

*This opinion is nonprecedential except as provided by  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  
A25-0799**

In re the marriage of:

Erica Faith Haines, petitioner,  
Appellant,

vs.

Joshua Isaac Haines,  
Respondent.

**Filed May 4, 2026  
Affirmed  
Reyes, Judge**

Carlton County District Court  
File No. 09-FA-23-1786

Erica Faith Haines, Stratford-upon-Avon, Warwickshire, England (self-represented appellant)

Joshua Isaac Haines, Carlton, Minnesota (self-represented respondent)

Considered and decided by Reyes, Presiding Judge; Bond, Judge; and Cleary, Judge.\*

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\* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

## **NONPRECEDENTIAL OPINION**

**REYES, Judge**

Following marital-dissolution proceedings, appellant-mother challenges the district court's determinations regarding marital children and property. She also argues that the district court violated her right to procedural due process. We affirm.

### **FACTS**

Appellant-mother Erica Faith Haines petitioned to dissolve her marriage with respondent-father Joshua Isaac Haines in October 2023. The parties had three children: child 1, born February 2015; child 2, born April 2018; and child 3, born May 2020.

The parties do not dispute that, during their marriage, father worked outside of the home while mother cared for the children full-time and was responsible for most aspects of their daily lives, including their home schooling.

In the spring of 2023, father started a new job, the parties sold their home, and the family moved into a "tiny house."<sup>1</sup> The parties placed the tiny house on the property of mother's brother and sister-in-law, who lived and operated a farm on the property. In exchange, the parties paid monthly rent and performed various farm chores.

In August 2023, mother rented and moved into an apartment in Wisconsin while father and the children remained in the tiny house in Minnesota. In October 2023, mother moved to England. Since then, the children have resided with father. Mother did not visit the children in person until the court trial on her dissolution petition in January 2025.

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<sup>1</sup> The parties do not provide a definition of the term "tiny house." Father testified that they purchased it for \$15,000 in December 2022 and that it was less than 300 square feet in size.

In the time after moving to England, mother has lived in the home of a person who employs her. In exchange for housing, mother helped her employer operate the home into which she moved as a short-term rental property. But they stopped this operation at some point before the court trial.

At trial, mother testified that she has received no share of profits from the rental property. She testified that she still lives at the property in exchange for “running” her employer’s “artwork account” as an “artist manager.” She also works part-time “for a friend doing cleaning.” The friend pays mother \$12 to \$15 per hour in cash for her work. Mother did not provide paystubs, employment contracts, or other legal documentation of employment to the district court. Other than her testimony, mother did not disclose her financial information or living expenses to the district court.

After a three-day court trial, the district court entered a judgement and decree (J&D) dissolving the parties’ marriage. The J&D, in relevant part, (1) awarded father sole legal and sole physical custody of the children; (2) awarded mother less than 25 percent of the parenting time with the children; (3) required that all parenting time occur in Minnesota; (4) valued the tiny house at \$10,000; and (5) ordered mother to pay father monthly child support.

This appeal follows.<sup>2</sup>

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<sup>2</sup> Father did not file a brief in this court. By order, this court directed this appeal to proceed pursuant to Minnesota Rule of Civil Appellate Procedure 142.03, which provides that, if the respondent does not file and serve a brief, “the case shall be determined on the merits.”

## DECISION

Mother's arguments relate to (1) child custody; (2) parenting time; (3) valuation of the tiny house; (4) division of a retirement savings plan; and (5) her right to procedural due process. We consider each of these arguments in turn and then separately address arguments that fail for procedural reasons as well as lack of support in the record or law.

### **I. The district court did not abuse its discretion by awarding father sole legal and sole physical custody.**

Mother argues that the district court abused its discretion because it based its custody determination on unsupported factual findings. Mother's argument fails.

"Appellate review of custody determinations is limited to whether the district court abused its discretion by making findings unsupported by the evidence or by improperly applying the law." *Kremer v. Kremer*, 827 N.W.2d 454, 457 (Minn. App. 2013) (quotation omitted), *rev. denied* (Minn. Apr. 16, 2013). We review factual findings for clear error. *See id.* "A finding is clearly erroneous if this court is left with the definite and firm conviction that a mistake has been made," as when the finding is "manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *Id.*; *Sinda v. Sinda*, 949 N.W.2d 170, 175 (Minn. App. 2020) (quotation omitted).

Mother first asserts that the district court's statement that she had "been absent for almost half of [child 3's] life" is erroneous because mother lived with child 3 for "73% of [child 3's] life" by the time of trial. The district court's approximation does not leave this court "with the definite and firm conviction that a mistake has been made" and therefore is not clearly erroneous. *Kremer*, 827 N.W.2d at 457.

