

*This opinion is nonprecedential except as provided by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
A25-2188**

In the Matter of:

Kayla Lynn Rhodes & OBO Minor Child, petitioner,
Respondent,

vs.

Chase Gordy Lee Olmsted,
Appellant.

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

Hubbard County District Court
File No. 29-FA-25-878

Kayla Lynn Rhodes, Nevis, Minnesota (pro se respondent)

Chase Gordy Lee Olmsted, Stanchfield, Minnesota (pro se appellant)

Considered and decided by Rasmusson, Presiding Judge; Johnson, Judge; and Bond,
Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

In this appeal from the district court's grant of an order for protection (OFP) on behalf of respondent and the parties' minor child, appellant argues that the district court erred by: (1) declining to consider his proposed exhibits, (2) failing to address his request

for parenting time in the OFP, (3) including the parties' minor child as a protected person, and (4) issuing the OFP based on insufficient evidence. We affirm.

FACTS

Appellant Chase Gordy Lee Olmsted and respondent Kayla Lynn Rhodes were in a romantic relationship from 2014 to 2015 and are the biological parents of a minor child, J.R.K. In September 2025, Rhodes petitioned for an OFP against Olmsted on behalf of herself and J.R.K. The petition alleged that Olmsted engaged in multiple instances of emotional and physical abuse against Rhodes and J.R.K. over several years. The district court granted an ex parte OFP on behalf of Rhodes and J.R.K. Olmsted requested a hearing.

At the outset of the OFP hearing, the district court determined that it would not consider Olmsted's proposed exhibits because Olmsted had not served the exhibits on Rhodes. The district court then heard testimony from Rhodes, who stated that Olmsted strangled her, threw her through a coffee table, prevented her from calling 911, and sexually assaulted her during their relationship. Rhodes also testified that Olmsted sent her a threatening text message in July 2025 after discovering that she had been subpoenaed to testify against him in an unrelated court case. As to J.R.K., Rhodes described an incident when Olmsted grabbed J.R.K.'s shirt collar, yelled in his face, and punched a table, making J.R.K. "very afraid." Rhodes also testified that Olmsted showed up unannounced on Christmas Day in 2023 and asked to take J.R.K.; in the ensuing verbal altercation, Olmsted screamed at Rhodes and called her names in front of J.R.K, causing J.R.K. to hide from Olmsted in the dryer. Lastly, Rhodes testified that, while Olmsted is J.R.K.'s biological father, he is not J.R.K.'s legal father because another man had signed a recognition of

parentage (ROP) for J.R.K. Rhodes testified that the contents of the OFP petition are true, and the district court received the petition as evidence.

Olmsted testified and denied ever threatening or harming Rhodes or J.R.K. Olmsted maintained that, to the extent that “something did happen [between the parties] in 2015,” “that was ten years ago, . . . we have no relationship between us anymore.” Olmsted testified that he had paternity test results but that he had not obtained a court order establishing his paternity. Olmsted denied that his text message to Rhodes, in which he stated among other things that the authorities “won’t make it home to their families if they try to f-ck with mine and take my kids,” contained threats.

The district court made oral findings of fact, determining that acts of domestic abuse had occurred and that Olmsted did not have a legal right to parenting time because he had not adjudicated paternity. The district court also stated that it was “adopting the . . . sworn testimony and the . . . affidavit that’s been sworn to again here.”

The district court subsequently filed an order granting an OFP on behalf of Rhodes and J.R.K. In its order, the district court found that Olmsted committed the following acts of domestic abuse:

[Olmsted] choked [Rhodes] resulting in bruising and swelling.
[Olmsted] has prevented [Rhodes] from making 911 calls.
[Rhodes] testified credibly about a long history of physical and emotional abuse. [Olmsted] texted that “I have even given fair enough warnings to cops and cps that they won’t make it home to their families if they try to f-ck with mine and take my kids.”

Based on these instances of domestic abuse, the district court prohibited Olmsted from having contact with or committing domestic abuse against Rhodes or J.R.K. for two years

and imposed a 1,000-foot restriction around Rhodes's home and J.R.K.'s childcare facility. The OFP did not address issues of parenting time or custody.

