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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1462**

Colin Roy Zweber, petitioner,
Respondent,

vs.

Amanda Lee Zweber,
Appellant.

**Filed September 28, 2026
Affirmed
Beane, Judge**

Dakota County District Court
File No. 19HA-FA-21-689

Valerie Arnold, Michael Cain, Arnold & Cain, PA, Minneapolis, Minnesota (for respondent)

Sam E. Khoroosi, Jessica Sampson, Khoroosi Law Office, P.A., St. Louis Park, Minnesota (for appellant)

Considered and decided by Ross, Presiding Judge; Larson, Judge; and Beane, Judge.

NONPRECEDENTIAL OPINION

BEANE, Judge

Appellant Amanda Lee Zweber¹ (mother) challenges the district court's order granting her former spouse, respondent Colin Roy Zweber, third-party visitation with

¹ The case title in the district court lists appellant's last name as "Zweber." Appellant identifies herself in her appellate brief as "Amanda Lee Zweber n/k/a Amanda Lee Michal." The title of this opinion conforms to the title used in the district court. *See* Minn.

mother's child. Mother argues that the district court abused its discretion by deciding the matter without a neutral visitation evaluation and by determining that Zweber proved the statutory factors for third-party visitation. Mother also argues that the judge who presided over the third-party-visitation trial was biased and that the district court abused its discretion by denying her motion for a new trial based on judicial bias. We affirm.

FACTS

C.Z., the child who is the focus of this appeal, was born in 2014. Mother and C.Z. are Canadian citizens. Mother is C.Z.'s sole legal custodian, and C.Z.'s biological father has never been a part of C.Z.'s life. The following facts are drawn from the district court's findings. *See SooHoo v. Johnson*, 731 N.W.2d 815, 825 (Minn. 2007) (stating that an appellate court, in an appeal from a district court's third-party visitation order, "review[s] the [district] court's findings in a light most favorable to those findings").

Mother and Zweber began dating in 2016, and mother moved to Minnesota with C.Z. in February 2017 to join Zweber. Mother and Zweber married in July 2017, and mother, Zweber, and C.Z. lived together in Minnesota as a family unit. Mother and Zweber worked together to secure lawful permanent resident status for mother and C.Z. in the United States. They also explored the possibility of Zweber adopting C.Z. but ultimately decided not to pursue it based on concerns about the international-adoption process and giving notice to C.Z.'s biological father. Instead, mother changed C.Z.'s surname to

R. Civ. App. P. 143.01 ("The title of the action shall not be changed in consequence of the appeal."). We acknowledge that appellant's name has changed during the pendency of this case but refer to her here by the name listed in the case caption.

Zweber. Mother and Zweber also arranged their estate plans so that Zweber would be C.Z.'s legal guardian if mother died.

Meanwhile, Zweber played an active, father-like role in C.Z.'s life. At both parties' encouragement, C.Z. called Zweber "Daddy." C.Z. also referred to Zweber's father and stepmother as "Grandpa" and "Mammy." Zweber was identified as C.Z.'s father in C.Z.'s school records. Mother referred to Zweber as C.Z.'s father in social-media posts and in Father's Day cards. And Zweber was engaged in all aspects of C.Z.'s life—at home, at school, in medical care, and in activities ranging from swimming lessons to learning how to ride a bike. To commemorate their relationship, Zweber began assembling a digital scrapbook for C.Z. that he planned to surprise her with upon high school graduation.

In 2021, when mother was pregnant with their joint child, she and Zweber discussed how to ensure that C.Z. would not feel that she was being replaced. Zweber expressed concern that C.Z. would someday realize that she did not share his DNA, and he did not want her to feel as though the lack of a biological relationship between them meant he cared about her any less. Mother and Zweber's joint daughter, M.Z., was born that August.

Shortly thereafter, mother and Zweber's relationship deteriorated. In late September 2021, mother traveled with both children to Canada to celebrate Canadian Thanksgiving and introduce M.Z. to mother's family. The trip was supposed to last two weeks, but mother and the children did not return to Minnesota. The parties separated, and in November, Zweber petitioned for dissolution. Mother denied Zweber further phone contact with C.Z., refused to bring C.Z. back to Minnesota for Christmas, and refused Zweber's request to give C.Z. Christmas gifts.

