

*This opinion is nonprecedential, except as provided by
Minnesota Rule of Civil Appellate Procedure 136.01, subdivision 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1919**

In the Marriage of:

Michaela Dojcinovic Bachmayer, petitioner,
Respondent,

vs.

Kyle Dalke Bachmayer,
Appellant.

**Filed June 22, 2026
Affirmed
Ede, Judge**

Hennepin County District Court
File No. 27-FA-18-4040

Susan A. Cragg, Lynn Klicker Uthe, Lynn Klicker Uthe, Ltd., Minnetonka, Minnesota (for respondent)

Kyle Dalke Bachmayer, Minneapolis, Minnesota (self-represented appellant)

Considered and decided by Bentley, Presiding Judge; Ede, Judge; and Beane, Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

Appellant father challenges an order by the district court that (1) denied his motion to modify custody and (2) granted respondent mother's motion to relocate their child to mother's country of origin. Father asserts that the district court abused its discretion in its

decision on both motions by ruling (A) without an evidentiary hearing and (B) based on misapplications of the law. We affirm.

FACTS

Appellant Kyle Dalke Bachmayer (father) and respondent Michaela Dojcinovic Bachmayer (mother) were married in 2016 and had a child in 2017. In October 2019, the district court entered a judgment (J&D) dissolving the parties' marriage. The district court awarded mother sole legal and sole physical custody of the child. In the J&D, the district court made a finding of domestic abuse perpetrated by father against mother, ordered that father receive limited, supervised parenting time, and noted that father could request a change in parenting time after completing one year of therapy. Father appealed, and we affirmed. *Bachmayer v. Bachmayer*, No. A19-1929, 2020 WL 4434557, at *1 (Minn. App. Aug. 3, 2020).

In December 2020, mother moved the district court to permit her to relocate the child to her country of origin, Slovakia, and to require that father's parenting time be supervised. In a responsive motion, father requested that the district court grant him sole legal and sole physical custody, with equal parenting time, and that the court hold mother in contempt for, inter alia, her failure to facilitate his compensatory parenting time. After a January 2021 hearing, the court limited father's in-person parenting time to supervised contact and reduced his parenting time to one-half hour per week. In March 2021, the district court filed an order denying mother's relocation motion, ordering that father's weekly parenting time be supervised, and denying all of father's motions. Father moved the district court to amend its findings in April 2021, and the court denied his motion. He

appealed, and we affirmed. *Bachmayer v. Bachmayer*, No. A21-1346, 2022 WL 1531733, at *1 (Minn. App. May 16, 2022), *rev. denied* (Minn. Aug. 9, 2022).

In May 2025, mother again moved the district court to allow her to relocate the child to Slovakia, to order that father’s parenting time continue to be supervised unless he complied with all recommendations set forth in the J&D, and to amend his parenting time if the court granted her relocation request. Father thereafter moved to modify custody. He requested that the district court set an evidentiary hearing on his motion, find that the child was endangered in mother’s care, and grant him “full custody” of the child. In support of his motion, father asserted “that modification of custody [was] necessary to serve [the child’s] best interests.” Mother filed a responsive motion requesting that the district court deny father’s motion.

At a June 2025 hearing, the district court considered the parties’ motions, granted mother’s request to relocate the child and to amend father’s parenting time, and denied father’s motion to modify custody. In September 2025, the district court filed written findings and an order setting forth its earlier rulings. Among other things, the order explains the district court’s finding that relocation is in the best interests of the child under Minnesota Statutes section 518.175, subdivision 3 (2024).

This appeal follows.¹

¹ Before filing this appeal, father petitioned for discretionary review, which we denied. *Bachmayer v. Bachmayer*, No. A25-1756 (Minn. App. Nov. 7, 2025) (order).

DECISION

Father challenges the district court's order (1) denying his motion to modify custody and (2) granting mother's motion to relocate the child to Slovakia. He asserts that the district court abused its discretion in its decision on both motions by ruling (A) without an evidentiary hearing and (B) based on misapplications of the law.² We address each argument in turn.

