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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1662**

Jamie John Wojcik, petitioner,
Appellant,

vs.

Michael John Wilson, et al.,
Respondents.

**Filed September 14, 2026
Affirmed
Rasmusson, Judge**

Isanti County District Court
File Nos. 30-FA-24-130, 30-FA-23-330

Jamie John Wojcik, Ogilvie, Minnesota (pro se appellant)

George Herbert Hanson, Hanson Law Office, PLLC, Hallock, Minnesota (for respondents)

Considered and decided by Rasmusson, Presiding Judge; Bratvold, Judge; and
Slieter, Judge.*

NONPRECEDENTIAL OPINION

RASMUSSON, Judge

In this appeal from a grant of third-party custody to respondents, appellant argues that the district court abused its discretion by (1) failing to recognize him as the father of the child prior to legal adjudication of paternity, (2) awarding sole physical and legal

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

custody to respondents, and (3) violating his due-process and equal-protection rights. We affirm.

FACTS

Appellant Jamie John Wojcik had a romantic relationship with Lily Wilson, who is now deceased. During their relationship, Lily gave birth to a child, L.E.W., whom she raised with Wojcik for about seven years until their romantic relationship ended in 2021. Lily and L.E.W. lived with Lily's parents, respondents Michael and Patricia Wilson, from 2021 until Lily's death in 2023. Prior to Lily's death, Wojcik saw L.E.W. approximately once a month.

After Lily died, the Wilsons petitioned the district court for emergency third-party custody of L.E.W., citing concerns that Wojcik, the putative father,¹ was a danger to L.E.W. because of substance use, mental-health issues, and his threats to remove L.E.W. from the state. The district court granted the Wilsons temporary legal and physical custody of L.E.W. and ordered Wojcik to "immediately submit to a 5-panel hair follicle test."

Wojcik responded with an affidavit, denying the allegations and requesting immediate custody of L.E.W. At a hearing, the district court repeatedly explained to Wojcik that he did not have legal status as L.E.W.'s parent and that the district court had no power to grant him his request until he established legal parentage. The district court subsequently ordered Wojcik to submit to a drug test within 72 hours.

¹ A "putative father" is a man who may be a child's father but was not married to the child's mother on or before the child's birthdate and has not established legal paternity of the child. Minn. Stat. § 259.21, subd. 12 (2024).

Between January and April 2024, Wojcik filed two legally invalid birth certificates; an ineffective recognition-of-parentage (ROP) form; numerous filings and “emergency” motions; and, eventually, a negative drug test issued by a facility different from the one the district court ordered him to use. In an order filed on April 10, 2024, the district court stated that until paternity was adjudicated, it could not recognize Wojcik as L.E.W.’s legal father, but in two footnotes laid out the statutory framework under which Wojcik could file a paternity action. It stated that if no paternity action had been initiated within 90 days, the Wilsons could move for permanent custody.

Wojcik filed a paternity action on April 24, 2024. The district court then ordered genetic testing and based upon the results, adjudicated Wojcik the legal father of L.E.W. It also ordered the paternity and third-party-custody cases to be merged and appointed a guardian ad litem (GAL). The GAL report was filed in May 2025 and included a custodial recommendation for the Wilsons and cited information from a psychological evaluation which included multiple mental-health diagnoses for Wojcik.

In the summer of 2025, the district court held a six-day trial, hearing testimony from multiple witnesses, including the GAL and L.E.W.’s therapist. After the trial, the district court awarded the Wilsons permanent sole legal and physical custody. It also set a multi-phase parenting-time schedule in which Wojcik could transition from supervised to unsupervised parenting time as he and L.E.W. progress through reunification therapy, so long as Wojcik engages in individual therapy and submits proof of negative drug tests. The district court also provided an alternative schedule in which Wojcik’s parents would be

entitled to visitation with L.E.W. if Wojcik is convicted and incarcerated in a pending criminal case.

Wojcik appeals.