In December 2021, Zweber petitioned for third-party visitation with C.Z. Mother opposed the petition. The third-party-visitation matter proceeded concurrent with but separate from the parties' dissolution matter, although the same judge presided over both. The district court determined that Zweber stated a prima facie case for third-party visitation and set the matter for trial. In preparation for trial, the district court ordered a neutral visitation evaluation, but the appointed evaluator withdrew and the district court ultimately declined to appoint another evaluator. In the meantime, in July 2022, the district court awarded Zweber temporary visitation in the form of weekly video calls with C.Z. And on November 12, 2024—the day trial was set to start—the district court granted Zweber temporary unsupervised, in-person visitation with C.Z. in Canada and in Minnesota and provided that Zweber's video calls would be unsupervised. Mother moved to stay the temporary visitation order and continue trial, which the district court denied.

At the three-day trial, both parties testified, as did members of both parties' families, both parties' parenting coaches, and C.Z.'s therapist. Mother also presented the testimony of a licensed psychologist; the district court permitted the psychologist to testify about relationship dynamics generally but declined to recognize her as an expert witness because she did not speak with either party or C.Z. The district court also received hundreds of exhibits, including dozens of photographs and videos of Zweber and C.Z. together; various school, medical, and immigration documents; the custody evaluation from the parties'

dissolution, which primarily focused on the parties' joint child, M.Z., but also discussed C.Z.; and the July 2024 judgment from the parties' dissolution.²

Regarding a third-party visitation schedule, mother asked the district court to deny visitation entirely, or alternatively to permit only supervised visitation in Canada no more than once per month. Zweber proposed that he and C.Z. would have unsupervised video calls at least twice per week and otherwise be permitted to communicate with each other “freely”; unsupervised in-person visits in Canada in 24-hour increments that coincide with the weekends of Zweber's parenting-time exchanges for M.Z.; and unsupervised in-person visits in Minnesota over school breaks during the October-to-May school year, for several days at United States Thanksgiving and every other Christmas, and for a week in each of July, August, and September. Zweber summarized this proposed schedule as allowing him approximately 18% of the year with C.Z.

The district court thereafter issued a 102-page decision discussing the extensive evidence presented at trial, making express credibility findings, and addressing the statutory criteria for third-party visitation. In that decision, the district court highlighted the evidence of a close bond between Zweber and C.Z. during the four years that they and mother lived together as a family. The district court also addressed mother's active role in fostering the bond between Zweber and C.Z., and mother's subsequent efforts to undermine and eliminate evidence of that bond, such as her substantially destroying the digital

² As we noted in our recent decision affirming the judgment in the parties' dissolution, the parties filed posttrial motions and the district court entered a substantially amended dissolution judgment in January 2025. *Zweber v. Zweber*, No. A25-0455, 2026 WL 1469719, at *2-3 (Minn. App. May 26, 2026).

scrapbook that Zweber had been making for C.Z. Ultimately, the district court determined that Zweber proved by clear and convincing evidence that (1) visitation is in C.Z.'s best interests; (2) C.Z.'s stated preference not to have visitation is both belied by the evidence and attributable to mother's efforts to alienate C.Z. from Zweber; (3) Zweber and C.Z. established emotional ties creating a parent and child relationship; and (4) visitation would not interfere with the relationship between C.Z. and mother. Based on its findings and conclusions, the district court awarded Zweber third-party visitation consistent with his proposed schedule.

Mother moved for a new trial, arguing, in relevant part, that she was entitled to relief because of judicial bias. She asserted, and presented two attorney affidavits averring, that the judge who presided over both the third-party-visitation trial and the dissolution trial exhibited bias against mother by (1) making various "comments" throughout the proceeding and findings in the November 12, 2024 temporary visitation order indicating that he "prejudged" the case; (2) "threaten[ing]" mother in a March 2024 off-the-record discussion by telling her that he would place M.Z. with Zweber in Minnesota if she continued to oppose third-party visitation, and then following through on that threat in a January 2025 amended dissolution judgment; and (3) adopting Zweber's proposed findings in the third-party-visitation order. Following a hearing before a different judge because of the original judge's retirement, the district court denied the motion. The district court reasoned that (1) mother did not object to the original judge continuing to preside over the matter after the alleged statements exhibiting bias and therefore did not preserve a bias claim; and (2) she has failed to show any prejudice in this matter.

Mother appeals.

DECISION

Mother challenges the district court's decision to resolve the third-party-visitation matter without a neutral visitation evaluation, its determination that Zweber proved the statutory factors for third-party visitation, and its denial of a new trial based on judicial bias. We address each issue in turn.

I.

