

*This opinion is nonprecedential except as provided by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
A25-0784**

In Re the Custody of J. K. S.

**Filed December 22, 2025
Affirmed
Slieter, Judge**

Wright County District Court
File No. 86-FA-22-5613

Terencio D. Safford, Buffalo, Minnesota (*pro se* appellant)

Courtney Lynn Lotzer, Buffalo, Minnesota (*pro se* respondent)

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

NONPRECEDENTIAL OPINION

SLIETER, Judge

In this appeal from the district court's order denying appellant's motion to modify custody to grant him sole physical and sole legal custody and, instead, reinstating the prior joint-custody order, appellant argues that the district court abused its discretion by failing to make the required statutory findings pursuant to Minn. Stat. § 518.18(d) (2024), misapplying the child-endangerment standard, and concluding that he provided an insufficient evidentiary basis for an award of sole custody. Appellant separately claims that judicial bias warrants reversal. Because sufficient evidence supports the district

court's decision, and appellant failed to show that the district court demonstrated bias, we affirm.

FACTS

Appellant Terencio D. Safford (Father) and respondent Courtney Lynn Lotzer (Mother) are the parents of J.K.S., born in August 2020. In June 2023, the district court filed a stipulated judgment and decree (J&D) that granted the parties joint legal custody, joint physical custody, and equal parenting time.

In November 2024, an individual contacted police after observing then-four-year-old J.K.S. about to cross a city street unsupervised during Mother's parenting time. Mother told the responding officer that she went to the park with J.K.S. and returned home to use the bathroom and do other tasks, leaving J.K.S. alone and telling him to make his way back. The responding officer, who returned J.K.S. to Mother's care, advised her about neglect and child abandonment. The officer later contacted Wright County Human Services.

Father, after learning about this incident, filed a motion seeking *ex parte* emergency relief in which he requested that the district court grant him temporary sole physical and sole legal custody, immediately suspend Mother's parenting time, and hold an expedited hearing. Father included an affidavit in which he relied upon the following as the bases for his motion: the incident during which J.K.S. was found unsupervised, other purported incidents of neglect and endangerment, Mother's alleged unstable living situation, and acts of emotional abuse. He additionally included an affidavit from Mother's former housemate, which included allegations of drug use and lack of supervision of J.K.S.

Ultimately, Father sought a permanent modification of custody in which he was seeking sole physical and sole legal custody.

The district court issued a temporary order that suspended Mother's parenting time, granted Father temporary sole physical and sole legal custody, and set the matter for a hearing. Following a motion hearing, the district court maintained the temporary modification of custody, set the matter for an evidentiary hearing, and granted Mother supervised parenting time.

The district court held an evidentiary hearing over two days during which it heard testimony from Father, Mother, two police officers, Mother's former housemate, and Mother's adult son. The district court filed an order on April 8, 2025, finding that Father failed to establish the endangerment required to modify custody and restrict parenting time. The order reinstated the prior joint-custody order with an equal parenting-time schedule.

Father appeals.

DECISION

I. The district court acted within its discretion in denying Father's custody-modification motion.

Father argues that the district court abused its discretion by failing to make all required statutory findings pursuant to Minn. Stat. § 518.18(d) and misapplied the endangerment standard.

"District courts have broad discretion on matters of custody and parenting time." *Hansen v. Todnem*, 908 N.W.2d 592, 596 (Minn. 2018). "A district court abuses its discretion by making 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) (quotation omitted). Appellate courts review a district court’s factual findings for clear error. *Rasmussen v. Two Harbors Fish Co.*, 832 N.W.2d 790, 797 (Minn. 2013). A finding is clearly erroneous if it is “manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). In reviewing factual findings for clear error, appellate courts (1) “view the evidence in a light favorable to the findings,” (2) do not find their own facts, (3) do not “reweigh the evidence,” and (4) do not “reconcile conflicting evidence.” *Id.* at 221-22 (quotations omitted).

