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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-2119**

In the Matter of:

Jill Marie Duchscherer On Behalf of Minor Child(ren), petitioner,
Respondent,

vs.

Jonathan Alexander Doringcott,
Appellant.

**Filed August 24, 2026
Affirmed
Schmidt, Judge**

Hennepin County District Court
File No. 27-DA-FA-25-4066

Jonathan J. Fogel, Fogel Family Law, PA, St. Louis Park, Minnesota (for respondent)

Jonathan Alexander Doringcott, Spanish Fork, Utah (pro se appellant)

Considered and decided by Beane, Presiding Judge; Smith, Tracy, M., Judge; and
Schmidt, Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

On appeal from the district court's grant of an order for protection (OFP), appellant Jonathan Alexander Doringcott (father) argues that the district court relied upon inadmissible hearsay and, when that evidence is removed, the record is insufficient to support the granting of the OFP. We affirm.

FACTS

Father and respondent Jill Marie Duchscherer (mother) were previously in a relationship and have a ten-year-old son. Mother and father shared joint legal custody of the child while mother maintained sole physical custody.

Following child's visit with father in Utah, the child's speech impediment—which had been resolved after successful therapy—abruptly and severely returned. Child told his mother that he was terrified of father, claiming that father hit him. Child also alleged that father forced him to endure “pain training,” where father threw balls or toys at child while saying, “You deserve to feel the pain I’m feeling.”

Following this conversation, mother had child resume counseling. During these sessions, child disclosed to his therapist that father struck him on multiple occasions. Child also expressed fear and anxiety at the prospect of seeing his father over the summer. Prompted by these disclosures, the therapist filed a report of suspected child abuse and worked with child to finalize a safety plan, including identifying safe individuals, locations, and coping strategies in the event child visited father in Utah over the summer.

Mother petitioned for an OFP. The district court issued an emergency ex parte OFP and granted mother temporary sole legal and physical custody. At the subsequent hearing, father denied the allegations. The district court then scheduled an evidentiary hearing and appointed a guardian ad litem to investigate the allegations.

The guardian ad litem's short investigation included a review of various documents and interviews with father, mother, child, a Hennepin County Child Protective Services investigator, and the therapist. After completing the investigation, the guardian ad litem

issued a report that determined there was no evidence the child was in an unsafe environment with father and recommended resolving the issues in family therapy. The guardian ad litem acknowledged the allegations of abuse but simultaneously noted father's allegation that therapist and mother were friends. The guardian ad litem expressed concern that the therapist made no mention of the child's diagnosed Attention-Deficit/Hyperactivity Disorder (ADHD) or his medication regimen.

At the evidentiary hearing, the district court heard testimony from mother, father, and father's sister. The guardian ad litem testified consistent with the investigation report but discounted the report's note about child's therapist and mother being friends. The child's therapist testified that she had previously treated child and resumed counseling after child's visit with father in Utah. The therapist explained that she was aware of the child's ADHD diagnosis but did not mention it in the interview with the guardian ad litem because she was not currently treating the child's ADHD. The therapist testified that she provided her clinical notes—which were admitted into evidence—to the guardian ad litem during the investigation, which included information about the child's diagnosis, medication, and allegations of abuse. The therapist testified about statements child made during therapy as well as the therapist's own observations of child during the sessions.

Following the hearing, the district court issued the OFP. The court found that the therapist was a highly credible third-party witness, noting that she provided the most compelling testimony. Relying heavily on the therapist's testimony, the district court found that it was more likely than not that father had committed domestic abuse.

Father appeals.

DECISION

Father challenges the district court's issuance of the OFP, which we review for an abuse of discretion. *Thompson v. Schrimsher*, 906 N.W.2d 495, 500 (Minn. 2018). We view the record "in the light most favorable to the district court's findings, and we will reverse those findings only if we are left with the definite and firm conviction that a mistake has been made." *Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009) (quotation omitted). We will not reconcile conflicting evidence or decide issues of witness credibility. *Aljubailah ex rel. A. M. J. v. James*, 903 N.W.2d 638, 643 (Minn. App. 2017).

