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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0036
A25-0147**

In re the Matter of:

Anthony Michael Kautz, petitioner,
Respondent,

vs.

Sarah Beth Moore,
Appellant,

Susan and Randy Kautz,
Respondents,

Sherri Kerpan, et al.,
Respondents.

**Filed September 15, 2025
Affirmed
Bjorkman, Judge**

Hennepin County District Court
File No. 27-PA-FA-22-341

Anthony Michael Kautz, Minneapolis, Minnesota (pro se respondent)

Sarah Beth Moore, Minneapolis, Minnesota (pro se appellant)

Susan and Randy Kautz, Maplewood, Minnesota (pro se respondents)

Kathryn M. Lammers, Hunter N. Kinsey, Heimerl & Lammers, LLC, Minnetonka,
Minnesota (for respondents Sherri Kerpan, et al.)

Considered and decided by Bjorkman, Presiding Judge; Frisch, Chief Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Appellant mother challenges the order granting respondent paternal grandparents' petition for third-party custody and the order denying her motion for a new trial. We affirm.

FACTS

Appellant Sarah Beth Moore (mother) and respondent Anthony Michael Kautz (father) are the unmarried parents of R.M.K. (child), who was born in January 2019. Respondents Sherri Kerpan and Michael Kerpan are child's maternal grandparents. Respondents Susan Kautz and Randy Kautz are child's paternal grandparents.¹

Mother has a long history of mental- and chemical-health issues. She used methadone while she was pregnant, and child was addicted to it at birth. After child was born, grandmother sometimes observed parents "under the influence of something," prompting her to keep child at her home for "several days at a time." In November, child protection services (CPS) became involved with the family after mother's dog bit child in the face, requiring 17 stitches. The ensuing investigation raised concerns over parents' drug use, and CPS developed a safety plan in which grandmother agreed to check in with the family "daily." Grandmother regularly cared for child in her home on the weekends and took him to his medical appointments.

¹ For ease of reference, we will refer to paternal grandparents as "grandparents." We refer to Susan Kautz as "grandmother" and Randy Kautz as "grandfather."

In June 2022, parents failed to pick child up from daycare. The daycare provider cared for child until mother returned and took child to Oklahoma to reside with maternal grandparents. While in Oklahoma, mother and child moved around, spending time in a homeless shelter, and ending up with a family friend in September. Two months later, mother and child returned to Minnesota without notice; they were eventually located at a mall without adequate winter clothing. On November 29, mother was civilly committed as a person who poses a risk of harm due to mental illness. The order for commitment includes findings that mother “is ill with Unspecified Psychotic disorder, which is a substantial psychiatric disorder of her thought, mood, perception, orientation, and memory,” and consequently “engages in grossly disturbed behavior” that “poses a substantial likelihood of causing physical harm.”²

In the meantime, father initiated this paternity action.³ Both sets of grandparents moved to intervene as interested third parties and requested custody of child. Mother asked the district court to deny the motions and return child to her. After a hearing, the district court permitted both sets of grandparents to seek custody as interested third parties and scheduled an evidentiary hearing. It also awarded temporary legal and physical custody of child to grandparents, requiring that child be placed in their home in February 2023.

A five-day custody trial commenced in early June 2023 and finished in March 2024. At trial, the district court heard testimony from 15 witnesses and received dozens of

² A later report identifies mother’s diagnosis as “Unspecified Schizophrenia Spectrum disorder.”

³ Pursuant to the parties’ agreement, father was adjudicated child’s parent.

exhibits. Mother, father, grandparents, and maternal grandparents testified consistent with the facts above.⁴ All parties testified to mother's love for child. And, apart from mother, all of the parties expressed their belief that mother is not able to care for child because of her mental- and chemical-health issues.