Olmsted filed a motion for amended findings and to vacate the OFP under Minn. R. Civ. P. 52.02 and 60.02, which the district court denied.

Olmsted now appeals from the district court's order granting the OFP.¹

DECISION

I. The district court did not commit reversible error by declining to consider Olmsted's exhibits at the OFP hearing.

Olmsted argues that the district court abused its discretion by refusing to consider his exhibits because he failed to serve them on Rhodes before the OFP hearing. "The admission of evidence rests within the broad discretion of the [district] court and its ruling will not be disturbed unless it is based on an erroneous view of the law or constitutes an abuse of discretion." *Kroning v. State Farm Auto. Ins. Co.*, 567 N.W.2d 42, 45-46 (Minn. 1997) (quotation omitted). An OFP is a civil remedy. *Rew v. Bergstrom*, 845 N.W.2d 764, 791 (Minn. 2014). In civil cases, the appealing party must establish that an evidentiary error resulted in prejudice to obtain relief. *Olson on behalf of A.C.O. v. Olson*, 892 N.W.2d 837, 841 (Minn. App. 2017). "An evidentiary error is prejudicial if it might reasonably have influenced the fact-finder and changed the result of the proceeding." *Id.* at 842.

The court notice scheduling the September 2025 OFP hearing instructed the parties to "[b]e fully prepared for the remote hearing. If you have exhibits you want the court to

¹ Rhodes did not file a brief, and this court ordered the appeal to proceed under Minn. R. Civ. P. 142.03 (providing that if a respondent fails to file a brief, the case shall be determined on the merits).

see, you must give them to the court before the hearing.” Before the hearing, Olmsted filed an answer and an exhibit list attaching his proposed exhibits, which included various text messages, paternity test results, and a certificate of completion for a domestic-violence program. At the hearing, the district court determined that, while Olmsted had filed his answer and exhibit list with the court, he failed to serve them on Rhodes. The district court explained Olmsted’s options as follows:

COURT: Yup, you can [serve Rhodes] by sheriff’s service, so, um, we can proceed today without your exhibits without your answer, or we you can have a continuance, and you still have to get her served by the next hearing.

OLMSTED: That, that’s up to her. I’m sure she wants to see it, so.

COURT: No, it’s up to you. I mean, I, I mean, are you going to ask for a continuance or not?

OLMSTED: I mean, I, I’m, I’ll go to court today, yeah.

COURT: Alright, so we’ll proceed today noting Mr. Olmsted is declining, ah, to request a continuance, therefore his answer and exhibits will not be considered. So, Ms. Rhodes, what I’ll have you do is have you raise your right hand. Do you swear or affirm the testimony you’re about to give is true?

RHODES: Yes, your honor.

OLMSTED: Wait—

COURT: Alright—

OLMSTED: —What’d you say?

The hearing then proceeded with Rhodes’s testimony.

Olmsted contends that the district court abused its discretion by excluding his exhibits because the hearing notice did not require him to serve his exhibits on Rhodes as the petitioning party. Olmsted further asserts that the Minnesota Domestic Abuse Act (the act), Minn. Stat. § 518B.01 (2024), does not require that a responding party serve exhibits on a petitioning party before a contested OFP proceeding.

We need not decide whether the district court erred because Olmsted has not established that he was prejudiced by the exclusion of his exhibits. *See Kroning*, 567 N.W.2d at 46 (“Entitlement to a new trial on the grounds of improper evidentiary rulings rests upon the complaining party’s ability to demonstrate prejudicial error.” (quotation omitted)). Olmsted argues that, had the district court considered his exhibits, the result of the hearing would have been different because the exhibits would have undermined Rhodes’s credibility, demonstrated that he did not threaten Rhodes and that the parties cooperated on parenting matters, and established his biological relationship with child. For the following reasons, we do not find these arguments persuasive.