We first consider mother's argument that the district court erred by ordering third-party visitation without the benefit of a neutral visitation evaluation. A district court may appoint an expert witness upon the parties' agreement or its own selection. Minn. R. Evid. 706(a). Whether to appoint an expert to perform a visitation evaluation is discretionary with the district court, and we will not reverse absent an abuse of that discretion. *See In re Custody of N.M.O.*, 399 N.W.2d 700, 705 (Minn. App. 1987) (addressing a custody evaluation in a third-party-custody matter). "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." *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022) (quotation omitted). Mother does not challenge any finding of fact on which the district court relied in deciding to address third-party visitation without appointing a neutral evaluator, and she does not challenge the district court's application of the law on this issue. Accordingly, the question is whether mother has shown that the district court's decision to address third-party visitation without appointing a neutral evaluator was contrary to logic and the facts found by the district court.

Mother argues that the district court’s decision here was an abuse of discretion because a neutral visitation evaluation was vital to determine C.Z.’s preferences and properly weigh the statutory factors. Our careful review of the record reveals no abuse of discretion. In July 2022, the district court ordered a neutral visitation evaluation—over mother’s objection—and appointed the person who had performed a custody evaluation in the parties’ dissolution matter. Amidst ongoing conflict between the parties, the evaluator withdrew. The district court then sought to appoint a substitute evaluator by ordering the parties to “reach an agreement within 20 days regarding the appointment of a visitation evaluator.” They did not. And when mother requested a neutral visitation evaluation in April 2024, the district court denied the request. The district court agreed that such an evaluation “would have been valuable” in light of the parties’ “complex history.” But it noted the parties’ history of conflict on this issue, as well as the significant passage of time since the first evaluator was appointed, and reasoned that ordering an evaluation would further delay the proceedings and not serve C.Z.’s best interests. Given the district court’s thorough consideration of this issue, and the ample evidentiary record even without the evaluation, we cannot conclude that the district court’s decision to proceed without a neutral visitation evaluation was contrary to logic or the facts in the record.

II.

We next address mother’s contention that the district court erred by granting third-party visitation rights to Zweber under Minnesota Statutes section 257C.08, subdivision 4 (2024).

“The district court enjoys broad discretion in determining visitation.” *SooHoo*, 731 N.W.2d at 825. A district court abuses its discretion if it improperly applies the law or makes factual findings unsupported by the evidence. *Id.* We will not disturb a district court’s findings unless they are clearly erroneous, meaning they are “manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *Smith v. Smith*, 32 N.W.3d 575, 589 (Minn. App. 2026) (quotation omitted), *rev. denied* (Minn. Apr. 29, 2026). In reviewing for clear error, we do not reweigh the evidence. *In re Welfare of Child of T.M.A.*, 11 N.W.3d 346, 355 (Minn. App. 2024). Rather, we view the evidence in the light most favorable to the district court’s findings, *SooHoo*, 731 N.W.2d at 825, and we leave credibility determinations “to the sound judgment of the district court,” *Ewald v. Nedrebo*, 999 N.W.2d 546, 552 (Minn. App. 2023), *rev. denied* (Minn. Feb. 28, 2024).

A person other than a foster parent who previously resided with a minor child for two years or more may petition the district court for third-party visitation. Minn. Stat. § 257C.08, subd. 4. The district court “shall grant the petition” if it finds that three factors are satisfied. *Id.* First, visitation rights must “be in the best interests of the child.” *Id.*, subd. 4(1). Second, “the petitioner and child had established emotional ties creating a parent and child relationship.” *Id.* (2); *see SooHoo*, 731 N.W.2d at 822 (stating that this factor ensures the petitioner is someone who stood “in loco parentis” with the child). Third, “visitation rights would not interfere with the relationship between the custodial parent and

the child.”³ Minn. Stat. § 257C.08, subd. 4(3). To “afford due deference to the fit custodial parent,” the burden of proving each of these factors by clear and convincing evidence is on the petitioner. *SooHoo*, 731 N.W.2d at 823.

Here, mother argues that the district court abused its discretion in determining that (1) visitation is in C.Z.’s best interests, (2) Zweber and C.Z. had established a parent-child relationship, and (3) visitation with Zweber will not interfere with mother and C.Z.’s relationship.

A.