Father explained that, before mother became pregnant with child, they lived in New Orleans and used drugs "every day." When mother learned she was pregnant, they moved back to Minnesota. Father described his various struggles with chemicals, including stints with inpatient treatment. When asked if mother was using drugs when they lived together, father stated "[n]ot really" and indicated that she drank alcohol. He also acknowledged that child was born addicted to methadone. When child began attending daycare, father dropped him off in the morning. Mother was supposed to pick him up in the afternoon but sometimes failed to do so. Father was hospitalized for kidney failure when he learned mother had taken child to Oklahoma. Father urged the district court to grant grandparents' request for custody because he believed it is in child's best interests.

Grandmother testified that she and grandfather have been child's daily caretakers since they were awarded temporary custody. She was familiar with the prior daycare issues, and she and grandfather were often called upon to pick up child. Grandmother described mother's interactions with child prior to June 2022, including seeing mother "dissociat[e]." During these episodes, child yelled and hit mother, who did not respond.

⁴ Mother was represented by counsel during the first two days of trial and represented herself thereafter.

Grandmother expressed other concerns about mother's ability to care for child, noting child often wore dirty diapers and slept "in urinated bedding."

Maternal grandparents testified that they have custody of mother's older son. Maternal grandmother began having concerns about mother's mental health while mother was in high school. During summer 2022, maternal grandmother saw mother "sit on the deck just staring for hours into space." And when mother did speak, she used an unknown language and "spell[ed] things out . . . including exclamation point or underlining."

Mother stated that child did not live with grandparents before February 2023 and that she had secured a job and an apartment with a bedroom for child. She acknowledged that certain professionals describe her as having schizophrenia, but she denied receiving any such diagnosis. Rather, she attributed her 2022 mental-health issues to "post-acute withdrawal syndrome." And she explained that she maintains her mental health by attending church, recovery meetings, and weekly sessions with a marriage and family therapist practitioner. When asked whether she has mental-health issues that require treatment, mother stated she "require[s] continued abstinence from illicit substances." While she professed that she has been sober since June 2022, she later admitted drinking alcohol, but not "in excess."

At the conclusion of trial, father and grandparents requested that grandparents receive sole legal and sole physical custody of child. Maternal grandparents supported that request and asked for grandparent visitation. Mother requested joint legal and joint physical custody with father. The district court filed an order (1) granting grandparents sole legal and sole physical custody, (2) granting maternal grandparents visitation, and

(3) restricting mother's and father's parenting time. The district court determined that clear and convincing evidence shows mother and father abandoned, neglected, or otherwise exhibited disregard for child's wellbeing, child would be harmed by living with either parent, and it is in child's best interests to award custody to grandparents. Mother moved for various relief, including a new trial, amended findings, transfer of the case to juvenile court, and removal of the district court judge. The district court denied the motions, with the exception of amending certain findings of fact concerning the exhibits received at trial.

Mother appeals.⁵

DECISION

Mother raises nine issues on appeal, which we reorder and consolidate into six issues for clarity and ease of discussion: (1) the district court erred by permitting grandparents to seek custody as interested third parties and proceeding with an evidentiary hearing, (2) the district court erred by refusing to assign a guardian ad litem (GAL), (3) a new trial is required because the district court judge was biased, (4) the district court abused its discretion by permitting the same counsel to represent father and grandparents, (5) the district court abused its discretion in its best-interests analysis and by awarding custody to grandparents, and (6) the district court abused its discretion by restricting mother's parenting time.

⁵ Mother filed two appeals, which we consolidated by order filed February 10, 2025.

I. The district court did not err by permitting grandparents to seek custody as interested third parties and conducting an evidentiary hearing.

We begin with mother’s assertion that the district court erred by granting grandparents’ motion to intervene as interested third parties.⁶ Mother’s arguments on this point are unclear. To the extent she challenges the January 2023 order permitting both sets of grandparents to seek custody as interested third parties and setting an evidentiary hearing, her argument is outside the scope of review of the orders she appealed—the custody order and order denying her posttrial motions. But we “may review any order affecting the order from which the appeal is taken.” Minn. R. Civ. App. P. 103.04. Because the decision allowing grandparents to seek custody affects the district court’s award of custody to them, we exercise our discretion to review mother’s challenge.

