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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1029**

In Re the Marriage of:

Katherine Patterson, petitioner,
Appellant,

vs.

Jerry Lyn Patterson,
Respondent.

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

Anoka County District Court
File No. 02-FA-22-1264

Katherine Elizabeth Patterson, Coon Rapids, Minnesota (pro se appellant)

Kathryn M. Lammers, Carlo E. Faccini, Heimerl & Lammers, LLC, Minnetonka,
Minnesota (for respondent)

Considered and decided by Connolly, Presiding Judge; Larkin, Judge; and Ede,
Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

In this marriage-dissolution appeal, appellant-wife argues that the district court clearly erred in its domestic-abuse and income-related findings and abused its discretion in selecting the parties' marital property valuation date, by not appointing a guardian ad litem

for the parties' child, by not awarding wife spousal maintenance, by awarding the parties joint legal and joint physical custody of their minor child, by not assigning any medical-support obligations, and in denying wife's request for need- and conduct-based attorney fees. We affirm.

FACTS

On August 4, 2022, appellant-wife Katherine Patterson petitioned the district court to dissolve her marriage to respondent-husband Jerry Lyn Patterson. In fall 2023, the district court held a two-day trial on wife's dissolution petition. A summary of the district court's relevant posttrial factual findings follows.

In March 2004, husband and wife were married in Wyoming. During their marriage, the parties had two children: PP, born in September 2004, and GP, born in December 2009. At the time of the judgment and decree, PP had reached the age of majority.

At trial, husband requested joint legal and joint physical custody of GP; wife requested sole legal and sole physical custody. Wife had "repeatedly, through emails, letters, and pleadings . . . sought [c]ourt involvement to end [husband's] parenting time with [GP] due to [husband's] chemical and mental health." Much of the trial focused on husband's mental- and chemical-health issues, and the district court had ordered both parents to complete psychological and chemical-dependency assessments before the trial.

The district court found that husband "has acknowledged and addressed his mental health" and that husband's mental health "does not affect his ability to safely and adequately parent." In its best-interests findings, the district court acknowledged that the

parties “have a difficult and contentious relationship” but ultimately found that husband had not engaged in domestic violence. After considering the minor child’s best interests, the district court awarded the parties joint legal and joint physical custody.

In calculating the parties’ incomes for child-support purposes, the district court found that wife was voluntarily unemployed and imputed to her gross monthly income of \$7,183. The district court ordered husband to pay wife \$276 per month in child support, but it did not order husband to pay medical support for the minor child.

The district court denied wife’s request for spousal maintenance, finding that wife “is fully capable of providing for her own support and is not dependent” on husband for support.

The district court divided the parties’ marital property, using a property valuation date of August 15, 2022.

Finally, the district court addressed wife’s requests for need- and conduct-based attorney fees and husband’s requests for conduct-based attorney fees. The district court denied all requests for attorney fees.

Wife appeals.

DECISION

Wife has filed an informal pro se brief in this court, which makes approximately 48 requests of this court. The majority of her requests are for amended findings of fact. This court does not amend a district court’s findings of fact; our review is “limited to identifying errors and then correcting them.” *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988).

We therefore construe wife's requests for amended findings as a challenge to the district court's findings.

“Appellate [courts] set aside a district court's findings of fact only if clearly erroneous, giving deference to the district court's opportunity to evaluate witness credibility. Findings of fact are clearly erroneous [when] an appellate court is left with the definite and firm conviction that a mistake has been made.” *Goldman v. Greenwood*, 748 N.W.2d 279, 284 (Minn. 2008) (quotation and citations omitted). “When determining whether findings are clearly erroneous, the appellate court views the record in the light most favorable to the [district] court's findings.” *Vangsness v. Vangsness*, 607 N.W.2d 468, 472 (Minn. App. 2000). “That the record might support findings other than those made by the [district] court does not show that the court's findings are defective.” *Id.* at 474.

Other standards govern our review and are worth repeating here. “[O]n appeal error is never presumed. It must be made to appear affirmatively before there can be reversal. . . . [T]he burden of showing error rests upon the one who relies upon it.” *Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (quotation omitted). Issues that are not adequately briefed are waived. *Melina v. Chaplin*, 327 N.W.2d 19, 20 (Minn. 1982) (“This issue was not argued in the briefs and accordingly must be deemed waived.”). And, “[a]n assignment of error based on mere assertion and not supported by any argument or authorities in appellant's brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection.” *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971).

