

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1945**

County of Washington, petitioner,
Respondent,

Sherie Christine Misiland Apungu, petitioner,
Appellant,

vs.

Marcel D. Roberts,
Respondent.

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

Washington County District Court
File No. 82-FA-24-2271

Sherie Apungu, Shoreview, Minnesota (pro se appellant)

Marcel D. Roberts, Roseville, Minnesota (pro se respondent)

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

NONPRECEDENTIAL OPINION

BEANE, Judge

Appellant Sherie Christine Misiland Apungu challenges a child support magistrate's order modifying child support for the child she shares with respondent Marcel D. Roberts. Apungu argues that the magistrate erroneously (1) analyzed her motion as a motion to modify, rather than to establish, support; (2) concluded that the original order establishing

support precluded an award of back child support and misidentified the date of service of the motion; and (3) calculated Roberts's income based on his testimony rather than documentary evidence. We affirm.

FACTS

Apungu and Roberts are the parents of one joint child, born in 2022. The child lives with Apungu. In May 2024, Apungu was receiving Medical Assistance for the child, and respondent Washington County commenced an IV-D case to establish child support.¹ The county's sole request was to establish medical support for the child. A child support magistrate granted the county's request in an order dated June 4, 2024. As relevant here, the magistrate ordered Roberts to maintain health-care coverage for the child, without contribution to the cost of that coverage from Apungu. The magistrate further ordered the parties to share the cost of the child's uninsured or unreimbursed medical or dental expenses, with Roberts to pay 38% and Apungu to pay 62% of such expenses. The magistrate reserved the issue of dental-care coverage because the child was less than two years old. The magistrate also expressly reserved the issues of ongoing basic support, ongoing childcare support, and past child support owed to Apungu.

¹ "A 'IV-D' case is any proceeding where a party has either assigned to the State the right to receive support because of the receipt of public assistance, or where a party has applied for child support services under Title IV-D of the Social Security Act, 42 U.S.C. § 654(4)." *Sheehy Lee v. Kalis*, 19 N.W.3d 186, 188 n.2 (Minn. 2025) (citing Minn. Stat. § 518A.26, subd. 10 (2024); Minn. Gen. R. Prac. 352.01(g)). "IV-D cases use an expedited child support process and involve child support magistrates." *Sheehy Lee*, 19 N.W.3d at 188 n.2 (citing Minn. Gen. R. Prac. 353.01, subd. 1).

Then, in July 2025, Apungu filed a motion captioned “Notice of Motion and Motion to Modify Child Support.” In that motion, Apungu stated that she was seeking the following modifications to the June 4, 2024 order: (1) increase medical support; (2) establish childcare support; (3) change medical terms regarding the cost of medical insurance premiums; (4) establish basic support; and (5) establish cost sharing for dental-insurance premiums. Apungu’s affidavit in support of the motion explained that she requested these modifications due to substantial changes affecting her and the child, including changes to her public assistance and cost of living, and a substantial change in Roberts’s parenting expenses. In a supplement to her motion filing, Apungu further explained that the modifications are necessary because the child has often been sick, her childcare expenses and other costs of living have increased, and she is no longer receiving public assistance or voluntary payments from Roberts. Apungu also requested “[a] review time period of the last two years beginning July 1, 2023 to June 30, 2025.”

The magistrate held a short hearing on the motion at which Apungu and Roberts testified. During the hearing, the magistrate clarified that Apungu sought to establish child support, requested income information from the parties, confirmed that the child has medical and dental insurance through Apungu and Roberts, and heard Apungu’s testimony about the cost of childcare. Apungu did not object at any point during or after the hearing.

