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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1596**

In Re the Custody of LMK & LJK:

Matthew Steven Krebs, petitioner,
Appellant,

vs.

Nicole Lynn Carlson,
Respondent.

**Filed August 25, 2025
Affirmed
Bratvold, Judge**

Isanti County District Court
File No. 30-FA-19-210

Carrie A. Doom, Sapientia Law Group, Cambridge, Minnesota (for appellant)

Nicole Lynn Carlson, Dalbo, Minnesota (pro se respondent)

Considered and decided by Bratvold, Presiding Judge; Bjorkman, Judge; and Harris,
Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this appeal from the district court's order denying appellant father's motion to modify custody, father argues that the district court abused its discretion in its balancing of the best-interests factors and by determining that the benefits of modification did not

outweigh the harm to the children. Because the district court did not abuse its discretion, we affirm.

FACTS

Appellant Matthew Steven Krebs (father) and respondent Nicole Lynn Carlson (mother) are the parents of two minor children, L.M.K., born in 2013, and L.J.K., born in 2014. The following summarizes the district court’s factual findings in its order denying modification of custody after an evidentiary hearing, along with the evidence received at the hearing as relevant to the arguments on appeal.

In May 2020, the district court awarded sole physical and sole legal custody of both minor children to mother and established a parenting-time schedule for father. The district court’s order also directed the parties to participate in reunification therapy.

The parties began reunification therapy in November 2020. The therapist did not believe, based on her observations, that father and the children needed reunification therapy. The therapist also noted that mother had many concerns, including father’s history of drug use, her own history of domestic abuse with father, and the possibility that their sons were sexually abused. Mother seemed “afraid” that the children would have “a similar experience” to hers. Mother seemed to “struggle to . . . separate her own experiences from what the [children] experienced.” Mother ultimately asked to stop reunification therapy because she thought the therapist was “on [father’s] side.” As a result, reunification therapy stopped, and the therapist began providing individual therapy for father.

Sexual-Abuse Reports

Mother made four sexual-abuse reports to Isanti County Health and Human Services (ICHHS) involving allegations of sexual abuse of the children by father. In August 2022, mother filed the first report and it “was screened out.” Mother filed the second report in September 2022 and alleged that L.J.K. was “hiding under his bed and having major meltdowns,” that father “spanked L.J.K. 10 times” in September 2021 while L.J.K. “yelled that [father] was touching his privates,” and that L.J.K. had “rectal bleeding the prior spring.” According to the district court, this report was “screened out” because the alleged incident “was over a year old” and there was “no information” that father caused the alleged injuries or committed sexual behaviors.

Mother made the third and fourth reports in October 2022. One of the October reports was screened out; the other went to investigation. An investigator conducted a forensic interview with L.J.K. during which L.J.K. said that his father “was touching him sexually” on “his privates,” which were “his butt and wiener.” L.J.K. reported that father “told him not to talk about ‘the bad stuff.’” L.J.K. also stated that, on one occasion, father’s “hand touched his penis and [father] told L.J.K. to ‘do it a lot.’” The investigator found that L.J.K.’s descriptive language was “uncommon for a child of his age.” According to the district court, the investigator “determined there was not a preponderance of the evidence to support a finding of sexual abuse or threatened sexual abuse.”

In March 2023, both parents participated in psychological evaluations. The evaluator did not use any collateral sources in his evaluation. According to the district court, the evaluator concluded that father did not “present increased risk of sexual trauma”

to the children; the evaluator also determined that mother “demonstrated significantly above average fear” of father.

Father’s Parenting Time

Over time, father’s parenting time with the children expanded based on the parenting plan. Father started supervised parenting time in May 2020. Father reached the final phase of the parenting plan by December 2021 and began unsupervised parenting time.

The record includes evidence that father experienced disruptions in his parenting time. During the investigations of the sexual-abuse-report allegations, father’s parenting time stopped until the report was screened out or closed. Father’s parenting time was also altered for other reasons. For example, in May 2022, mother sent a cell phone with the children when they went to father’s house for parenting time. Father did not want the children to have a cell phone and tried to take the phone away. L.J.K. told father he could not take away the cell phone or L.J.K. would “get in trouble with mom.” That same month, L.J.K. “would not go to school due to anxiety” and “did not attend some of [father’s] parenting time.”

