

*This opinion is nonprecedential except as provided by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
A25-2130**

In Re the Custody of:

Djilorian D. Baker, petitioner,
Appellant,

vs.

Diona Marie Hargrett,
Respondent.

**Filed July 27, 2026
Affirmed
Johnson, Judge**

Olmsted County District Court
File No. 55-FA-16-4021

Thomas R. Braun, Restovich Braun & Associates, Rochester, Minnesota (for appellant)

Kenneth R. White, Law Office of Kenneth R. White, P.C., Mankato, Minnesota (for respondent)

Considered and decided by Johnson, Presiding Judge; Frisch, Chief Judge; and Rasmusson, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

The father of a four-year-old child filed a motion to modify a prior order in which the district court had denied him parenting time. At a hearing on the motion, the district court took the matter under advisement but left the evidentiary record open for 15 days

because the child’s mother wished to introduce a letter from the child’s therapist, which was expected to include the therapist’s recommendation concerning whether parenting time would be beneficial to the child. After the mother filed the letter, the district court denied the father’s motion. We conclude that the district court did not err by admitting and relying on the therapist’s letter and did not err in its consideration of the relevant best-interests factors. Therefore, we affirm.

FACTS

D’Jilorian Baker¹ and Diona Marie Hargrett are the parents of a child born in October 2013. In August 2017, the district court awarded the parties joint legal custody, joint physical custody, and equal amounts of parenting time.

In 2018, Hargrett petitioned the district court, on behalf of the child, for an order for protection (OFP) against Baker. She alleged that Baker had sexually abused the child. In May 2018, the district court in that case granted the petition and issued an OFP that prohibited Baker, for a period of six months, from having any contact with the child, except “as deemed appropriate by” the county’s social-services department, a therapist, or the district court. The district court awarded Hargrett temporary sole legal custody and temporary sole physical custody of the child and awarded Baker parenting time “as deemed

¹The caption of this opinion matches the caption used in the district court, as required by the rules of appellate procedure. *See* Minn. R. Civ. App. P. 143.01. But both captions incorrectly identify appellant as “Djilorian D. Baker.” In his own briefs, appellant’s first name is spelled “D’Jilorian.” Accordingly, we use that spelling in the body of this opinion.

appropriate by Social Services, with the input of [the child's therapist], as laid out in an agreed upon safety plan.”

Approximately one week later, Hargrett filed a motion to modify custody. She requested permanent sole legal custody and permanent sole physical custody of the child. Approximately one month after Hargrett's motion, Baker filed his own motion to modify custody, requesting permanent sole legal custody and permanent sole physical custody. In August 2018, the district court filed an order stating that Hargrett had alleged a *prima facie* case of endangerment sufficient to require an evidentiary hearing and that, until that hearing, Hargrett would continue to have temporary sole legal custody and temporary sole physical custody. *See* Minn. Stat. § 518.18(d)(iv) (2024).

In March 2022, the district court issued an order stating that Baker had not established a *prima facie* case of endangerment, that no evidentiary hearing would be held on his motion, and that his motion was denied. Later that month, the district court held an evidentiary hearing on Hargrett's motion. In October 2022, the district court filed a 29-page order in which it granted Hargrett's motion, awarded her permanent sole legal custody and permanent sole physical custody, and denied Baker any parenting time. On Baker's appeal, this court affirmed. *See Baker v. Hargrett*, No. A22-1735, 2023 WL 8369956, at *3 (Minn. App. Dec. 4, 2023).

In June 2025, Baker filed a motion to modify parenting time. He requested one hour of supervised parenting time each week. Hargrett did not file a written response to the motion. In July 2025, the district court held a motion hearing, at which Hargrett appeared on a self-represented basis. She informed the district court that she wished to submit a

letter from the child's therapist and had requested a letter but had not yet received it because of the therapist's schedule. The district court responded by stating that it either could continue the hearing or could hear arguments and keep the record open to allow Hargrett to submit a letter from the therapist. Baker's attorney argued that Hargrett was "in default" because she had not filed a timely written response to his motion, and he urged the district court to not allow any submissions by her. The district court decided to keep the record open for 15 days, stating "I want an update from the therapist."