I. The district court did not rely upon inadmissible hearsay.

Father argues the district court abused its discretion by admitting and relying upon inadmissible hearsay evidence. We disagree.

The Minnesota Rules of Evidence apply to domestic-abuse hearings. *Olson ex rel. A.C.O. v. Olson*, 892 N.W.2d 837, 841 (Minn. App. 2017). Hearsay evidence is inadmissible unless it meets an exception under the rules of evidence or "by other rules prescribed by the Supreme Court or by the Legislature." Minn. R. Evid. 802. "'Hearsay' is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." Minn. R. Evid. 801(c).

Father challenges the admission of the therapist's entire testimony. But some of the therapist's testimony recounted her own observations. For example, the therapist testified about the child's stutter returning when he talked about the possibility of seeing his dad again in the summer. Such testimony is not hearsay.

Father is correct, however, that much of the evidence admitted through the therapist's testimony—including the therapist's clinical notes and her testimony about statements child made during therapy—constituted hearsay. The district court correctly identified the evidence as hearsay. The district court then admitted the evidence under the medical-diagnosis and business-record exceptions. *See* Minn. R. Evid. 803(4), (6). Father argues the district court abused its discretion by admitting the evidence under the hearsay exceptions. *See Holt v. State*, 772 N.W.2d 470, 483 (Minn. 2009) (reviewing district court's determination whether a statement met the foundational requirements of a hearsay exception for an abuse of discretion). We are not persuaded.

We discern no abuse of discretion in the district court admitting, under the medical-diagnosis exception, the therapist's testimony regarding statements that child made during therapy. *See* Minn. R. Evid. 803(4). Mother testified that she had child resume therapy to help child process the stressors related to his relationship with father after child's visit in Utah. After a few sessions, the therapist formed a treatment plan that included developing coping strategies and identifying safe individuals and locations. Because the therapy was for medical treatment purposes, the therapist's testimony about statements that child made during therapy falls squarely within rule 803(4). *State v. Lonergan*, 505 N.W.2d 349, 355 (Minn. App. 1993) (affirming admission, under medical-diagnosis exception, of therapist testimony recounting statements made during therapy), *rev. denied* (Minn. Oct. 19, 1993).

We likewise discern no abuse of discretion in the district court's admission of the clinic notes under the business-record exception. *See* Minn. R. Evid. 803(6). The notes

meet the rule’s requirements as having been prepared contemporaneously with the therapy sessions—as is standard practice for mental health professionals—and kept in the normal course of business. *Id.* Such evidence falls squarely within rule 803(6). *See, e.g., In re Welfare of R.T.*, 364 N.W.2d 884, 886 (Minn. App. 1985) (affirming admission of social worker and psychologist reports under business-record exception).

The district court did not abuse its discretion by admitting, and relying upon, the therapist’s testimony and the therapist’s clinic notes.

II. The evidence is sufficient to support the district court’s grant of the OFP.

Father argues that—after the therapist’s testimony and clinic notes are removed from the record—the evidence does not support the district court’s decision to grant the OFP. But we affirmed the district court’s admission of the therapist’s testimony and clinic notes; thus, this evidence must be included in our analysis.

Father contends that the district court improperly credited the therapist’s testimony that recounted unverified statements made by child over the guardian ad litem’s evidence detailing the investigation and recommendation that the matter be resolved through family therapy. But we do not reconcile conflicting evidence, reweigh evidence, or decide whether a witness’s testimony was credible. *Aljubailah*, 903 N.W.2d at 643. We are also not persuaded by father’s argument about the lack of physical evidence. *See Pechovnik*, 765 N.W.2d at 99-100 (affirming OFP supported only by testimonial evidence). With the therapist’s testimony in the record—and viewing that record “in the light most favorable to the district court’s findings,” we affirm the grant of the OFP. *Id.* at 99.

Affirmed.