In November 2022—after the fourth report of sexual abuse discussed above—the district court granted an ex parte order for protection (OFP) against father on behalf of the children. In January 2023, following a contested hearing, the district court filed an order for dismissal, determining that the allegations against father had not been proved. After the dismissal, father’s parenting time resumed with L.M.K. but did not immediately resume with L.J.K. Instead, the parties began working with a parenting consultant, who

recommended reunification therapy before father resumed parenting time with L.J.K. Father and L.J.K. participated in reunification therapy, which ended in October 2023. Father's parenting time with both children resumed.

Father's parenting time with L.J.K. stopped again in January 2024. During father's parenting time, father asked the children to turn their video games off and L.J.K. asked if he could leave and stay at mother's house. When father told L.J.K. he could not leave, L.J.K. "stormed out of the house without shoes or a coat." L.J.K. returned to father's home "within a few seconds, laid down on the couch and pouted, but then fell asleep for a few hours." The next day, L.J.K. told father that he "did not want to talk about what had happened."

L.J.K. stopped attending father's parenting time. L.M.K. said that, if his brother was not going, "he did not want to either." When mother would drive to drop off the children for father's parenting time, both children would "refuse to leave [mother's] car." Eventually, L.M.K. started going to parenting time again, and he and father would play video games online with L.J.K., who stayed with mother.

Motion to Modify Custody

In December 2023, father moved the district court to modify custody and parenting time. Father sought sole physical and sole legal custody of both children. Father also requested that mother have supervised parenting time once per week and participate in therapy "to address her trauma triggers." Father's motion did not provide for increases in mother's parenting time. Father submitted an affidavit with the motion and requested an evidentiary hearing. Mother opposed the motion.

The district court found that father had “made a prima facie case of endangerment” and granted father’s request for an evidentiary hearing. The district court conducted a three-day evidentiary hearing in May 2024 and received testimony from father, mother, an ICHHS employee, the psychologist who performed the parties’ psychological evaluations, the children’s individual therapist, the reunification therapist, mother’s cousin, the children’s maternal grandfather, and the children’s maternal grandmother.

The district court denied father’s motion on September 3, 2024. Of the four requirements to modify custody and parenting time, the district court found that only two were satisfied based on the evidence. The district court determined that (1) father demonstrated “a change in circumstances justifying modification of the custody order”; (2) father demonstrated that mother “endangered the [children] through harm to their emotional health and development by harming their relationship with [father]”; (3) modification of custody was “not in the children’s best interest”; and (4) the benefits of the proposed modification “would not outweigh the harm to the children from the change in environment.”

District Court’s Analysis of Best-Interests Factors

In reaching its decision, the district court considered the 12 best-interests factors outlined in Minn. Stat. § 518.17, subd. 1(a) (2024). This opinion first summarizes the four factors favoring modification.

A. The physical, emotional, cultural, spiritual, and other needs of the children under Minn. Stat. § 518.17, subd. 1(a)(1).

The district court determined that the first factor slightly favored modification. The district court found that mother's actions "caused damage to the [children's] emotional health and development" by harming their relationship with father. But the district court also found that this damage has been "mitigated by other efforts" mother has made to "tr[y] to allow the [children] to maintain a relationship with their father," such as allowing phone conversations and communications through video games and bringing the children to parenting time.

B. The physical, mental, or chemical health issue of a parent that affects the children's safety or developmental needs under Minn. Stat. § 518.17, subd. 1(a)(5).

The district court determined that the fifth factor was an "important factor" that slightly favored modification. The district court found that mother's "heightened concerns over [father's] actions have negatively impacted the [children's] development of a relationship with their father" and that she is "unable or unwilling" to engage in sessions with father to improve their coparenting.

C. The parents' willingness and ability to provide ongoing care for the children under Minn. Stat. § 518.17, subd. 1(a)(7).

The district court determined that the seventh factor slightly favored modification. The district court found that "[b]oth parties are willing and able" to care for the children. The district court also found that mother's "inconsistency with parenting time . . . was due to [her] fear rather than an intentional effort to damage the relationship between [father] and the [children]."

D. The parents' willingness and ability to cooperate under Minn. Stat. § 518.17, subd. 1(a)(12).

The district court determined that the twelfth factor slightly favored modification. The district court found that the parties do not have an ability to coparent “given their relationship history.” Mother has “failed to minimize” the children’s exposure to her conflict with father, although both parties “have been open” to reunification therapy. The district court concluded that “joint physical and joint legal custody are not in the best interests of the children.”

