

*This opinion is nonprecedential except as provided by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
A25-1172**

Nogodjouan Diomande,
Appellant,

vs.

Soualiho Diomande,
Respondent.

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

Wright County District Court
File No. 86-FA-23-6007

Nogodjouan Diomande, St. Michael, Minnesota (self-represented appellant)

Soualiho Diomande, Monticello, Minnesota (self-represented respondent)

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

NONPRECEDENTIAL OPINION

REYES, Judge

In this appeal following a marital dissolution, mother challenges the district court's determinations about (1) the children's schooling and (2) the children's name change and raises other arguments concerning (3) due process; (4) access to nonfamilial babysitter

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

names; (5) a hearing transcript; (6) evidentiary determinations; and (7) a postorder child-support determination. We affirm.

FACTS

Appellant-mother Nogodjouan Diomande and respondent-father Soualiho Diomande have two children, both with the last name “Diomande”: a daughter born in 2019 and a son born in 2022. The parties filed their first joint petition for dissolution of their marriage in November 2023. In March 2024, while the dissolution was pending, the parties signed an informal dissolution agreement (the March 2024 agreement). They agreed to, among other things, “[a]dd [mother’s] former last name, Kamagate, to children’s last name.” The parties incorporated the March 2024 agreement into their second joint petition for dissolution. In June 2024, the parties filed a third joint petition for dissolution (the final dissolution petition) that removed all references to name changes, explaining that these changes “will be requested outside of divorce court.”

The district court entered a judgment and decree (J&D) granting the parties’ dissolution. The J&D granted the parties joint legal and joint physical custody of the children and set a parenting-time schedule. Father planned to be away from home to train with the National Guard from July through December 2024, so the J&D also awarded mother temporary physical custody and \$1,000 of monthly temporary basic child support while father was away. The district court reserved the issue of other child-support payments, as requested by the final dissolution petition. The district court also noted that “[n]ame changes for mother and children will be requested outside of divorce court,” as requested by the final dissolution petition.

While father was away, mother began homeschooling the parties' daughter. In January 2025, mother filed a separate civil application to change her name back to her former name, Hadja Nogodjouan Kamagate, and to change the last name of the parties' two children from "Diomande" to "Kamagate Diomande." Father then filed a motion in this dissolution case requesting, as relevant to this appeal, determinations on the children's schooling and the parties' parenting time. Mother filed her first motion in this case requesting name changes for herself and the children. She also requested additional child support and disclosures of the names of nonfamilial babysitters.

The district court held a contested evidentiary hearing on the parties' motions, including mother's separate civil application for name changes. The district court received over thirty exhibits into evidence, all without objection. Both parties were self-represented and provided testimony, questioned each other, and submitted financial affidavits.

Following the hearing, the district court issued an order granting father's motion for the parties' children to attend traditional school rather than homeschool; granting mother's motion to change her own name; denying mother's motion to change the children's names; and granting mother's motion for a parenting-time provision that requires the parties to disclose the names of nonfamilial babysitters. The district court reserved child support for reasons not relevant to this appeal.

This appeal follows.¹

¹ Father did not file a brief in this court. This court ordered the 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 challenges the district court's determinations regarding (1) the children's schooling and (2) the children's last name, and raises other arguments concerning (3) due process; (4) the disclosure of nonfamilial babysitter names; (5) the hearing transcript; (6) the modification of parenting time; and (7) a postorder child-support determination. We address each issue in turn.

I. The district court did not abuse its discretion by determining that the children's best interests would be served by attending traditional schooling, rather than homeschooling.²

Mother argues that the school-choice determination constituted an abuse of discretion because the district court clearly erred by finding that (1) the "children would receive the professional help needed" through traditional schooling and (2) the children could not receive that support through homeschooling. We disagree.

"Decisions regarding school choice are educational decisions within the ambit of legal custody" *Wolf v. Oestreich*, 956 N.W.2d 248, 254 (Minn. App. 2021), *rev. denied* (Minn. May 18, 2021). This court reviews a district court's factual findings on custody issues for clear error. *In re Welfare of C.F.N.*, 923 N.W.2d 325, 334 (Minn. App. 2018), *rev. denied* (Minn. Mar. 19, 2019).

