

*This opinion is nonprecedential except as provided by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
A24-1922**

In the Marriage of:

Kimberly Ann Young, petitioner,
Respondent,

vs.

Charles Wayne Young, Jr.,
Appellant.

**Filed November 17, 2025
Affirmed
Slieter, Judge**

Hennepin County District Court
File No. 27-FA-22-6120

Jill M. Johnson Bigelbach, Katelyn M. Wehlage, Johnson Bigelbach Law, PLLC, St. Paul,
Minnesota (for respondent)

Charles Wayne Young, Jr., St. Cloud, Minnesota (*pro se* appellant)

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

NONPRECEDENTIAL OPINION

SLIETER, Judge

In this appeal from a district court's order modifying parenting time, appellant Charles Wayne Young Jr. (Father) argues that the district court misapplied the law, made improper findings, and exhibited bias. Because the district court properly applied the law

and made adequate findings to support its decision, and Father did not make a requisite showing that the district court displayed bias, we affirm.

FACTS

Father and respondent Kimberly Ann Young (Mother) married in 2012. They have two minor children.

On March 9, 2023, the parties' marriage was dissolved pursuant to a stipulated judgment and decree of dissolution (J&D). The J&D awarded the parties joint legal and joint physical custody of their children and equal parenting time. The J&D also awarded Father the marital home, located in Minneapolis. The J&D additionally provided that the children would attend school in the Minneapolis Public School District unless the parties mutually agreed to a change or the district court ordered otherwise. Following the dissolution, Mother purchased a home located less than one mile from Father's home.

After the parties separated, Father began a romantic relationship with another woman. In March 2024, Father purchased a home in St. Cloud, where he moved in with the woman. The distance between Father's new home and Mother's home is 72 miles, resulting in a one-way travel time of approximately one hour and twenty minutes, excluding traffic and weather-induced delays.

In late May 2024, Mother filed a motion to modify parenting time. Mother's proposed schedule sought equal parenting time during the summer and primary placement with her during the school year. More specifically, Mother requested that the parties exercise parenting time on a week-on and week-off basis during the summer months. Mother asked that the children primarily reside with her during the school year and that

Father have parenting time during alternating weekends, Wednesday evenings in the Twin Cities metropolitan area, and nonholiday weekdays during which the children do not have school (e.g., most spring breaks). She also proposed a holiday schedule that alternated placement between most holidays.

Father filed a responsive motion in which he requested denial of Mother's motion and entry of his proposed parenting schedule. He proposed an eight-week school-year schedule that awarded himself full parenting time on five of every eight weekends and Mother primary weekday parenting time. This schedule also included travel from St. Cloud to Minneapolis on one-half of the Monday mornings during the school year.

Father also requested parenting time for the entire summer, excluding two weeks. He proposed a similar alternating holiday schedule to Mother. At a June 2024 hearing on the motions, the parties agreed to waive an evidentiary hearing and asked the district court to rely upon the parties' affidavits in reaching its decision.

The district court filed an order in October 2024 modifying parenting time. The order noted that the parties reached an agreement on summer parenting time, which the court ordered and which provided that the parties would have a week-on and week-off schedule during the summer months. In deciding the school-year parenting time, the district court applied the statutory best-interests factors in finding that a schedule with limited weekday travel between St. Cloud and Minneapolis was in the children's best interests. The district court's order awarded Father overnight school-year parenting time every other weekend and evening parenting time every Wednesday and Thursday in the Twin Cities metropolitan area until 7:00 p.m. The parties agree that the new parenting-time

schedule results in Father having 36% of overnights, a reduction from the equal overnight schedule in the J&D.

The order additionally allowed Mother to “enroll the children in extracurricular activities but should take care not to schedule activities on [Father’s] weeknight parenting time.” The order concluded with several communication-related prohibitions, including that the parties “must not discuss Court proceedings with [the] children” and cannot “use the children as spies, messengers, or conduits of information about the other parent.”

Father appeals.

DECISION

I. The district court acted within its discretion to modify parenting time.

Father raises several arguments in challenging the district court’s application of the law and findings. We address each in turn.

We review a district court’s order modifying parenting time for an abuse of discretion. *Shearer v. Shearer*, 891 N.W.2d 72, 75 (Minn. App. 2017). An abuse of discretion occurs when a district court misapplies the law or relies on findings of fact that the record fails to support. *Id.* Appellate courts uphold the factual findings upon which a district court bases its parenting-time decision unless those findings are clearly erroneous. *Griffin v. Van Griffin*, 267 N.W.2d 733, 735 (Minn. 1978). But “[d]etermining the legal standard applicable to a change in parenting time is a question of law and is subject to de novo review.” *Dahl v. Dahl*, 765 N.W.2d 118, 123 (Minn. App. 2009).