We turn to the district court’s determinations about the five factors that weighed against modification, two of which the district court considered together.

A. Whether domestic abuse has occurred under Minn. Stat. § 518.17, subd. 1(a)(4).

The district court determined that the fourth factor weighed against modification, but the court gave it “minimal weight.” The district court found that, although father “verbally abused” mother during their relationship, “that relationship ended many years ago.” The district court also did not find mother’s allegations that father sexually abused the children credible.

B. Each parent’s participation in caring for the children under Minn. Stat. § 518.17, subd. 1(a)(6).

The district court determined that the sixth factor weighed against modification. The district court found that mother “cared for the [children] for their entire lives,” while father “handled overnights for the [children]” but was “largely uninvolved in managing their

health . . . and their schooling.” The district court added that there was no evidence father would be unable to meet the children’s needs.

C. The effect of changes to home, school, and community on the children’s well-being and the children’s relationships under Minn. Stat. § 518.17, subd. 1(a)(8)-(9).

The district court considered the eighth and ninth factors together and determined that they weighed against modification. The district court found that the effect of changes to home, school, and community on the children’s well-being was “moderately important” and that the effect of those changes on the children’s relationships with parents, siblings, and other significant persons was “very important.” The district court stated that father was requesting “a change in where the [children] reside.” The district court found that this change would not impact the children’s school or extracurricular activities, but it “would negatively impact their relationships with neighbors and cousins” as well as their maternal grandmother, whom they see “almost daily.” The district court found that, although the modification would “improve the relationship between the [children] and their father,” it would “do substantial harm to their relationship to their mother.”

D. The benefit to the children in maximizing parenting time with both parents and the detriment to the children in limiting parenting time with either parent under Minn. Stat. § 518.17, subd. 1(a)(10).

The district court determined that the tenth factor weighed moderately against modification. The district court found that, although the children would “see their father much more,” the proposed modification would “result in mother receiving less parenting time than father receives now” and her parenting time would be supervised.

Along with its determinations that four factors favored modification and five factors weighed against modification, the district court discussed the three remaining factors. It determined that the second factor was neutral and had little weight—whether the children had any special needs. Minn. Stat. § 518.47, subd. 1(a)(2). The district court noted that the “only special need for the [children] is the need for therapy” and there is no evidence that either parent cannot meet this need.

The district court found that two factors did not apply. The district court determined that the third factor, which considers the children’s preference, *id.*, subd. 1(a)(3), does not apply because the children “are not of sufficient age and maturity to express an independent, reliable preference.” The district court also determined that the eleventh factor, which considers each parent’s support of the children’s relationship with the other parent, does not apply to cases of domestic abuse. *Id.*, subd. 1(a)(11). The district court found that, although the domestic abuse “was not recent, it still affects [mother’s] relationship with [father] and her willingness to support her children’s relationship with her abuser.” The district court also noted that, even if it considered this factor, “it would not change its ultimate determination.”

In its final weighing of the best-interests factors, the district court determined that the “most important factors” are the first, ninth, and tenth factors. While the first factor weighed slightly in favor of modification, the ninth and tenth factors weighed against modification. The district court thus concluded that modification of custody is “not in the children’s best interest.”

Father appeals.

DECISION

Father argues on appeal that the district court abused its discretion in its balancing of the best-interests factors and by determining that the benefits of modification did not outweigh the harm to the children. Mother did not file a brief, and we therefore decide the appeal on the merits of the case. *See* Minn. R. Civ. App. P. 142.03.

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). “Appellate review of custody determinations is limited to whether the trial 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). We review a district court’s findings of fact for clear error. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988). Clear error exists when a factual finding is “manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *Kampf v. Kampf*, 732 N.W.2d 630, 633 (Minn. App. 2007) (quotation omitted), *rev. denied* (Minn. Aug. 21, 2007). On appellate review of a district court’s best-interests analysis, “we give considerable deference to the district court’s findings.” *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 92 (Minn. App. 2012); *see also Vangsness v. Vangsness*, 607 N.W.2d 468, 477 (Minn. App. 2000) (“[C]urrent law leaves scant if any room for an appellate court to question the trial court’s balancing of best-interests considerations.”).

