

*This opinion is nonprecedential except as provided by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
A25-0257**

In Re the Custody of A.L.A.;

Bamidele Adetifa,
Appellant,

vs.

Betiel Ambaye Mehari,
Respondent,

Dakota County,
Respondent.

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

Dakota County District Court
File No. 19HA-FA-20-298

Bamidele Adetifa, Minneapolis, Minnesota (self-represented appellant)

Betiel Ambaye Mehari, Burnsville, Minnesota (self-represented respondent)

Kathryn M. Keena, Dakota County Attorney, Jenny R. Nystrom, Assistant County Attorney, West St. Paul, Minnesota (for respondent Dakota County Child Support)

Considered and decided by Bond, Presiding Judge; Ross, Judge; and Larkin, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

Appellant father challenges the district court's order denying his motion to dismiss his child-support obligation. Father argues that he is not required to pay child support

under Minn. Stat. § 518A.36, subd. 3 (2024), and that the district court abused its discretion by dismissing his motion with prejudice. We affirm.

FACTS

Appellant Bamidele Adetifa (father) and respondent Betiel Ambaye Mehari (mother) are the parents of a joint child, born in 2018. In June 2020, father filed a petition to establish custody and parenting time. Mother assigned her rights to child support to Dakota County Child Support (the county) pursuant to Minn. Stat. § 518A.81, subd. 2 (2024).¹

In February 2021, the district court issued stipulated findings of fact, conclusions of law, and order (2021 stipulated order) awarding the parties joint legal and physical custody of the child. The 2021 stipulated order found that father’s gross monthly income was \$8,551 and mother’s gross monthly income was \$2,988. The 2021 stipulated order required father to pay mother \$370 per month in child support and to provide the child with medical, dental, and vision insurance, as long as father had medical coverage available through his employer or other sources. The 2021 stipulated order was signed by father, mother, and their respective counsel and stated that the parents “agree and wish to be bound by this agreement believing th[at] it is fair and equit[able] and in the best interest of their minor child.” Father did not appeal the 2021 stipulated order.

¹ Minn. Stat. § 518A.81, subd. 2, was originally codified at Minn. Stat. § 256.741, subd. 2 (2020), which was amended in 2024. 2024 Minn. Laws ch. 80, art 8, § 68, at 227 (renumbering Minn. Stat. § 256.741 (Minn. 2022)). Because the amendment did not change the substance of the applicable section, we cite to the current statute.

In May 2024, father filed correspondence requesting that the district court dismiss his child-support obligation and award retroactive reimbursement for prior child-support payments. Father asserted that his child-support obligation violated various constitutional rights. The district court construed father's correspondence as a motion, set the matter on for a hearing and, after the hearing, denied father's motion.

In August 2024, father filed a motion and accompanying letter and affidavit, again requesting that the district court terminate his child-support obligation. Relevant to this appeal, father argued that he should be relieved of his child-support obligation under Minn. Stat. § 518A.36, subd. 3, which addresses child-support calculations when both parenting time and parental incomes are equal.

After a hearing, the district court denied father's motion with prejudice. The district court determined that Minn. Stat. § 518A.36, subd. 3, did not relieve father of his child-support obligation because the 2021 stipulated order found that father and mother had unequal incomes and therefore, the statute was inapplicable.

Father appeals.

DECISION

I. The district court did not err in determining that Minn. Stat. § 518A.36, subd. 3, does not apply to father's child-support obligation.

Father argues that the district court erred in determining that Minn. Stat. § 518A.36, subd. 3, does not relieve him of his child-support obligation under the 2021 stipulated order. "Statutory interpretation and the application of a statute to undisputed facts present questions of law, which this court reviews de novo." *Jones v. Jarvinen*, 814 N.W.2d 45,

47 (Minn. App. 2012). When conducting statutory interpretation, a court must first “determine whether the statute is ambiguous on its face.” *Dakota County v. Gillespie*, 866 N.W.2d 905, 909 (Minn. 2015) (quotation omitted). “A statute is ambiguous ‘when the statutory language is subject to more than one reasonable interpretation.’” *Id.* (quoting *State v. Fleck*, 810 N.W.2d 303, 307 (Minn. 2012)). If a statute is unambiguous, courts apply the statute’s plain meaning. *Larson v. State*, 790 N.W.2d 700, 703 (Minn. 2010).