Minnesota Statutes section 518.18 (2024) governs modification of custody orders following entry of a J&D. *See Crowley v. Meyer*, 897 N.W.2d 288, 293 (Minn. 2017) (discussing an earlier version of section 518.18). Section 518.18(d) sets forth five different bases for modifying custody. At issue in this appeal is subpart (d)(iv), which allows for modification of custody in instances of child endangerment. A district court may modify custody under this endangerment standard if the moving party establishes that “(1) the circumstances of the children or custodian have changed; (2) modification would serve the children’s best interests; (3) the children’s present environment endangers their physical health, emotional health, or emotional development; and (4) the benefits of the change outweigh its detriments with respect to the children.” *Crowley*, 897 N.W.2d at 293; *see also* Minn. Stat. § 518.18(d)(iv). Father, as the party seeking modification of the custody

arrangement in the J&D, “bears the burden of meeting the requirements of section 518.18.” *Crowley*, 897 N.W.2d at 293.

Statutory Requirements

Father argues that the district court failed to make findings on each of the four statutory elements as required by Minn. Stat. § 518.18(d)(iv).

The district court, after having found that Father failed to satisfy the endangerment element, did not make findings regarding the remaining elements for obtaining a modification of custody. However, when denying a motion to modify custody based on a finding of a lack of endangerment, a district court need not make findings on the other statutory elements. In *Szarzynski v. Szarzynski*, for example, we held that “lack of endangerment is fatal to a motion to modify custody.” 732 N.W.2d 285, 292 (Minn. App. 2007); *see also Dabill v. Dabill*, 514 N.W.2d 590, 595 (Minn. App. 1994) (describing endangerment as a “threshold” for modifying custody). The statutory language, which provides that “the court shall not modify a prior custody order” without making the required findings, Minn. Stat. § 518.18(d), does not include a requirement that a district court must make findings on all four statutory elements in denying a motion to modify custody. *See Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 604 (Minn. 2014) (explaining that courts “do not add words or phrases to unambiguous statutes”). Because lack of endangerment is dispositive, a district court need not make findings on the other statutory custody-modification elements.¹

¹ Arguing to the contrary, Father relies on *Crowley*, which he asserts includes language requiring district courts to make findings on each of the four statutory elements when a

Endangerment Finding

We next consider whether the record supports the finding that Father did not prove endangerment. In challenging the district court’s endangerment finding, Father argues that he provided credible and un rebutted evidence of endangerment that shows that Mother neglected J.K.S., provided an unsuitable living environment, and otherwise demonstrated improper behavior.

Endangerment is a factual finding reviewed for clear error. *See Sharp v. Bilbro*, 614 N.W.2d 260, 263-64 (Minn. App. 2000) (analyzing endangerment as a factual finding), *rev. denied* (Minn. Sept. 26, 2000); *see also Kenney*, 963 N.W.2d at 221.

To prove endangerment in the custody-modification context, a party must show “a *significant* degree of danger, which includes danger purely to emotional and psychological development.” *Tarlan v. Sorensen*, 702 N.W.2d 915, 922 (Minn. App. 2005) (emphasis added) (quotation omitted); *see also Lilleboe v. Lilleboe*, 453 N.W.2d 721, 724 (Minn. App. 1990) (explaining that endangerment can include physical or emotional abuse). “The existence of endangerment must be determined on the particular facts of each case.” *Sharp*, 614 N.W.2d at 263 (quotation omitted).

The district court, by finding that Father failed to establish endangerment, explained “the child’s present environment does not endanger his physical or emotional health or

custody-modification request proceeds beyond the *prima facie* phase. *Crowley* is distinguishable because it addressed the necessity of considering all four statutory elements when *granting* a modification of custody. *See* 897 N.W.2d at 293-94. This analysis is distinct from denying a motion to modify custody, which does not require findings of all four elements. Nor does *Nice-Petersen v. Nice-Petersen*, upon which Father additionally relies, include such a requirement. *See* 310 N.W.2d 471, 472 (Minn. 1981).

impair his emotional development.” It added that, “[a]lthough Mother left [J.K.S.] alone at the park in November 2024, which led to a child welfare check by police, Mother acknowledged that she made a mistake in temporarily leaving [J.K.S.] at the park alone.”