First, mother challenges the district court’s determination that Zweber presented clear and convincing evidence that visitation with Zweber is in C.Z.’s best interests. The district court made several findings in support of its determination. It found that, during the four years they lived together, Zweber acted as a father to C.Z. and fostered her relationships with both his and mother’s extended families, all of which supported C.Z.’s physical, emotional, and developmental needs. After mother moved C.Z. to Canada, Zweber made efforts to continue that relationship through video calls and in-person visits, as permitted. And despite C.Z. (who was ten years old at the time of trial) voicing some reluctance at times, Zweber has worked to foster a positive and appropriate environment for the visits, and C.Z. has shown signs that she retains a positive connection with Zweber

³ The third-party-visitation statute also requires the district court to “consider the reasonable preference of the child, if the court considers the child to be of sufficient age to express a preference.” Minn. Stat. § 257C.08, subd. 4. The district court here considered C.Z.’s preferences, as described by mother, mother’s family, and C.Z.’s therapist. Mother does not appear to challenge the district court’s findings or conclusions on this issue separate from her arguments on the other statutory factors.

and their relationship “remains in [her] mind and heart.” If their relationship were severed, it would remove the only father figure C.Z. has ever known, and C.Z. may experience loss and abandonment and have trouble with future relationships.

Mother does not directly dispute any of the district court’s findings. Instead, she principally argues that the district court failed to give due deference to her view, as C.Z.’s sole fit legal parent, that visitation with Zweber is not in C.Z.’s best interests. A parent has a fundamental right to make decisions concerning the care, custody, and control of their child. *SooHoo*, 731 N.W.2d at 820 (citing *Troxel v. Granville*, 530 U.S. 57, 65 (2000)). But our supreme court has explained that the state also has a compelling interest, as *parens patriae*, in the child’s welfare, which includes “promoting relationships among those in recognized family units (for example, the relationship between a child and someone in *loco parentis* to that child).” *Id.* at 822. This *parens patriae* role may warrant a state ordering visitation with a third party against a parent’s wishes. *Id.* at 821-22. A best-interests finding alone is not sufficient to justify visitation over a fit parent’s wishes, but it enables a court to fulfill the *parens patriae* role by independently assessing whether the child will benefit from continuing a relationship with the petitioner. *Id.* at 822. The third-party-visitation statute balances a parent’s right against the state’s interest by requiring a person petitioning for third-party visitation to prove the statutory factors by clear and convincing evidence. *Id.* at 823. Thus, the district court’s role here was not to reflexively defer to mother’s position as to whether maintaining a relationship with Zweber is in C.Z.’s best interests but to consider the evidence presented by the parties and determine whether Zweber had

satisfied his burden to establish by clear and convincing evidence that the visitation he requested would serve C.Z.'s best interests.

As to the district court's specific reasoning on this factor, mother contends that the district court's "primary rationale" for determining that visitation is in C.Z.'s best interests is that mother and her family have "alienated" C.Z. from Zweber, and that this is not a proper consideration for third-party visitation. Mother's argument does not fairly characterize the district court's decision. The district court determined that it is in C.Z.'s best interests, for various reasons, to continue her relationship with Zweber. For example, the district court explained that "[t]he evidence received at trial demonstrates that [Zweber] was fully engaged as a father to [C.Z.]" during the parties' marriage and that Zweber "has been and will be a consistent and positive presence in [C.Z.'s] life." The district court expressed concern about mother's alienation specifically because it risks severing that beneficial relationship.

Mother also asserts that the district court's best-interests analysis is flawed because it fails to account for testimony from C.Z.'s therapist and mother that C.Z. does not want to have visitation with Zweber. We disagree. The district court expressly accounted for this testimony and, based on the evidence presented, concluded that C.Z.'s stated preferences have been manipulated by mother and her family. And as to the testimony of C.Z.'s therapist, the district court noted that the therapist testified that she lacked sufficient information to form an opinion as to the quality of the relationship between C.Z. and Zweber but that the hurt feelings C.Z. reported when Zweber did not answer a phone call from C.Z. "suggest[ed] a strong emotional bond with [Zweber]." The district court

considered testimony from multiple witnesses—including Zweber—about some of the difficulties C.Z. and Zweber have faced with visitation, including C.Z.’s stated reluctance to participate. But the district court also considered the various factors contributing to those difficulties, including evidence that mother and her family actively alienated C.Z. from Zweber, and expressly found that C.Z.’s “stated preferences” not to visit with Zweber “have been manipulated” by mother and her family. The district court also found that, despite these influences and the challenges of several years of physical separation, the evidence also shows that C.Z. still connects positively with Zweber as a father and can benefit emotionally from that continued connection. On this record, we see no basis to conclude that the district court abused its discretion by determining that clear and convincing evidence establishes that visitation with Zweber serves C.Z.’s best interests.