The district court may modify custody if the moving party establishes “(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.” *Crowley v. Meyer*, 897 N.W.2d 288, 293 (Minn. 2017); *accord* Minn. Stat. § 518.18(c)-(d) (2024). The party seeking to modify custody bears the burden of proving all four requirements to obtain relief. *Crowley*, 897 N.W.2d at 293.

The district court ruled in father’s favor on the first and third requirements to modify custody. Because all four requirements are interrelated, we briefly discuss these rulings. On the first requirement, the district court found that “there have been major changes in circumstances.” To support modification, a “change in circumstances must be significant and must have occurred since the original custody order; it cannot be a continuation of conditions existing prior to the order.” *Geibe v. Geibe*, 571 N.W.2d 774, 778 (Minn. App. 1997). The district court found that mother petitioned for an OFP against father, mother made several abuse reports to ICHSS, and father experienced disruptions in his parenting time because of L.J.K.’s refusal to participate. The district court determined that “these changes are significant.”

On the third requirement, the district court found that father “demonstrated endangerment.” “[A] sustained course of conduct by one parent designed to diminish a child’s relationship with the other parent is unacceptable and may be grounds for denying or modifying custody.” *Lemcke v. Lemcke*, 623 N.W.2d 916, 919 (Minn. App. 2001), *rev. denied* (Minn. June 19, 2001). The district court found that mother’s inability to “separate her past experiences with [father] from his current actions . . . harms the [children’s]

emotional health and development by negatively impacting their relationship with [father].”

On appeal, father objects to the district court’s conclusions on the second and fourth requirements from Minn. Stat. § 518.18(d). Because all four requirements must be met for a district court to modify custody, *see Leyh v. Stelzer*, 398 N.W.2d 63, 66 (Minn. App. 1986), father must prevail on both issues to be entitled to relief.

I. The district court did not abuse its discretion in its balancing of the best-interests factors.

Father argues that the district court abused its discretion in its balancing of the best-interests factors. In doing so, father attacks specific points within the district court’s analysis without discussing all of the best-interests factors or placing his arguments in the context of the factors. Father makes four main arguments, which we discuss in turn.

First, father argues that the district court “used the children’s relationship with their mother to the exclusion of all other factors.” It is true that the district court “may not use one factor to the exclusion of all others” in balancing the best-interests factors. Minn. Stat. § 518.17, subd. 1(b)(1) (2024). But that is not what happened here. The district court considered all relevant factors and weighed them before coming to a conclusion.

The district court was even-handed in its analysis of the best-interests factors. The district court found that mother’s conduct endangered the children “by harming their relationship with [father]” and that mother disrupted father’s parenting time due to her allegations of sexual abuse, which the district court did not credit. The district court also found that mother is “unable or unwilling to engage in joint sessions with [father] to

improve their coparenting because of her mental health.” And the district court found that four best-interests factors favored granting father’s motion to modify custody. In doing so, the district court considered the children’s relationship with father, finding that there was no evidence that father would be unable to meet the children’s needs, that father’s “chemical issues appear to be well addressed,” and that father’s “recent evaluation does not provide cause for concern.” But the district court also found that father is “fairly quick to anger, which raise[d] some concerns for the Court.” The district court also noted that father “has not been involved in managing” the children’s needs “day-to-day” and that father did not know the names of the children’s “best friends, teachers, or medical providers.”

Because the district court did not “use one factor to the exclusion of all others,” *see id.*, father’s argument appears to be based on the weight the district court gave to each factor and the underlying evidence. This court does not reweigh the evidence on appeal, *see Vangness*, 607 N.W.2d at 477, and therefore, father is not entitled to relief based on this argument.

Second, father argues that the district court’s balancing of the best-interests factors conflicts with its finding of endangerment. Father contends that the district court “found that the children were already alienated from their father and so their relationship with their mother needs to be preserved.” Father contends that the district court’s finding of endangerment by mother and its finding that modification is not in the children’s best interests “rewards Mother’s behavior by preserving her relationship at the expense of [the children’s] relationship with father.”