Mother next contends that the district court “misquote[d] the record” by stating: “When directly asked if she would comply with the [district court’s] order, [mother] did not provide an answer other than she would follow the order if she agreed with it.” In support, mother cites a portion of the trial transcript in which she testified about why she failed to use the parenting time granted to her before trial. This testimony is unrelated to noncompliance with an order. Mother fails to demonstrate that the district court’s statement is “manifestly contrary to the weight of the evidence.” *Sinda*, 949 N.W.2d at 175 (quotation omitted). We conclude that the statement is “reasonably supported by the evidence as a whole.” *Id.* (quotation omitted).

In her final custody argument, mother challenges the district court’s finding that she “is unwilling and unmotivated to ensure that [father’s] relationship with the children is supported.” She asserts that the district court “misrepresented [her] testimony that she would hang up” during phone calls with the children, arguing that she did so “only for safety reasons.” But the district court’s finding implicitly indicates that it found mother’s testimony not to be credible. And, after weighing the evidence, the district court found that mother was not willing to foster the relationship between father and the children. This court does not reassess credibility or reweigh evidence. *See Vangsness v. Vangsness*, 607 N.W.2d 468, 472, 475 (Minn. App. 2000). We conclude that the district court did not abuse its discretion by granting father sole legal and physical custody of the children.

**II. The district court did not abuse its discretion by departing from the statutory presumption that a parent receive at least 25 percent of the parenting time.**

Mother argues that the district court abused its discretion because it “made no proper findings” supporting its decision to depart from the statutory presumption that a parent receive at least 25 percent of the parenting time. We disagree.

This court will not reverse a parenting-time determination “unless the district court abused its discretion by misapplying the law or by relying on findings of fact that are not supported by the record.” *Suleski v. Rupe*, 855 N.W.2d 330, 334 (Minn. App. 2014). We review factual findings underlying a parenting-time determination for clear error. *See id.*

In support of its decision to depart from the statutory presumption, the district court found that mother: (1) “chose[] to live in another country”; (2) “has not made efforts to have parenting time with the children when it has been offered to her”; and (3) “struggles with understanding the true [effects] her choices have had on the children or how a disruption in their schedule now,” as would occur if the children were “shuttl[ed] . . . back and forth” between England and Minnesota, “would further disrupt the children.” The record amply supports these findings.

Mother contends that the requirement to exercise parenting time in Minnesota is a “restriction” under Minnesota Statutes section 518.175, subdivision 1(b) (2024) (providing that district court “shall restrict parenting time with that parent as to time, place, duration, or supervision” if it finds that parenting time “is likely to endanger” child). “Restriction” is a term of art in the context of parenting time. *See Suleski*, 855 N.W.2d at 336-38. Subdivision 1(b) of section 518.175 concerns situations in which a district court finds that

parenting time would likely harm a child. The district court here did not apply subdivision 1(b), nor did it “restrict” the parenting time that it granted mother.

Mother’s remaining arguments about parenting time concern the district court’s credibility determinations and weighing of evidence. This court defers to those determinations. *See Vangsness*, 607 N.W.2d at 472, 475.

**III. The district court did not clearly err by finding that the fair market value of the tiny house is \$10,000.**

Mother next argues that the district court undervalued the parties’ tiny house. We are not persuaded.

“Determining the specific value of an asset is a finding of fact . . . [that] shall not be set aside unless clearly erroneous on the record as a whole.” *Maurer v. Maurer*, 623 N.W.2d 604, 606 (Minn. 2001) (quotation and citation omitted). “On appeal, a party cannot complain about a district court’s failure to rule in [their] favor when one of the reasons it did not do so is because that party failed to provide” the evidence necessary “to fully address the [issue].” *Eisenschenk v. Eisenschenk*, 668 N.W.2d 235, 243 (Minn. App. 2003), *rev. denied* (Minn. Nov. 25, 2003).

Because the parties failed to provide the district court with listings of comparable tiny houses, the district court had to rely on trial testimony and exhibits to make a finding on the fair market value of the tiny house. We discern no clear error in the district court’s valuation of the tiny house.

**IV. The district court did not abuse its discretion by not dividing father's retirement-savings plan.**

Mother also contends that the district court failed to divide father's retirement-savings plan. But mother neither offered evidence nor did she provide testimony about the plan, only stating, "I believe in [father's] financials he submitted to the [district court] in his exhibit there's a [retirement savings plan]." When the district court asked the parties if they "want[ed] to take some brief testimony about that" despite it not being "admitted into evidence," neither party offered more information. Because mother failed to provide the district court with the evidence necessary to address this issue, mother is not entitled to relief on appeal. *See Eisenschenk*, 668 N.W.2d at 243.