Olmsted had the opportunity to challenge Rhodes’s credibility during cross-examination and through his own testimony. Olmsted does not explain, and our review of the record does not reveal, how his proposed exhibits would have further undermined Rhodes’s credibility in any meaningful way. In addition, because the district court found that Olmsted’s text messages were threats “by anybody’s definition,” it is not reasonably likely that any added context for the messages would have changed the district court’s evaluation of the evidence. As to the paternity test results, the parties did not dispute that

Olmsted is J.R.K.'s biological father and there is no indication in the record that the paternity test results would have affected the district court's decision to issue the OFP.

Finally, any purported pattern of cooperative parenting reflected in Olmsted's exhibits would not have impacted the district court's findings that Olmsted choked Rhodes and prevented her from calling 911, which are acts of domestic abuse and a sufficient basis to issue the OFP. *See* Minn. Stat. § 518B.01, subd. 2(a)(1), (3) (stating that "physical harm, bodily injury, or assault" and "interference with an emergency call" are acts of domestic abuse); *Olson*, 892 N.W.2d at 840 (holding that a district court may issue an OFP if the petitioner proves by a preponderance of the evidence that domestic abuse occurred). Because Olmsted has not shown that his exhibits were reasonably likely to have changed the outcome of the OFP proceedings, Olmsted failed to show prejudicial error and he is therefore not entitled to relief. *Olson*, 892 N.W.2d at 842.

Olmsted's other challenges to the district court's evidentiary decision are similarly unavailing. Olmsted asserts that the exclusion of his exhibits violated his statutory right to a "full hearing," relying on *El Nashaar v. El Nashaar*. In that case, we determined that a "full hearing" within the context of the act requires "the right to present and cross-examine witnesses, to produce documents, and to have the case decided on the merits." 529 N.W.2d 13, 14 (Minn. App. 1995). But the legislature has since removed the "full hearing" language discussed in *El Nashaar* from the act. *See Oberg v. Bradley*, 868 N.W.2d 62, 65 (Minn. App. 2015). Therefore, Olmsted's argument that he was deprived of his statutory right to a "full hearing" has no current legal basis.

Olmsted also contends that the district court violated his right to procedural due process. Whether the government has violated an individual's procedural-due-process rights is a question of law, which we consider de novo. *Rew*, 845 N.W.2d at 785. If a government's action does not deprive an individual of a protected life, liberty, or property interest, then "no process is due." *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 632 (Minn. 2012). Olmsted appears to argue that, by issuing the OFP without considering his exhibits, the government deprived him of his liberty interest in parenting his biological child. But, as discussed in more detail below, because Olmsted has not commenced a paternity action or signed a ROP, he is not J.R.K.'s legal parent and therefore does not have a protected liberty interest to parent J.R.K. See *In re Application of J.M.M.*, 937 N.W.2d 743, 750-53 (Minn. 2020) (holding that a biological father in a name-change proceeding had no protected liberty interest in child's name for due-process purposes because he had not commenced a paternity action or signed an ROP and was not a "parent" under the Minnesota Parentage Act (parentage act), Minn. Stat. §§ 257.51-.74 (2024)). Accordingly, Olmsted's procedural-due-process claim fails. See *Sawh*, 823 N.W.2d at 632.

II. The district court did not abuse its discretion by declining to address Olmsted's request for parenting time in the OFP.

Olmsted argues that the district court abused its discretion by declining to consider his request for parenting time in the OFP. Olmsted maintains that the district court was required under the act to address parenting time. We disagree.

The act provides that, "[u]pon notice and hearing, the court *may* provide relief" in the form of "establish[ing] temporary parenting time with regard to minor children of the

parties on a basis which gives primary consideration to the safety of the victim and the children.” Minn. Stat. § 518B.01, subd. 6(a)(4) (emphasis added). Nothing in the act requires that the district court consider a party’s parenting-time request during an OFP proceeding. Rather, “[t]he decision to award temporary parenting time in an OFP is within the discretion of the district court.” *Beardsley v. Garcia*, 753 N.W.2d 735, 739 (Minn. 2008).