DECISION

Wojcik argues that the district court abused its discretion by (1) failing to recognize him as L.E.W.’s father prior to formal adjudication of paternity, (2) awarding permanent sole legal and physical custody to the Wilsons, and (3) violating his due-process and equal-protection rights.²

District courts have broad discretion to determine matters of custody. *Durkin v. Hinich*, 442 N.W.2d 148, 151 (Minn. 1989). Appellate courts review custody determinations for an abuse of discretion. *Lewis-Miller v. Ross*, 710 N.W.2d 565, 568 (Minn. 2006). A district court abuses its discretion if its findings of fact are unsupported by the record, if it improperly applies the law, or if it resolves an issue contrary to logic and the facts on the record. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022). “Whether the district court correctly applied the law is a legal question, which we review de novo.” *In re Welfare of Child. of M.A.H.*, 839 N.W.2d 730, 746 (Minn. App. 2013).

² Wojcik also argues that we should vacate the temporary ex parte order granting temporary custody to the Wilsons. Even if we concluded that the district court abused its discretion by issuing the temporary order, it is unclear what relief we could provide because the temporary order no longer has any legal effect now that the district court has made a permanent custody determination. *See, e.g., Sharp v. Bilbro*, 614 N.W.2d 260, 262 (Minn. App. 2000) (declining to address the issue of temporary custody as moot when permanent custody awarded), *rev. denied* (Minn. Sep. 26, 2000). The issue of whether the temporary order was proper is therefore moot, and we focus our attention on the district court’s determination of permanent custody.

I. The district court did not abuse its discretion by failing to recognize Wojcik as L.E.W.’s legal father prior to August 2024.

Wojcik argues that the district court abused its discretion by not recognizing him as L.E.W.’s legal father when it failed to immediately recognize his presumptive parentage or compel genetic testing between December 2023 and April 2024. We are not persuaded.

We first evaluate Wojcik’s argument that the district court failed to recognize his presumptive parentage. The legal framework for establishing paternity and a parent-child relationship is found in the Minnesota Parentage Act (MPA). Minn. Stat. §§ 257.51-.75 (2024); *Morey v. Peppin*, 375 N.W.2d 19, 22 (Minn. 1985) (stating the MPA “governs the establishment of the parent and child relationship”). A “‘parent and child relationship’ means the legal relationship existing between a child and the child’s biological or adoptive parents.” Minn. Stat. § 257.52. This established legal relationship is the mechanism by which the law “confers or imposes rights, privileges, duties, and obligations.” *Id.*

The process to establish a parent and child relationship differs for biological mothers and biological fathers. “The parent and child relationship between a child and . . . the biological father may be established under [the MPA]” by executing an ROP, by bringing a paternity action, or through an adoption. Minn. Stat. § 257.54(b). In this case, Wojcik did not follow any of the statutory processes to establish a parent and child relationship with L.E.W. Although Wojcik alleged that he was the biological father, he failed to produce any effective legal document recognizing or adjudicating him L.E.W.’s legal father. For example, he produced two sovereign-citizen birth certificates, which are not legal documents in Minnesota, and an ROP that was not effective because it was not signed

by both parties. *See* Minn. Stat. § 257.75, subd. 1. And even though the district court advised Wojcik of the process to establish paternity, Wojcik failed to utilize the system for months.

Throughout his briefing to this court, Wojcik emphasizes that he had previously lived with Lily and L.E.W. and had acted as a father to L.E.W. for many years, but those assertions are insufficient to establish paternity. A man who receives a minor child “into his home and openly holds out the child as his biological child” is presumed to be the biological father. Minn. Stat. § 257.55, subd. 1(d). A presumed father under section 275.55, subdivision 1(d), may bring a paternity action at any time for the purpose of legally establishing the father-and-child relationship. Minn. Stat. § 257.57, subd. 2(1). However, the presumption is not applicable until a paternity action commences. *In re J.M.M.*, 937 N.W.2d 743, 750 n.6 (Minn. 2020) (evaluating when a biological father may obtain custody and other legal rights under the MPA).³

Wojcik filed the paternity action in April 2024, and he was adjudicated L.E.W.’s father by August 2024. The district court properly applied the parental presumption after Wojcik filed the paternity action; therefore, it did not abuse its discretion.