A petition for third-party child custody must “state and allege” that the petitioner satisfies 15 statutory conditions. Minn. Stat. § 257C.03, subd. 2(a) (2024). This petition “must be verified by the petitioner,” and its allegations “must be . . . established by competent evidence.” *Id.*, subd. 2(b) (2024). A petition seeking custody as an interested third party must establish by a preponderance of the evidence that placement of the child with petitioner is in the child’s best interest. *Id.*, subd. 7(a)(2) (2024). And the petitioner must establish by clear and convincing evidence one of the following child-endangerment factors:

⁶ Mother also argues that the district court erred by “awarding Third Party Custody based on allegations of being De Facto Custodians.” This argument is unavailing. Grandparents alleged in their petition that they were de facto custodians, but the district court only permitted them to seek custody as interested third parties.

- (i) the parent has abandoned, neglected, or otherwise exhibited disregard for the child's well-being to the extent that the child will be harmed by living with the parent;
- (ii) placement of the child with the individual takes priority over preserving the day-to-day parent-child relationship because of the presence of physical or emotional danger to the child, or both; or
- (iii) other extraordinary circumstances.

Id., subd. 7(a)(1) (2024). If the petition and supporting affidavit sufficiently allege facts that, if proven, would satisfy the statutory criteria, the petitioner is entitled to an evidentiary hearing. *Lewis-Miller v. Ross*, 710 N.W.2d 565, 570 (Minn. 2006).

We review de novo the district court's determination whether to grant an evidentiary hearing on a third-party custody petition. *See id.* at 568-70 (reviewing de novo whether district court applied correct standard in making that determination); *cf. Boland v. Murtha*, 800 N.W.2d 179, 185 (Minn. App. 2011) (stating that appellate courts review de novo whether an evidentiary hearing is warranted on custody-modification motion).

The district court determined that the "petition and affidavits presented" by both sets of grandparents sufficiently alleged facts entitling them to an evidentiary hearing. The district court noted grandparents' allegations that parents exhibited disregard for child's wellbeing, neither parent was able to care for child due to their chemical-health issues and mother's mental-health issues, and "placement with either parent would harm the child."

Mother takes issue with the district court's reference to grandparents as being child's primary caregivers and providing financial support to child. But grandparents' verified petition alleged that they were child's primary caregivers since birth, caring for him overnight "nearly every weekend," "pick[ing] the child up from child care," and

providing food and clothing. And it alleged that mother was “in the hospital . . . after suffering a mental health crisis” and was unable to care for child. These allegations, if proved, would establish that parents abandoned, neglected, or disregarded child’s wellbeing under Minn. Stat. § 257C.03, subd. 7(a)(1)(i). On this record, we discern no error by the district court in permitting grandparents to seek custody as interested third parties and conducting an evidentiary hearing.

II. Mother is not entitled to relief based on the district court’s failure to appoint a GAL.

If a district court has “reason to believe” that a child is a “victim of domestic abuse or neglect . . . the court shall appoint a guardian ad litem.” Minn. Stat. § 518.165, subd. 2 (2024). “The guardian ad litem shall represent the interests of the child and advise the court with respect to custody and parenting time.” *Id.* We review the appointment of a mandatory GAL de novo. *See J.A.S. v. R.J.S.*, 524 N.W.2d 24, 27 (Minn. App. 1994) (concluding district court erred by not appointing mandatory GAL when circumstances presented “at least a threshold” indication of abuse).

The issue of appointing a GAL was raised at two points during the district court proceedings. First, before trial, maternal grandparents moved the district court to appoint a mandatory GAL under Minn. Stat. § 518.165, subd. 2. During the related hearing, mother urged the district court to “deny . . . [the] proposed intervening parties’ motions in their entirety,” and the district court did just that. To the extent that mother argues the district court erred by denying maternal grandparents’ motion to appoint a GAL, as she requested, mother waived this argument. *See Leiendecker v. Asian Women United of Minn.*, 895

N.W.2d 623, 631 (Minn. 2017) (stating that “[w]aiver is the intentional relinquishment of a known right” (quotation omitted)).

