

*This opinion is nonprecedential except as provided by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
A25-0424**

In Re the Marriage of:

Christopher Warren Martin n/k/a Christal Warren Martin, petitioner A,
Appellant,

vs.

Rebecca Sue Martin n/k/a Rebecca Sue Anderl, petitioner B,
Respondent.

**Filed September 14, 2026
Affirmed
Rasmusson, Judge**

Dakota County District Court
File No. 19WS-FA-17-431

Francis Herbert White III, Francis White Law, PLLC, Woodbury, Minnesota (for
appellant)

William K. Davies, Minnesota Lawyers, LLC, Roseville, Minnesota (for respondent)

Considered and decided by Connolly, Presiding Judge; Reyes, Judge; and
Rasmusson, Judge.

NONPRECEDENTIAL OPINION

RASMUSSON, Judge

In this appeal from orders modifying parenting time and child support, appellant
argues that the district court abused its discretion by modifying the parties' stipulations

without their consent and failing to hold an evidentiary hearing before making a substantial modification to parenting time. We affirm.

FACTS

Appellant Christal Warren Martin and respondent Rebecca Sue Anderl married in 2010. They have one joint minor child, born in 2011. In 2017, the district court entered a judgment and decree (J&D) for dissolution of the marriage. The J&D provided for joint legal custody, joint physical custody, and an equal parenting-time schedule that awarded Martin Tuesdays, Thursdays, and alternating weekends, and Anderl Mondays, Wednesdays, and alternating weekends. It did not establish child support pursuant to the parties' agreement.

Over the next few years, the parties returned to court to address parenting-time issues, oftentimes reaching their own agreements. We summarize the parties' relevant parenting-time issues and agreements below.

In September 2018, Martin filed a motion requesting, in part, that the district court limit Anderl's parenting time and order her to avoid alcohol consumption immediately prior to and during parenting time. The district court declined to modify parenting time but ordered that Anderl refrain from consuming alcohol 12 hours before, and during, her parenting time.

In October 2019, Martin filed a motion for modification of parenting time and child support. Martin alleged that Anderl was hospitalized due to alcohol consumption, entered a rehabilitation facility, and later moved into a sober-living facility. Accordingly, Martin contended that Anderl was unable to exercise an equal parenting-time schedule and was

exercising a parenting-time percentage of 24%. Martin also contended that Anderl had failed to pay child-care expenses. The parties came to a stipulation resolving the issues in Martin's motion, which the district court incorporated into a judgment. The stipulated judgment provided that Martin would exercise approximately 75% of parenting time and that Anderl would pay \$462 in monthly child support.

In August 2021, Martin moved for temporary and permanent sole physical custody and temporary sole legal custody of the child, alleging continued concerns with Anderl's alcohol consumption. Martin additionally requested that the court continue to constrain Anderl's alcohol use and add a monitoring requirement to ensure compliance. The parties stipulated to a resolution of all issues, which the district court incorporated into a judgment. The stipulated judgment required Anderl to use an alcohol-monitoring device to ensure compliance with the restrictions on her use of alcohol and other intoxicating substances. Specifically, Anderl was required to contract with SoberLink, at her own expense, for testing four hours prior to the start of her parenting time, within thirty minutes after the start of her parenting time, and every four hours during her parenting time, except from the hours of 12:00 a.m. to 6:00 a.m.

In June 2024, Anderl filed a motion to restore the equal parenting-time schedule as provided in the J&D, discontinue alcohol-monitoring conditions, and recalculate child support. In support of her motion, Anderl argued that she had clearly demonstrated her sobriety, had made significant improvements in her life since becoming sober, and that testing was expensive and time-consuming. Martin opposed Anderl's motion. At the

motion hearing, Martin’s counsel argued that, before granting Anderl’s motion, the district court would need to hold an evidentiary hearing.

In October 2024, the district court granted Anderl’s motion without holding an evidentiary hearing. The order resulted in restoration of the parties’ previous equal parenting-time schedule and removal of the alcohol-monitoring conditions.

Martin appeals.¹

DECISION

We review a district court’s order modifying parenting time for an abuse of discretion.² *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).

¹ After Martin first filed her notice of appeal, we issued an order dismissing the appeal as premature because the October 2024 order did not fully resolve the issue of child support. The district court subsequently filed an order addressing child support, and Martin filed notice of this appeal.

² Although Martin additionally appeals from an order modifying child support, her arguments address only the modification of parenting time and conditions on the exercise thereof.

I. Martin’s argument regarding enforcement of the parties’ stipulated judgments is forfeited and fails on the merits.

Martin argues that, because the parties’ stipulations are binding contracts, any subsequent modification requires either the parties’ consent or a showing of exceptional circumstances, neither of which are present here.