³ This applies to cases in the family court division, in which parentage-determination matters are heard. *See* Minn. Gen. R. Prac. 301.01(b)(6). A district court acting as a juvenile court is required to treat presumed fathers as parents in dependency actions, including giving them the right to notice of proceedings and the right to be assessed and considered for day-to-day care of the child. Minn. Stat. § 260C.150, subd. 2(a) (2024); *see* Minn. Stat. § 484.01, subd. 1(5) (2024) (providing district courts with “jurisdiction of a juvenile court as provided in chapter 260”); Minn. Stat. § 260.012 (2024) (explaining juvenile court duties in child-protection matters).

We next turn to Wojcik’s claim that the district court failed to order genetic testing between December 2023 and April 2024.

A man alleging that he is a child’s biological father who wishes to request genetic testing “shall file with the court an affidavit either alleging or denying paternity and setting forth facts that establish the reasonable possibility that there was, or was not, the requisite sexual contact between the parties.” Minn. Stat. § 257.62, subd. 1. Upon receiving this request, the district court “shall require the child, mother, or alleged father to submit to blood or genetic tests.” *Id.* “However, the mere existence of a biological connection . . . does not confer due process protection on the putative father’s parental interests.” *Heidbreder v. Carton*, 645 N.W.2d 355, 372 (Minn. 2002) (citing *Lehr v. Robertson*, 463 U.S. 248, 260-61 (1983)).

Wojcik deposited his DNA at a testing establishment and repeatedly demanded that the Wilsons have L.E.W. tested there. Wojcik did not initiate his paternity action until April 24, 2024, when he filed a petition (1) alleging the requisite sexual contact between him and Lily, (2) asking the district court to establish paternity and custody, and (3) requesting the district court order genetic testing. He also sent a stand-alone motion for genetic testing to the district court on May 6, 2024. The district court ordered genetic testing “both on its own initiative and based on [Wojcik’s] request” on May 7, 2024. In June 2024, the laboratory verified through DNA results that Wojcik is L.E.W.’s biological father. The district court then adjudicated Wojcik father of L.E.W. and merged the paternity and third-party-custody files in August 2024.

The district court properly applied the law by ordering genetic testing after Wojcik initiated the paternity action, and adjudicating Wojcik L.E.W.'s father promptly after genetic-test results indicated that he is L.E.W.'s biological father. Therefore, we conclude that the district court did not abuse its discretion by not recognizing Wojcik as L.E.W.'s legal father prior to August 2024.

II. The district court did not abuse its discretion by awarding permanent sole legal and physical custody of L.E.W. to the Wilsons.

Wojcik next argues that the district court abused its discretion by awarding permanent sole legal and physical custody of L.E.W. to the Wilsons because it (1) failed to apply the presumption in favor of a fit parent, (2) improperly relied on the separation created by the district court to support its custody award, (3) mischaracterized Wojcik's filings and improperly relied on them to justify third-party custody, and (4) allowed a pattern of witness intimidation, thereby suppressing evidence that could have been supportive of a custody award to Wojcik.

The procedure for petitioning for child custody as an interested third party is governed by Minnesota Statutes section 257C.03 (2024). Subdivision 7 requires that "[t]o establish that an individual is an interested third party," an individual must both "prove by a preponderance of the evidence that it is in the best interests of the child to be in the custody of the interested third party" and "show by clear and convincing evidence" one of the following three factors:

- (i) the parent has abandoned, neglected, or otherwise exhibited disregard for the child's well-being to the extent that the child will be harmed by living with the parent;

(ii) placement of the child with the individual takes priority over preserving the day-to-day parent-child relationship because of the presence of physical or emotional danger to the child, or both; or

(iii) other extraordinary circumstances[.]

Minn. Stat. § 257C.03, subd. 7(a).

We review a district court's third-party-custody determination for an abuse of discretion. *Lewis-Miller*, 710 N.W.2d at 568. "A district court abuses its discretion by making findings unsupported by the evidence or by improperly applying the law." *Ramirez v. Luna (In re Custody of A.L.R.)*, 830 N.W.2d 163, 166 (Minn. App. 2013) (quotation omitted).