Second, as part of her motion for a new trial, mother argued that the district court erroneously denied “several requests” to appoint a mandatory GAL. When asked at the subsequent motion hearing if she had made such a request, mother vaguely asserted that her attorney did so during a pretrial “meeting . . . or hearing,” and argued that “[w]hether the parties request one does not change that the appointment is mandatory.” The district court rejected mother’s argument, stating that “there are no issues pending before the Court for which appointment of a [GAL] would be appropriate.” We see no error in the district court’s decision not to appoint a GAL after trial because the issues of custody and parenting time were already decided. As such, there were no tasks for a GAL to complete or custody-related issues on which to advise the court. *See* Minn. Stat. § 518.165, subds. 2 (stating that the GAL “shall represent the interests of the child and advise the court with respect to custody and parenting time”), 2a (describing responsibilities of a GAL) (2024).

III. Mother is not entitled to a new trial based on judicial bias.

A judge may not hear a case in which they would be disqualified for bias under the Minnesota Code of Judicial Conduct. Minn. R. Civ. P. 63.02; Minn. Code of Jud. Conduct 2.11(A)(1) (stating a judge must disqualify themselves when their “impartiality might reasonably be questioned,” including when they have personal bias against a party). We presume that a district court judge properly discharged their judicial duties. *Hannon v. State*, 752 N.W.2d 518, 522 (Minn. 2008). And we do not infer bias from adverse rulings

but examine the whole record for indications of favoritism or antagonism. *Olson v. Olson*, 392 N.W.2d 338, 341 (Minn. App. 1986).

Mother contends that she is entitled to a new trial because the district court judge was biased against her.⁷ She cites as indicative of bias the judge's: previous experience with civil-commitment and mental-health court cases; generally favoring "one party over another"; and statement in the order denying mother's posttrial motions that mother's objections to the custody decision "lack merit and are not supported by law." Mother's briefing does not include any legal support for these arguments. We do not consider inadequately briefed issues. *Lighthouse Mgmt. Inc. v. Oberg Fam. Farms*, 966 N.W.2d 29, 40 (Minn. App. 2021) (stating that arguments not adequately briefed are forfeited), *rev. denied* (Minn. Nov. 16, 2021). Indeed, an "assignment of error based on mere assertion . . . 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).

Moreover, our careful review of the entire record reveals no bias. To the contrary, the judge appropriately advised the parties that she "practiced in [mental-health court] for years" when discussing the admissibility of mother's civil-commitment records. To the extent mother contests the admission of these records, we see no obvious error in the district

⁷ After the custody order was filed, mother sought to remove the district court judge for bias. The judge denied her motion in a detailed written order. Mother does not appear to challenge this order on appeal and did not follow the process for removing a judge in the district court. See Minn. Gen. R. Prac. 106 (stating that a removal motion "shall be heard in the first instance by the judge sought to be removed" and if the motion is denied, "it may subsequently be heard and reconsidered by the Chief Judge of the district").

court's discretionary evidentiary ruling. *See Aljubailah v. James*, 903 N.W.2d 638, 644 (Minn. App. 2017) (stating that “[r]ulings on the admissibility of evidence lie within the district court’s discretion”). Nor do adverse rulings—in and of themselves—indicate judicial bias. *Olson*, 392 N.W.2d at 341. And the judge’s statement that mother’s new-trial arguments “lack merit and are not supported by law” reflects that the judge considered and rejected them; it does not demonstrate bias.