The district court's finding of endangerment is not inconsistent with the district court's best-interests analysis. A finding of endangerment and the best interests of the children are two separate requirements for modifying custody. *Crowley*, 897 N.W.2d at 293; *see also* Minn. Stat. § 518.18(c)-(d). If finding parental endangerment was automatically inconsistent with finding that the best interests of the children supported the existing custody arrangement, then they would not be two separate requirements. Father must succeed on both the finding of parental endangerment and the best-interests analysis to prevail on his motion to modify custody. The district court considered the harm mother caused to the children's "emotional development and relationship with their father" in its best-interests analysis, determining that, for this reason, the eighth and ninth best-interests factors weighed in favor of modification. But the district court's analysis of *all* best-interests factors weighed against modification. "[W]e give considerable deference to the district court's findings" in this balancing of the best-interests factors. *J.K.T.*, 814 N.W.2d at 92.

Third, father argues that denying his motion to modify custody and leaving the children in mother's care means the children "will not have a relationship with their father." But the district court found that the "damage [mother] has done has been mitigated by other efforts she has made to facilitate [father's] relationship" with the children, such as "allowing phone conversations" and bringing the children "to exchanges whenever she has been required" to do so. The district court did not "ignore[]" mother's impact on the children's relationship with father, as father contends. The district court considered

mother's role in disrupting and facilitating the children's relationship with father when it balanced the best-interests factors.

Finally, father argues that the district court "fail[ed] to consider the impact on the children [of] Mother's unfounded fears of sexual abuse." We disagree. Father's arguments ignore the district court's full analysis of the best-interests factors. The district court addressed mother's sexual-abuse allegations and specifically "[did] not find them credible." And the district court considered those unproven allegations in its finding of endangerment. Mother's inability to "fully move past the trauma of her relationship" with father was part of the district court's determination that mother endangered the children by harming their relationship with their father.

Because the district court analyzed all 12 best-interests factors and its findings were supported by record evidence, the district court did not abuse its discretion in its balancing of the best-interests factors.

II. The district court did not abuse its discretion by determining that the benefits of modification did not outweigh the harm to the children.

Father argues that the district court abused its discretion by determining that the benefits of modification did not outweigh the harm to the children. Because we determine that the district court did not abuse its discretion in its balancing of the best-interests factors, we need not reach this issue, but do so in the interest of being thorough.

The district court considered whether "the harm to the child[ren] likely to be caused by the change of environment is outweighed by the advantage of change" and concluded that it was not. *See Geibe*, 571 N.W.2d at 778. The district court reasoned that the

modification would “significantly disrupt the [children’s] lives” and cause “a serious and permanent change to their relationships with their mother, grandmother, mother’s family, and neighbors.” The district court noted that father’s proposed modification requests supervised parenting time for mother and does not provide for a graduated schedule increasing her parenting time. The district court concluded that this proposed modification “would cut [the children] off from their mother to an *even greater extent* than they are currently alienated from their father.” (Emphasis added.)

Father’s central argument is that the district court “minimized” the harm to the father-child relationship. Father points to the district court’s statement that mother’s “only harm to the children is their relationship with [father].” Father misunderstands the district court’s order. The district court made this statement to explain that father’s rationale for advocating that mother have only supervised parenting time “is tenuous” because mother’s “only harm to the children is their relationship with [father].” The district court did not value the children’s relationship with their mother *over* their relationship with their father; the district court declined to damage the children’s relationship with mother to benefit their relationship with father.

Father also argues that the district court’s finding that father’s “proposal does not provide any sort of graduated schedule for [mother] to claim more parenting time or have any unsupervised parenting time” is clearly erroneous. But the record supports this conclusion. Father’s motion requested that he receive sole legal and sole physical custody and that mother receive supervised parenting time, and his motion did not include any schedule for increasing mother’s parenting time. At the hearing, father testified that ending

mother's supervised parenting time should be up to "a parenting consultant or the courts or some mental health professional that can verify that she's in a well enough place to be able to co-parent" and that he should not "be the judge of that." The district court's finding is therefore supported by the record and not clearly erroneous. *See Kampf*, 732 N.W.2d at 633.

The district court properly considered, if it granted father's motion, both the benefits to the children's relationship with father as well as the harm to the children caused by a disruption to their environment and other relationships. Father essentially argues that the district court incorrectly weighed the evidence. But on appeal we reweigh *neither* the evidence on which the district court based its best-interests findings *nor* the best-interests findings. *See Vangsness*, 607 N.W.2d at 477. We conclude that the district court did not abuse its discretion by determining that the benefits of custody modification do not outweigh the harm to the children.

Affirmed.