Neither wife nor husband has provided this court a transcript of the underlying dissolution trial. It is the appellant's duty to order a transcript "of those parts of the proceedings not already part of the record which are deemed necessary for inclusion in the record." Minn. R. Civ. App. P. 110.02, subd. 1(a). Although "we are disposed to disregard defects resulting from failure to comply with the rules of this court relating to the contents of [a pro se] brief," a pro se appellant retains the burden to "provide an adequate record and preserve it in a settled case to enable us to review questions [the appellant] desires to raise on appeal." *Noltimier v. Noltimier*, 157 N.W.2d 530, 531 (Minn. 1968) (citation omitted). "When an appellant fails to provide a transcript, this court's review is limited to whether the [district] court's conclusions of law are supported by the findings." *Mesenbourg v. Mesenbourg*, 538 N.W.2d 489, 494 (Minn. App. 1995); see *Duluth Herald & News Trib. v. Plymouth Optical Co.*, 176 N.W.2d 552, 555 (Minn. 1970) (stating that without a transcript, "this court is not cognizant of the evidence upon which the [district] court based its findings of fact").

With these principles in mind, we note that only a few of wife's requests are supported by both an adequate record and adequate legal argument and authority. Wife's other requests are not adequately briefed or lack an adequate record for review (or both), and we therefore do not consider them. Our analysis of the adequately supported and adequately briefed issues follows.

I.

Wife contends that the district court erred in finding that no domestic abuse had occurred between the parties and in its determination of the parties' incomes. We address each argument in turn.

A.

Wife assigns error to the district court's best-interests finding that no domestic abuse has occurred between the parties.

"In determining custody, the court shall consider the best interests of each child" Minn. Stat. § 518.17, subd. 3(3) (2022); *see Durkin v. Hinich*, 442 N.W.2d 148, 152 (Minn. 1989) ("The guiding principle in all custody cases is the best interest of the child."). In determining the best interests of the child, the district court "must make detailed findings" on 12 statutory best-interests-of-the-child factors. Minn. Stat. § 518.17, subd. 1(b)(1) (2022). One of these factors is "whether domestic abuse, as defined in section 518B.01, has occurred in the parents' or either parent's household or relationship; the nature and context of the domestic abuse; and the implications of the domestic abuse for parenting and for the child's safety, well-being, and developmental needs." *Id.*, subd. 1(a)(4) (2022).

Under Minn. Stat. § 518.17, subd. 1(b)(9) (2022), the district court must use a rebuttable presumption that, upon the request of either parent, "joint legal custody is in the best interests of the child." However, the district court

shall use a rebuttable presumption that joint legal custody or joint physical custody is *not* in the best interests of the child if domestic abuse, as defined in section 518B.01, has occurred

between the parents. In determining whether the presumption is rebutted, the court shall consider the nature and context of the domestic abuse and the implications of the domestic abuse for parenting and for the child's safety, well-being, and developmental needs.

Id., subd. 1(b)(9) (emphasis added).

Minn. Stat. § 518B.01, subd. 2 (2022), defines domestic abuse to include the following, if committed against a family or household member by a family or household member: (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.

After “weighing the evidence, testimony, and credibility of the witnesses” before it, the district court acknowledged that the “parties have a difficult and contentious relationship,” but the court ultimately found that “it is not domestic violence.” The district court described the incidents wife alleged to show domestic abuse as follows:

[Wife] reports an incident in 2014 in which [husband] shoved [wife] and an incident in 2018 in which [husband] kicked a plastic laundry basket into [wife], pushed [wife] up against the wall, and grabbed [wife] by the neck as if he was going to choke her. [Wife] also argues [husband] has admitted to multiple incidents of domestic abuse against [wife].

(Emphasis and citations omitted.)

Wife argues that her trial exhibits demonstrate that husband both physically abused her and threatened to physically abuse her. She asserts that in a June 2022 order-for-protection (OFP) proceeding, the district court found that husband had engaged in domestic abuse against wife. She argues that because there was domestic abuse between

the parties, the district court should have applied the rebuttable presumption that joint legal and joint physical custody is not in the best interests of the parties' minor child, and that husband did not rebut such a presumption.

Even if the district court erred in finding an absence of domestic abuse under Minn. Stat. § 518B.01 (2022), wife fails to demonstrate that the error was prejudicial. To obtain relief on appeal, wife must show both error and prejudice. *See* Minn. R. Civ. P. 61 (“The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.”).