Hargrett filed the letter with the district court three days later. The therapist stated that the child "does not wish to have a relationship with [Baker] at this time" and recommended that the child not be "required to have a relationship with [Baker] at this time." The therapist alternatively recommended that, if the district court were to grant parenting time, it should be supervised.

In October 2025, the district court denied Baker's motion to modify parenting time. In its findings of fact, the district court recited evidence that had been introduced at the March 2022 evidentiary hearing and discussed in the district court's October 2022 order. In its conclusions of law, the district court reasoned that Baker's request for supervised parenting time "is not in the best interest of the child" because "even the minimal supervised parenting time being requested" would adversely affect "the child's physical or emotional health or impair the child's emotional development." The district court also reasoned that Baker "does not acknowledge that he sexually abused the child and has not undertaken any rehabilitative actions to support his ability to safely care for the child." In

addition, the district court noted that the child’s therapist “does not recommend the child be required to have a relationship with her father at this time.” Baker appeals.

DECISION

Baker argues that, for two reasons, the district court erred by denying his motion to modify parenting time.

I. Therapist’s Letter

Baker first argues that the district court erred by admitting and relying on the therapist’s letter on the ground that it is not sworn and, thus, is inadmissible.

In response, Hargrett argues that Baker’s argument has been forfeited because he did not object on this basis in the district court. Hargrett is correct. Baker was aware at the June 2025 hearing that Hargrett would file a letter written by the child’s therapist, but he did not object at that time to the unsworn nature of the letter. If he had done so, the district court might have continued the hearing. Similarly, Baker did not object to the unsworn nature of the letter after it was filed. If he had done so, the district court could have considered Baker’s objection and any counter-arguments and determined whether the letter is admissible. But in the absence of an objection, the district court was not given an opportunity to consider the issue that Baker raises for the first time on appeal. Consequently, Baker’s first argument is forfeited. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988).

In his reply brief, Baker contends that he did object to the introduction of the letter. He refers to his argument in the district court that Hargrett was “in default” because she had not filed a written response to his motion and, for that reason, should not be allowed

to offer any evidence. *See* Minn. Gen. R. Prac. 303.03(a)(3), (a)(3)(ii) (requiring non-moving party to file written response, including “[r]elevant affidavits and exhibits,” seven days before hearing). In the district court, Baker relied on a rule that provides, “If responsive documents are not properly served and filed, the court may deem the initial motion unopposed and may issue an order without hearing.” Minn. Gen. R. Prac. 303.03(b). The district court overruled Baker’s objection by allowing Hargrett to submit a letter after the hearing. On appeal, Baker does not challenge that decision, perhaps because, as indicated by the word “may,” a district court has discretion to excuse a party’s non-compliance with rule 303.03. *See Benassi v. Back & Neck Pain Clinic, Inc.*, 629 N.W.2d 475, 483 (Minn. App. 2001) (reasoning that district court did not abuse its discretion by ruling on respondent’s motion “despite appellant’s late filings”), *rev. denied* (Minn. Sept. 11, 2001). Instead, Baker challenges the admissibility of the therapist’s letter on a different legal basis: that it is unsworn. But that argument required a different objection in the district court. If Baker had wanted the district court to exclude the therapist’s letter on the ground that it is unsworn, he was required to specifically object on that basis. *See* Minn. R. Evid. 103(a)(1) (providing that party must “stat[e] the specific ground of objection”).

Thus, the district court did not err by admitting and relying on the letter written by the child’s therapist.

II. Best Interests

Baker also argues that the district court erred by denying his motion without an adequate analysis of the child’s best interests. He asks this court to reverse and remand for

further findings and analysis of all best-interests factors. As a general matter, this court applies an abuse-of-discretion standard of review to a district court’s ruling on a motion to modify parenting time. *Shearer v. Shearer*, 891 N.W.2d 72, 75 (Minn. App. 2017). A district court may abuse its discretion by, among other things, “misapplying the law.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted).