A. Parental Presumption

Wojcik argues that the district court failed to apply the presumption favoring custody of a parent and instead evaluated custody by placing him and the Wilsons on equal footing. He contends that because the district court did not find that he was unfit or had abandoned L.E.W., this was a practice forbidden by the supreme court in *Rodgers v. Knauff (In re Custody of N.A.K.)*, 649 N.W.2d 166 (Minn. 2002), and the district court should not have reached a best-interests analysis.

First, Wojcik misstates the parental presumption. In *Rodgers (N.A.K.)*, the supreme court held:

[F]ollowing the death of a custodial parent, a surviving, noncustodial parent is entitled to custody *unless the presumption that the parent be awarded custody is overcome by extraordinary circumstances of a grave and weighty nature*, indicating that the best interests of the child require that the surviving parent be denied custody.

649 N.W.2d at 175 (emphasis added). This parental presumption is “incorporated into chapter 257C.” *Ramirez (A.L.R.)*, 830 N.W.2d at 168. Contrary to Wojcik’s assertions, the district court is not required to find that the parent is unfit or has abandoned the child to overcome the parental presumption if it finds that “other extraordinary circumstances” exist and that it is in the best interests of the child to be in the custody of the interested third party. Minn. Stat. § 257C.03, subd. 7(a)(1) (providing that for an individual to establish they are an interested third party, they must “show by clear and convincing evidence that *one* of [the three] factors exist” (emphasis added)), (a)(2) (providing that an individual must “prove by a preponderance of the evidence that it is in the best interests of the child to be in the custody of the interested third party”); *see also Rodgers (N.A.K.)*, 649 N.W.2d at 175; *In re Hohmann*, 95 N.W.2d 643, 646-47 (Minn. 1959) (holding that a surviving noncustodial parent’s right to custody could be denied when, “irrespective of [a parent’s] fitness, exceptional circumstances indicate that the best interests of the child clearly require that the surviving parent be denied custody”). Extraordinary circumstances are “those of a grave and weighty nature.” *Ramirez (A.L.R.)*, 830 N.W.2d at 170; *see also Rodgers (N.A.K.)*, 649 N.W.2d at 175.

The district court’s order demonstrates that it considered the “longstanding presumption that a [parent] is entitled to the custody of [their] children” when applying Minn. Stat. § 257C.03, subd. 7, but determined that an award of custody to the Wilsons “is consistent with other situations where courts have deviated from the parental-custody presumption.” Specifically, the district court found that the Wilsons had “shown by clear

and convincing evidence that other extraordinary circumstances exist that warrant[ed] their intervention as interested third parties and militate[d] in favor of awarding them permanent custody.” These extraordinary circumstances included Wojcik’s demonstrated “instability of character,” the substantial concerns raised in the GAL report about how L.E.W.’s mental health would be impacted should Wojcik be granted full custody, significant concerns about Wojcik’s mental health, and the number of significant negative life changes experienced by L.E.W., necessitating stability so that he could thrive.

We conclude that the district court did not abuse its discretion because it applied Minn. Stat. § 257C.03, subd. 7, in determining that the Wilsons were interested third parties, and its determination that extraordinary circumstances exist is supported by the record.

B. Period of Separation

Wojcik contends that the district court improperly relied on the separation it created in the temporary custody order when it ultimately awarded the Wilsons permanent sole legal and physical custody.

In addition to establishing their status as an interested third party, the interested third party must “prove by a preponderance of the evidence that it is in the best interests of the child to be in [their] custody.” Minn. Stat. § 257C.03, subd. 7(a)(2). The statute provides a list of factors that a district court must consider in assessing the interested-third-party’s petition. *See* Minn. Stat. §§ 257C.03, subd. 7(b), .04, subd. 1 (2024).

Two of the factors that the district court must consider include (1) “the length of time the child has lived in a stable, satisfactory environment and the desirability of

maintaining continuity” and (2) “the permanence, as a family unit, of the existing or proposed custodial home.” Minn. Stat. § 257C.04, subd. 1(a)(7)-(8). Therefore, the district court is required to consider both the length of time a child has resided in an environment and the permanence of each proposed custodial home.

