

*This opinion is nonprecedential except as provided by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
A24-0613**

In the Marriage of:

Pamela Kristine Huyck, petitioner,
Respondent,

vs.

Kevin Lee Huyck,
Appellant.

**Filed February 24, 2025
Affirmed
Larson, Judge**

St. Louis County District Court
File No. 69DU-FA-18-431

Gerald K. Wallace, Wallace Law Firm, PLLC, Duluth, Minnesota (for respondent)

Benjamin Kaasa, Benjamin Kaasa Law Office, PLLC, Duluth, Minnesota (for appellant)

Considered and decided by Larson, Presiding Judge; Reyes, Judge; and Bratvold,
Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant-father Kevin Lee Huyck challenges the district court's decision to modify parenting time and child support. Father argues the district court: (1) made insufficient findings of fact; (2) abused its discretion when it failed to analyze all the best-interest factors in Minn. Stat. § 518.17 (2024); (3) erred when it excluded vision insurance from

the medical-support calculation; and (4) erred in its childcare-support calculation. Because the district court did not abuse its discretion when modifying parenting time and child support, we affirm.

FACTS

Father and respondent-mother Pamela Kristine Huyck were divorced in December 2018, pursuant to a stipulated judgment and decree (J&D). The parties have one joint minor child born in March 2015. The J&D granted the parties joint legal and joint physical custody of the child with a parenting-time schedule subject to father's inconsistent work schedule:

- a. Tuesdays and Thursdays that [father], from after day care until 7:00 p.m. unless [father] is working;
- b. If [father] has two consecutive days off from work, his parenting time shall be from after day care or 5:00 p.m. at the end of [father]'s last work day, until 5:00 p.m. the day before [father] returns to work;
- c. If [father] has three consecutive days off from work, parenting time shall be from the morning of his first day off (no later than 10:00 a.m.) until 5:00 p.m. the day before [father] returns to work.

For support obligations, the parties' Parental Income for determining Child Support (PICS) totaled \$8,764, with mother's gross monthly income equaling \$2,446 and father's gross monthly income equaling \$6,318. Based on this, father paid mother \$602 per month in child support, provided medical and dental insurance coverage for the child, paid for the child's healthcare costs not covered by insurance, and paid for work-related childcare expenses. Father also agreed to pay \$650 per month in spousal maintenance until October 31, 2023. The J&D also provided father the right to claim the child for tax benefits starting

in 2019 and going forward, “if possible.” Since the J&D, the child has been diagnosed with various special needs.

On October 13, 2023, the parties participated in unsuccessful mediation for parenting-time and child-support modification. On November 23, 2023, father filed a motion to modify the parenting-time schedule to equal parenting time and to modify child support.¹ Mother filed a responsive motion on December 1, 2023, asking the district court, in part, to (1) grant her temporary sole legal and temporary sole physical custody of the child; (2) grant her requested temporary parenting-time schedule; and (3) order an evidentiary hearing to address permanent custody and permanent parenting time.

Each party’s motion included supporting affidavits and documents. For child support, mother’s affidavit explained that she discontinued childcare as of December 1, 2023, due to the cost, after father stated he would no longer pay for his half.² Father’s affidavit listed the child’s monthly expenses, including \$284.33 for health insurance, \$24.79 for dental insurance, \$14.51 for vision insurance, and \$145 for childcare. For parenting time, mother also submitted a letter from the child’s therapist that provided the therapist’s custody recommendations.³ The therapist suggested that the best practice for children with the child’s special needs “is as much consistency and structure as possible,”

¹ Father also asked the district court to reaffirm the J&D’s grant of tax benefits to him, but only for odd tax years. The district court determined there was insufficient information to make a ruling and reserved the issue, specifying that the prior J&D provision relating to taxes remained in effect.

² The record does not explain when or why the parties started sharing childcare costs.

³ Mother untimely submitted this letter two days before the motion hearing. The district court determined the information was important for analyzing the best interests of the child and granted father additional time to file a response as the remedy.

meaning the parenting schedule should be “consistent in both times and days for transition from one household to the other” with both parents having time with the child.

The district court held a motion hearing on December 14, 2023. In a February 29, 2024 order, the district court determined the parties’ PICS totaled \$10,925, with father’s gross monthly income equaling \$8,458.40, mother’s gross monthly income averaging \$2,466.98, and their respective PICS shares being 77% and 23%. The district court then: (1) modified parenting time, providing father “three overnights consecutively” and mother “six overnights consecutively”; (2) modified child support, requiring father to pay \$846 per month for basic child support, \$52 per month for childcare support, and \$0 for medical support (\$898 total), and mother to pay \$0 for basic child support, \$0 for childcare support, and \$71 for medical support (\$71 total); and (3) denied all other requests. The child-support calculation included health and dental insurance in the medical-support obligation but excluded the \$14.51 for vision insurance and allocated a \$145 childcare expense to mother.