The applicable statute provides, in relevant part, “If modification would serve the best interests of the child, the court shall modify the decision-making provisions of a parenting plan or an order granting or denying parenting time” Minn. Stat. § 518.175, subd. 5(b) (2024). Baker refers to the 12 best-interests factors in Minnesota Statutes section 518.17, subdivision 1(a) (2024), and appears to argue that the district court was required to analyze each of those 12 factors. In response, Hargrett contends that the district court was required to consider only the *relevant* best-interests factors.

Hargrett is correct that a district court need not consider and expressly analyze every best-interests factor in section 518.17, subdivision 1(a), when ruling on a motion to modify parenting time. Rather, a district court must consider the best-interests factors in section 518.17, subdivision 1(a), only to the extent that they are relevant. *See Christensen v. Healey*, 913 N.W.2d 437, 440-41 (Minn. 2018) (stating that, in motion filed under section 518.175, subdivision 5(b), “best-interests-of-the-child standard requires consideration of factors *such as*” two of twelve factors in section 518.17, subdivision 1(a) (emphasis added)). This interpretation of *Christensen* is supported by the supreme court’s opinion in *Hansen v. Todnem*, 908 N.W.2d 592 (Minn. 2018). The *Hansen* case concerned a motion under a different subdivision of section 518.175, which allows a modification of parenting

time for the purpose of “provid[ing] child care while the other parent is working.” *Id.* at 597; *see also* Minn. Stat. § 518.175, subd. 8 (2024). The supreme court reasoned in *Hansen* that “nothing in the text of Minn. Stat. § 518.175, subd. 8, requires the district court to make specific and detailed findings on the best-interest factors” in section 518.17, subdivision 1(a), and that “the Legislature did not intend to require detailed findings on *each and every* best-interests factor when a court decides a request to modify parenting time” under subdivision 8. *Id.* at 598. The supreme court concluded that a district court is required merely “to consider only the relevant best-interest factors.” *Id.* at 597, 599. Likewise, nothing in subdivision 5(b) of section 518.175 requires a district court to make detailed findings on each and every one of the 12 best-interests factors in section 518.17, subdivision 1(a), when ruling on a motion to modify parenting time. Accordingly, we interpret section 518.175, subdivision 5(b), to require a district court to consider only the relevant best-interests factors.

Our review of the October 2025 order reveals that the district court considered the relevant best-interests factors. The district court specifically found that Baker’s requested parenting time “is not in the best interest of the child.” In making that finding, the district court stated that supervised parenting time would adversely affect “the child’s physical or emotional health or impair the child’s emotional development.” That statement reflects consideration of the first statutory factor, “a child’s physical, emotional, cultural, spiritual, and other needs, and the effect of the proposed arrangements on the child’s needs and development,” as well as the second statutory factor, “any special medical, mental health, developmental disability, or educational needs that the child may have that may require

special parenting arrangements or access to recommended services.” *See* Minn. Stat. § 518.17, subd. 1(a)(1), (2). The district court also stated that Baker “does not acknowledge that he sexually abused the child and has not undertaken any rehabilitative actions to support his ability to safely care for the child.” That statement reflects consideration of the fourth statutory factor, “whether domestic abuse . . . has occurred in the parents’ or either parent’s household or relationship; the nature and context of the domestic abuse; and the implications of the domestic abuse for parenting and for the child’s safety, well-being, and developmental needs.” *See id.*, subd. 1(a)(4). In addition, the district court stated that the child’s therapist did not recommend giving Baker a right to parenting time, based in part on the child’s wishes. That statement reflects consideration of the above-mentioned factors as well as the third statutory factor, “the reasonable preference of the child.” *See id.*, subd. 1(a)(1)-(4).

Thus, the district court adequately analyzed the child’s best interests by considering the relevant best-interests factors.

Affirmed.