

*This opinion is nonprecedential except as provided by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
A25-0213**

In re the Marriage of:

Kari Lynn Volk, petitioner,
Respondent,

vs.

Martin Douglas Volk,
Appellant.

**Filed September 2, 2025
Affirmed
Wheelock, Judge**

Olmsted County District Court
File No. 55-FA-14-3510

Kari Lynn Stehr, Pine Island, Minnesota (pro se respondent)

Martin Douglas Volk, Rochester, Minnesota (pro se appellant)

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

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Appellant father asserts that the district court abused its discretion by denying his motions for parenting time and for costs and fees. We affirm.

FACTS

Appellant father Martin Douglas Volk and respondent mother Kari Lynn Stehr (formerly Kari Lynn Volk) married in February 2000 and had six children together. As of the most recent district court order, which father appeals, two of the children are still minors—13 and 12 years old. Mother filed for divorce in June 2014, and the marriage was dissolved in October 2015. The divorce decree granted mother sole legal and sole physical custody of the children, and father received parenting time. The decree described father’s mental health as a significant factor in this decision. In 2017, mother obtained a 50-year order for protection against father.

Since 2019, father has brought various motions to modify custody and parenting time and to find mother in contempt of court. As a result, the district court has ordered that father must provide mother with monthly verification of his medication and treatment compliance for his mental-health diagnoses; the district court has refused several times to remove this requirement. The district court also ordered that, if father does not provide mother with proof of his medication and treatment compliance, mother may withhold father’s parenting time until he proves compliance. Mother has withheld parenting time from father on occasion for failure to provide proof of compliance, and the district court has denied father’s requests for compensatory parenting time. In some orders, the district court has found father in contempt of court.

On May 18, 2024, the children were spending the weekend with father when mother received a text message from the children stating that father had locked them in a room, “was holding [them] captive,” and yelling at them and that they were “scared,” and they

asked if she could come get them. Mother called the police and drove to father's house. Mother enrolled the children in counseling to address this and other issues with father and the divorce.

Previously, mother had provided the children with a cell phone to contact father whenever they wanted, and she stated that she never interfered with this phone, though father has threatened to prevent the children from using the phone to contact mother during his parenting time. In the days after the May 18 visit at father's house, the children texted father to tell him that they were upset. In their messages, the children described incidents in which father has mocked them, called them names, and dismissed their feelings. In his messages responding to the children, father insisted that the children needed to apologize to him, accused them of not being truthful, and threatened to discipline them. The text messages show that, as father continued to reach out, the children alternately ignored him, told him to stop contacting them, and asked for an apology.

Father submitted a motion to the district court asking it, among other things, to grant compensatory parenting time, to modify father's parenting time to be "reasonable," to order certain telephone contact with the children, and order mother to pay father's court fees. Both mother and father appeared self-represented for a hearing on the motion in October 2024, and at the hearing, father also argued that the district court should remove his medication reporting requirement, find mother and mother's husband in contempt of court (though he is not party to the proceedings), order law enforcement to enforce parenting time, and grant him custody of the children.

Based on the evidence presented at the hearing, the district court found that mother was not keeping the children from father, did not prevent them from contacting father, and was trying to do what was best for the children. At the hearing, mother stated that father “calls multiple times a day, and the children are—they—they’re anxious about it, and they say they go to his house and he chastises them for not calling.” Mother said that, when she went to pick up the children from father’s home during the May 18 visit, she found the children crying in the yard and they told her that they did not want to go back inside the house. Mother stated that she “would like for this all to be remedied and for kids to see . . . [father] and for them to feel better about it.” To that end, she requested that father’s parenting time be supervised and that he attend counseling with the children when they are ready.

In January 2025, the district court issued an order denying all of father’s motions, leaving the then-existing parenting-time schedule in place for whenever the children are ready to exercise it, and directing father to attend therapy with the children when they are ready and the counselor agrees it is appropriate. The district court found that there was no evidence that father had not complied with the requirement that he provide monthly verification of his medication and treatment compliance, but it found that the children feel father is not “nurturing, sensitive, or understanding.” In light of the evidence presented, the district court found that “the relationship between Father and the children is strained. It appears that the children and Father’s relationship has worsened over time and has now

reached a point where Father has not spent time with the children in the last several months.” The district court further found

that the children have determined on their own that they do not want to exercise parenting time with father at this time. While mother does not appear to be encouraging the children to go to father’s home for parenting time, mother is trying to find the balance between supporting her children’s refusals to exercise father’s parenting time and supporting father’s court ordered parenting time. Mother has placed the children in therapy and proposed the children and father participate in repair therapy in the future to mend the parent-child relationship. This court finds that mother has not intentionally made the children unavailable for father’s scheduled parenting time. The children are refusing to go to father’s scheduled parenting time. It would not be in the children’s best interests to order compensatory parenting time as they are refusing the regularly scheduled parenting time and telephone contact with father.

Father appeals.