A finding of domestic abuse would have triggered application of a rebuttable presumption that an award of joint legal and joint physical custody was not in the best interests of the minor child. Minn. Stat. § 518.17, subd. 1(b)(9). The district court's findings regarding “the nature and context of the domestic[-]abuse” allegations and the implications of the allegations for “parenting and for the child's safety, well-being, and developmental needs” indicate that, if the district court had applied that presumption, husband would have rebutted it. *Id.* For example, the district court found:

- “[B]oth parents are actively involved in the care of [GP] during their parenting time.”
- “[GP] would like to have both parents involved in his life, and . . . he enjoys having time with each parent.”
- “There are no credible safety threats to [GP] in the care of either parent.”
- Husband “is adequately addressing his mental health, and his mental health is not of danger to [GP].”

- “[T]here have been no issues during [husband’s] unsupervised parenting time and no instances where [GP] has been placed in harm’s way by [husband].”
- Husband “has no current physical, mental, and chemical health issues that affect[] [GP’s] safety and development.”
- “[B]oth parents care deeply for and love [GP].”
- “[GP] has a strong attachment to both parents.”
- “Despite the contentious co-parenting relationship,” wife and husband “are able to cooperate and make legal custody decisions,” and “both parties are able to diplomatically share information with each other regarding [GP] and communicate in an information[-]forward manner.”

In addition, the domestic-abuse best-interests factor is one of 12 statutory best-interests factors. *Id.* The district court expressly found that *every* best-interests factor favored an award of joint legal and joint physical custody. In sum, if the district court erred by failing to find domestic abuse based on the two alleged incidents of domestic violence in 2014 and 2018, the error was harmless.

B.

Wife argues that the district court clearly erred in its findings regarding the parties’ incomes for the purpose of determining child support.

Upon dissolution, the district court shall make a just and proper order regarding financial support of minor children. Minn. Stat. § 518A.38, subd. 1 (2022). “If a parent is voluntarily unemployed, underemployed, or employed on a less than full-time basis, or there is no direct evidence of any income, child support must be calculated based on a

determination of potential income.” Minn. Stat. § 518A.32, subd. 1 (2022). Potential income must be calculated using one of three methods: (1) “the parent’s probable earnings level based on employment potential, recent work history, and occupational qualifications in light of prevailing job opportunities and earning levels in the community,” (2) “if a parent is receiving unemployment compensation or workers’ compensation, that parent’s income may be calculated using the actual amount of the unemployment compensation or workers’ compensation benefit received,” or (3) “the amount of income a parent could earn working 30 hours per work at 100 percent of the current federal or state minimum wage, whichever is higher.” *Id.*, subd. 2 (2022).

“A court’s determination of income must be based in fact and will stand unless clearly erroneous.” *Newstrand v. Arend*, 869 N.W.2d 681, 685 (Minn. App. 2015) (quotations omitted), *rev. denied* (Minn. Dec. 15, 2015). “Whether a parent is voluntarily unemployed is a finding of fact, which we review for clear error.” *Welsh v. Welsh*, 775 N.W.2d 364, 370 (Minn. App. 2009).

The district court made several findings of fact regarding wife’s “employment potential, recent work history, and occupational qualifications in light of prevailing job opportunities and earning levels in the community.” Minn. Stat. § 518A.32, subd. 2. The court found that wife is unemployed, is licensed as a realtor in Arizona, and has worked remotely in Minnesota for a real estate agency in Arizona. The district court also found, based on husband’s exhibit showing wife’s Social Security earnings statement, that wife earned over \$100,000 in 2021 and that according to wife’s testimony, “the numbers for some of those years on that statement may actually have been low.” The court

acknowledged wife’s arguments that she is not qualified or licensed to work in real estate in Minnesota, but it ultimately stated that “it cannot ignore the reality” that wife has “proven skills in real estate, knowledge that is still usable, and a history of having worked remotely.”

The district court imputed wife’s gross monthly income based on a local real-estate-agent job posting listing an estimated annual pay of \$86,200, which is less than the district court found wife had earned in 2021. The district court properly applied Minn. Stat. § 518A.32 (2022), and its application of the law is supported by its findings. Once again, without a transcript, our review is “limited to whether the [district] court’s conclusions of law are supported by the findings.” *Mesenbourg*, 538 N.W.2d at 494.