Following the hearing, the magistrate issued a written order largely granting Apungu’s motion. The magistrate made findings regarding Roberts’s employment status and income based on Roberts’s testimony at the hearing. The magistrate also stated that “[t]here has been a substantial change in circumstances that renders the existing child

support order unreasonable and unfair,” and made the obligations established by the order effective September 1, 2025. The magistrate ultimately ordered (1) Roberts to pay monthly ongoing basic support and monthly ongoing childcare support; (2) Apungu to obtain health-care coverage for the child; (3) Roberts to provide Apungu with medical and dental insurance cards for the child; (4) Roberts to reimburse Apungu \$0 per month for the child’s Medical Assistance; and (5) Roberts to pay 35% and Apungu 65% of uninsured and unreimbursed health-related expenses.

Apungu appeals.²

DECISION

We review a magistrate’s decision to modify or establish child support for an abuse of discretion.³ *Haefele v. Haefele*, 837 N.W.2d 703, 708 (Minn. 2013); *Hansen v. Todnem*, 891 N.W.2d 51, 55-56 (Minn. App. 2017), *aff’d on other grounds*, 908 N.W.2d 592 (Minn. 2018); *see also Hesse v. Hesse*, 778 N.W.2d 98, 102 (Minn. App. 2009) (stating that the standard of review for a magistrate’s decision “is the same as it would be if the decision had been made by a district court”). A magistrate abuses their 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.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted).

² Neither respondent filed a brief, and this court ordered the case to proceed on the merits under Minnesota Rule of Civil Appellate Procedure 142.03.

³ A party may appeal directly to this court “from a final order or judgment of a child support magistrate” without first filing a motion for review in the district court. Minn. Gen. R. Prac. 378.01.

I.

Apungu first contends that the magistrate erred by treating her motion as a request to modify, rather than to establish, child support. She states that “where the court reserves the issue of child support it must treat future petitions as an initial request for support, and not as a motion to modify a support order.”

When child-support obligations are expressly reserved in an initial support order, “a subsequent request for child support is generally treated as an initial establishment of child support rather than a modification of child support.” *Eustathiades v. Bowman*, 695 N.W.2d 395, 398 (Minn. App. 2005). Here, Apungu asked the magistrate to establish (1) childcare support, (2) medical support, (3) dental support, and (4) basic child support. Three of those items were expressly reserved in the June 2024 order: childcare support, dental support, and basic child support. And the magistrate treated Apungu’s motion to modify as a request to establish those three support obligations, rather than to modify existing obligations.

The magistrate calculated Apungu’s and Roberts’s support obligations for basic child support and childcare support following the statutory guidelines. *See* Minn. Stat. §§ 518A.35, subd. 2 (basic child support), .40, subd. 1 (childcare support) (2024). As to dental support, the magistrate concluded that the child is covered by Apungu’s and Roberts’s dental insurance available through their respective employers. *See* Minn. Stat. § 518A.41, subd. 4(c) (2024). And, as to medical support, the magistrate left the original obligation unchanged, ordering Apungu to maintain Medical Assistance while the child remains eligible, and directing Roberts to continue to contribute \$0, just as in the original order. *See* Minn. Stat. § 518A.41, subd. 4 (2024) (generally stating that “the parent who

currently has the joint child enrolled in health care coverage [shall] continue that enrollment”). Apungu does not dispute the magistrate’s determinations of these support obligations or any of the underlying factual findings.

Although the magistrate’s order established the forms of support Apungu requested, the magistrate also described the order as “modifying child support,” and the order references the statutory language authorizing modification of a child-support order based on a “substantial change in circumstances.” *See* Minn. Stat. § 518A.39, subd. 2(b) (2024). But we note that Apungu’s motion was captioned “Notice of Motion and Motion to Modify Child Support,” and in that motion, she cited substantial changes in circumstances to support her request to modify the prior support order. And importantly, Apungu has not identified any error in the substance of the magistrate’s determinations of the parties’ support obligations.

Because Apungu has not identified any factual or legal error resulting from the magistrate’s purported treatment of her motion as one to modify rather than establish support, we cannot conclude that the magistrate abused his discretion.

II.

