

*This opinion is nonprecedential except as provided by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
A24-1816**

In Re the Marriage of:

Anthony William Good, petitioner,
Appellant,

vs.

Lindsay Marie Good,
Respondent.

**Filed August 18, 2025
Reversed and remanded
Schmidt, Judge**

Hennepin County District Court
File No. 27-FA-15-6785

Tifanne E. E. Wolter, Henningson & Snoxell, LTD., Maple Grove, Minnesota (for appellant)

Lindsay Marie Good, Plymouth, Minnesota (pro se respondent)

Considered and decided by Schmidt, Presiding Judge; Reyes, Judge; and Cochran, Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant-father challenges the district court's denial of his motion to modify parenting time and child support. Because the district court did not provide adequate findings for appellate review, we reverse and remand.

FACTS

Appellant-father Anthony William Good and respondent-mother Lindsay Marie Good were married in 2006. Together they have a son, born in 2007, and a daughter, born in 2009. After they divorced in 2015, both parents had joint legal custody and mother had sole physical custody. Father paid \$819 per month in child support and had parenting time every other Friday evening and Wednesday night through Thursday morning every week.

In 2019, the parties agreed to modify parenting time and child support. The district court adopted the parties' agreement, which gave father parenting time "every Thursday and every other weekend from Friday to Monday morning." The order increased father's child-support obligation to \$1,150 per month.

On July 26, 2024, father filed a motion to modify parenting time, child support, and the holiday/vacation schedule. Father requested an equal week-on/week-off parenting schedule with both children and sought to modify child support based upon that new schedule. In his affidavit, father attested that the son was already on a week-on/week-off schedule. Father also noted that mother had promised that their daughter would start that same schedule but later recanted. Father alleged concerns about mother's neglect of the children's educational and medical needs. Mother did not submit any affidavit or response to father's motion, but did appear at the hearing. At the hearing, the district court did not place mother under oath.

The district court denied father's motions to modify parenting time, child support, and the holiday/vacation schedule. The district court's order noted the court would "not address any request for a change in the parenting time schedule for the parties' son"

because he would be emancipated in ten months. For the daughter, the district court found that father had not shown it was in her best interests to modify the parenting-time schedule. Several of the district court's findings were based upon statements that mother made in court, such as the proposed modification being against the daughter's wishes and that the daughter's absences from school were unrelated to mother's actions. The district court also found father had not provided "a logical basis" for changing the holiday/vacation schedule. Finally, the district court found that there had "not been a substantial change in circumstances that would warrant a [modification] of child support."

Father appeals.

DECISION

If modification serves the best interests of the child, "the court shall modify the decision-making provisions of a parenting plan or an order granting or denying parenting time." Minn. Stat. § 518.175, subd. 5(b) (2024). The district court has broad discretion in deciding parenting-time questions and will not be reversed absent an abuse of discretion. *Shearer v. Shearer*, 891 N.W.2d 72, 75 (Minn. App. 2017). "A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record." *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted).

I. The district court abused its discretion when it denied father’s motion to modify parenting time based upon facts not in the record and by not adequately addressing the best-interests factors.

Father argues the district court abused its discretion by relying on mother’s statements in its findings and by failing to address the best-interests factors. We agree.

A. The district court’s findings are not supported by evidence.

Father argues that the district court clearly erred in making findings based on mother’s unsworn statements. We review a district court’s findings of fact for clear error. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021). We “will not conclude that a factfinder clearly erred unless, on the entire evidence, we are left with a definite and firm conviction that a mistake has been committed.” *Id.* (quotations omitted).

Mother did not file any affidavits in opposition to father’s motion. And the district court did not swear mother in under oath before she spoke to the court. Because mother was not sworn in, the findings of fact that the district court made regarding mother’s statements were not based upon admissible evidence. *Olson ex rel. A.C.O. v. Olson*, 892 N.W.2d 837, 841 (Minn. App. 2017) (reversing a district court’s issuance of an order for protection when “the district court received no evidence of domestic abuse through sworn testimony or documents admitted into evidence” and based its finding of domestic abuse on only inadmissible hearsay statements); *see also State v. McCoy*, 682 N.W.2d 153, 154 (Minn. 2004) (“The questions and arguments of attorneys are not evidence.”).

For example, the district court’s finding that the modification of parenting time is against the daughter’s wishes was based upon an unsworn statement mother made at the hearing. The district court also rejected father’s affidavit and credited mother’s statements

made at the hearing as to findings related to the daughter's medical appointment and attendance issues for both children when they are in mother's care. But without any underlying evidence or sworn testimony from mother to support these findings, they are clearly erroneous. *Kenney*, 963 N.W.2d at 221.

The district court also issued no findings on father's request for a change in the parenting schedule for the son. The district court declined to rule on the issue because the son was near the age of majority. But a ruling on parenting time related to the son was necessary to determine whether father's child-support obligation needed to be modified. *See Nelson v. Nelson*, 983 N.W.2d 923, 930 (Minn. App. 2022) (determining that the parenting-expense-adjustment statute is based on "the court-ordered amounts of parenting time"). Although the son has now reached the age of majority and any prospective modifications would be unnecessary, the issue is not moot because any modification to child support may apply retroactively to when father filed the motion to modify. Minn. Stat. § 518A.39, subd. 2(f) (2024).

The lack of evidence to support the district court's findings requires us to reverse and remand. On remand, the district court may, within its discretion, reopen the record to accept additional evidence.

B. The district court did not make adequate findings for appellate review of the best-interests factors.

Father argues the district court abused its discretion by failing to address the best-interests factors when it declined to modify parenting time. A motion to modify parenting time requires an analysis of the best interests of the child. Minn. Stat. § 518.175, subd. 5(b).

The district court determined that father had not “shown it is in the best interests of the parties’ daughter to modify the current parenting time schedule.” But father’s affidavit presented concerns about the daughter’s medical care and both children’s educational needs while in mother’s care. These allegations implicated the best-interests factors of a child’s medical, educational, physical, and emotional needs and the parent’s willingness to meet those needs. Minn. Stat. § 518.17, subd. 1(a)(1)-(2), (7) (2024). The district court did not make any findings as to these—or any other—best interests factors. Without sufficient findings to enable appellate review, we must reverse and remand. *Suleski v. Rupe*, 855 N.W.2d 330, 339 (Minn. App. 2014). On remand, the district court may reopen the record to receive additional evidence in order to analyze the best-interests factors. We express no opinion as to the merits of the parties’ best interests arguments.

II. The district court’s denial of father’s motion to modify child support must be reversed and remanded.

Father also challenges the district court’s denial of his motion to modify child support. Because father’s child-support obligation is impacted by the parenting-time determinations that the district court will make on remand, we must also reverse and remand the district court’s denial of father’s motion to modify child support. *See Matson v. Matson*, 638 N.W.2d 462, 469 (Minn. App. 2002) (holding that because a parent’s child-support obligation depends upon the division of parenting time, the amount of child support should be determined after parenting-time issues are resolved). We express no opinion as to the merits of the parties child-support-modification arguments.

Reversed and remanded.