A factual 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.*

² Although the parties' son was not yet of school age, the district court determined that "[o]nce [he] is of appropriate age, he shall also attend traditional school (not homeschool)." While the district court determined that both children's best interests favored traditional schooling, mother challenges only specific findings about daughter.

Commitment of Kenney, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). Reviewing 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).

A. The district court did not clearly err by finding that the children could receive the professional support that they needed through traditional schooling.

The district court discussed the availability of professional support in light of the children’s educational and developmental needs. The district court found that a “traditional school is capable of providing the resources and support the children need or may need to ensure the children catch up and continue to progress.”

Mother testified that, prior to homeschooling daughter, traditional schools “would need [an] additional teacher to be able to assist with [daughter].” A January 2024 report from a traditional school attended by daughter stated: “We have consistently needed a fourth teacher to be able to provide [daughter] with one-on-one support.” The report expressed willingness to continue to offer daughter support. The record supports the district court’s finding that traditional schooling had resources to support daughter’s needs.

B. The district court did not clearly err by finding that the children could not receive the professional support that they needed through homeschooling.

The district court found that school professionals and other resources “are not readily accessible to [mother] while homeschooling.” The district court discussed daughter’s educational progress, explaining that daughter “only learned a few additional numbers and letters” through homeschooling. It also cited a March 2025 assessment in

which daughter “was deemed to be in the [bottom] tenth percentile of children in kindergarten.”

Mother testified that, while homeschooling, she used both her own homeschooling program and an online homeschooling program with its “own structure.” Although the record shows that the parties discussed supplemental tutoring, mother testified that it was “not needed” and there is no evidence that daughter worked with any tutors. The record reflects that no additional professionals or resources were made available to daughter through homeschooling.

In addition, both parties testified at the evidentiary hearing that, while daughter made some educational progress in homeschooling, she remained below the average educational level for her age. The March 2025 assessment discussed daughter’s academic performance six months after she began homeschooling. The assessment indicated that, for “oral reading fluency” and “letter sound fluency,” daughter was in approximately the tenth percentile for kindergarten students. The record reflects that daughter made limited progress through homeschooling.

The district court’s findings about schooling are reasonably supported by the evidence. We therefore conclude that the district court did not clearly err by making those findings and did not abuse its discretion by determining that traditional schooling would serve the children’s best interests.

II. The district court did not abuse its discretion by determining that denying mother's request to change the children's names served the children's best interests.

Mother argues that the district court abused its discretion by denying her motion to change the children's last name, challenging the district court's (1) finding about the March 2024 agreement; (2) weighing of the children's preferences; and (3) weighing of the parties' cultural considerations. We are not persuaded.

“Findings of fact, whether based on oral or documentary evidence, shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the [district] court to judge the credibility of the witnesses.” Minn. R. Civ. P. 52.01. But we review a district court's ultimate decision on a request to change a child's name for an abuse of discretion. *See Foster v. Foster*, 802 N.W.2d 755, 756 (Minn. App. 2011). “A district court abuses its discretion when evidence in the record does not support the factual findings, the court misapplies the law, or the court settles a dispute in a way that is against logic and the facts on record.” *Id.* at 757 (quotation omitted).

When determining whether to change a child's name, the district court must consider the child's best interests. *See* Minn. Stat. § 259.11(a) (2024) (allowing district court to deny name-change application if it “finds that such name change is not in the best interests of the child”). “[I]f a parent of the child opposes [a] name-change request, the district court must examine the evidence and arguments of the parent opposing the request.” *Foster*, 802 N.W.2d at 757. “The district court should grant a name-change request over the objection of a parent with great caution.” *Id.* (quotation omitted).

There are five nonexclusive *Saxton* factors, including the “children’s preference,” for determining whether a name change is in a child’s best interests. *See In re Saxton*, 309 N.W.2d 298, 301 (Minn. 1981). The district court discussed all five *Saxton* factors and two additional factors, the March 2024 agreement and the parties’ cultural testimony. It determined that all *Saxton* factors had a neutral impact on the name-change analysis except for the children’s preference, which weighed “slightly against” the name change.

A. March 2024 Agreement

Generally, courts favor stipulations in dissolution litigation and accord them “the sanctity of binding contracts.” *Toughill v. Toughill*, 609 N.W.2d 634, 638 (Minn. App. 2000) (quotation omitted). But “[t]he district court is a third party to dissolution proceedings and has the authority to refuse to accept the terms of a stipulation [by the parties] in part or *in toto*.” *Id.* at 638 n.1 (quotation omitted).