I. The district court acted within its discretion in denying father's motion to modify custody.

A. Because father did not allege a prima facie case for custody modification, the district court did not abuse its discretion in determining that he was not entitled to an evidentiary hearing.

Father maintains that the district court “fail[ed] to consider [his] allegations as true and [to] disregard [mother's] contrary allegations in [the court's] conclusions against the other aspects of [father's] prima facie case of custody modification.” Mother counters that

² Father also contends that the district court's “orders rely on false evidence obtained through warrants repugnant to the Fourth Amendment,” that a “custody evaluation order was . . . [a] grievous and oppressive ‘general warrant,’” and that the “2019 [J&D's] basis is . . . [a] falsified custody evaluation report, obtained via illegal warrant.” As much as father challenges the district court's “custody evaluation order” that predates the J&D, as well as the J&D itself, his contentions fall outside the scope of this appeal from the court's September 2025 order denying his motion to modify custody and granting mother's motion to relocate the child. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (explaining that appellate courts “must generally consider only those issues that the record shows were presented [to] and considered by the [district] court in deciding the matter before it” (quotation omitted)); *see also Dieseth v. Calder Mfg. Co.*, 147 N.W.2d 100, 103 (Minn. 1966) (stating that, “[e]ven though the decision of the [district] court . . . may have been wrong, if it is an appealable order it is still final after the time for appeal has expired”); *Dailey v. Chermak*, 709 N.W.2d 626, 631 (Minn. App. 2006) (applying this aspect of *Dieseth* in a family-law appeal), *rev. denied* (Minn. May 16, 2006). Accordingly, we do not consider father's argument as to the Fourth Amendment.

father failed to make a prima facie case of endangerment under Minnesota Statutes section 518.18(d)(iv) (2024). We agree with mother.

In general, appellate courts review the “district court’s decision to deny a motion to modify custody without an evidentiary hearing under an abuse-of-discretion standard.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022). We apply a three-step process in reviewing an order denying a custody-modification motion without an evidentiary hearing:

First, we review de novo whether the district court properly treated the allegations in the moving party’s affidavits as true, disregarded the contrary allegations in the nonmoving party’s affidavits, and considered only the explanatory allegations in the nonmoving party’s affidavits. Second, we review for an abuse of discretion the district court’s determination as to the existence of a prima facie case for the modification or restriction. Finally, we review de novo whether the district court properly determined the need for an evidentiary hearing.

Amarreh v. Amarreh, 918 N.W.2d 228, 230–31 (Minn. App. 2018) (quoting *Boland v. Murtha*, 800 N.W.2d 179, 185 (Minn. App. 2011)).

As to the first step, we conclude that the district court did not err by failing to consider father’s allegations as true. The district court stated that its decision was “[b]ased upon all the files, proceedings, and records in this matter.” Moreover, the district court referenced father’s endangerment allegations and reasoned that his “motion to change custody is a regurgitation of past arguments and allegations.” We see no error in this reasoning because father presented no new information in his supporting affidavit and his allegations are either premised on prior proceedings or consist of vague assertions about mother. *See Szarzynski v. Szarzynski*, 732 N.W.2d 285, 292 (Minn. App. 2007) (noting that a movant does not allege a prima facie case if the allegations are merely conclusory, are

“too vague to support a finding of endangerment,” or are “devoid of allegations supported by any specific, credible evidence” (quotations omitted)). The district court’s order does not reflect that the court failed to consider father’s allegations as true.

At the second step, we conclude that the district court acted within its discretion in determining that father did not allege a prima facie case to support his custody-modification request. In considering the endangerment standard, the district court acknowledged father’s claim that “mother is the child’s ‘abusive jailor’” and found that “father fail[ed] to show any endangerment.” The district court determined that father had neither seen nor contacted the child in over two years. After supervised parenting-time services were terminated following father’s accusation that the supervisor was violating his civil liberties and operating illegally, father neither returned to court to seek a modification nor attempted to find a different supervisor. Because father did not sufficiently allege either a change in circumstances or endangerment by mother, we discern no abuse of discretion in the district court’s determination that father did not set forth a prima facie case to support his custody-modification request.

