

*This opinion is nonprecedential except as provided by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
A24-1229**

In the Matter of Betsy Meredith Baldwin and
On Behalf of Minor Child(ren), petitioner,
Appellant,

vs.

Stephen Eric Baldwin,
Respondent.

**Filed June 30, 2025
Reversed and remanded
Connolly, Judge**

Hennepin County District Court
File No. 27-DA-FA-24-2230

Michael D. Schwartz, Brandon M. Schwartz, Schwartz Law Firm, Oakdale, Minnesota (for appellant)

David C. Gapen, Gapen, Larson & Johnson, LLC, Minneapolis, Minnesota (for respondent)

Considered and decided by Ross, Presiding Judge; Connolly, Judge; and Wheelock, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant challenges the dismissal of her petition for an Order for Protection (OFP) against respondent arguing that the district court abused its discretion by misapplying the law concerning the criteria for domestic abuse. We reverse and remand.

FACTS

Appellant Betsy Meredith Baldwin and respondent Stephen Eric Baldwin were married; a petition for dissolution was filed in 2022. The parties have two minor children, one born in 2007, and one born in 2009. The children lived primarily with appellant and spent parenting time with respondent when the children wished. The parties' divorce was pending in 2024.

In April 2024, appellant filed a petition for an OFP for herself and the children against respondent, describing four incidents in February, March, and April of 2024 in support of the petition. The district court issued an ex parte OFP for appellant and the children, and respondent requested an evidentiary hearing. After the hearing, at which both parties were represented, the district court dismissed appellant's petition and vacated the ex parte OFP. Appellant challenges the dismissal of her OFP petition, arguing that the district court abused its discretion by misapplying the law to the facts.¹

DECISION²

Appellate courts review the decision whether to grant an OFP for an abuse of discretion. *Thompson v. Scrimsher*, 906 N.W.2d 495, 500 (Minn. 2018). "A district court

¹ Appellant does not challenge the district court's findings that the children were not involved in the February 16 incident or the March 26 incident or its determination that appellant "did not meet the burden of proof necessary for an [OFP] . . . as to the minor children." These incidents involved only allegations concerning appellant.

² Respondent did not file a brief. We nevertheless review the appeal on the merits under Minn. R. Civ. App. P. 142.03.

abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record.” *Id.* (quotation omitted).

A petition for an OFP “shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.” Minn. Stat. § 518B.01, subd. 4(b) (2024). “Domestic abuse” means, in relevant part, “(1) physical harm, bodily injury, or assault”; or “(2) the infliction of fear of imminent physical harm, bodily injury or assault committed against a family member by a family member.” Minn. Stat. § 518B.01, subd. 2(a) (1), (2) (2024).

There were two relevant incidents reflected in the record. The first was on February 16 and the second on March 26. As to the February 16 incident, appellant testified that respondent came to her house to pick up the parties’ dogs, which were waiting for him in the car so that the parties would not need to interact. But he rang the doorbell; she answered the door; they had a verbal exchange about which she testified: “[A]s he walked away, he said, I hope you f---ing die.” She later testified, “I’ve never had anyone say that to me [I]t was terrifying. I realized things were turning really dark.” When asked how the incident had impacted her, she answered, “Severely. . . . I just don’t feel comfortable.” When asked what she was afraid of, or how she was going to be harmed, appellant said:

If someone tells you they hope that you f---ing die . . . and they’re acting extremely erratic . . . you start to get a little concerned that you’re not sure exactly what they are going to do, what they’re capable of doing, when they might show up again or why they feel so darkly about you

Respondent testified that he immediately apologized. As to this incident, the district court stated, “[t]his is not domestic abuse. It is bad behavior that is sadly common in situations between adults involved in prolonged litigation.”

As to the March 26 incident, appellant testified that she was getting ready to leave on a business trip, respondent wanted to take the dogs, and she “didn’t want [respondent] to come over again [be]cause of what happened in February.” Although appellant had said respondent could pick up the dogs after she left, he

drove up the driveway, rang the doorbell over and over again, pounded on the back glass door . . . [a]nd blocked the driveway.

. . . .

. . . So, the only way to . . . get to my car would be to leave through the back door where he was parked blocking the driveway and in order to get to my garage to get my car to leave my house, I wouldn’t have been able to [leave] because he was blocking the driveway.

. . . .

I ended up calling 911 because I actually didn’t know what else to do.

When asked how long appellant was blocking her driveway, she said, “probably 35 to 40 minutes,” although she asked him to leave “multiple times.” She testified that respondent came to the house about 9:00 a.m. and her flight was “probably within the next half hour, 45 minutes.” When asked if respondent made any threats to harm her before he left, she answered, “Yes. That he was going to stay in the car and not leave . . . demanding that I come out and when you’re blocked in your one-way driveway and you need to leave . . .”

When asked what harm respondent threatened, appellant said, “[i]n your own house when

you're taking a shower and getting ready to leave for the airport and you've asked someone not to come over, and they're blocking your driveway so you can't leave your house, I think that's extremely threatening. I was terrified." Appellant's testimony at the hearing indicated that, on March 26, she had suffered domestic abuse as defined by Minn. Stat. § 518B.01, subd. 2(a). Additionally, when asked if she was fearful of respondent and fearful for her own safety, appellant answered, "Yes"; when asked to explain, she said that the situation with respondent "ha[d] turned into something that I don't have any control over, and it's pretty scary."

As to this incident, the district court stated, "the [c]ourt is persuaded that [appellant] was frightened. However, this behavior is not domestic abuse." We disagree for two reasons. First, in explaining her fear of respondent, appellant testified that "[i]t has turned into something that I don't have any control over, and it's pretty scary" given respondent's conduct of blocking the driveway and telling her "I hope you f---ing die." She also explained that she did not want respondent to come to her house on March 26 because of the incident on February 16. Second, the district court explicitly found both parties' testimony credible. Because the district court found appellant's testimony on these matters credible, we conclude that the district court abused its discretion in concluding that appellant had not experienced domestic abuse, i.e., "the infliction of fear of imminent physical harm, bodily injury, or assault" as defined in Minn. Stat. § 518B.01, subd 2(a) (2).

Specifically, on March 26, 2024, respondent appeared uninvited at appellant's house, repeatedly called, texted, and rang the doorbell. Respondent blocked her driveway so that she could not leave. Appellant felt so threatened by this behavior that she called

the police twice. “An overt physical act is not necessary to support the issuance of an OFP.” *Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009). We reverse and remand for a correct application of the law.

Reversed and remanded.