Father appeals.

DECISION

Father challenges the district court’s decision to modify parenting time and child support. We review both decisions for an abuse of discretion. *See Suleski v. Rupe*, 855 N.W.2d 330, 334 (Minn. App. 2014) (parenting-time modification); *Haefele v. Haefele*, 837 N.W.2d 703, 708 (Minn. 2013) (child-support modification). A district court abuses its discretion if its decision is based on a misapplication of the law or is “against logic and the facts [in the] record.” *Shearer v. Shearer*, 891 N.W.2d 72, 75, 77 (Minn. App. 2017).

In doing so, we review legal questions de novo and the district court’s factual findings for clear error. *See Hansen v. Todnem*, 908 N.W.2d 592, 596 (Minn. 2018) (legal questions); *Griffin v. Van Griffin*, 267 N.W.2d 733, 735 (Minn. 1978) (factual findings). A district court has broad discretion when deciding parenting-time and child-support questions. *Suleski*, 855 N.W.2d at 334; *see also Shearer*, 891 N.W.2d at 77. We address each decision in turn below.

I.

We first address father’s arguments related to the district court’s decision to modify parenting time. Parenting-time modification is governed by Minn. Stat. § 518.175 (2024). As relevant here, Minn. Stat. § 518.175, subd. 5(b), provides: “If modification would serve the best interests of the child, the court shall modify the decision-making provisions of a parenting plan . . . if the modification would not change the child’s primary residence. Consideration of a child’s best interest includes a child’s changing developmental needs.”

Father first argues the district court made inadequate findings when it modified parenting time, relying on *Dean v. Pelton*. 437 N.W.2d 762 (Minn. App. 1989). In *Dean*, we reversed and remanded a district court’s child-support modification for insufficient findings. *Id.* at 764-65. In doing so, we stated, “Although these decisions are within the [district] court’s discretion, the [district] court must make appropriate findings to indicate it considered all the appropriate factors in making its decisions.” *Id.* at 764. We explained, “Reciting the parties’ claims may be helpful in understanding what the [district] court considered in making its findings; however, the findings themselves must be affirmatively stated as findings of the [district] court.” *Id.*

Here, while father is correct that the district court’s order recites statements from the parties and affiants, the district court did not err by restating this information. Rather, *Dean* provides that reciting this information is allowed and even helpful for understanding the district court’s decision. *Id.* Further, in contrast to *Dean*, the district court did affirmatively state its findings. The district court made over a dozen statements prefaced with the phrase “the Court finds” or “the Court does not find,” before reaching its conclusion that it was appropriate to modify parenting time. We, therefore, conclude that the district court complied with the standard set forth in *Dean*.

Second, father argues the district court erred when it analyzed some, but not all, of the 12 best-interest factors found in Minn. Stat. § 518.17, subd. 1(a), before modifying parenting time. We are not persuaded.

The law is somewhat unsettled regarding what best-interest findings are required when deciding a motion to modify parenting time under Minn. Stat. § 518.175, subd. 5(b). In *Hansen*, the supreme court held that “Minn. Stat. § 518.17 applies to the creation and *initial* approval of parenting plans, but Minn. Stat. § 518.175 . . . governs parenting time modifications.” 908 N.W.2d at 596 (emphasis added). There, the supreme court interpreted Minn. Stat. § 518.175, subd. 8. *Id.* at 597-98. Under Minn. Stat. § 518.175, subd. 8, “[t]he court may allow additional parenting time to a parent to provide child care while the other parent is working if this arrangement is reasonable and in the best interests of the child, *as defined in section 518.175, subdivision 1.*” (Emphasis added.)⁴ The

⁴ *Hansen* interpreted the 2016 statutes. The relevant statutory language has not changed since *Hansen*.

supreme court held that, while Minn. Stat. § 518.175, subd. 8, required the district court to apply the Minn. Stat. § 518.17, subd. 1 definition, it did not compel the district court to make “detailed findings” on each factor. *Hansen*, 908 N.W.2d at 598. Thus, the supreme court directed that a district court need only consider “the *relevant* best-interest factors” when modifying parenting time under Minn. Stat. § 518.175, subd. 8. *Id.* at 599.