Minn. Stat. § 518.175, subd. 5 (2024), governs modification of parenting time. Subdivision 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 or an order granting or denying parenting time, 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.

In evaluating whether modification of parenting time is in the best interests of the children, a district court “must consider and evaluate all *relevant* factors.” Minn. Stat. § 518.17, subd. 1(a) (2024) (emphasis added). A list of 12 best-interests factors appears in Minn. Stat. § 518.17, subd. 1(a)(1)-(12). The mandate to consider *relevant* best-interests factors when considering requests to modify parenting time does not require that a district court make specific findings on *all* best-interests factors. *Hansen v. Todnem*, 908 N.W.2d 592, 597 (Minn. 2018).

Restriction of Parenting Time

Father, citing a reduction in parenting time from 50% to 36%, argues that this reduction constitutes an impermissible restriction of parenting time and operates as a *de facto* modification of joint custody. In support of this argument, Father maintains that the reduction resulted in a restriction of parenting time which the district court failed to justify with statutory findings and the district court's failure to hold an evidentiary hearing left it without a sufficient basis to restrict parenting time. Father also claims that the new parenting-time schedule “functions as a *de facto* sole custody arrangement.” We are unpersuaded.

Apart from certain statutory exceptions not applicable to this case, a district court may only restrict parenting time if it finds that “(1) parenting time is likely to endanger the

child’s physical or emotional health or impair the child’s emotional development; or (2) the parent has chronically and unreasonably failed to comply with court-ordered parenting time.” Minn. Stat. § 518.175, subd. 5(c)(1)-(2). A district court may not restrict parenting time without an evidentiary hearing. *See Suleski v. Rupe*, 855 N.W.2d 330, 336 (Minn. App. 2014) (considering whether a reduction in parenting time constituted a restriction such that an evidentiary hearing was required).

The Minnesota Legislature has not defined when a restriction of parenting time occurs. *See* Minn. Stat. §§ 518.003, .175 (2024). “To determine whether a reduction in parenting time constitutes a restriction or modification, the court should consider the reasons for the changes as well as the amount of the reduction.” *Suleski*, 855 N.W.2d at 336 (quoting *Dahl*, 765 N.W.2d at 124). A restriction of one parent’s parenting time does not occur when a modification of parenting time “increases [the other] parent’s percentage of parenting time to an amount that is between 45.1 to 54.9 percent.” Minn. Stat. § 518.175, subd. 5(c).¹ In considering the first prong—the reasons for the change—we have explained that when the reason for the reduction in parenting time stems solely from the distance between the parties’ homes and not a defect in a party’s care of the children, only the second prong—the amount of the reduction—is at issue. *Suleski*, 855 N.W.2d at 336. In this

¹ Father seems to interpret this language as indicating that a reduction in parenting time below 45.1% is necessarily a restriction. However, the statute merely states that a reduction in parenting time to an “amount that is between 45.1 to 54.9 percent” is *not* a restriction without stating that a further reduction is a restriction. Minn. Stat. § 518.175, subd. 5(c). Moreover, father’s interpretation is inconsistent with *Suleski*, 855 N.W.2d at 336-37, which does not set a floor as to what constitutes a restriction.

context, a substantial reduction in parenting time constitutes a restriction requiring an evidentiary hearing. *See id.*

In considering whether a reduction is substantial, we compare the modification order with the most recent ruling that set parenting time. *Id.* at 337. In *Suleski*, we reasoned that a 7% reduction in parenting time was, given the circumstances of the case, not substantial. *Id.* Although the reduction in the present appeal is 14% rather than the 7% in *Suleski*, in that case we only considered the amount of the reduction rather than considering the reasons for the change because the reason for the requested reduction stemmed solely from the distance between the parties' residences. *Id.* at 336. Here, although the primary basis for Mother's modification motion appears to be Father's relocation, Mother cited additional reasons, including concerns with the impact of the move on the children's mental health, inappropriate messages from Father, and his involving the children in parenting conflicts.

Given the notable impact of Father's relocation and, as will be further explained below, the district court's careful analysis of the reasons supporting modification, the reduction in parenting time does not constitute a restriction. For that reason, Father's arguments regarding a lack of an evidentiary hearing (which, as we noted, he waived) and a lack of statutory findings justifying a restriction or a *de facto* physical-custody modification do not present a basis for relief.

