk at the hearing.”

Generally, appellate courts decline to consider issues that are inadequately briefed. *State Dep’t of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997); *State v. Bartylla*, 755 N.W.2d 8, 22 (Minn. 2008) (providing that appellate courts “will not consider pro se claims on appeal that are unsupported by either arguments or citations to legal authority”). Father cites no legal authority to support his position, so we ordinarily would decline to consider the argument.

Here, however, it is apparent on the face of the record that father cannot show that the district court abused its discretion. “The mode, manner, and method of receiving testimony is a matter resting almost wholly in the discretion of the trial court and does not furnish grounds for a new trial unless some prejudice can be shown.” *Manion v. Tweedy*, 100 N.W.2d 124, 130 (Minn. 1959). Father has not offered any specific argument that he was unable to make at the hearing because of the time constraints. Father also had the opportunity to, and did, file written submissions with the district court ahead of the hearing. Because father has not shown any prejudice resulting from the district court’s management of the hearing process, there is no basis to reverse the court’s decision on that ground.

Affirmed.