Apungu next argues that the magistrate erred by setting September 1, 2025, as the effective date of the new support obligations established by his order. She contends the effective date should have been based on the service date of her motion. But Apungu relies on a statutory provision stating that modifications of support may be made retroactive “only from the date of service of notice of the motion on the responding party.” Minn. Stat. § 518A.39, subd. 2(f) (2024). As explained above, the magistrate’s order established, rather

than modified, child-support obligations for Apungu and Roberts, so this date-of-service provision is not relevant here.

Apungu’s reliance on Minnesota Statutes section 518A.82 (2024) is also misplaced. Section 518A.82, subdivision 1, relates to the county’s authority to pursue support as reimbursement for public-assistance payments—an issue not relevant here. *See* Minn. Stat. § 518A.82, subd. 1. And subdivision 5, which allows a party to seek child-support payments from a noncustodial parent, applies only to parties with physical custody of a child “not receiving public assistance as defined” in Minnesota Statutes section 518A.81 (2024). *Id.*, subd. 5. But here, the child receives Medical Assistance, which is a form of public assistance. *See* Minn. Stat. § 518A.81, subd. 1(b) (defining “public assistance” to include “any form of medical assistance”). The other authority Apungu cites to support her argument relates to seasonal income and is similarly inapposite. *See* Minn. Stat. § 518A.38, subd. 2 (2024).

Because Apungu has not identified any relevant legal authority that supports her position, we see no basis to conclude that the magistrate abused his discretion in establishing an effective date of September 1, 2025.

III.

Finally, Apungu argues that the magistrate erred by relying on Roberts’s testimony, rather than a financial affidavit, to determine his gross monthly income. When establishing child support, the parties are required to “serve and file with their initial pleadings or motion documents, a financial affidavit, disclosing all sources of gross income.” Minn. Stat. § 518A.28(a) (2024). But if a parent “does not serve and file the financial

affidavit . . . , the court shall set income for that parent based on credible evidence before the court.” *Id.* (c) (2024). Credible evidence includes “documentation of current or recent income, testimony of the other parent concerning recent earnings and income levels, and the parent’s wage reports filed with the Minnesota Department of Employment and Economic Development.” *Id.* And “[i]f the court determines that a party does not have access to documents that are required to be disclosed under this section, the court may consider the testimony of that party as credible evidence of that party’s income.” *Id.* (d) (2024).

Apungu argues that the magistrate erred by relying on Roberts’s testimony to determine his gross monthly income because it did not expressly find that Roberts lacked access to his financial information before relying on his testimony. We are not persuaded. Although paragraph (a) of Minnesota Statutes section 518A.28 requires a parent to file a financial affidavit, paragraph (c) authorizes the court to rely on other credible evidence, including testimony, in determining the parent’s income. Even if paragraph (d) requires a finding that Roberts lacked access to his financial documents, the magistrate made an implicit finding to that effect when it asked for and then relied on Roberts’s testimony in lieu of other documentation. The magistrate therefore acted within his authority by relying on Roberts’s testimony, which paragraph (c) clearly states is credible evidence of his income. By arguing that Roberts’s testimony was somehow not as reliable as a financial affidavit or other documentary evidence, Apungu overlooks that Roberts’s testimony is credible evidence of monthly income.

We will affirm a magistrate’s findings on gross income “if those findings have a reasonable basis in fact and are not clearly erroneous.” *Ludwigson v. Ludwigson*, 642 N.W.2d 441, 446 (Minn. App. 2002) (quotation omitted). The magistrate found that Roberts is employed and then calculated his gross income based on his testimony. Apungu did not object to that testimony at the hearing, and she does not dispute the magistrate’s calculation on appeal. She also has not pointed to anything in the record showing that the magistrate clearly erred in calculating Roberts’s income. Finally, we note that Apungu does not argue that she was prejudiced by the magistrate’s finding on Roberts’s gross income, and an “error without prejudice is not ground for reversal.” *Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (quotation omitted).

We therefore conclude that the magistrate did not err by determining Roberts’s gross monthly income based on his testimony.

Affirmed.