

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1208**

In re the Marriage of:

Kayla Frances Wills, petitioner,
Appellant,

vs.

Josh Michael Wills,
Respondent,

Otter Tail County,
Intervenor.

**Filed May 4, 2026
Reversed and remanded
Ross, Judge**

Otter Tail County District Court
File No. 56-FA-20-2505

Christopher J. Cadem, Carolyn A. Cadem, Cadem Law Group, PLLC, Fergus Falls,
Minnesota (for appellant)

Richard D. Crabb, Hill Crabb, LLC, Edina, Minnesota (for respondent)

Considered and decided by Ross, Presiding Judge; Bratvold, Judge; and Florey,
Judge.*

ROSS, Judge

The district court considering a mother's child-custody-modification motion in a
dispute between the divorced parents of minor children determined that the statutory best-

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

interest factor of whether domestic abuse had occurred favored mother's motion. But it did so without making an express finding that father had in fact committed any abuse and after finding that "[f]ather has been investigated and cleared by Child Protection Services several times" and that a police investigator determined that "there is no evidence to prove" mother's recent report that father committed abuse. We hold that, because the district court's finding that the domestic-abuse factor favors mother suggests that it found that father committed domestic abuse, it was obligated to make detailed findings bearing on the statutory presumption that joint custody is not in the children's best interests and to address the nature and context of the abuse and its implications on parenting and the children's well-being. Because the district court determined custody without these necessary findings, we reverse the custody order and remand for further findings.

FACTS

Kayla Wills and Josh Wills divorced in April 2021, and the district court later adopted their custody stipulation regarding their three minor sons. The stipulation assigned the parties joint legal custody, assigned Kayla sole physical custody, and afforded Josh parenting time every other weekend. The court-adopted stipulation also contemplated an expansion in Josh's parenting time, contingent on his participating in a mixed program of therapy and parenting coaching. Josh signed a release allowing Kayla to monitor his completion of a mandatory parental-conflict class and his attendance of counseling sessions.

Kayla moved the district court to modify custody and parenting time in August 2023, alleging that Josh had failed to complete the agreed-upon coaching, class, and

counseling sessions. She also alleged that, about a year and a half earlier, Josh had left the boys unattended at a park and then called them “scaredy cat[s]” when they expressed concern about his departure. Kayla alleged too that Josh engaged in “verbal abuse,” including an incident in which he called the boys “dumb” and “stupid.” Josh denied all these allegations in a countermotion, asserting that Kayla exaggerated his conduct as maltreatment. He cited a recent police report, allegedly filed by Kayla, that claimed he had given one son unknown prescription medication but concerning which the investigating officer determined was over-the-counter allergy medicine. Josh also contested Kayla’s characterization of the park incident, stating that he had left the two younger boys at the park for only five minutes under the care of the oldest, then seven-year-old boy.

Before the district court could address the parties’ competing motions, Kayla moved *ex parte* to assign her temporary sole legal custody, alleging that Josh had punched the oldest boy’s legs and bruised his cheek. She also alleged that he twice choked the middle son. The district court granted the *ex parte* motion, temporarily awarding Kayla sole legal custody, suspending the parenting-time schedule, and ordering Josh to complete an anger-management assessment.

Josh disputed the *ex parte* order and responded to the allegations by affidavit. He maintained that he had merely playfully slapped the boy’s leg while they played video games and that the boy had involuntarily jerked his knee up into his face. Josh did not address the choking allegations but agreed to comply with the court-ordered programming to expediently restore his parenting time. The district court concluded that Kayla presented a *prima facie* case for child endangerment, set the matter for an evidentiary hearing, and

appointed a guardian ad litem (GAL) to explore whether the original custody arrangement served the children's best interests.

