

*This opinion is nonprecedential except as provided by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
A25-1085**

County of Hennepin,
Respondent,

vs.

Jill Kline Rochford,
Respondent,

Ross Edgar Trooien,
Appellant.

**Filed April 13, 2026
Affirmed
Connolly, Judge**

Hennepin County District Court
File No. 27-PA-FA-21-727

Jill Kline Rochford, Hopkins, Minnesota (pro se respondent)

Kyle T. Wermerskirchen, Wermerskirchen & Blomquist, LLC, Wayzata, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Smith, Tracy M., Judge; and Wheelock, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant-father challenges the parenting schedule for the parties' child, arguing that the district court abused its discretion by awarding him less than the statutory presumptive minimum 25% of parenting time and by imposing a parenting-time schedule

that differed from the schedules he and respondent-mother each proposed; respondent-mother, pro se, argues that the district court abused its discretion in not awarding her retroactive child support, reimbursement for her expenses, and attorney fees. Because we see no abuse of discretion in the district court's decision, we affirm.

FACTS

The parties are the unmarried parents of a child, S., born in November 2020. S. has always lived with respondent in the Twin Cities area. Appellant lives over three hours away in Grand Rapids, where S. has spent some time with him.

Both parties were represented by legal counsel at the four-day trial in January and February 2025 on legal and physical custody, parenting time, and child support, after which they submitted proposed findings of fact. Appellant's proposal gave respondent 100 overnights per year until September 2026, when S. will begin kindergarten; respondent's proposal gave appellant 130 overnights per year until September 2026 and 89 overnights per year thereafter. Respondent's counsel withdrew in April 2025.

In May 2025, the district court filed Findings of Fact, Conclusions of Law, and an Order, awarding both parents joint legal custody and respondent sole physical custody. Neither parent challenges these awards. Appellant was awarded parenting time from the third week in June until the second week in August and one weekend per month until September 2026, as well as "agreed-upon increased parenting time prior to [S.'s] entry into kindergarten in September 2026." The district court did not attempt to allocate parenting time after S. starts kindergarten but instead left it up to the parties, asking them to "work to reach agreement on parenting time once S. reaches kindergarten, or demonstrate that

they have cooperated in good faith mediation prior to bringing a motion seeking to modify the schedule based on a change of circumstances.” Each parent may take two non-consecutive weeks of vacation with S.

Appellant argues that the district court abused its discretion by awarding him less than the statutorily presumed 25% of parenting time and by imposing a parenting-time plan of its own devising; respondent argues that the district court abused its discretion in denying her retroactive child support, reimbursement for some expenses, and attorney fees.

DECISION

1. Minimum Parenting-Time Presumption

On appeal, this court considers “whether [a] district court abused its discretion by not following the statutory 25% parenting-time presumption.” *Hagen v. Schirmers*, 783 N.W.2d 212, 217 (Minn. App. 2010). “[T]here is a rebuttable presumption that a child must receive a minimum of at least 25 percent of the parenting time with each parent. Minn. Stat. § 518.175, subd. 1(g) (2024). In its order, the district court referred to the 25% rebuttable presumption but awarded appellant 22.7%.

Appellant relies on *Hagen* to argue that this was an abuse of discretion, but his reliance is misplaced: *Hagen* is distinguishable on three grounds. First, the district court in that case did not acknowledge the statutory 25% minimum-parenting-time presumption when it allocated one parent less than 10% of parenting time. *Hagen*, 783 N.W.2d at 218. This court remanded for the district court to “determine parenting time with due regard for the rebuttable presumption” and “state the basis for departing from the statutory

presumption.” *Id.* at 219. Here, the district court acknowledged the presumption and explained the basis for its decision to depart 2.3% below the statutory 25%.

Second, *Hagen* “reiterate[d] that the statute gives district courts flexibility in weighing the evidence and the presumption.” *Id.* There appears to be no case law finding that an allocation of 22.7% is beyond the bounds of flexibility or an abuse of discretion.

Third, *Hagen* holds that “parenting time allocations that merely fall below the 25% presumption can be justified by reasons related to the child’s best interests and considerations of what is feasible given the circumstances of the parties.” *Id.* at 218. While the 22.7% allocation fell below the 25% presumption, the district court provided numerous reasons related to S.’s best interests and the circumstances of his parents for its parenting-time schedule.

2. Parenting-Time Schedule

The district court has broad discretion in deciding parenting-time questions and will not be reversed absent an abuse of discretion. *Shearer v. Shearer*, 891 N.W.2d 72, 75 (Minn. App. 2017). Appellant argues that the district court abused its discretion when it devised a parenting-time plan that differed from the plans suggested by himself and respondent. But the plans they submitted were very dissimilar, and neither of them indicated an ability to agree with the other’s plan. The district court devised a plan that considered S.’s best interests and his parents’ circumstances—chiefly the fact that they lived more than three hours apart.

The district court’s findings show that it thoroughly considered what was in S.’s best interests and “feasible given the circumstances of the parties.” *Hagen*, 783 N.W.2d

at 218. The district court noted that appellant had “expressed that he intends to relocate [to Grand Rapids] regardless of the outcome of this case” and that balancing S.’s time with each parent “will understandably require some compromising of priorities to give [S.] the best possible schedule under the circumstances.”