IV. The district court did not abuse its discretion by permitting the same lawyers to represent father and grandparents.

Under Minn. R. Prof. Conduct 1.7(a), “a lawyer shall not represent a client if the representation involves a concurrent conflict of interest.” A concurrent conflict of interest exists when “there is a significant risk that the representation of one or more clients will be materially limited by the lawyer’s responsibilities to another client.” Minn. R. Prof. Conduct 1.7(a)(2). When determining whether such a conflict exists, “[t]he critical questions are the likelihood that a difference in interests will eventuate and, if it does, whether it will materially interfere with the lawyer’s independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client.” Minn. R. Prof. Conduct 1.7 cmt. 8. We review a district court’s refusal to discharge a lawyer for a conflict of interest for an abuse of discretion. *M.M. v. R.R.M.*, 358 N.W.2d 86, 90 (Minn. App. 1984); *see also State by Swanson v. 3M Co.*, 845 N.W.2d 808, 816 (Minn. 2014).

Mother argues that allowing the same lawyers to represent father and grandparents “created a concurrent and successive conflict of interest” under Minn. R. Prof. Conduct 1.7

and 1.8 (specific rules for conflicts of interest involving current clients).⁸ Assuming without deciding that mother has standing to make this argument, it fails because she has not identified a conflict of interest.

L.K.U. and S.A.C. (collectively, counsel) represented father and grandparents during the district court proceedings. When father initiated this action in October 2022, he simply asked the court to award “custody and parenting time that is in the minor child’s best interests.” After grandparents petitioned for custody, father joined their request, attesting by affidavit that child should “be placed in the care of [his] parents” because he was working on his substance-abuse issues. In May 2023, father filed an affidavit stating that he wanted to “share custody” of child with mother. When later questioned by the district court, father explained under oath that he did sign the affidavits but still wishes for his parents to pursue third-party custody of child. And he expressed his desire to proceed to trial with counsel representing him and grandparents.

During the fourth day of trial, mother presented a letter, which was not received in evidence, that purported to be a stipulation between her and father for mother to have “sole custody.” L.K.U. contemporaneously informed the district court that grandparents wished to offer CPS records as exhibits but father “may not [have] want[ed]” the same. After directing counsel to speak with father off the record, the district court again questioned father under oath about his position as to custody. Father testified that he wanted counsel

⁸ Mother also cites Minn. R. Prof. Conduct 1.9 (duties to former clients) and 1.10 (imputation of conflicts of interest to law firm). We need not address her arguments because rules 1.9 and 1.10 do not govern concurrent representation of clients.

to argue for custody to be awarded to grandparents, which he understood to mean that his parents would be “in control” of child. As to the letter mother offered, father stated that it “was just to show that I am starting to have faith in [mother’s] parenting ability” and that he did not mean for it to change his position. As to admission of the CPS records, father said, “I guess I’ll have to go with [grandmother’s] decision.” Father also affirmed that he wanted counsel to continue representing him. Based on father’s testimony, the court found “that there is not a conflict between [his] and [grandparents’] positions.”

On this record, we conclude the district court did not abuse its discretion by declining to disqualify counsel. Each time father seemed to change his position as to custody, the district court thoroughly addressed the issue with counsel and father. Each time, father confirmed that his position remained the same as grandparents—that grandparents be awarded sole legal and sole physical custody of child. In short, we are convinced that counsel’s concurrent representation of father and grandparents did not materially interfere with counsel’s exercise of independent professional judgment and did not compromise their representation of father or grandparents.

V. The district court did not abuse its discretion by granting grandparents’ petition for third-party custody.

Our review of a district court’s third-party custody determination is generally limited to determining whether the district court has abused its discretion. *Lewis-Miller*, 710 N.W.2d at 568. A district court abuses its discretion by making unsupported findings of fact or by improperly implying the law. *Ramirez v. Luna*, 830 N.W.2d 163, 166 (Minn.