We first consider whether this argument is properly before us. “A reviewing court must generally consider only those issues that the record shows were presented [to] and considered by the trial court in deciding the matter before it.” *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (quotation omitted); *see also Hegseth v. Am. Fam. Mut. Ins. Grp.*, 877 N.W.2d 191, 196 n.4 (Minn. 2016) (“[Appellate courts] generally will not consider arguments raised for the first time on appeal . . .”). Our careful review of the record indicates that Martin did not present this argument to the district court, and therefore, she forfeited appellate review on this issue.

In any event, Martin’s argument fails on the merits. Because her argument relates to the applicable legal standard, we review it de novo. *Dahl*, 765 N.W.2d at 123. As an initial point, Martin is correct that stipulations “are accorded the sanctity of binding contracts,” and, as such, “a party cannot repudiate or withdraw from a stipulation without the consent of the other party, except by leave of the court for cause shown.” *Toughill v. Toughill*, 609 N.W.2d 634, 638 (Minn. App. 2000) (quotations omitted). Martin’s argument, however, overstates the holding of *Toughill*. Relying on *Toughill*, we have explained that, “after the [district] court incorporates [a] stipulation into a judgment, the stipulation is treated as a judgment, not as a contract.” *Shearer*, 891 N.W.2d at 76. “The

law expressly allows for modification of such judgments as they relate to parenting time.” *Id.* Accordingly, the district court is not precluded from modifying stipulated judgments without the parties’ agreement or a showing of exceptional circumstances.

II. The district court acted within its discretion by removing alcohol-monitoring conditions without an evidentiary hearing.

Martin concedes that returning to the original parenting-time schedule, which equalized the parties’ parenting time, does not require an evidentiary hearing. However, Martin contends that the removal of alcohol-monitoring conditions constitutes a substantial modification of parenting time and the district court erred by removing the conditions without an evidentiary hearing.

Because Martin’s argument again concerns the district court’s application of the parenting-time legal standard, we review it *de novo*. *Dahl*, 765 N.W.2d at 123. As a threshold matter, a parenting-time modification can refer to both the *amount* of parenting time and the *conditions* on a party’s exercise of parenting time. *See* Minn. Stat. § 518.175, subds. 1 (authorizing district courts to impose initial limits on the time, location, frequency, duration, supervision, and other aspects of parenting time based on the circumstances and the best interests of the child), 5 (authorizing district courts to modify a parenting plan or order for parenting time if it would serve the child’s best interests) (2024). A district court must hold an evidentiary hearing before ordering a substantial modification of parenting time but need not do so for an insubstantial modification of parenting time. *Suleski v. Rupe*, 855 N.W.2d 330, 336 (Minn. App. 2014). A substantial parenting-time modification “appears to include the placement or removal of restrictions on parenting time.” *In re*

Welfare of B.K.P., 662 N.W.2d 913, 916 (Minn. App. 2003).³ We turn to whether the removal of the alcohol-monitoring conditions in this case qualifies as a substantial modification of parenting time.

Notably, the district court retained general prohibitions against the use of alcohol and nonprescribed controlled substances both before and during parenting time. Only the monitoring provisions were removed by the district court. The monitoring provisions were initially implemented based on the parties' stipulations and were ancillary to Anderl's actual exercise of her parenting time. Additionally, the district court made specific findings on the child's best interests, and in doing so specifically found that Martin's concerns about Anderl's alcohol consumption "have been sufficiently addressed and there is no credible evidence suggesting that Anderl will be unable to maintain sobriety in the future for the sake of the child." The district court had ample information to make its decision, including detailed affidavits and hundreds of pages of exhibits. Included in the record are at least 1,665 test results demonstrating Anderl's sobriety over several years. Lastly, removing alcohol monitoring on 25% parenting time is far less substantial than Martin's request to

³ The Minnesota Legislature, however, has not defined what constitutes a restriction of parenting time. *Suleski*, 855 N.W.2d at 336 ("There is no statutory definition of what constitutes a 'restriction' of parenting time."). In assessing whether a reduction in parenting time constitutes a restriction, appellate courts consider the reason for the change as well as the scope of the change. *Anderson v. Archer*, 510 N.W.2d 1, 4 (Minn. App. 1993) ("When determining whether a reduction constitutes a restriction, the court should consider the reasons for the change as well as the amount of the reduction."); *Matson v. Matson*, 638 N.W.2d 462, 468 (Minn. App. 2002) ("Whether a modification is substantial depends on whether parenting time was restricted, which requires looking at both the reasons for the change and the amount of reduction of the parenting-time rights.").

impose alcohol monitoring when Anderl has 50% parenting time, a change that would result in significantly increased monitoring and ongoing costs.

Under the specific facts of this case, eliminating the alcohol-monitoring conditions is not a substantial change in parenting time. Accordingly, the district court was not required to hold an evidentiary hearing.

Affirmed.