Turning to the third step, we have explained: “Whether a party makes a prima facie case to modify custody is dispositive of whether an evidentiary hearing will occur on the motion.” *Id.*; *see also Morey v. Peppin*, 375 N.W.2d 19, 25 (Minn. 1985) (stating that “an evidentiary hearing shall be scheduled” if a moving party makes a prima facie case to modify custody); *Nice-Petersen v. Nice-Petersen*, 310 N.W.2d 471, 472 (Minn. 1981) (explaining that, if a moving party fails to make a prima facie case, the district court “[is] require[d] . . . to deny [the] motion”). Because we conclude that the district court acted

within its discretion in determining that father did not allege a prima facie case for custody modification, we likewise decide that the court correctly denied his motion without an evidentiary hearing.

B. The district court correctly applied Minnesota Statutes section 518.18(d) (2024) in denying father’s motion to modify custody.

Father argues that the district court did not apply the appropriate legal standard in denying his motion to modify custody. He asserts that “the district court erred as a matter of law by reviewing [father’s] motion to modify custody under the standard for removal in Minnesota Statutes section 518.175, subdivision 3.” Mother responds that the district court properly reviewed father’s motion to modify custody under Minnesota Statutes section 518.18(d). We are persuaded by mother’s argument.

“Determining the proper legal standard to be applied to a child-custody modification motion presents a question of law that [appellate courts] review de novo.” *Woolsey*, 975 N.W.2d at 506. “A modification of custody or a change of the child’s primary residence requires that the district court utilize the procedures set forth in Minn. Stat. § 518.18(d) [(2012)] and associated caselaw.” *Suleski v. Rupe*, 855 N.W.2d 330, 334–35 (Minn. App. 2014). Under Minnesota Statutes section 518.18(d), “the [district] court shall not modify a prior custody order . . . which specifies the child’s primary residence unless it finds, upon the basis of facts” arising since the prior order, or based on facts that were unknown to the court at the time of the prior order, “that a change has occurred in the circumstances of the child or the parties and that the modification is necessary to serve the best interests of the child.” And the district court must “retain the custody arrangement or the parenting plan

provision specifying the child's primary residence that was established by the prior order unless," among other circumstances:

(i) the court finds that a change in the custody arrangement . . . is in the best interests of the child and the parties previously agreed, in a writing approved by a court, to apply the best interests standard in section 518.17[,]. . . and . . . both parties were represented by counsel when the agreement was approved or the court found the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications; [or]

. . . .
(iv) the child's present environment endangers the child's physical or emotional health or impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child

Minn. Stat. § 518.18(d)(i), (iv).

Here, the district court determined that father had not sufficiently alleged that there had been a change in circumstances that warranted a custody modification. The district court ruled that father failed to assert why such a significant change would be in the child's best interests or whether the potential harm outweighed the potential benefits. In addition, the district court decided that father articulated no endangerment. And contrary to father's argument, the district court did not cite Minnesota Statutes section 518.175, subdivision 3, in denying his motion to modify custody without an evidentiary hearing.

The district court's analysis reflects that it correctly applied Minnesota Statutes section 518.18(d) in denying father's motion. We therefore see no error in the district court's order.

II. The district court acted within its discretion in granting mother’s motion to relocate the child.

A. Under the broad discretion afforded it by law, the district court appropriately decided mother’s motion to relocate the child without an evidentiary hearing.

Father asserts that “the district court abused its discretion and erred as a matter of law by granting [mother’s] removal motion without an evidentiary hearing.” Mother counters that “the district court did not abuse its discretion or err as a matter of law by granting [her] removal motion without an evidentiary hearing.” We conclude that the district court acted within its discretion.