Characterization of the Proposals Related to Parenting Time

Father argues that the district court mischaracterized the parties' parenting-time proposals, pointing to a portion of the district court's order which states that "[b]oth parties

seek an unequal schedule where Mom has more overnights.” Father points out that his proposed schedule sought 47% of overnights, which he argues “constitutes equal parenting time as a matter of law” pursuant to Minn. Stat. § 518.175, subd. 1(g), and that the district court failed to apply a presumption in favor of equal parenting time. However, Minn. Stat. § 518.175, subd. 1(g), merely provides that “there is a rebuttable presumption that a child must receive a minimum of at least 25 percent of parenting time with each parent.” Further, this provision does not include a presumption in favor of equal parenting time, nor does Father cite other authority indicating that there is a presumption of equal parenting time. Indeed, Father does not dispute, and the record supports, that both parties proposed a schedule in which Mother has more overnights. The district court’s finding is therefore not clearly erroneous, and it did not improperly apply the law in making this finding.

Characterization of the Summer Parenting-Time Agreement

Father contends that the district court mischaracterized the parties’ summer parenting-time agreement as a permanent, rather than temporary, agreement. In support of this claim, Father cites the transcript from a June 2024 hearing during which counsel for Mother stated that, “[f]or right now, pending an order from the court [that] may change summer parenting time, the parties have agreed that they’re going to exercise time on a week-on-week-off basis.” Assuming without deciding that the district court mischaracterized the agreement, we address Father’s argument that this mischaracterization resulted in the district court “distort[ing] the impact of his parenting time and incorrectly conclud[ing] that he was proposing less than equal time.” We are unpersuaded. Father does not dispute that the language cited by the district court accurately

describes the agreement for summer parenting time. And though it may not be clear what is meant by “[f]or right now,” Father did not clarify to the district court that this is not his agreement and, given the ambiguity, the district court did not clearly err by interpreting this agreement as a permanent one.

Information Regarding the Children’s Preferences

Father next argues that the district court had insufficient evidence to support a modification because it lacked information regarding the children’s “true preferences.” The district court found the best-interests factor regarding the children’s preferences to be neutral because, although it found that “[t]he children enjoy spending time with both parents,” it “had insufficient information as to the children’s true preferences” given the lack of formal assessments due to the parties’ waiver of an evidentiary hearing. Because the record supports the district court’s finding and because a district court only needs to make findings on the relevant factors in making a best-interests determination, *Hansen*, 908 N.W.2d at 597, Father’s claim of error is unpersuasive.²

Credibility Determinations and Weight of Evidence

Father additionally posits that the district court made erroneous credibility determinations and improperly weighed the parties’ evidence. He first asserts that the district court “repeatedly credited [Mother’s] representations about the children’s

² In a related argument, Father contends that the district court erred by indicating that it would refuse to visit with the children to obtain their preferences per Minn. Stat. § 518.166 (2024). We need not address this argument because, as noted, Father waived an evidentiary hearing. Additionally, the record does not indicate that Father requested that the district court interview the children.

preferences and their adjustment their struggles while dismissing [his] claims that the children ‘barely notice’ the commute,” adding that a lack of a custody evaluation or neutral assessment made the district court’s “credibility findings arbitrary.” Because the record does not indicate that Father requested a custody evaluation or neutral assessment, Father forfeits this argument on appeal. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (“A reviewing court must generally consider only those issues that the record shows were presented [to] and considered by the [district] court in deciding the matter before it.” (quotation omitted)). Moreover, “appellate courts defer to [district] court credibility determinations,” *Vangsness v. Vangsness*, 607 N.W.2d 468, 472 (Minn. App. 2000), meaning that we will not disturb the district court’s implicit finding that Mother’s submissions were more persuasive than Father’s. Our review of the record confirms that Mother’s affidavit supports the district court’s finding.

He additionally asserts that the district court failed to objectively weigh the parties’ competing proposals and did not explain why Mother’s schedule was better for the children. However, the district court made detailed findings on each of the 12 best-interests factors and explained that “the best interests of the children are served when they are not required to travel in a vehicle for over an hour on school day mornings and school day evenings (when there is school the next day).” Indeed, the nature of the parties’ school-year proposals, although not significantly dissimilar, supports the district court’s finding. Father’s proposal includes morning travel from Minneapolis to St. Cloud on four of every eight Monday mornings. On the contrary, Mother’s proposal does not include travel

between Minneapolis and St. Cloud on school mornings. Father’s argument that the district court failed to objectively weigh the proposals is therefore unpersuasive.