The parties appeared for the evidentiary hearing, for which the record contains only the district court's factual findings because Kayla did not order the transcript. *See* Minn. R. Civ. App. P. 110.02, subd. 1 (allowing an appellant to provide the relevant transcript necessary for appeal). The findings indicate that Kayla testified to several episodes of Josh's alleged domestic abuse before their divorce. She said that Josh had once thrown a laptop computer over the children's heads and that he had beaten dogs. Josh conceded that he struck one dog they had been watching but that he did so only after it nipped at one of the boys. And he conceded that he threw the family dog into a wall but said that he did so only because it had bitten one of the other boys. He acknowledged he had acted inappropriately toward the children, but he provided formal investigation reports that cleared him of allegations of any domestic abuse. The district court credited the reports from Otter Tail County Child Protective Services (CPS), in which CPS dismissed the allegations that he had neglected the children during the supposed park-abandonment incident and physically accosted them in November 2023. The district court also credited a police report that concluded that no evidence substantiated Kayla's allegations that he had struck or choked the boys. And the district court credited only the GAL's testimony that Josh merely "played rough with the children" and encouraged the boys to hit each other back.

The district court concluded that the statutory best-interest factor of whether domestic abuse has occurred in the parents' home favored Kayla's motion to modify

custody. In doing so, it never expressly found that Josh had engaged in domestic abuse under the statutory definition or discussed how the implied finding of abuse implicated the statutory, best-interest presumption against joint custody that results from the finding. The district court nevertheless ordered Kayla to have sole physical custody and the parties to have joint legal custody.

Kayla appeals.

DECISION

Kayla challenges the district court's award of joint legal custody, raising two arguments. She argues first that the district court found that domestic abuse occurred in the household but failed to explicitly determine whether she had rebutted the statutory presumption of joint legal custody. She argues second that the record does not support the district court's finding that the parents could cooperate in joint child rearing. We address each issue in turn.

I

We first address Kayla's contention that the district court misapplied the best-interest presumption that follows a finding of domestic abuse. A district court must consider whether a proposed custodial arrangement serves a child's best interests by weighing all relevant factors, including twelve that are statutorily listed. Minn. Stat. § 518.17, subd. 1(a) (2024). For each factor, the district court "must make detailed findings" based on the evidence and explain how each one led to its custody decision. *Id.*, subd. 1(b)(1) (2024). Although a rebuttable presumption that a child's best interests are best served by joint legal custody exists when either parent requests joint legal custody, the

court must instead apply a rebuttable presumption that the child’s best interests are *not* best served by either joint legal or joint physical custody if domestic abuse occurred in the marital household or in either parent’s household. *Id.*, subd. 1(b)(9) (2024). Before turning to Kayla’s specific argument that the district court failed to properly address this domestic-abuse-generated presumption, we first observe a peculiarity about the premises of the argument.

Kayla’s argument arises from her premises that the district court found that domestic abuse occurred in the marital household, or in either parent’s household, and that Josh committed the abuse. Josh seems to accept those premises, arguing that the district court appropriately engaged in “a nuanced consideration” of the presumption as applied “against father as a parent who had committed domestic abuse.” But the bases of Kayla’s premise and Josh’s concession are unclear to us; the district court never expressly found that Josh engaged in domestic abuse, and the findings do not specify the evidence that would support the finding. Borrowing from the statutory language of the domestic-abuse factor of Minnesota Statutes section 518.17, subdivision 1(a)(4), the district court framed the issue properly, heading that section of its order in part as “[w]hether domestic abuse, as defined in section 518.01, has occurred” But it never expressly discussed that statutory definition of domestic abuse or applied it to Kayla’s allegations, which Josh specifically denied. And the absence of an express finding that domestic abuse occurred is in the context of the district court’s merely outlining Kayla’s accusations and Josh’s contrary responses, summarizing the testimony of Josh’s mother, mentioning that the GAL was “concerned” that Josh told the boys to hit one another back, and referencing the portions of the official

reports by CPS and police that generally exonerated Josh as to Kayla’s reported allegations. Although these findings leave it unclear why the district court concluded that “[t]his factor favors Mother,” we will nevertheless discuss the appellate arguments presented based on the implication (and Josh’s tacit concession) that the district court actually found that domestic abuse as defined by Minnesota Statutes section 518B.01 (2024) occurred, that Josh committed the abuse, and that those findings are supported by the evidence.