Wife also argues that the district court should have calculated her income by using “the amount of income a parent could earn working 30 hours per week at 100 percent of the current federal or state minimum wage, whichever is higher” under Minn. Stat. § 518A.32, subd. 2(3), instead of using “the parent’s probable earnings level based on employment potential, recent work history, and occupational qualifications in light of prevailing job opportunities and earnings levels in the community” under Minn. Stat. § 518A.32, subd. 2(1), as the district court did.

We review the district court’s income-imputation method for an abuse of discretion. *See Butt v. Schmidt*, 747 N.W.2d 566, 577 (Minn. 2008) (making this statement regarding the predecessor statute to section 518A.32). Given the district court’s finding that wife has “proven skills in real estate, knowledge that still is usable, and a history of having worked

remotely,” we discern no abuse of discretion in the district court’s chosen income-imputation method.

Finally, wife argues that the district court erred in determining husband’s income because the district court averaged husband’s annual income even though husband only worked for two months in 2022. Wife does not cite to any legal authority indicating that the district court erred in doing so. Similarly, wife “asks the Appeals Court to reevaluate Child Support calculations” based on the amount husband paid in arrears and based on overnight credit but does not cite to any legal authority supporting that approach. Wife does not meet her burden of showing error on appeal. *Loth*, 35 N.W.2d at 546.

II.

Wife contends that the district court abused its discretion in selecting August 15, 2022, as the valuation date for the parties’ marital property.

The district court “shall make a just and equitable division of the marital property” upon dissolution of a marriage. Minn. Stat. § 518.58, subd. 1 (2022). “The court shall value marital assets for purposes of division between the parties as of the day of the initially scheduled prehearing settlement conference, unless a different date is agreed upon by the parties, or unless the court makes specific findings that another date of valuation is fair and equitable.” *Id.* “Because a [district] court has broad discretion in dividing property, its [valuation date] decision will stand unless it has abused that discretion.” *Desrosier v. Desrosier*, 551 N.W.2d 507, 510 (Minn. App. 1996).

Wife lists several reasons why this court should “reevaluate the date set as an equitable valuation date.” She claims that she requested a June 1, 2022 valuation date; that

as of June 1, 2022, husband stopped providing her with child support and contributions for unreimbursed medical expenses; that the dissolution petition would have been filed earlier if not for husband; that she does not have the same opportunities for future acquisition of capital assets as husband does; that wife wrongfully shared in husband's attorney fees and costs; that starting in June 2022, husband's banking activities were "very out of the norm for his usual banking activities"; and that the valuation date affects consideration of the parties' vehicle as marital property.

The district court recognized that the valuation date was a "contested issue at trial," noting that husband requested August 15, 2022, as the valuation date and that although wife "argued for a June 1, 2022[] date in a motion that was denied, [wife] gave no testimony or produced any evidence to rebut [husband's] request at trial." And the district court made "specific findings" regarding why August 15, 2022, was a "fair and equitable" valuation date. *See* Minn. Stat. § 518.58, subd. 1. The district court found that the parties separated in May 2022, that husband was served with divorce pleadings on August 2, 2022, that the Initial Case Management Conference was held on December 20, 2022, and that the court held a pretrial hearing on April 28, 2023. The court acknowledged that wife "sought a valuation date closer to the date of the parties' separation," that since separation, "the parties each conducted themselves in a manner where they were responsible for their own support and utilized their funds for the mutual benefit of the children," and that both husband and wife "experienced downturns in their respective incomes, albeit for differing reasons."

The district court ultimately rejected wife’s proposed valuation date because it predated initiation of the dissolution proceeding. The district court selected August 15, 2022, as the valuation date because of “the separate finances at separation, the date of service of the pleadings, and the length of time from separation and the prehearing settlement conference.”

Again, the lack of a transcript affects our ability to fully review this issue. *See Am. Fam. Life Ins. Co. v. Noruk*, 528 N.W.2d 921, 925 (Minn. App. 1995) (stating that if a transcript is not provided on appeal, this court’s review is “limited to determining whether the [district] court’s findings of fact support its conclusions of law”), *rev. denied* (Minn. Apr. 27, 1995); *Thorp Loan and Thrift Co. v. Morse*, 451 N.W.2d 361, 363 (Minn. App. 1990) (“When an appellant acts as attorney pro se, appellate courts are disposed to disregard defects in the brief, but that does not relieve appellants of the necessity of providing an adequate record”), *rev. denied* (Minn. Apr. 13, 1990). But we are satisfied that the district court’s findings support its conclusion. In sum, wife has not shown that the district court abused its “broad discretion” in using August 15, 2022, as the valuation date.