The district court’s order demonstrates that it considered the necessary factors. The district court found that L.E.W. had lived with the Wilsons beginning in 2021, when Lily and Wojcik terminated their romantic relationship. It also stated that by the time it was able to adjudicate Wojcik father, L.E.W. had been living with the Wilsons for eight months after Lily’s death pursuant to the earlier award of temporary custody. However, because “the guiding principle in child-custody matters is to satisfy the best interests of the child,” the district court determined that L.E.W. should not be moved during the pendency of the custody case because it was “unclear whether Wojcik would ultimately be determined to be the appropriate custodian.”

Wojcik attributes his separation from L.E.W. to the district court; however, it was Wojcik’s choices that impacted his contact with L.E.W. Wojcik chose not to pursue paternity during the nine years prior to Lily’s death, and he was reluctant to file an action to adjudicate his paternity until the district court established a deadline and awarded temporary custody to the Wilsons.

Ultimately, the district court determined that these factors favored the Wilsons, but it did not base its decision on them predominantly. Instead, the district court found that the factor regarding intimacy between the parent and child was neutral, noting that Wojcik’s opportunities to develop intimacy with L.E.W. in recent years have been fewer, partly due

to a court order. *See* Minn. Stat. § 257C.04, subd. 1(a)(4). The district court weighed all of the statutory factors, including the ones discussed here, when coming to its decision and did not hold any court-ordered separation against Wojcik.

We conclude that the district court did not abuse its discretion in considering these two factors because it weighed them fairly and in conjunction with the other statutorily required factors.

C. Consideration of Wojcik's Filings

Wojcik next contends that the district court mischaracterized his filings and improperly relied on them to justify third-party custody because it summarily denied many of his motions and described some of his filings as “spurious.”

A district court abuses its discretion by focusing on conduct asserted to support a claim, and not on the claim itself. *See Meadowbrook, Inc. v. Tower Ins. Co.*, 559 N.W.2d 411, 420 (Minn. 1997) (“In this case, the court of appeals mistakenly focused on some of the *conduct* being asserted to prove the *claim*.”).

Here, the record is replete with numerous filings from Wojcik, with many of them nearly exact duplicates of earlier filings. Wojcik did not wait for the district court to respond but repeatedly filed the same information in varying formats. These filings continued throughout the pendency of the case, even after the district court ordered Wojcik to follow court rules. After a six-day trial, where Wojcik called and cross-examined witnesses and made arguments in his favor, he filed 36 motions or affidavits repeating his argument during the time the district court had the matter under advisement.

The volume of repeated filings goes far beyond the exercise of rights or conduct necessary to support his claims. The district court found that “Wojcik’s penchant for filing numerous duplicative and spurious motions throughout the pendency of this case demonstrates an inability or unwillingness to follow the court’s rules,” which it determined was one of many examples consistent with his mental-health diagnoses. The district court also noted his noncompliance with court orders, which is supported by the record.

We conclude that the district court did not abuse its discretion because the record supports its determination that the filings demonstrate Wojcik’s unwillingness to follow court rules. Furthermore, the district court’s order demonstrates that it considered the merits of Wojcik’s arguments in making its determinations, rather than relying on the timing or volume of Wojcik’s pleadings.

D. Witness Intimidation

Wojcik contends that the district court abused its discretion by depriving him of a fair trial because it did not address “a documented pattern of witness intimidation, threats, and coercion.” Most of Wojcik’s references to improper coercion or intimidation relate to nonparties in the case or are citations to witness testimony that the district court, as fact-finder, weighed in making its determinations. However, during trial, Wojcik reported that he received “death threats” from a friend of Lily’s. The district court allowed a recess so that Wojcik could report the threats to police and then, even though the misconduct was just an allegation, excluded the person from the courtroom in the interest of “fairness and making sure that [Wojcik] feels safe.” The district court did not fail to address allegations

of witness intimidation, threats, or coercion. Instead, it took appropriate action and made findings regarding any wrongdoing by the parties.

We conclude that the district court did not abuse its discretion because it did not mishandle reports of witness threats and coercion.

III. The district court did not deprive Wojcik of due process or equal protection.

Throughout his brief, Wojcik claims that the district court deprived him of due process.