The district court discussed the March 2024 agreement and found that father did not sign the agreement “freely and voluntarily.” The district court therefore declined to “consider” the agreement in its name-change analysis. In effect, the district court rejected the March 2024 agreement’s name-change stipulation.

Even if we assume without deciding that mother is correct and father signed the March 2024 agreement free from duress, the district court had the authority to reject the name-change stipulation. *See Toughill*, 609 N.W.2d at 638 n.1. “[T]he district court is not bound by a stipulation merely because the parties have entered it.” *Id.* Further, the parties’ final dissolution petition stated that it “contain[ed] the necessary facts and *include[d] an agreement on all issues* before the court.” (Emphasis added.) It is undisputed that the final

dissolution petition did not request any name changes and did not reference or attach the March 2024 agreement.

Because the district court had the authority to reject the name-change stipulation, and the final dissolution petition superseded the name-change stipulation, we conclude that the district court did not abuse its discretion by declining to consider the March 2024 agreement. *See, e.g., Cambern v. Hubbling*, 238 N.W.2d 622, 624 (Minn. 1976) (affirming district court on other grounds).

B. Children’s Preferences

The district court found that “[t]he children are not of a sufficient age to provide a preference.” It explained: “[Mother] stated, herself, that if the children were older, she would allow them to make the decision.” The district court determined that “[t]his [*Saxton*] factor slightly weighs against the change.”

Mother challenges the district court’s weighing of this factor against the proposed name change. However, mother acknowledged at the evidentiary hearing that the children “do not know the concept of [a] last name” and would not be “aware of a change” to their last name. At the time of the district court’s order, the children were five and two years old, respectively.

Because logic and the record support the district court’s weighing of the children’s-preference factor against the proposed name change, we conclude that the district court did not abuse its discretion.

C. Cultural Descriptions

The district court stated that the parties are from the same African country. It noted that, while father asserted “that traditionally, the father gives the children their names,” mother contended “that although they are from the same country in Africa, they do not come from the same culture.” The district court implicitly determined that cultural considerations had a neutral impact on the name-change analysis.

Mother first argues that the district court erred by not conducting its own research into her cultural argument. We disagree. The district court was not required, or even permitted, to conduct this research. *See In re Guardianship of Doyle*, 778 N.W.2d 342, 348 (Minn. App. 2010) (“Generally, district courts do not gather their own evidence.”); *In re Disciplinary Action Against Schaefer*, 423 N.W.2d 680, 684 (Minn. 1988) (“Courts must operate on proven facts and must use the written record to justify their decisions.”). The district court properly considered only proven facts and the written record, acknowledging the parties’ differing cultural descriptions.

Mother also challenges the district court’s weighing of culture in its analysis, asserting that it relied on father’s “unverified statement” that implied that the parties shared the same culture. Mother appears to misunderstand the district court’s order. It discussed both parties’ testimony on the matter and did not weigh cultural considerations in favor of either party. The district court properly examined father’s “evidence and arguments” as he was the party opposing the name-change request. *Foster*, 802 N.W.2d at 757.

Because logic and the record support the district court’s neutral weighing of the parties’ cultural testimony, we conclude that the district court did not abuse its discretion.

Ultimately, it is “the child’s welfare” that “is paramount to the question of whether changing [their] name is proper.” *Saxton*, 309 N.W.2d at 301. After determining that the name-change request was not in the children’s best interests, the district court acted within its discretion to deny the request. *See* Minn. Stat. § 259.11(a).

III. Mother’s arguments about due process and nonfamilial babysitters are inadequately briefed and insufficient to obtain relief on appeal.

Mother argues that the district court violated her due-process rights and failed to address the topic of nonfamilial babysitters. We are not persuaded that either argument merits relief.

Appellate courts need not address questions that are inadequately briefed. *See In re Civ. Commitment of Kropp*, 895 N.W.2d 647, 653 (Minn. App. 2017), *rev. denied* (Minn. June 20, 2017); *Mathison v. Webb*, 987 N.W.2d 597, 600 n.5 (Minn. App. 2023) (applying *Kropp* in family law case). Appellate courts do not assume district court error. *Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949); *see also Luthen v. Luthen*, 596 N.W.2d 278, 283 (Minn. App. 1999) (applying *Loth*). We also “must disregard” harmless error. Minn. R. Civ. P. 61.