III.

Wife contends that the district court misapplied the law in failing to assign a guardian ad litem to represent the interests of the parties’ minor child in this dissolution proceeding.

Minn. Stat. § 518.165, subd. 2 (2022) states that in all marriage dissolution proceedings in which custody or parenting time of a minor child is at issue, if the district

court “has reason to believe that *the minor child is a victim of domestic child abuse or neglect*, as those terms are defined in section 260C.007 and chapter 260E, respectively, the court shall appoint a guardian ad litem.” (Emphasis added.) However, “[n]othing in this subdivision requires the court to appoint a guardian ad litem in any proceeding for child custody, marriage dissolution, or legal separation in which an allegation of domestic child abuse or neglect has not been made.” Minn. Stat. § 518.165, subd. 2.

Wife argues that the district court was required to appoint a guardian ad litem under Minn. Stat. § 518.165 (2022) based on husband’s 2021 psychological assessment and because husband “failed to provide anything more recent” indicating “that he is no longer a safety threat to [GP].” She also argues that a guardian should have been appointed because husband was required to register as a predatory offender.

Wife does not demonstrate that the district court misapplied the law. Under Minn. Stat. § 518.165, the district court is required to appoint a guardian ad litem if it has reason to believe that the parties’ child is a victim of domestic child abuse or neglect. *Id.* The record does not suggest that the minor child has been a victim of domestic child abuse or neglect, and “[n]othing in [Minn. Stat. § 518.165, subd. 2] requires the court to appoint a guardian ad litem” if there is no allegation of domestic child abuse or neglect. *Id.*

As to discretionary appointment of a guardian ad litem, Minn. Stat. § 518.165, subd. 1, provides that the district court “*may* appoint a guardian ad litem to represent the interests of the child” in a dissolution proceeding in which no allegation of domestic child abuse or neglect has been made. (Emphasis added.) We review a decision not to appoint a guardian ad litem for an abuse of discretion. *Reed v. Albaaj*, 723 N.W.2d 50, 59 (Minn. App. 2006).

“An abuse of discretion occurs when the district court resolves the matter in a manner that is against logic and the facts on the record.” *O’Donnell v. O’Donnell*, 678 N.W.2d 471, 474 (Minn. App. 2004) (quotation omitted).

The district court did not abuse its discretion. As the district court emphasized, the then fourteen-year-old minor child was “of a normal maturity and ability for a child of his age to be able to have an opinion,” “the child would like to have both parents involved in his life, and . . . he enjoys having time with each parent.” Additionally, the district court noted wife’s concerns regarding husband’s predatory-registration requirement and her concerns that husband “has significant mental[-] and chemical[-]health issues that affect his ability to parent” the minor child. The district court acknowledged that husband’s previous mental-health incident “should not be ignored,” but it found that husband “has acknowledged and addressed his mental health” and that wife “has repeatedly relied upon decade old information and incidents from over one to [one-and-a-half] years ago.” On this record, the district court did not abuse its discretion by not appointing a guardian ad litem to represent the interests of GP.

IV.

Wife contends that the district court abused its discretion by not awarding her spousal maintenance.

The district court “may grant a maintenance order for either spouse if it finds that the spouse seeking maintenance”:

(a) lacks sufficient property, including marital property apportioned to the spouse, to provide for reasonable needs of the spouse considering the standard of living established

during the marriage, especially, but not limited to, a period of training or education, or

(b) is unable to provide adequate self-support, after considering the standard of living established during the marriage and all relevant circumstances, through appropriate employment, or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

Minn. Stat. § 518.552, subd. 1 (2022); see *Lyon v. Lyon*, 439 N.W.2d 18, 22 (Minn. 1989)

(stating that an award of spousal maintenance requires a showing of need).