Appellate courts review this issue de novo. *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 632 (Minn. 2012). “We conduct a two-step analysis to determine whether the government has violated an individual’s procedural due process rights.” *Id.*

First, appellate courts identify whether the person was deprived of a “protected life, liberty, or property interest.” *Id.* After a district court adjudicates a presumed father as the legal father, the court order declaring “the existence . . . of the parent and child relationship is determinative.” Minn. Stat. § 257.66, subd. 1. “A determination that a father-and-child relationship exists carries with it significant, fundamental parental rights” *In re Welfare of Child of S.B.G.*, 991 N.W.2d 874, 882 (Minn. 2023). Although Wojcik claims that he was deprived of his constitutional rights from the beginning of the third-party-custody action, his fundamental parental rights did not attach until he was adjudicated L.E.W.’s legal father.

Under the second step, we must determine whether the district court employed constitutionally sufficient procedures. *Sawh*, 823 N.W.2d at 632. Constitutionally sufficient procedures include notice and an opportunity to be heard. *Id.* To decide whether

a procedure meets this standard, appellate courts would typically apply the factors from *Mathews v. Eldridge*, 424 U.S. 319 (1976).⁴ But Wojcik does not analyze the *Mathews* factors. Instead, he equates receiving due process with immediately prevailing in court. As the district court observed, Wojcik’s position throughout the trial “[was] that, because he is L.E.W.’s biological father, he has a presumption of custody—and it was therefore a violation of his rights for the [district court] to do anything other than grant him immediate custody.”

Wojcik also argues that he was denied due process because the district court dismissed some of his motions without a hearing. But “[d]ue process does not always require a full evidentiary hearing.” *State v. LeDoux*, 770 N.W.2d 504, 514 (Minn. 2009). Throughout his briefing, Wojcik repeatedly argues that his constitutional rights were violated under *Stanley v. Illinois*, 405 U.S. 645 (1972). *Stanley* is a case that involves the removal of children by a child-welfare agency from a man who was legally the children’s father with no opportunity for the father to demonstrate his fitness. Therefore, it is unlike this case where Wojcik began as a putative father and then, after he was adjudicated the

⁴ The *Mathews* factors require us to consider:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

legal father, he was given an opportunity to be heard regarding his request for custody of his child. We conclude that Wojcik had notice and a meaningful opportunity to be heard when he thoroughly participated in the six-day trial.

Lastly, Wojcik alleges that the district court abused its discretion by depriving him of equal protection in violation of the Fourteenth Amendment when it ordered him to participate in monthly hair-follicle tests, mental-health therapy, reunification therapy, and supervised parenting time, but did not order any conditions upon Patricia Wilson, despite witness testimony alleging that she uses controlled substances and struggles with alcohol use.

The Equal Protection Clause requires that similarly situated individuals receive equal treatment. *State v. Frazier*, 649 N.W.2d 828, 837 (Minn. 2002). Equal-protection claims are usually asserted in the context of challenging statutory classifications. *See, e.g., State v. Merrill*, 450 N.W.2d 318, 321 (Minn. 1990). Wojcik does not challenge a statute, nor does he cite any standard that the district court applied unequally to the parties. The initial question in equal-protection claims is whether “the claimant is similarly situated in all relevant respects to others whom the claimant contends are being treated differently.” *Schroeder v. Simon*, 985 N.W.2d 529, 549 (Minn. 2023) (quotation omitted). Equal-protection claims are “routinely rejected” when a party cannot make the threshold showing that they are “similarly situated to those whom they contend are being treated differently.” *State v. Cox*, 798 N.W.2d 517, 521 (Minn. 2011).

We understand Wojick’s argument to be that he is similarly situated to Patricia Wilson. Wojick does not cite to any relevant authority in support of his position. *See*

Brodsky v. Brodsky, 733 N.W.2d 471, 479 (Minn. App. 2007) (declining to consider an inadequately briefed issue). Because Wojcik has failed to establish that he is similarly situated in all relevant respects to Patricia Wilson, his equal-protection claim fails. *See Doll v. Barnell*, 693 N.W.2d 455, 462 (Minn. App. 2005) (failing to make the threshold showing that the parties are similarly situated disposes of equal-protection claim).

We conclude that because the district court did not deny Wojcik due process or equal protection, it did not abuse its discretion.

Affirmed.