“Whether to hold an evidentiary hearing on a motion generally is a discretionary decision of the district court, which we review for an abuse of discretion.” *Anh Phuong Le v. Holter*, 838 N.W.2d 797, 800 (Minn. App. 2013) (quotation omitted), *rev. denied* (Minn. Dec. 31, 2013). “The statutory section governing removal motions does not impose a requirement on district courts to hold an evidentiary hearing.” *Id.* (citing Minn. Stat. § 518.175, subd. 3 (2012)). “[T]he Rules of Family Court Procedure set out in the Minnesota Rules of General Practice govern matters involving child custody.” *Id.* (citing Minn. Gen. R. Prac. 301.01(a), (b)(1), (2), (8)). “Under those rules, it is presumed that non-contempt motions will be submitted on affidavits, exhibits, subpoenaed documents, memoranda, and arguments of counsel.” *Id.* (citing Minn. Gen. R. Prac. 303.03(d)(1)).

Based on the above principles, we discern no abuse of discretion in the district court's decision to rule on mother's motion to relocate the child without an evidentiary hearing.³

B. The district court did not err by applying Minnesota Statutes section 518.175, subdivision 3, in granting mother's motion to relocate the child.

Father contends that the district court misapplied the law in granting mother's motion to relocate the child to Slovakia. Mother responds that the district court applied the correct legal standard in ruling that relocation is in the best interests of the child. We are convinced by mother's argument.

As mentioned previously: "Determination of the applicable statutory standard, and the interpretation of statutes, are questions of law that [appellate courts] review de novo." *Anh Phuong Le*, 838 N.W.2d at 801 (quoting *Goldman*, 748 N.W.2d at 282). But we review a district court's decision on a motion to relocate a child by "considering whether

³ On top of the foregoing arguments, father maintains that the district court violated his due-process rights by declining to hold an evidentiary hearing as to its denial of his motion to modify custody and its grant of mother's motion to relocate the child. But "due process does not always require a full evidentiary hearing." *In re Welfare of Child of B.D.D.*, 25 N.W.3d 707, 715 (Minn. 2025) (quotation omitted). Indeed, "a district court may resolve a motion to modify custody based on affidavits submitted by the parties." *Id.* "A district court is required under section 518.18(d) to conduct an evidentiary hearing only if the party seeking to modify a custody order makes a prima facie case for modification." *Goldman v. Greenwood*, 748 N.W.2d 279, 284 (Minn. 2008). We reject father's due-process contention because, as discussed earlier, he did not allege a prima facie case of endangerment, as required by Minnesota Statutes section 518.18(d), and he has not otherwise established that due process requires an evidentiary hearing as to either his motion to modify custody or mother's motion to relocate the child. *See Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (instructing that "on appeal error is never presumed," that "[i]t must be made to appear affirmatively before there can be reversal[,] and that "the burden of showing error rests upon the one who relies upon it" (quotation omitted)).

the . . . court abused its discretion in making findings unsupported by the evidence or by improperly applying the law.” *Id.* at 802 (citing *Goldman*, 748 N.W.2d at 284). “A district court’s findings of fact are only set aside if clearly erroneous[.]” *Id.* “Findings of fact are clearly erroneous where an appellate court is left with the definite and firm conviction that a mistake has been made.” *Id.* (quoting *Goldman*, 748 N.W.2d at 284).⁴

“In ruling on a motion for removal, a district court must apply the ‘best interests standard,’ outlined in the removal statute.” *Id.* (citing Minn. Stat. § 518.175, subd. 3(b)). “The best-interests standard for removal motions directs a district court to evaluate a non-exclusive list of eight factors to determine whether removal is in the best interests of the child.” *Id.* (citing Minn. Stat. § 518.175, subd. 3(b)). Those factors are:

- (1) the nature, quality, extent of involvement, and duration of the child’s relationship with the person proposing to relocate and with the nonrelocating person, siblings, and other significant persons in the child’s life;
- (2) the age, developmental stage, needs of the child, and the likely impact the relocation will have on the child’s physical, educational, and emotional development, taking into consideration special needs of the child;
- (3) the feasibility of preserving the relationship between the nonrelocating person and the child through suitable