Chapter 518A governs a district court’s calculation of child support. The statutory provision at issue here states that “[i]f the parenting time is equal *and* the parental incomes for determining child support of the parents also are equal, no basic support shall be paid unless the court determines that the expenses for the child are not equally shared.” Minn. Stat. § 518A.36, subd. 3 (emphasis added). Thus, to trigger application of the statute, parenting time and parental incomes for determining child support must both be equal.²

As the district court found, the 2021 stipulated order establishes that, for purposes of determining child support, father earns \$8,551 per month and mother earns \$2,988 per month. Thus, the parental incomes are not equal. Father urges us to consider an “equitable application” of the statute that considers father’s “full financial contributions” in addition

² The statute references “parental income for determining child support,” as defined in Minn. Stat. § 518A.26, subd. 15 (2024), rather than “gross income,” as defined in Minn. Stat. § 518A.26, subd. 8 (2024). Before the district court, father argued that although a disparity exists between the parties’ *gross incomes*, Minn. Stat. § 518A.36, subd. 3, does not require him to pay child support because the parties share equal parenting time. The district court similarly analyzed the parties’ gross incomes in deciding whether the statute applied. Because our review is confined to the record and theories presented to the district court, we also apply the parties’ gross incomes in considering father’s argument. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988).

to his equal parenting time. But Minn. Stat. § 518A.36, subd. 3, requires equal parental incomes, and we must apply the statute's plain language. *Larson*, 790 N.W.2d at 703.

Because the 2021 stipulated order found that father's and mother's incomes are not equal, the district court correctly determined that Minn. Stat. § 518A.36, subd. 3, does not apply. The district court did not err in dismissing father's motion to dismiss his child-support obligation.

II. The district court did not abuse its discretion in dismissing father's motion with prejudice.

Father also challenges the district court's dismissal of his motion with prejudice. A district court has "wide discretion in determining whether dismissals shall be with or without prejudice." *Falkenstein v. Braufman*, 88 N.W.2d 884, 889 (Minn. 1958). This court "reviews a district court's decision to dismiss a claim with prejudice under an abuse of discretion standard." *Brazinsky v. Brazinsky*, 610 N.W.2d 707, 712 (Minn. App. 2000). "A district court abuses its discretion by making findings unsupported by the evidence or improperly applying 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).

Father argues that, "[g]iven the evolving nature of financial and custodial circumstances, a dismissal with prejudice was an overly punitive measure" because it precluded father from "seeking a fair reconsideration of his support obligation." But father offered no evidence in the district court of his evolving financial and custodial

circumstances.³ *See* Minn. R. Civ. App. P. 110.01 (“The documents filed in the trial court, the exhibits, and the transcript of the proceedings, if any, shall constitute the record on appeal in all cases.”). Father also appears to argue that the district court erroneously decided his motion on procedural grounds rather than on the merits. In its order, the district court “assume[d] for the purpose of argument that [father’s] [m]otion [was] procedurally proper” and “resolve[d] it on its merits.” The district court therefore denied father’s motion on the merits, not on procedural grounds.

Accordingly, the district court did not abuse its discretion by denying father’s motion to dismiss his child-support obligation with prejudice.⁴

Affirmed.

³ We observe that father is not prevented from seeking a modification of his child-support obligation under Minn. Stat. § 518A.39, subd. 2 (2024).

⁴ The county argues that father’s motion is procedurally defective and that father’s motion should be dismissed for failure to state a claim upon which relief can be granted under Minn. R. Civ. P. 12.02(e). Because we affirm the district court on the merits, we need not consider the county’s additional arguments.