The *Hansen* court explicitly did not extend its holding to other subdivisions in Minn. Stat. § 518.175. *See id.* at 597 (concluding that this court’s reliance on Minn. Stat. § 518.175, subd. 5, was “misplaced” because Minn. Stat. § 518.175, subd. 8, “is specific to requests for ‘additional parenting time . . . to provide child care while the other parent is working’”). But in a series of nonprecedential cases we have been asked to decide whether *Hansen* applies to Minn. Stat. § 518.175, subd. 5(b). *See Robbins v. Robbins*, No. A22-1061, 2023 WL 2960917, at *3 (Minn. App. Apr. 17, 2023); *Cook v. Cook*, No. A23-0584, 2023 WL 8888154, at *5 (Minn. App. Dec. 26, 2023); *Guardia v. Mattson*, No. A19-1692, 2020 WL 3172836, at *6-7 (Minn. App. June 15, 2020).⁵ In each case, we concluded that Minn. Stat. § 518.175, subd. 5(b), does not require the district court to specifically reference the Minn. Stat. § 518.17 best-interest factors. *See Robbins*, 2023 WL 2960917, at *3; *Cook*, 2023 WL 8888154, at *5; *Guardia*, 2020 WL 3172836, at *6-7. Instead, to evaluate whether a district court made sufficiently particularized findings to evaluate the best interests of the child, we have applied the more general rule that a “district court must make sufficient findings to enable appellate review.” *Guardia*, 2020 WL 3172836, at

⁵ These opinions are nonprecedential and, therefore, not binding. We cite nonprecedential opinions for their persuasive value only. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

*7 (quoting *Hansen*, 908 N.W.2d at 597 n.2); *see also Robbins*, 2023 WL 2960917, at *3; *Cook*, 2023 WL 8888154, at *5.⁶

We find our previous nonprecedential decisions persuasive and apply the same test. Here, the district court made explicit findings on several of the best-interest factors listed in Minn. Stat. § 518.17, determining they were the most “relevant.” The district court then provided a thorough analysis to explain why its decision was in the child’s best interests. *Cf.* Minn. R. Civ. P. 52.01 (noting that a district court’s findings of fact may be included in its memorandum). Contrary to father’s argument, the district court provided robust findings to support its reasons for why modifying parenting time was in the child’s best interest.

For these reasons, we conclude the district court did not abuse its discretion when it issued its decision to modify parenting time, and we affirm.

II.

Father also challenges the district court’s decision to modify child support. A district court may modify child support upon a showing of substantially changed circumstances that make the original order “unreasonable and unfair.” Minn. Stat. § 518A.39, subd. 2(a) (2024). “The party who moves to modify an existing child-support

⁶ These decisions are consistent with Minn. R. Civ. P. 61, which requires courts to ignore harmless error. These decisions are also consistent with the related idea that, if a remand will not alter the result reached by the district court, a remand is not required. *See Grein v. Grein*, 364 N.W.2d 383, 387 (Minn. 1985) (refusing to remand for missing findings of fact when “from reading the files, the record, and the court’s findings, on remand the [district] court would undoubtedly make findings that comport with the statutory language”); *see also Tarlan v. Sorensen*, 702 N.W.2d 915, 920 n.1 (Minn. App. 2005) (applying this aspect of *Grein*).

order has the burden of demonstrating both a substantial change in circumstances and the unfairness and unreasonableness of the order because of the change.” *Rose v. Rose*, 765 N.W.2d 142, 145 (Minn. App. 2009). As applicable here, it is presumed that a substantial change in circumstances has occurred and the terms of the current support order are “unreasonable and unfair” when “the application of the child support guidelines in [Minn. Stat. § 518A.35 (2024)] to the current circumstances of the parties results in a calculated court order that is at least 20 percent and at least \$75 per month higher or lower than the current support order.” Minn. Stat. § 518A.39, subd. 2(b)(1) (2024).

Father first argues the district court abused its discretion when it issued its decision to modify child support because it failed to include the cost for the child’s vision insurance. Father notes that the district court acknowledged that he paid \$14.51 per month for the child’s vision insurance but failed to include that cost in the support calculator.

We agree with father that the district court appears to have erroneously excluded the cost for the child’s vision insurance. But the effect of this error is de minimis. *See Wibbens v. Wibbens*, 379 N.W.2d 225, 227 (Minn. App. 1985) (refusing to remand for a de minimis, technical error with approximately \$120 at stake); Minn. R. Civ. P. 61 (requiring harmless error to be ignored). Here, if the cost for the vision insurance—\$14.51—is divided between the parties according to their PICS shares, mother would pay father approximately \$3.34 each month or \$40.05 a year. This is a mere technical error, and we decline to remand on this basis. *See Duffney v. Duffney*, 625 N.W.2d 839, 843 (Minn. App. 2001) (failing to include \$25 per month of income was de minimis error); *Risk ex rel. Miller v. Stark*, 787

N.W.2d 690, 694 n.1 (Minn. App. 2010) (failing to account for \$400 total in marital property was de minimis error), *rev. denied* (Minn. Nov. 16, 2010).

Second, father argues the district court abused its discretion when it attributed \$145 in childcare-support costs to mother because mother admitted the child was no longer in childcare. But it is clear from the district court's order that it intended to allocate childcare-support costs to allow the child to return to childcare. Thus, we do not discern that the district court abused its discretion when it allocated \$145 to mother for childcare costs.

For these reasons, we conclude the district court did not abuse its discretion when it issued its decision to modify child support, and we affirm.

Affirmed.