We are not persuaded by mother’s due-process arguments. While mother asserts that the district court violated her right to procedural due process by preventing her from presenting certain evidence, she does not explain what evidence it prevented her from presenting. In addition, she does not provide any caselaw to support her claim, and she does not explain what prejudice she suffered. Mother also appears to argue that the district court violated her right to substantive due process, although she does not use that term.

Mother provides one sentence of argument on this point, contending that the school-choice determination “is an unconstitutional infringement of [her] parental rights.” While she does cite to the United States Constitution in that sentence, mother again does not point to any caselaw to support her argument or request specific relief.

We are also not persuaded by mother’s nonfamilial-babysitter claim, in which she contends that the district court did not “cover[]” that topic at the hearing and “included a false statement” about the topic in its order. It is unclear why mother raises this claim when the district court ultimately granted her request. Mother does not explain what prejudice she suffered nor what relief she requests on appeal. Mother also does not cite to any caselaw to support this argument.

Because these arguments are insufficient to obtain relief on appeal and inadequately briefed, we decline to consider them.

IV. Mother’s remaining arguments fall outside the scope of this appeal.

Mother also challenges the district court’s hearing transcript, parenting-time modification, and postorder child-support determination. None of these issues are properly presented to this court.

First, mother argues that “[t]he transcript contains added and removed statements, falsification of statements, and formatted statements.” Although generally unclear as to her requested relief, in one instance mother requests that this court “verify” certain statements in the transcript. Issues about the accuracy of a record must “be submitted to and determined by the [district] court.” Minn. R. Civ. App. P 110.05. This court does not resolve factual disputes about the transcript’s accuracy. *See Doty v. Doty*, 533 N.W.2d 72,

75 (Minn. App. 1995) (stating that we do not determine whether existing record “truly discloses what occurred in the trial court” (quotation omitted)).

Mother also argues that the district court “ignore[ed] evidence” of “child endangerment” that required a restriction of father’s parenting time under Minn. Stat. § 518.175, subd. 1(b) (2024). Generally, appellate courts may consider only issues that were presented to and considered by the district court. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988); *see also Smith v. Kessen*, 996 N.W.2d 581, 590 (Minn. App. 2023) (applying this aspect of *Thiele* to family law case), *rev. denied* (Minn. Jan. 31, 2024). Nor may a party raise an issue on appeal that *was* presented to the district court, but argue that issue on a theory not presented to the district court. *See Thiele*, 425 N.W.2d at 582. Mother appears to conflate the terms “parenting time” and “custody.” *See* Minn. Stat. § 518.003, subds. 3(c), 5 (2024) (defining “physical custody and residence” and “parenting time”). Mother never asked the district court to restrict father’s parenting time but rather she requested “sole physical custody with scheduled unsupervised visitation” for father.³ Because mother did not ask the district court to restrict parenting time, we decline to consider this issue on appeal.

Lastly, mother challenges a child-support determination made by the district court after the order underlying this appeal, arguing that it “does not reflect the formula from the Minnesota Child Support Guidelines Statute.” The record for an appeal is limited to the

³ The district court acknowledged mother’s concerns in its discussion of custody but determined that “[mother’s] allegations regarding [father’s] conduct are not credible.” We defer to that credibility determination. *See* Minn. R. Civ. P. 52.01 (“[D]ue regard shall be given to the opportunity of the [district] court to judge the credibility of the witnesses.”).

documents and exhibits that were before the district court when it made the determination at issue on appeal, in addition to any transcript of the proceedings. *See* Minn. R. Civ. App. P. 110.01; *In re Nelson*, 495 N.W.2d 200, 202, 204 (Minn. 1993) (holding that appellate court should not have considered letter sent to district court after that court made determination at issue on appeal). Mother's notice of appeal identified as the subject of our review a June 2025 district court order. On this issue, mother attempts to challenge a determination from a July 2025 order. Because that order is outside the record on appeal, its child-support determination is outside of our scope of review.

All of these issues are outside the scope of this appeal. We therefore decline to review them.

Affirmed.