In explaining its parenting-time arrangement, the district court demonstrated its consideration of both the child’s best interests and the parties’ circumstances. “The [c]ourt must balance the circumstances, including the impact of travel on the child, and the economic and logistical hurdles that would fall upon [respondent] if she were required to travel to Grand Rapids or part [of the] way[] due to [appellant]’s choice to relocate away from the metro area.” Ultimately, the district court determined:

Given that [respondent] has physical custody and [appellant] resides approximately three hours away, the [c]ourt determines that a proper schedule to balance the circumstances would be for [appellant] to exercise parenting time from the third week of June through the second week of August. This would allow for the child to complete the school year and be ready for the upcoming academic year. This arrangement would also provide [appellant] with additional time to bond with the child and facilitates meaningful experiences, without unduly disrupting the child’s established routines with [respondent].

The district court, having considered two parents living over three hours apart and a child who will necessarily live with one of them during the school year, devised a plan to give the other parent a significant majority of the time when the child is not in school and at least monthly contact during the school year. The fact that neither parent devised this plan does not make it an abuse of discretion, and there is no basis for reversal.

3. Retroactive Child Support

An appellate court will not reverse a district court's decision denying additional child support absent an abuse of discretion. *Ver Kuilen v. Ver Kuilen*, 578 N.W.2d 790, 792 (Minn. App. 1998). The district court's May 2025 decision from which this appeal is taken does not address retroactive child support. Respondent's argument pertains to the district court's order filed on November 20, 2024, which is no longer appealable, and in which the district court gave three reasons for why "attempting to reach back and modify or set support [was] neither practicable nor warranted": namely, temporary support may have been based on respondent's income that was actually higher; childcare expenses were complicated because the parties refused to agree on a provider; and appellant incurred and covered several expenses before and after S.'s birth until respondent prevented him from regularly seeing S. Therefore, there is nothing for this court to review.

4. Reimbursement of Respondent's Expenses

Respondent sought reimbursement for various expenses. The district court found that she:

submitted an extensive list of expenses she deemed necessary for the child's well-being, growth, and development. However, the Court found items listed such as cat food, lip balm and other non-child related items which did not meet the criteria for necessary expenditures for the child's care and upbringing. Also, items such as the placenta encapsulation and the keepsake ultrasound appear to be [respondent's] preference rather than for the need of the child. Given the inclusion of such unrelated items, the Court finds that the list lacks credibility and does not provide a clear and substantiated justification for reimbursement from [appellant]. Neither party is currently employed full-time, and [respondent] is being awarded the

dependency exemption going forward. [Respondent's] request for reimbursement of these expenses is not warranted.

Respondent argues that:

[Appellant] did not pay pregnancy expenses. [Respondent] provided receipts and unpaid medical bills in her name. In the District Court's November 20th 2024 order, one of their reasons for denying retroactive support is that [appellant] paid for pregnancy expenses. The only medical expense [appellant] showed the court, was not even itemized, nor was it under the child's medical record. Exhibit #167 was thrown out by the court.

Respondent provides no references to the record to support this argument, and the transcript of the district court's analysis of each exhibit on the first day of trial says "[Exhibits] 166 and 167 will be received at this time without objection." Respondent does not address any of the district court's rejections of her list of necessary expenses or provide any support for her statement that the court "threw out" exhibit 167. There is no basis to reverse the district court's decision on reimbursement.

5. Attorney Fees

A district court's decision on attorney fees under Minn. Stat. § 518.14 is reviewed for an abuse of discretion. *Geske v. Marcolina*, 624 N.W.2d 813, 816-19 (Minn. App. 2001).

As to respondent's request for need-based attorney fees, the district court found:

The testimony provided suggested that [respondent] was unable to pay for attorney's fees [and] as such should receive need-based fees. [Respondent] supported this by providing testimony that she received a loan from her parents of \$42,000 to help contribute to the cost of attorney's fees. The Court did not find the testimony fully credible that this was a loan in that repayment was more than aspirational, especially considering

other testimony that was murky regarding the nature of family support. [Respondent] also indicated that the total of attorney fees incurred throughout this matter is approximately \$67,000. [Respondent] has indicated that she has not been able to work full time due to taking care of the child, however, [respondent] also indicated that she was able to get side-gigs after her employment closed its business, notwithstanding not to a considerable amount to cover the high costs. [Respondent's] testimony that these proceeding[s], in and of themselves, precluded her ability to maintain employment was not persuasive. It does not appear that either party is currently able to contribute to need-based attorney fees. Both parties appear to have incurred litigation costs likely beyond their ability to cover without outside support or otherwise due to the length of these proceedings

Respondent argues that the district court “ignored [appellant’s] ability to contribute” to her need-based attorney fees. But the district court found that appellant is now unemployed: he chose not to go back to his position in the Twin Cities and hopes to find contract employment soon in the Grand Rapids area. Appellant did not oppose the imputation of the income he made in his previous position for child-support purposes. Mother also is presently unemployed; the district court’s finding that neither party is able to contribute to need-based attorney fees is supported by the evidence.

As to conduct-based attorney fees, the district court stated that

although the Court understands that parties have the right to zealously litigate their respective cause[s], the Court is not persuaded that the facts support an award of attorney fees. Both parties collectively contributed to the length and expense of these proceedings. . . . Both parties asked the Court to let them walk away from their original negotiated agreement. Considering all the litigation conduct in total, the Court determines an award of conduct-based fee[s] is not an appropriate exercise of discretion.

Respondent also argues that she is entitled to conduct-based attorney fees because of appellant's conduct, but she does not refute the district court's finding that both parties contributed to the length and extent of the proceedings. The district court's decision on attorney fees is supported by the record.

Affirmed.