⁴ Father asserts that “the clearly erroneous standard of review is unconstitutional” under the Fourteenth Amendment to the U.S. Constitution. This argument is unavailing because we are bound by Minnesota Supreme Court precedent—e.g., *Goldman*, 748 N.W.2d at 284—that establishes the applicability of the clearly erroneous standard of review here. See *Pizarro-Rios v. State*, 23 N.W.3d 626, 636 n.18 (Minn. App. 2025) (citing *State v. Curtis*, 921 N.W.2d 342, 346 (Minn. 2018) (“The court of appeals is bound by supreme court precedent, as it has repeatedly acknowledged.”)); see also *Jensen v. 1985 Ferrari*, 949 N.W.2d 729, 742 n.21 (Minn. App. 2020) (explaining that, “as an error-correcting court, we apply existing precedent” (citing *Lake George Park, L.L.C. v. IBM Mid-Am. Emps. Fed. Credit Union*, 576 N.W.2d 463, 466 (Minn. App. 1998) (stating that “[t]his court, as an error correcting court, is without authority to change the law”), *rev. denied* (Minn. June 17, 1998))).

parenting time arrangements, considering the logistics and financial circumstances of the parties;

(4) the child's preference, taking into consideration the age and maturity of the child;

(5) whether there is an established pattern of conduct of the person seeking the relocation either to promote or thwart the relationship of the child and the nonrelocating person;

(6) whether the relocation of the child will enhance the general quality of the life for both the custodial parent seeking the relocation and the child including, but not limited to, financial or emotional benefit or educational opportunity;

(7) the reasons of each person for seeking or opposing the relocation; and

(8) the effect on the safety and welfare of the child, or of the parent requesting to move the child's residence, of domestic abuse, as defined in section 518B.01.

Minn. Stat. § 518.175, subd. 3(b). "[I]f the court finds that the person requesting permission to move has been a victim of domestic abuse by the other parent, the burden of proof is upon the parent opposing the move." Minn. Stat. § 518.175, subd. 3(c).

In its order, the district court stated: "Minn. Stat. § 518.175, subd. 3 governs requests of a custodial parent to move out of state." Based on the authority discussed above, we see no error in the district court's determination that Minnesota Statutes section 518.175, subdivision 3, applies to mother's motion to relocate the child.

Nor do we discern any abuse of discretion by the district court, insofar as we conclude that the court's factual findings are not clearly erroneous and that the court acted within its discretion in balancing those findings and granting mother's motion to relocate the child. In particular, based on our careful review of the underlying record and the district court's detailed findings on each of the eight, non-exclusive best-interests factors, there is sufficient evidence to reasonably support the court's determinations. *See Wilson v. Moline*,

47 N.W.2d 865, 870 (Minn. 1951) (explaining that an appellate court’s “function . . . does not require [the appellate court] to discuss and review in detail the evidence for the purpose of demonstrating that it supports the [district] court’s findings” and that the appellate court’s “duty is performed when [the appellate court] consider[s] all the evidence . . . and determine[s] that it reasonably supports the findings”); *see also Vangsness v. Vangsness*, 607 N.W.2d 468, 474 (Minn. App. 2000) (citing *Wilson*, 47 N.W.2d at 870, observing that “[t]here is sufficient evidence of record to support the [district] court’s findings that numerous best-interests factors favor neither party[,]” and concluding that, “[b]ecause the court’s findings are not clearly erroneous, it is unnecessary for us to further address appellant’s discussion of [the] evidence” (footnote omitted)); *accord In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 222 (Minn. 2021). And father has not shown that the district court abused its discretion in balancing its findings of fact and ruling in mother’s favor.

In short, the district court properly analyzed each of the eight, non-exclusive best-interests factors and made relevant factual findings that are reasonably supported by the record. “The law leaves scant if any room for an appellate court to question the district court’s balancing of best-interests considerations.” *Hagen v. Schirmers*, 783 N.W.2d 212, 217 (Minn. App. 2010) (quotation omitted). Consequently, we conclude that the district court did not abuse its discretion in granting mother’s motion to relocate the child.

Affirmed.