Relying on *Beardsley*, Olmsted argues that a district court may address parenting time in an OFP proceeding despite a lack of adjudicated paternity. *Id.* at 735. In *Beardsley*, the supreme court held that the act authorizes a district court to award temporary parenting time to an unadjudicated father who has signed an ROP. *Id.* at 740. But unlike *Beardsley*, here it is undisputed that Olmsted has not signed an ROP or adjudicated paternity. The Minnesota Supreme Court has held that, under the parentage act, “to be a [legal] parent, biology is not sufficient.” *J.M.M.*, 937 N.W.2d at 750. An unmarried biological father may establish paternity either by securing an ROP, Minn. Stat. § 257.75 (2024), or by commencing a paternity action, Minn. Stat. §§ 257.51-.74. *See id.* Because Olmsted has not pursued either of these actions, he is not J.R.K.’s legal parent. The district court therefore acted within its discretion in choosing not to address Olmsted’s parenting-time request in the OFP.

III. The district court did not abuse its discretion by granting the OFP on behalf of J.R.K. and Rhodes.

Olmsted challenges the issuance of the OFP, arguing that the district court abused its discretion by naming J.R.K. as a protected person and by finding that Olmsted committed domestic abuse against Rhodes.

“We review the district court’s decision to grant an OFP for an abuse of discretion.” *Ekman v. Miller*, 812 N.W.2d 892, 895 (Minn. App. 2012). “A district court abuses its 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). We review the district court’s factual findings for clear error and will not reverse those findings unless they are “manifestly contrary to the weight of the evidence.” *Ekman*, 812 N.W.2d at 895 (quotation omitted). “We defer to the district court’s credibility determinations and do not reconcile conflicting evidence.” *Butler v. Jakes*, 977 N.W.2d 867, 871 (Minn. App. 2022) (quotation omitted).

To obtain an OFP, a petitioner must prove by a preponderance of the evidence that the respondent has committed “domestic abuse.” *Oberg*, 868 N.W.2d at 64-65; Minn. Stat. § 518B.01, subds. 4, 6. Domestic abuse includes any of the following committed against a family or household member: (1) “physical harm, bodily injury, or assault”; (2) “infliction of fear of imminent physical harm, bodily injury, or assault”; or (3) various enumerated crimes, including interference with an emergency call. Minn. Stat. § 518B.01,

subd. 2(a). Olmsted does not dispute that he is a family or household member as defined by the act. *See id.*, subd. 2(b).

J.R.K.

Olmsted argues that the district court abused its discretion by issuing an OFP on behalf of J.R.K. without making a finding in the OFP that J.R.K. was a victim of domestic abuse. An OFP petition may be filed by “any family or household member personally or by a family or household member . . . or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members.” *Id.*, subd. 4(a). The act authorizes a court to grant an OFP only to a victim of domestic abuse and does not permit an OFP to be issued on behalf of a minor child without a finding that the child was a victim of domestic abuse. *See Schmidt v. Coons*, 818 N.W.2d 523, 529 (Minn. 2012).

While we agree with Olmsted that the OFP itself does not include a factual finding that J.R.K. is a victim of domestic abuse, on this record we disagree that he is entitled to relief. At the OFP hearing, the district court received the OFP petition as evidence and Rhodes testified at that hearing that the contents of the petition are true. The petition alleged that J.R.K. is a victim of domestic abuse, describing two incidents. First, the petition alleged that, during the winter of 2023, Olmsted lost his temper, grabbed J.R.K. by the shirt, screamed at him, and punched a table in front of him, making J.R.K. feel afraid. Second, the petition alleged an incident at Christmas that same year when J.R.K. was afraid and hid in the dryer because Olmsted was screaming at Rhodes. During the hearing, the court specifically questioned Rhodes about her allegations that J.R.K. was

subject to abuse and Rhodes testified about both incidents. The district court found Rhodes's testimony to be credible, a determination to which we defer. *See Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009). At the end of the hearing, the district court made oral findings of fact including that (1) "acts of . . . domestic abuse ha[d] occurred," (2) the court was "adopting the . . . sworn testimony and the . . . affidavit that's been sworn to again here," and (3) both Rhodes and J.R.K. were protected persons.