De Facto Modification of Legal Custody

Father appears to claim that a provision allowing Mother to enroll the children in extracurricular activities, as well as restrictions imposed by the district court on both parties regarding communications with the children, are inconsistent with the J&D’s grant of joint legal custody. We interpret Father’s claim to be that the district court improperly granted a *de facto* modification of legal custody without requiring that Mother satisfy the requirements under Minn. Stat. § 518.18(d) (2024). Significant modifications to orders governing legal custody can operate as *de facto* modifications of custody and thus require application of modification standards under Minn. Stat. § 518.18(d). *Cf. Christensen v. Healey*, 913 N.W.2d 437, 442-43 (Minn. 2018) (explaining that modification of parenting time can constitute modification of physical custody so as to require application of section 518.18(d)). We are not persuaded that the district court’s order functions as an improper *de facto* modification of legal custody.

We first address Father’s argument that the district court’s order, which states that “Mom shall be permitted to enroll the children in extracurricular activities but should take care not to schedule activities on Dad’s weeknight parenting time,” is somehow inconsistent with, or modifies, his right to joint legal custody. Father correctly notes that a joint-legal-custody designation gives each parent equal rights and responsibilities regarding “major decisions determining the child’s upbringing, including education, health care, and religious training.” Minn. Stat. § 518.003, subd. 3(b). However, he does not

provide any explanation or authority for the assertion that this provision in the district court's order conflicts with his rights as a joint legal custodian.

Father next points to the following communication limitations as being inconsistent with joint legal custody: “[t]he parties must not discuss Court proceedings with [the] children,” and “[n]either party may use the children as spies, messengers, or conduits of information about the other parent.” Again, Father does not provide any explanation or authority for the assertion that this provision in the district court's order conflicts with his rights as a joint legal custodian. Moreover, rather than being inconsistent with joint legal custody, these limits are *consistent* with the obligations of parents with joint legal custody. Minn. Stat. § 518.17, subd. 1(a)(12) (addressing “the willingness and ability of parents to cooperate in the rearing of their child; to maximize sharing information and minimize exposure of the child to parental conflict”).³

II. The district court did not exhibit judicial bias.

Father last argues that the district court demonstrated bias and that this bias requires reversal of the district court's order and reassignment to a new judge on remand. In support

³ Father appears to raise three constitutional arguments involving the underlying proceedings or regarding the district court's order: a due-process challenge, a challenge to the order as vague and overbroad, and a First Amendment challenge. Father's due-process argument consists almost entirely of challenges to the district court's discretionary weighing of competing evidence or support for its factual findings. For the reasons explained above, this argument fails. And because the authority that Father provides for his remaining constitutional arguments fail to show that the district court erred or violated his rights, those arguments fail. See *White v. Minn. Dep't of Nat. Res.*, 567 N.W.2d 724, 734 (Minn. App. 1997) (“[O]n appeal error is never presumed. It must be made to appear affirmatively before there can be reversal.” (quotation omitted)), *rev. denied* (Minn. Oct. 31, 1997).

of his argument, Father contends that the district court showed bias by improperly framing his purpose in relocating, accepting Mother’s framing of the facts and disregarding his framing of the facts without justification, consistently resolving credibility issues in favor of Mother, and making rulings that are based on speculation or factually unsupported assertions.

Appellate courts presume that a district court judge “has discharged her duties properly.” *Hannon v. State*, 752 N.W.2d 518, 522 (Minn. 2008). Further, “[p]revious adverse rulings by themselves do not demonstrate judicial bias”; rather, “the record as a whole” must exhibit judicial bias. *Id.* Minnesota caselaw has established a high bar for showing bias. In *McClelland v. McClelland*, for example, the supreme court concluded that allegations that the district court judge “inappropriately interjected herself into the questioning of one of the witnesses, interrupted the testimony of appellant’s expert, prematurely stopped further inquiry into the wife’s marital and nonmarital assets, and refused to make a record of her comments made in chambers” failed to demonstrate judicial bias. 359 N.W.2d 7, 11 (Minn. 1984).⁴

Father relies on *State v. Dorsey*, 701 N.W.2d 238, 248 (Minn. 2005), to argue that “a judge must not appear biased by resolving all disputes in favor of one party without addressing conflicting evidence.” The portion of *Dorsey* to which Father cites does not support this argument. Rather, it discusses whether a judge’s knowledge of a disputed

⁴ Following *McClelland*, the legislature amended a statutory provision underlying an aspect of the court’s decision unrelated to the judicial-bias analysis in response to the court’s decision. See *Gales v. Gales*, 553 N.W.2d 416, 419 (Minn. 1996).

evidentiary fact “could create a reasonable question regarding the judge’s impartiality.”

Id. (emphasis omitted).

Father’s bias claim rests almost entirely on disagreement with the district court’s rulings. These adverse rulings fall short of the showing for bias, *see Hannon*, 752 N.W.2d at 522, particularly when these challenged findings have record support.

Affirmed.