App. 2013). We will not set aside a district court’s findings of fact unless they are clearly erroneous, but we review questions of law de novo. *Id.*

As noted above, a person seeking to obtain custody of a child as an interested third party must “show by clear and convincing evidence that one of the [child-endangerment] factors exists.” Minn. Stat. § 257C.03, subd. 7(a)(1). If they do so, they must also “prove by a preponderance of the evidence that it is in the best interests of the child” to be in their custody and present clear and convincing evidence that they do not have a disqualifying criminal conviction. *Id.*, subd. 7(a)(2), (3). In determining whether a petitioner is entitled to third-party custody, the district court considers eight statutory factors:

- (1) the amount of involvement the interested third party had with the child during the parent’s absence or during the child’s lifetime;
- (2) the amount of involvement the parent had with the child during the parent’s absence;
- (3) the presence or involvement of other interested third parties;
- (4) the facts and circumstances of the parent’s absence;
- (5) the parent’s refusal to comply with conditions for retaining custody set forth in previous court orders;
- (6) whether the parent now seeking custody was previously prevented from doing so as a result of domestic violence;
- (7) whether a sibling of the child is already in the care of the interested third party; and
- (8) the existence of a standby custody designation under chapter 257B.

Minn. Stat. § 257C.03, subd. 7(b) (2024). And in determining the child’s best interests, the district court considers 12 additional factors including, in relevant part:

- (3) the child’s primary caretaker;
- (4) the intimacy of the relationship between each party and the child;

....
(7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

....
(9) the mental and physical health of all individuals involved . . . ;

(10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any;

(11) the child's cultural background; and

(12) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, subdivision 2, that has occurred between the parents or the parties.

Minn. Stat. § 257C.04, subd. 1(a) (2024).

In granting grandparents' petition, the district court analyzed and made detailed findings as to the 8 interested third-party factors and the 12 best-interests factors. And it carefully weighed the best-interests factors, ultimately determining that "it is in the child's best interests for [grandparents] to be awarded third party custody."

Mother advances three general challenges to the custody determination, arguing: (1) the district court erred by considering inadmissible evidence, (2) the district court clearly erred in numerous findings of fact, and (3) the district court's analysis of six of the best-interests factors is unsupported by the findings of fact. None of these contentions persuades us to reverse.

Inadmissible Evidence

Mother first contends that the district court erred by considering a psychological-evaluation report (the report) that she offered but the court did not receive when making its

credibility determinations.⁹ She asserts this error violated her right to due process, which includes the “right to a reasonable decision based solely on the record.” *In re Welfare of Child. of D.F.*, 752 N.W.2d 88, 97 (Minn. App. 2008).

In its custody order, the district court found that mother’s civil-commitment records were the “most informative and credible evidence” of her mental and chemical health and that “other documents”—including the report—were not as credible because they were based solely on mother’s self-reporting. In response to mother’s new-trial motion, the district court amended the order to reflect that it had not received the report as evidence. But the court expressly concluded that the challenged findings as to mother’s mental health “are still supported by other evidence properly received elsewhere in the record.”

The record supports this conclusion. The district court received conflicting evidence about mother’s mental and chemical health, including her civil-commitment records; testimony from both grandmothers describing mother’s mental state in 2022; and mother’s testimony that she was “never” diagnosed with schizophrenia, believes she experienced only “post-acute withdrawal syndrome,” and does not currently have a mental-health diagnosis. It was the district court’s responsibility to weigh the evidence and make credibility determinations, to which we defer. *Vangsness v. Vangsness*, 607 N.W.2d 468, 472 (Minn. App. 2000).

⁹ Mother also seeks a writ of prohibition barring the district court from considering excluded evidence, basing “future decisions on stale evidence from” the civil-commitment orders, and to “prevent[] further procedural errors.” Because mother did not seek a writ pursuant to Minn. R. Civ. App. P. 120.01-.04, we do not consider this request.

Findings of Fact

Mother challenges numerous findings of fact, which we review for clear error. *Ramirez*, 830 N.W.2d at 166. Under the clear-error standard, we will not reweigh evidence, engage in fact-finding, or reconcile conflicting evidence. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021); *see also Ewald v. Nedrebo*, 999 N.W.2d 546, 552 (Minn. App. 2023) (citing *Kenney* in a family-law appeal), *rev. denied* (Minn. Feb. 28, 2024). Accordingly, we “need not go into an extended discussion of the evidence to prove or demonstrate the correctness” of the district court’s findings. *Kenney*, 963 N.W.2d at 222.