The record from the OFP hearing, including the district court's oral findings of fact, distinguishes this case from those cited by Olmsted in which appellate courts have reversed the grant of an OFP on behalf of a child due to a lack of findings that the child was a victim of domestic abuse. *See, e.g., Schmidt*, 818 N.W.2d at 529 (reversing an OFP on behalf of a child where the district court only found that domestic abuse was committed against mother); *Holm-Kolodiazhna v. Gordy*, No. A25-0619, 2025 WL 3628568, at *1-2 (Minn. App. Dec. 15, 2025) (reversing an OFP on behalf of a child where the evidence and the district court's findings established only that the child witnessed an act of domestic abuse against mother), *rev. denied* (Minn. Feb. 25, 2026); *Eschenbacher v. Eschenbacher*, No. A24-1114, 2025 WL 440419, at *1-2 (Minn. App. Feb. 10, 2025) (reversing an OFP on behalf of a child where the district court's sole finding of domestic abuse was that father assaulted mother). To the extent the district court erred by not including findings in the OFP that Olmsted committed acts of domestic abuse against J.R.K., we are confident that, on this record, the district court would reach the same result if we were to remand. We therefore decline Olmsted's request to reverse the district court's grant of the OFP on behalf of J.R.K. *See Grein v. Grein*, 364 N.W.2d 383, 387 (Minn. 1985) (declining to

remand a child-custody matter when “the files, the record, and the [district] court’s findings, [show that] on remand the [district] court would undoubtedly make findings that comport with the statutory language” and reach the same result).

Rhodes

Olmsted argues that the district court abused its discretion by issuing the OFP on behalf of Rhodes because there is insufficient evidence that domestic abuse occurred. The district court made the following findings of domestic abuse as to Rhodes:

[Olmsted] choked [Rhodes] resulting in bruising and swelling.
[Olmsted] has prevented [Rhodes] from making 911 calls.
[Rhodes] testified credibly about a long history of physical and emotional abuse. [Olmsted] texted that “I have even given fare enough warnings to cops and cps that they won’t make it home to their families if they try to f-ck with mine and take my kids.”

Olmsted challenges the district court’s issuance of the OFP based on incidents of domestic abuse which occurred nearly ten years earlier, without finding a present intent to inflict harm or to create fear of imminent harm. Olmsted relies on *Bjergum v. Bjergum*, which held that evidence of abuse from approximately two years before the OFP proceeding was insufficient absent evidence of present intent to cause or inflict fear of imminent harm. 392 N.W.2d 604, 606 (Minn. App. 1986). But our holding in *Bjergum* was later abrogated by *Thompson o/b/o Minor Child v. Schrimsher*, 906 N.W.2d 495, 500 (Minn. 2018). There, the Minnesota Supreme Court held that “a petitioner need only show that physical harm, bodily injury, or assault has actually occurred, regardless of *when* it occurred, to satisfy the first definition of domestic abuse.” *Thompson*, 906 N.W.2d at 500 (quotation omitted). Olmsted’s reliance on *Bjergum* is therefore misplaced.

In the OFP, the district court found that Olmsted physically choked Rhodes causing bruising and swelling. *See* Minn. Stat. § 518B.01, subd. 2(a)(1) (providing that domestic abuse includes “physical harm, bodily injury, or assault”). The district court also found that Olmsted interfered with Rhodes’s attempt to call 911. *See id.*, subd. 2(a)(3) (providing that domestic abuse includes “interference with an emergency call”). These findings are supported by the record. Further, the district court found credible Rhodes’s testimony about Olmsted’s “long history of physical and emotional abuse,” a finding to which we defer. *See Butler*, 977 N.W.2d at 871. Because the record contains sufficient evidence supporting the district court’s findings of domestic abuse against Rhodes, the district court did not abuse its discretion by issuing the OFP. *See Ekman*, 812 N.W.2d at 895.²

Affirmed.

² Given this evidence, we need not consider Olmsted’s argument that the district court erred in finding that his text message was domestic abuse because the threats were not directed at Rhodes.