We must therefore decide whether the district court, having functionally found that domestic abuse occurred between the parents, met its statutory obligation to apply the rebuttable presumption that the children’s best interests are not best served by joint legal custody, as required by section 518.17, subdivision 1(b)(9). To adequately address whether this presumption has been rebutted, the district court “shall consider” two elements: first, the “nature and context of the domestic abuse” and, second, its implications “for parenting and for the child’s safety, well-being, and developmental needs.” *Id.* This best-interest assessment should be clearly presented to inform the parties and also to facilitate our review on appeal, because the district court “must make detailed findings on each of the [best-interest] factors” and also “explain how each factor led to its conclusions and to the determination of custody.” *Id.*, subd. 1(b)(1). Kayla argues that the district court failed to consider the two elements necessary to rebut the domestic-abuse, best-interest presumption regarding custody. We agree that the findings on this issue are inadequate.

We are not convinced by Josh’s counter to Kayla’s argument, as he asserts that we should accept the district court’s custody decision because it “properly analyzed all of the evidence and balanced all of the best interest factors before rendering its decision regarding

joint legal custody.” It is true that the district court’s custody order includes multiple sections, each beginning with a heading that captures the best-interest factors listed by statute. But the supreme court interpreted these statutes and concluded that they direct “district courts . . . to address domestic abuse in whatever context it arises and to *explicitly* consider its impact on the child.” *Thornton v. Bosquez*, 933 N.W.2d 781, 793 (Minn. 2019) (emphasis added). The domestic-abuse factor requires “special focus” that “must” be considered in its determination of the joint-custody presumption. *Id.* As we have described, the district court’s section under its domestic-abuse heading is mostly a recitation of the evidence rather than specific factual findings on disputed evidence. And it includes no findings or discussion informing the parties or this court how, or whether, it considered the nature and context of the abuse that it implicitly found to have occurred. Nor does it discuss the implications that the abuse has on parenting as it regards the children’s safety, well-being, and developmental needs. Because the district court is obligated to, but did not, provide the detailed findings or explanation necessary to meet the statutory requirement sufficient to support its legal conclusion and facilitate appellate review, we must reverse and remand for additional findings.

We are not persuaded otherwise by Josh’s contention that the district court’s implied findings rebutted the best-interest presumption against joint custody. He cites the nonprecedential case *Hatfield v. Hatfield* for the proposition that *express* consideration of the 12 best-interest factors may implicitly rebut the joint-custody presumption. No. A24-0863, 2025 WL 1681971, at *5–6 (Minn. App. June 16, 2025). But our nonprecedential decisions do not bind our analysis, and we add that, unlike the findings that we considered

in *Hatfield*, the district court’s findings here lack any consideration of how domestic abuse affected the children’s well-being or the parties’ ability to coparent.

II

Kayla also argues that the record inadequately supports the finding that the parties can cooperate in parenting decisions. The twelfth best-interest factor concerns whether the parents maintain a “willingness and ability” to cooperate in child rearing, to maximize information sharing and minimize conflict, and to utilize dispute-resolution methods for the children’s major life decisions. Minn. Stat. § 518.17, subd. 1(a)(12). This factor bears significant weight if domestic abuse has occurred. *See Thornton*, 933 N.W.2d at 795. Kayla contends that the district court does not reconcile its conclusion that “both parents can put their differences aside and cooperate” with contradictory factual findings. We review for an abuse of discretion, examining for clear error whether the factual findings are unsupported by the record or are contrary to logic. *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984). The district court identified the “high conflict” between the parents and observed their ongoing communication difficulties. But no findings reconcile the conflict between these observations and the district court’s conclusion that the parents could *eventually* cooperate after “many years” of development. Because the weighing of conflicting evidence is exclusively the province of the district court and we are remanding for the reasons already stated, we instruct the district court to also undertake the fact finding and analysis necessary for our review of its decision on this factor as well.

Reversed and remanded.