A spousal maintenance order is made based on “all relevant factors” including:

(a) the financial resources of the party seeking maintenance, including marital property apportioned to the party, and the party’s ability to meet needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;

(b) the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment, and the probability, given the party’s age and skills, of completing education or training and becoming fully or partially self-supporting;

(c) the standard of living established during the marriage;

(d) the duration of the marriage and, in the case of a homemaker, the length of absence from employment and the extent to which any education, skills, or experience have become outmoded and earning capacity has become permanently diminished;

(e) the loss of earnings, seniority, retirement benefits, and other employment opportunities forgone by the spouse seeking spousal maintenance;

(f) the age, and the physical and emotional condition of the spouse seeking maintenance;

(g) the ability of the spouse from whom maintenance is sought to meet needs while meeting those of the spouse seeking maintenance; and

(h) the contribution of each party in the acquisition, preservation, depreciation, or appreciation in the amount or value of the marital property, as well as the contribution of a

spouse as a homemaker or in furtherance of the other party's employment or business.

Id., subd. 2 (2022).

“When applying these factors, a court must balance the financial needs of [wife] and her ability to meet those needs against the financial condition of [husband].” *Fink v. Fink*, 366 N.W.2d 340, 342 (Minn. App. 1985). “The purpose of [spousal maintenance] is to care for the [requesting spouse’s] needs after divorce, not to provide [the spouse] with a lifetime profit-sharing plan.” *Snyder v. Snyder*, 212 N.W.2d 869, 875 (Minn. 1973) (quotation omitted). Because of “the fact-dependent nature of the inquiry,” the supreme court has held that “a [district] court has broad discretion in deciding whether to award maintenance and before an appellate court determines that there has been a clear abuse of that discretion, it must determine that there [is] a clearly erroneous conclusion that is against logic and the facts on record.” *Curtis v. Curtis*, 887 N.W.2d 249, 252 (Minn. 2016) (quotation omitted).

The district court explicitly found that wife “failed to meet either” of the two statutory requirements for the court to award spousal maintenance. And the court made detailed findings regarding each of the factors in Minn. Stat. § 518.552, subd. 2, and determined that only two of the eight statutory factors supported an award of spousal maintenance. On this record, wife has not shown an abuse of discretion.

V.

Wife contends that the district court abused its discretion in awarding the parties joint legal and joint physical custody of the parties’ minor child, GP.

“In determining custody, the court shall consider the best interests of each child” Minn. Stat. § 518.17, subd. 3(3); *see Durkin*, 442 N.W.2d at 152 (“The guiding principle in all custody cases is the best interest of the child.”). In determining the best interests of the child, the district court “must make detailed findings” on 12 statutory best-interests-of-the-child factors. Minn. Stat. § 518.17, subd. 1(b)(1). “The court may not use one factor to the exclusion of all others, and the court shall consider that the factors may be interrelated.” *Id.* “The court shall use a rebuttable presumption that upon request of either or both parties, joint legal custody is in the best interests of the child.” *Id.*, subd. 1(b)(9). “However, the court shall use a rebuttable presumption that joint legal custody or joint physical custody is not in the best interests of the child if domestic abuse, as defined in section 518B.01, has occurred between the parents.” *Id.*

“Appellate review of custody determinations is limited to whether the [district] court abused its discretion by making findings unsupported by the evidence or by improperly applying the law.” *Pikula v. Pikula*, 374 N.W.2d 705, 710 (Minn. 1985). In reviewing a custody determination, the law “leaves scant if any room for an appellate court to question the [district] court’s balancing of best-interests considerations.” *Vangsness*, 607 N.W.2d at 477.

Wife asserts that the district court erred in its custody determination because husband is “statutorily barred from obtaining custody of the child.” She relies on statutes and caselaw governing termination of parental rights, but she states, “Please note [wife] is NOT requesting [husband’s] rights be terminated just that safety be paramount.” Based on our review of the available record, we are not persuaded that the district court erred in

determining that given the work that husband has done, he currently does not pose a safety threat to the child.

Wife also argues that there is a “rebuttable presumption that joint legal custody or joint physical custody is not in the best interests of the child if domestic abuse has occurred between the parents” and that husband “has failed to rebut this presumption.” As discussed above, even if the district court erred by declining to find that husband subjected wife to domestic abuse and therefore erred by declining to apply the presumption against joint custody, the alleged error was harmless because the district court’s findings show that it would have found that husband rebutted the presumption. *See* Minn. R. Civ. P. 61 (“The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.”). Again, the district court found that *every* best-interests factor favored an award of joint legal and joint physical custody. The law “leaves scant if any room for an appellate court to question the [district] court’s balancing of best-interests considerations.” *Vangsness*, 607 N.W.2d at 477. We discern no reason to do so here.