We agree with mother that the following findings are clearly erroneous: (1) that “[mother and father] have a criminal history, including drug possession charges”; and (2) that mother “has participated in multiple mental and chemical health treatment programs during her life, recently including a civil commitment on February 24, 2023, NuWay treatment, Adult and Teen Challenge, and others.” The first of these findings lacks record support; maternal grandmother’s testimony regarding bailing mother out of jail does not reference the nature of the criminal charges. The second finding is contrary to the record to the extent that Adult and Teen Challenge is mother’s employer, not one of her treatment providers.

But our review of the entire record convinces us that these erroneous findings of fact are harmless. *See* Minn. R. Civ. P. 61 (requiring error to be disregarded when it “does not affect the substantial rights of the parties”). To persuade us otherwise, mother argues that these findings impacted the court’s credibility determinations, prejudiced her, and

“materially affected [the] custody decision.” We disagree. Aside from the single finding regarding drug-possession charges, the district court’s order does not mention any aspect of mother’s criminal history and there is no indication that the district court relied on it in evaluating mother’s credibility. And we see no prejudice from the erroneous inclusion of Adult and Teen Challenge when discussing mother’s past treatment.

We discern no error in the remainder of the challenged findings of fact because they are supported by the record. Indeed, mother’s arguments are best characterized as reflecting her disagreement with how the district court weighed conflicting evidence, not a lack of supporting evidence. But the fact that the record could support different findings does not mean that the district court’s findings are clearly erroneous. *Kenney*, 963 N.W.2d at 223 (stating that if the “record reasonably supports the findings at issue on appeal, it is immaterial that the record might also provide a reasonable basis for inferences and findings to the contrary” (quotation omitted)).

Best-Interests Determinations

Mother next argues that the district court abused its discretion in analyzing 6 of the 12 best-interests factors. The district court determined that factors 3 (child’s primary caretaker), 4 (intimacy of the relationship between each party and child), 7 (length of time child has lived in a stable environment), 10 (capacity of parties to love child and continue raising in child’s culture and religion), and 12 (effect on child of the actions of abuser) weighed in favor of granting custody to grandparents. The district court found that factor

11 (child’s cultural background) was neutral.¹⁰ Mother generally argues that each of these factors weigh in her favor. And she contends that the “excessive prolonging of trial” contributed to the district court’s decision to grant custody to grandparents. We are not persuaded for three reasons.

First, many of the best-interests findings flow from the district court’s credibility determinations. The district court noted that it “has concerns about the credibility of significant portions of [mother’s] testimony.” In contrast, it found both maternal and paternal grandparents’ testimony “highly credible.” We do not reweigh such determinations or substitute our judgment for that of the district court. *Kenney*, 963 N.W.2d at 221.

Second, all of the district court’s challenged best-interests findings are supported by the record. As to factor 3, the district court identified multiple caretakers, including all of the parties. It found that grandparents have been child’s primary caretakers since February 2023, and that this factor favors grandparents because they “have been reliable caregivers and have provided the most consistent and stable primary care [child] has had since his birth.” The record supports the district court’s analysis of this factor.

In reviewing factor 4, the intimacy of the relationship between each party and child, the district court observed that all parties have a “fair degree of intimacy” and a “close relationship” with child. The district court also stated it “does not doubt that Mother and [child] love each other,” but found that mother’s lack of consistent, safe care for child can

¹⁰ The district court also found that the remaining best-interests factors were neutral or weighed in favor of granting grandparents’ custody request.

impair the parent-child connection. In the end, the district court determined this factor favors grandparents, noting their consistent caregiving since child's birth. These findings are supported by the record, as described above.