B.

Second, mother challenges the district court’s conclusion that Zweber presented clear and convincing evidence that he and C.Z. developed an emotional bond tantamount to a parent-child relationship. Again, the district court’s determination on this issue is supported by a series of factual findings. The district court found that mother and Zweber “co-parented” C.Z. for more than four years, which was more than half of C.Z.’s life at the time mother and Zweber separated. During those years, Zweber was involved in all aspects of C.Z.’s life, the parties held Zweber out to the world as C.Z.’s father, and C.Z. called Zweber “Daddy.” Zweber and C.Z. had a “close, loving relationship,” and Zweber is the only father figure that C.Z. has ever known. Consistent with this emotional connection, the

parties established Zweber as C.Z.'s guardian in the event of mother's death, and mother changed C.Z.'s surname to Zweber.

Mother contends that Zweber and C.Z. did not share a close relationship but does not address the extensive testimony and photographic, video, and documentary evidence on which the district court relied in reaching the opposite conclusion. Mother merely emphasizes her own testimony that she had hoped C.Z. and Zweber would form a close bond but that Zweber was too focused on work to play an active role in C.Z.'s life. But it is not our role to reweigh the evidence, *see T.M.A.*, 11 N.W.3d at 355, and we will not second-guess the district court's express determination that mother's testimony was not credible, *see Ewald*, 999 N.W.2d at 552. That the district court's findings differ from mother's view of the evidence does not mean they are clearly erroneous. *See Smith*, 32 N.W.3d at 589.

Mother also argues that the district court abused its discretion in determining that this relationship factor favors visitation because any relationship that C.Z. and Zweber had is now "severely deteriorated." This argument is unavailing. The strain on Zweber and C.Z.'s relationship since the parties' separation does not negate extensive evidence that they shared a close, parent-child relationship during the four years they lived together. And as discussed above, the district court expressly accounted for that strain and carefully evaluated whether continuing the relationship is nonetheless in C.Z.'s best interests. Mother's disagreement with the district court's evaluation of the evidence as to the closeness of C.Z.'s bond with Zweber is not sufficient to persuade us that the district court abused its discretion.

C.

Third, mother disputes the district court's determination that Zweber presented clear and convincing evidence that granting him visitation would not interfere with mother and C.Z.'s relationship. To support this determination, the district court found no evidence that the co-parenting arrangement that existed during the parties' relationship "marginalized" mother's relationship with C.Z. "in any way." And it recognized that there is now significant "friction" between the parties but found that their conflict has not caused Zweber to disrupt or interfere with mother's relationship with C.Z. or her role as C.Z.'s sole legal and custodial parent. To the contrary, the district court found that Zweber respects mother's "autonomy as a parent," has been "extremely cautious" not to interfere with her parental authority, and has sought professional coaching to avoid disrupting C.Z.'s relationships with mother and mother's family while maintaining his own relationship with C.Z. Regarding Zweber's proposed visitation schedule, the district court found that the schedule would not "destabilize" C.Z.'s relationships in Canada and would ensure that C.Z.'s and M.Z.'s time together "is concentrated during non-school days, which Mother argued was important to [the sisters'] relationship." Finally, the district court found that the proposed arrangement was "necessary due to the environment of alienation in Mother's home" and would help protect C.Z. "from family conflict or drama."

Mother again generally disputes these findings by emphasizing the contrary evidence that she presented and suggesting that the court should have given that evidence greater weight. As noted above, this is insufficient to show clear error in the district court's findings. *See Smith*, 32 N.W.3d at 589. Moreover, we are not persuaded by mother's

contention that the district court erroneously failed to defer to her view, as C.Z.'s sole fit parent, that visitation between Zweber and C.Z. will adversely affect her relationship with C.Z. As explained above, mother's status as C.Z.'s sole fit parent does not entitle her to prohibit third-party visitation between Zweber and C.Z., if the statutory factors in Minnesota Statutes section 257C.08, subdivision 4, are proved by clear and convincing evidence. *See SooHoo*, 731 N.W.2d at 822-23. As our supreme court explained in *SooHoo*, the application of that statutory framework to petitions for third-party visitation balances a parent's constitutional right to make decisions for their child against the state's interest in promoting the relationship between the child and a third-party with whom the child has formed a parent-child relationship. *Id.* The district court's application of that framework here afforded the requisite deference to mother's preferences as C.Z.'s parent, even if mother disagrees with the district court's conclusion.