DECISION

Father is self-represented in this court and submitted an informal brief pursuant to Minn. R. Civ. App. P. 128.01, subd. 1. When reviewing the arguments of self-represented parties, appellate courts provide “some leeway” to the self-represented party who is “attempting to comply with court rules,” but the party is not “relieved of the burden of, at least, adequately communicating to the court what it is that he wants accomplished and by whom.” *Carpenter v. Woodvale, Inc.*, 400 N.W.2d 727, 729 (Minn. 1987). “[T]his court has repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys and must comply with court rules.” *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001). We consider this case on its merits, even though mother did not submit a brief. Minn. R. Civ. App. P. 142.03. We have identified two arguments from

father's brief asserting that the district court abused its discretion by denying father's requests related to parenting time and by denying father's request for fees.¹ We address each argument in turn.

I. The district court did not abuse its discretion by denying father's parenting-time requests.

Father first argues that the district court abused its discretion by denying his parenting-time motion. Father asserts that the district court clearly erred by finding that mother did not withhold the children from father and that the relationship between father and children had deteriorated and the children no longer wanted to spend time with him. Father also asserts that the district court erred by considering the children's wishes when deciding the parenting-time order. Based on these asserted errors, father argues that the district court abused its discretion by not ordering law enforcement to enforce the parenting-time order, not ordering compensatory parenting time, and not finding mother in contempt for withholding his parenting time.

A district court has broad discretion when deciding parenting-time issues, and its decisions 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

¹ Father asserts many more errors, but he raises them either for the first time on appeal or without citations to legal authority, without legal argument, and without explaining the effect of the errors beyond conclusory statements, and thus, we do not address them. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts generally consider "only those issues that the record shows were presented and considered by the trial court in deciding the matter before it" (quotation omitted)); *Melina v. Chaplin*, 327 N.W.2d 19, 20 (Minn. 1982) (explaining that inadequately briefed arguments are "waived").

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) (quoting *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022)). When reviewing a district court’s findings of fact, appellate courts will “set aside a district court’s findings of fact only if clearly erroneous, giving deference to the district court’s opportunity to evaluate witness credibility. Findings of fact are clearly erroneous where an appellate court is left with the definite and firm conviction that a mistake has been made.” *Goldman v. Greenwood*, 748 N.W.2d 279, 284 (Minn. 2008) (quotation and citations omitted). The court of appeals “views the record in the light most favorable to the [district] court’s findings” and does not “reweigh the evidence presented to the [district] court.” *Vangsness v. Vangsness*, 607 N.W.2d 468, 472, 475 (Minn. App. 2000). “[A]n appellate court need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court”; rather, the “appellate court’s duty is fully performed after it has fairly considered all the evidence and has determined that the evidence reasonably supports the decision.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 222 (Minn. 2021) (quotations omitted).

The district court’s first finding that father challenges is that mother was not keeping the children from father. Mother testified at the hearing that she was not keeping the children from father, was trying to do what was best for them, and consistent with the district court’s previous orders, attempted to redirect conversations when the children would talk to her about problems that happened while they were with father. Mother also stated that she purchased a phone for the children to contact father and that she has not

restricted their access to the phone. Although father argues that mother lied and that she keeps the children from him, credibility determinations are left to the district court and appellate courts do not reweigh evidence; rather, we consider evidence that is consistent with the district court's findings. *See Goldman*, 748 N.W.2d at 284; *see also Vangsness*, 607 N.W.2d at 474 (“That the record might support findings other than those made by the [district] court does not show that the court's findings are defective.”). Therefore, because there is evidence in the record to support this finding, the district court did not clearly err.

The second finding father challenges is that the children did not want to exercise parenting time with father and that their relationship with father had deteriorated. Based on our review of the record, this finding is supported. The district court received into evidence 70 pages of screenshots from the children's phone of their conversations with father from May through August 2024. In the messages, the children said that they do not want father calling or messaging them and that they did not want to see him ever again, and father responded by dismissing his children's concerns and wishes. The messages support the district court's finding that the children's relationships with father had deteriorated and that they no longer wanted to see him; therefore, the district court did not clearly err.

We now turn to father's requested relief. A district court may modify parenting time if the modification “will enable the child and the parent to maintain a child to parent relationship that will be in the best interests of the child.” Minn. Stat. § 518.175, subd. 1(a) (2024). Determining the best interests of the children requires consideration of several factors, including “the reasonable preference of the child, if the court deems the child to be

of sufficient ability, age, and maturity to express an independent, reliable preference.” Minn. Stat. § 518.17, subd. 1(a)(3) (2024). “The predominant importance of [an] older child is a well settled part of Minnesota law.” *Ross v. Ross*, 477 N.W.2d 753, 756 (Minn. App. 1991). When a district court has found a child is able to express a custodial preference that satisfies the statute, appellate courts have affirmed a district court’s consideration of a child’s preference when the child was 13 years old, *Povarchuk v. Povarchuk*, No. A23-1168, 2024 WL 1047921, at *1, *3 (Minn. App. Mar. 11, 2024), *rev. denied* (Minn. May 29, 2024),² 12 1/2 years old, *State ex rel. Feely v. Williams*, 222 N.W. 927, 928 (Minn. 1929), and eight or nine years old, *Froderman v. Lais*, No. A22-0862, 2023 WL 3296367, at *1, *3, *5 (Minn. App. May 8, 2023).