The district court determined factor 7, the length of time child has lived in a stable environment, weighs in favor of grandparents because child "has lived with [grandparents] for over a year [And child] experienced significant instability and turmoil for the first several years of his life" when parents were primarily responsible for child. Mother points to the CPS records as evidence that child was in a stable environment for "more than" two years while in her care. But the record demonstrates that parents lacked stable housing during those years, grandmother was an integral part of CPS's safety plan for child, and grandmother cared for child on numerous occasions because parents did not do so.

As to factors 10 and 11, the capacity of the parties to love and raise child in child's culture and religion, and child's cultural background, the district court found that grandparents demonstrated love for child; they will "continue educating and raising [child] within a Christian belief system, as shown by them enrolling [child] in a Catholic school and agreeing to raise him in a Christian faith," and "[a]ll parties share the same Euro-Christian culture." The record supports these findings. Mother's contention that a "Catholic school is insufficiently aligned with the child's specified religion" does not persuade us otherwise. Moreover, the district court addressed mother's wish to raise the child within her faith tradition by repeatedly modifying her parenting time during the course of the trial so she could bring child to her church services.

As to factor 12, the effect on child of an abuser's actions, the district court determined this finding favors grandparents because there are "no allegations of domestic abuse by" them. This finding is supported by the record, which includes a January 2023 amended order for protection prohibiting father from having contact with mother.¹¹

Finally, we note that this five-day custody trial took place over nine months, during which time child lived with grandparents and mother was not able to assume a caretaker role. But district courts have "great discretion to determine the procedural calendar of a case." *Rice v. Perl*, 320 N.W.2d 407, 412 (Minn. 1982). In addressing mother's concerns, the district court noted "[g]iven the complex and sensitive nature of this case, [the court] was deliberate in its efforts to provide extensive trial time, so as not to deprive any party the opportunity to fully and adequately present their case." We do not doubt that the district court made efforts to timely resolve this custody dispute.

Because all but two of the challenged findings of fact are supported by the record and the two erroneous findings are harmless error, we conclude that the district court did not abuse its discretion by awarding legal and physical custody of child to grandparents.

VI. The district court did not abuse its discretion by restricting mother's parenting time.

Under Minn. Stat. § 518.175, subd. 1(b) (2024), if a district court finds, "after a hearing, that parenting time with a parent is likely to endanger the child's physical, mental, or emotional health or safety or impair the child's emotional development, the court shall restrict parenting time with that parent as to time, place, duration, or supervision." We

¹¹ The order for protection was granted after father did not appear for a hearing.

review a district court's parenting-time decisions for an abuse of discretion. *Suleski v. Rupe*, 855 N.W.2d 330, 334 (Minn. App. 2014).

The district court determined that granting mother unsupervised and unlimited parenting time "is likely to endanger [child's] physical and emotional health and impair his emotional development." Accordingly, the court awarded mother supervised parenting time every Tuesday and Thursday from 5:00 to 7:30 p.m., every Saturday from 11:00 a.m. to 6:30 p.m. (including 2.5 hours of unsupervised parenting time every other Saturday), and on certain holidays. Mother's parenting time is also contingent on her attending therapy and maintaining sobriety.

Mother argues the district court abused its discretion in imposing these restrictions, particularly without making specific findings of endangerment. We are not persuaded. In restricting mother's parenting time, the district court explicitly referenced the approximately 12 pages of findings it made on the 8 interested-party factors and 12 best-interests factors. For example, the district court explained that mother "clearly wants to be more involved with [child], but the Court believes restrictions on her involvement are warranted at this time due to [mother's] mental and chemical health history and her repeated refusal to acknowledge, and take appropriate steps to treat, these issues." Because the district court carefully evaluated mother's parenting-time request and the record supports its determinations, we see no abuse of discretion.

In sum, we discern no abuse of discretion by the district court in permitting grandparents to seek custody as interested third parties and awarding them sole legal and sole physical custody of child and restricting mother's parenting time. We do not doubt

mother's expressed love for child and desire to care for him. And we observe, as the district court did, that grandparents are "supportive of reasonable contact" between child and mother and that mother will likely continue to have a place in child's life in the years ahead.

Affirmed.