We conclude that the district court’s findings are not clearly erroneous. The district court’s order indicated that it received and considered the testimony and the exhibits to which Father refers, including the police reports, a transcript of Father’s interview with Mother’s former housemate, and text messages between the parties. After considering this evidence, the district court found that J.K.S.’s environment did not endanger his emotional health. In doing so, it implicitly found that Father’s evidence either lacked credibility or did not rise to endangerment. *See Vettleson v. Special Sch. Dist. No. 1*, 361 N.W.2d 425, 428 (Minn. App. 1985) (discussing an implicit finding). Regarding the November 2024 incident involving J.K.S. being found unsupervised, Mother testified that, “I think it was a mistake now with hindsight,” suggesting some remorse. The district court expressly determined Mother’s testimony to be credible, and appellate courts defer to a district court’s credibility determinations. *Lewis v. Comm’r of Pub. Safety*, 737 N.W.2d 591, 594 (Minn. App. 2007).

Although Father provided evidence from which a district court *might* have found endangerment, “[w]hen the record reasonably supports the findings at issue on appeal,” as it does here, “it is immaterial that the record might also provide a reasonable basis for inferences and findings to the contrary.” *Kenney*, 963 N.W.2d at 223 (quotation omitted). Because the record supports the district court’s endangerment finding, namely the district court’s opportunity to evaluate the sincerity of Mother’s remorse for leaving J.K.S.

unsupervised, it did not clearly err by determining that Father failed to meet his burden in proving endangerment and, accordingly, acted within its discretion by reinstating the previous joint-custody and parenting-time arrangement.

II. Father does not demonstrate judicial bias.

Father argues that the district court demonstrated judicial bias by making statements showing favor to Mother, allowing Mother to introduce speculative and irrelevant testimony, making findings favorable to Mother which are unsupported by the record, and not crediting some of his evidentiary submissions.

Appellate courts presume that a district court judge “has discharged her duties properly.” *Hannon v. State*, 752 N.W.2d 518, 522 (Minn. 2008). “[T]he record as a whole” must exhibit judicial bias rather than merely “[p]revious adverse rulings.” *Id.* Minnesota caselaw has established a high bar for showing bias, as evidenced in *McClelland v. McClelland*, 359 N.W.2d 7, 11 (Minn. 1984). In *McClelland*, the supreme court concluded that the district court judge did not demonstrate bias despite allegations that she “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.” *Id.*

Father fails to persuade us that the district court demonstrated bias. As an example of purported bias, Father points to a statement in which the district court allegedly stopped his testimony by stating that it was the “end of our time today.” However, the district court’s full statement included that it had “another matter [that] afternoon.” When

considering a district court's broad discretion in managing hearings, this statement falls significantly short of demonstrating bias. *Cf. Lundman v. McKown*, 530 N.W.2d 807, 829 (Minn. App. 1995) ("Rulings on . . . the conduct of trial are left to the discretion of the [district] court . . ."), *rev. denied* (Minn. May 31, 1995). Father points to an additional statement in which the district court stated, "this is just really squeezing you in while I have a lot of other responsibilities, but this needs to be heard because [J.K.S.] isn't with his mom." Father argues that this statement demonstrates that the district court prejudged the level of endangerment and was dismissive of his evidence. However, the statement that J.K.S. is not with his mother merely reflects the urgency of the proceedings given that Mother's parental rights had been temporarily suspended pending Father's motion, not that the district court was prematurely dismissive of Father's evidence.

Father's remaining bias arguments focus on the district court allowing Mother to introduce "speculative claims and testimony not directly tied to the statutory factors," making findings that are "categorically false and unsupported," "accepting [Mother's statements] . . . without scrutiny, dismissing Father's submissions "without findings or analysis," and "refus[ing] to make findings" on certain evidence. To the extent that Father is challenging certain adverse evidentiary rulings, these rulings, without more, fail to demonstrate bias. *Hannon*, 752 N.W.2d at 522. And as explained above, the record provides adequate support for the district court's order. Father therefore failed to meet the high bar for demonstrating judicial bias.

Affirmed.