VI.

Wife argues that the district court abused its discretion by not ordering husband to provide medical support for the minor child.

Minn. Stat. § 518A.41 (2022) governs medical support determinations in the context of child support. “If a joint child is presently enrolled in health care coverage, the court must order that the parent who currently has the joint child enrolled continue that enrollment unless the parties agree otherwise or a party requests a change in coverage and

the court determines that other health care coverage is more appropriate.” Minn. Stat. § 518A.41, subd. 4(a). The statute defines “public coverage,” in part, as “health care benefits provided by any form of medical assistance under chapter 256B.” *Id.*, subd. 1(f). The district court generally must order that “all unreimbursed and uninsured medical expenses under the health plan be divided between the obligor and obligee based on their proportionate share of the parties’ combined monthly PICS.” *Id.*, subd. 5(a).

The district court “is accorded broad discretion” with respect to “support of the children of the parties.” *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984). “There must be a clearly erroneous conclusion that is against logic and the facts on record before this court will find that the [district] court abused its discretion.” *Id.*

Wife argues that husband is “grossly over income for medical assistance,” that husband did not “provide evidence of availability of insurance” to the district court, and that it is “an absolute necessity that the J&D address [husband] covering Child under his employer offered health/dental/vision insurance.”

The district court found both parties receive medical assistance. The court held that wife “shall continue to carry the minor child’s health and dental insurance under Medical Assistance” and that neither wife nor husband “shall be responsible to the other for payment for the child’s health and dental insurance for so long as all the parties remain on Medical Assistance, as stated by the County Attorney in their letter to the Court.” The district court also found that if insurance does not cover all of the minor child’s health-related expenses, wife “has the ability to pay 35% of the unreimbursed and uninsured health-related expenses of the minor child,” and husband “has the ability to pay the

remaining 65%.” The district court’s order was consistent with the requirements of Minn. Stat. § 518A.41. Once again, wife does not demonstrate that the district court abused its discretion.

Wife’s remaining arguments regarding husband’s qualifications for medical assistance challenge the district court’s findings of fact, which we cannot adequately review without a transcript.

VII.

Wife argues that the district court abused its discretion by denying her request for need- and conduct-based attorney fees.

The district court “shall” award attorney fees “in an amount necessary to enable a party to carry on or contest the proceeding,” if it finds: (1) “that the fees are necessary for the good faith assertion of the party’s rights in the proceeding and will not contribute unnecessarily to the length and expense of the proceeding,” (2) “that the party from whom fees, costs, and disbursements are sought has the means to pay them,” and (3) “that the party to whom fees, costs, and disbursements are awarded does not have the means to pay them.” Minn. Stat. § 518.14, subd. 1 (2022). “Nothing in this section . . . precludes the court from awarding, in its discretion, additional fees, costs, and disbursements against a party who unreasonably contributes to the length or expense of the proceeding.” *Id.*

In the context of need-based attorney fees, our standard of review “is whether the district court abused its discretion.” *Gully v. Gully*, 599 N.W.2d 814, 825 (Minn. 1999). Conduct-based attorney fee awards “are discretionary with the district court.” *Szarzynski v. Szarzynski*, 732 N.W.2d 285, 295 (Minn. App. 2007).

Wife argues that she has high credit card debt as a result of her attorney fees, “most of which was spent to defend against the manipulative lies [husband] has submitted to the [d]istrict [c]ourt repeatedly.” She also argues that she has “wrongfully shared in [husband’s] attorney fees/costs.” The district court “thoroughly reviewed the record as well as the parties’ submissions and memorandum” regarding the parties’ requests for attorney fees and examined “the financial resources of both parties . . . , the parties’ arguments, and the parties’ efforts both prior to and during trial to resolve outstanding disputes.” On this record, we are not persuaded that the district court abused its discretion.

In conclusion, the district court’s judgment and decree indicates that it carefully considered and weighed the competing evidence presented at trial, as well as the parties’ positions. It is not our role to retry the case on appeal. *See Stiff v. Associated Sewing Supply Co.*, 436 N.W.2d 777, 779 (Minn. 1989) (“An appellate court exceeds its proper scope of review when it bases its conclusions on its own interpretation of the evidence and, in effect tries the issues anew and substitutes its own findings for those of the trial judge.”). Under the standards that govern our review, we do not discern a basis to disturb the district court’s careful consideration of the issues in this case.

Affirmed.