**V. The district court did not violate mother's right to procedural due process.**

Mother appears to argue that the district court violated her right to procedural due process by (1) demonstrating bias against her religion and (2) filing a J&D that mirrored in part the proposed J&D submitted by father. We are not convinced.

Appellate courts review procedural due process arguments de novo. *See Rew v. Bergstrom*, 845 N.W.2d 764, 785 (Minn. 2014).

With respect to mother's first argument, appellate courts presume that district court judges perform their duties properly. *See Hannon v. State*, 752 N.W.2d 518, 522 (Minn. 2008). Here, the J&D mentions religion three times. It first noted mother's claim that the district court violated her freedom of religion during the court trial. It then stated that the children would benefit from the ability to continue attending the church with which they are familiar. It last stated that its concerns related to custody were "not about religion or



culture,” rather they were “about consistency and stability.” These statements do not demonstrate bias. Mother also cites as evidence of bias one instance in which the district court overruled her objection to father’s testimony about his religion and its influence on his parenting. The district court’s evidentiary determinations in father’s favor do not independently demonstrate bias. *See id.*

Turning to mother’s second argument, when a district court adopts a proposed order verbatim, it is “not reversible error per se.” *Schallinger v. Schallinger*, 699 N.W.2d 15, 23 (Minn. App. 2005), *rev. denied* (Minn. Sept. 28, 2005). It only “raises the question of whether the court independently evaluated the evidence.” *Id.* A comparison of the district court’s J&D and father’s proposed J&D shows that the district court independently evaluated the evidence. *See id.* The J&D discussed many issues more extensively than the proposed J&D. The J&D was also nearly twice as long as the proposed J&D. The district court also declined to include several of the proposed J&D’s factual findings and conclusions of law. We conclude that the district court independently evaluated the evidence and therefore did not violate mother’s rights to procedural due process.

## **VI. The record does not support several of mother’s arguments.**

Mother makes several arguments that do not merit relief because they are unsupported by, or contrary to, the record. *See State v. Montano*, 956 N.W.2d 643, 651-52 (Minn. 2021) (holding that self-represented argument unsupported by record does not merit relief).

Contrary to mother’s assertions, the record reflects that the district court (1) discussed mother’s previous role as the primary caregiver of the children; (2) required

mother to comply with the rules of evidence and did not “curtail[] cross-examination” by doing so; and (3) did not find that mother “misused” \$5,000 that she previously withdrew from a joint bank account.

Three additional arguments are also contradicted by the record. First, the district court did not “punish[]” mother for complying with an ex parte order. The ex parte order awarded mother temporary parenting time, to be exercised in Minnesota only. The district court considered mother’s failure to exercise this parenting time. It did *not* consider her “compliance” with the provision of the ex parte order granting father temporary sole legal and physical custody of the children. Second, the district court did not “contradict[] itself” by receiving testimony about the children from third parties while also stating that the children were too young to express their own preferences related to custody. The pertinent part of the J&D states only that the children’s preferences did not favor either party because “[t]he children are currently too young to express an independent, reliable preference.” Third, the record does not support mother’s assertion that the district court relied on biased testimony. Moreover, a district court’s decision to credit testimony is a credibility determination to which this court defers. *See Vangsness*, 607 N.W.2d at 472.

## **VII. Mother’s remaining arguments are not properly before this court.**

Mother challenges the district court’s child-support analysis and determination. She asserts that it violated evidentiary rules by excluding an affidavit and takes issue with a lack of “neutral professional testimony” concerning the children presented at trial. We decline to address these arguments.

Arguments are not properly before an appellate court if they are unsupported by legal argument, cite no relevant legal authority, or are raised for the first time on appeal. *See Scheffler v. City of Anoka*, 890 N.W.2d 437, 451 (Minn. App. 2017) (discussing issues “unsupported by argument or authority”), *rev. denied* (Minn. Apr. 26, 2017); *In re E.M.B.*, 987 N.W.2d 597, 600 n.5 (Minn. App. 2023) (citing *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988)).

Mother’s arguments related to the district court’s determination of her income for child-support purposes are unsupported by relevant legal authority or argument. *See id.* Mother’s arguments concerning the admissibility of an affidavit under Minnesota Rule of Evidence 612 and a lack of “neutral professional testimony” were not presented to the district court. *See E.M.B.*, 987 N.W.2d at 600 n.5. As a result, none of these arguments are properly before this court, and we decline to consider them. *See Scheffler*, 890 N.W.2d at 451.

**Affirmed.**