The district court’s findings that the children were not interested in exercising their parenting time with father and that the relationship had deteriorated support the district court’s determination that enforcing or increasing parenting time was not in the children’s best interests. Additionally, the district court did not err by considering the children’s preferences because Minnesota statutes and caselaw state establish that it is a relevant factor if the district court finds that the children are of sufficient ability, age, and maturity to express their preference. *See* Minn. Stat. § 518.17, subd. 1(a)(3); *Ross*, 477 N.W.2d at 756. Here, the record shows that the district court’s implicit findings that the children’s preferences are relevant under the best-interests statute are not clearly erroneous. The children were 12 and 13 at the time of the district court’s order, and our court has affirmed

² “Nonprecedential opinions . . . may be cited as persuasive authority.” Minn. R. Civ. App. P. 136.01, subd. 1(c).

the consideration of children's preferences at these ages. *See Povarchuk*, 2024 WL 1047921, at *1, *3; *Froderman*, 2023 WL 3296367, at *1, *3, *5. The district court was able to evaluate the children's ability and maturity through 70 pages of their text communications with father. Therefore, the children were capable of expressing their individual preferences and the district court did not err by considering them. Because the district court did not misapply the law or use facts unsupported by the record, it did not abuse its discretion by denying father's requests for it to order compensatory parenting time or modify the parenting-time order.

Finally, Minnesota law states that, if a parent refuses to comply with a parenting-time order, then a district court "may provide that a law enforcement officer or other appropriate person will accompany a party seeking to enforce or comply with parenting time." Minn. Stat. § 518.175, subd. 1(d) (2024). Here, however, there was no failure to comply with a parenting-time order that would require law enforcement's involvement. Rather, the record supports the district court's finding that mother has not prevented the children from seeing father, but that the children have chosen to stop exercising their parenting time with father. The district court found that forcing the children to participate in parenting time (through compensatory time or law enforcement's involvement) was not in their best interests. This is supported by the 70 pages of messages demonstrating the children's disinterest and often anger or frustration toward father and father's continued dismissal of the children's needs and concerns with his behavior. Thus, the district court did not abuse its discretion by denying this request.

We note that the district court left the previous parenting-time order in place and added that father must participate in the children’s counseling when and if they and their counselor feel it is appropriate. Father may choose to reengage with his children and do the work to repair these relationships. The district court’s order explicitly left the path open for father to restore his relationships with the children. Therefore, we conclude that the district court did not abuse its discretion when denying father’s parenting-time requests.

II. The district court did not abuse its discretion by denying father’s request that mother, based on her conduct, pay his costs and fees.

Father next argues that the district court abused its discretion by denying his request that it award him costs and fees associated with his current motion. “Conduct-based fee awards . . . are discretionary with the district court.” *Szarzynski v. Szarzynski*, 732 N.W.2d 285, 295 (Minn. App. 2007). A district court may award “additional” fees and costs against “a party who unreasonably contributes to the length or expense of the proceeding or whose unreasonable failure to comply with an order or decree causes the other party to seek enforcement or other relief, including the reimbursement of fees and costs incurred before filing a motion.” Minn. Stat. § 518.14, subd. 1a (2024).³ When making this determination,

³ The statute uses the word “additional” regarding conduct-based fees. Father did not argue, and thus we decline to address, the import of that word. This court previously noted:

Our quotation of the statutory language indicating that a court has discretion to award *additional* attorney fees against a party whose conduct unreasonably increases the length or expense of the proceeding is not an expression of opinion on the question of whether an award of need-based attorney fees under Minn. Stat. § 518.14, subd. 1, is a prerequisite to an award of conduct-based attorney fees under that same provision. *Cf. Mize*, 621 N.W.2d at 807 (noting Minn. Stat.

the district court considers “the circumstances and any other factors that contributed to the length or expense of the proceeding.” *Id.*

Here, the district court found that mother did not prevent the children from exercising father’s parenting time and in fact supported the children’s contact with father by purchasing them a cell phone to contact him. Additionally, mother arranged for the children to receive counseling to work through their issues with father and she supported father’s participation in that counseling once the children and their counselor determined they were ready. Because the district court determined that mother was not responsible for the children not seeing father, the district court did not abuse its discretion by determining that mother did not contribute to the length or expense of the proceeding or fail to comply with any prior order, and thus, by denying father’s motion for costs and fees.

Affirmed.

§ 518.14, subd. 1, allows district court discretion to award “additional fees” based on party’s conduct) & n.3 (stating, because record does not support conduct-based fee award, whether a need-based fee award is a prerequisite to a conduct-based award need not be addressed). In the present case, that question was not argued to, or addressed by, the district court and we do not address it here.

Geske v. Marcolina, 624 N.W.2d 813, 818 (Minn. App. 2001).