Mother also argues that the district court improperly focused on matters other than how awarding Zweber visitation will affect her relationship with C.Z. She is correct that the district court's findings about protecting C.Z. from alienating influences and family conflict seem more focused on C.Z.'s welfare than on whether visitation will undermine mother and C.Z.'s relationship. But these additional findings do not negate the findings that the court made regarding historical and current considerations that bear on how visitation is likely to affect mother and C.Z.'s relationship. Thus, mother has not shown that these additional findings present a basis for reversal.

Finally, mother argues that the district court abused its discretion in awarding as much visitation as it did. She contends the amount of visitation "inherently" interferes with

her relationship with C.Z. by requiring them to spend “substantial time” apart from each other, including many non-school days and holidays. She contends this arrangement creates a schedule akin to a parenting-time award to a noncustodial parent, and that we deemed such an award improper in *Givens v. Darst*, 800 N.W.2d 652 (Minn. App. 2011), *rev. denied* (Minn. Aug. 24, 2011). We disagree.

We held in *Givens* that it was improper to award grandparent visitation that was similar in quality and quantity to an award of parenting time to a noncustodial parent. 800 N.W.2d at 658-60. But in doing so, we distinguished grandparent visitation from third-party visitation, which is governed by *SooHoo*. *Id.* at 660-61. In *SooHoo*, the supreme court recognized that “an award of visitation to a third party that is commensurate with what would be awarded to noncustodial parents” is not “inherently unreasonable.” 731 N.W.2d at 826. Rather, a determination of the appropriate visitation award is left to the district court’s discretion, in consideration of the particular facts and circumstances of the case. *Id.* at 825-26.

Careful review of the record convinces us that the district court appropriately considered the facts and circumstances in establishing a third-party-visitation schedule and determining that it will not interfere with mother’s relationship with C.Z. While C.Z. will necessarily spend time apart from mother, she will be doing so mostly alongside her sister, in furtherance of a father-child type relationship that serves her best interests, and with someone who supports her relationship with mother. And C.Z. will continue to spend the substantial majority of her time with mother. We therefore discern no abuse of discretion

in the district court's determination that the third-party-visitation award will not interfere with mother and C.Z.'s relationship.

III.

Finally, we consider mother's argument that the district court abused its discretion by denying her motion for a new trial based on a claim of judicial bias. We review a district court's denial of a new-trial motion for an abuse of discretion and will not reverse "absent a clear abuse of that discretion." *Williams v. Carlson*, 701 N.W.2d 274, 281 (Minn. App. 2005).

Minnesota judges are required to perform their duties "without bias or prejudice," Minn. Code Jud. Conduct Rule 2.3(A), and must disqualify themselves from any matter in which they have personal bias concerning a party or lawyer, Minn. Code Jud. Conduct Rule 2.11(A)(1). But any party concerned that a judge is biased must timely raise the issue to be entitled to relief; a new-trial motion is generally too late to preserve the issue. *See Zaikaner v. Small*, 98 N.W.2d 247, 250 (Minn. 1959) ("[T]he remarks of the trial court cannot be made the basis for a new trial unless objected to when made."); *Nugent v. Kerr*, 543 N.W.2d 688, 692 (Minn. App. 1996) (describing failure to object to claimed judicial misconduct as a "practical obstacle" and "dispositive" because the alleged misconduct was nonverbal and therefore not apparent from the record); *Gummow v. Gummow*, 375 N.W.2d 30, 34 (Minn. App. 1985) (describing timing of judicial-bias claim as "questionable" when raised for the first time in a posttrial motion for a new trial).

The district court reasoned that mother is not entitled to a new trial based on claimed judicial bias because she failed to preserve the issue. We agree. Mother did not object on

the ground of judicial bias or request a substitute judge at any point during the nearly three years it took for this matter to come to trial. She did not raise the issue of bias in March 2024, when she claims the judge threatened to order an adverse outcome in the dissolution proceeding if she continued to oppose third-party visitation, or in November 2024, when the district court issued the temporary visitation order that she contends is evidence of bias. Mother therefore did not preserve a claim of judicial bias. Moreover, any claim of judicial bias would require a showing of prejudice to warrant a new trial, *Nugent*, 543 N.W.2d at 692, and the record equally supports the district court's determination that mother has not shown prejudice resulting from the alleged judicial bias. Accordingly, we conclude that the district court did not abuse its discretion by denying mother's motion for a new trial based on claimed judicial bias.

Affirmed.