

*This opinion is nonprecedential except as provided by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
A26-0049**

In Re the Marriage of:

Kushal Rai, petitioner,
Respondent,

vs.

SamJhana Rai,
Appellant.

**Filed August 24, 2026
Remanded
Reyes, Judge**

Clay County District Court
File No. 14-FA-23-1723

Kushal Rai, Grand Forks, North Dakota (self-represented respondent)

SamJhana Rai, West Fargo, North Dakota (self-represented appellant)

Considered and decided by Reyes, Presiding Judge; Ede, Judge; and Rasmusson,
Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant-mother argues that Minnesota (1) no longer has exclusive, continuing jurisdiction over a child-custody proceeding and (2) is an inconvenient forum based on Minnesota's version of the Uniform Child Custody Jurisdiction and Enforcement Act

(UCCJEA), Minn. Stat. §§ 518D.101-.317 (2024). We do not address the inconvenient-forum issue and remand for findings on the issue of exclusive, continuing jurisdiction.

FACTS

In a March 2024 judgment and decree (J&D), a Minnesota state district court dissolved the marriage of appellant-mother SamJhana Rai and respondent-father Kushal Rai. The parties shared one child, of whom the J&D granted joint legal custody to the parties and sole physical custody to mother. The J&D also ordered a parenting-time schedule. The district court determined that it had jurisdiction at that time because mother and child were Minnesota residents for at least 180 days upon commencement of dissolution proceedings.

After several months of litigating custody and parenting time, the parties stipulated to an adjusted parenting-time schedule. In July 2025, the district court entered an amended J&D incorporating the parties' stipulated agreement.

Two weeks later, mother filed a motion requesting that the district court “[d]ecline jurisdiction over this custody matter” because (1) “Minnesota no longer has exclusive, continuing jurisdiction” under Minnesota Statutes section 518D.202 “and/or” (2) “Minnesota is now an inconvenient forum” under Minnesota Statutes section 518D.207. At a hearing on the motion, neither party addressed exclusive, continuing jurisdiction under Minnesota Statutes section 518D.202.

In December 2025, the district court filed an order denying mother's motion. It rejected mother's inconvenient-forum argument under section 518D.207 and did not address exclusive, continuing jurisdiction under section 518D.202.

This appeal follows.¹

DECISION

Mother challenges the district court’s denial of her motion, arguing that Minnesota no longer has exclusive, continuing jurisdiction over the child-custody proceedings and that Minnesota is an inconvenient forum. Because we conclude that remand is necessary for the district court to address whether it has exclusive, continuing jurisdiction, we do not address the inconvenient-forum issue.²

“Whether subject-matter jurisdiction exists presents a question of law, which we review de novo.” *In re Welfare of Child. of D.M.T.-R.*, 802 N.W.2d 759, 762 (Minn. App. 2011). Parties cannot “confer subject[-]matter jurisdiction to [a] district court either by waiver or consent.” *Schroeder v. Schroeder*, 658 N.W.2d 909, 912 (Minn. App. 2003). The issue of subject-matter jurisdiction may be raised at any time, *see Seehus v. Bor-Son Constr., Inc.*, 783 N.W.2d 144, 147 (Minn. 2010), and a district court must dismiss an action “whenever it appears” that it does not have “jurisdiction of the subject matter,” Minn. R. Civ. P. 12.08(c).

¹ Because father did not file a brief, this court ordered that this appeal shall be determined on the merits as provided in Minnesota Rule of Civil Appellate Procedure 142.03.

² An inconvenient-forum analysis is unnecessary if a district court lacks jurisdiction over a case. *See Paulownia Plantations de Panama Corp. v. Rajamannan*, 793 N.W.2d 128, 133 (Minn. 2009) (“The doctrine of forum non conveniens allows a district court *with jurisdiction* over the subject matter and the parties discretion to decline jurisdiction over a cause of action when another forum would be more convenient” (emphasis added)); *see also Black’s Law Dictionary* 912 (12th ed. 2024) (cross-referencing “forum non conveniens” for definition of “inconvenient forum”).

This court has held that, pursuant to section 518D.202(a), “the district court that makes an initial child-custody determination has continuing, exclusive subject-matter jurisdiction over the child-custody proceedings.” *D.M.T.-R.*, 802 N.W.2d at 763 (citing Minn. Stat. § 518D.202(a) (2010)). Two events can end that jurisdiction:

- (1) a court of this state determines that the child, the child’s parents, and any person acting as a parent *do not have a significant connection with this state and that substantial evidence is no longer available in this state* concerning the child’s care, protection, training, and personal relationships; or
- (2) a court of this state or a court of another state determines that the child, the child’s parents, and any person acting as a parent *do not presently reside in this state*.

Minn. Stat. § 518D.202(a) (2024) (emphasis added). After the occurrence of either event, the district court that made the initial custody determination “may modify that determination *only* if it *has* jurisdiction to make an *initial* [custody] determination under section 518D.201.” Minn. Stat. § 518D.202(b) (emphasis added).

“The UCCJEA provides four bases for a Minnesota court to have jurisdiction to make an initial child-custody determination.” *Cook v. Arimitsu*, 907 N.W.2d 233, 238 (Minn. App. 2018), *rev. denied* (Minn. Apr. 17, 2018). One basis requires in part that Minnesota is then or was the child’s home state within six months of the commencement of the proceeding, Minn. Stat. § 518D.201(a)(1), and the other three bases require that other states do not have jurisdiction, could not have jurisdiction, or declined to exercise jurisdiction, *see id.* (a)(2)-(4).

Mother contends that the district court lost exclusive, continuing jurisdiction over the custody proceedings because the parties and child do not have a significant connection

with Minnesota, *see* Minn. Stat. § 518D.202(a)(1), relevant substantial evidence is not located in Minnesota, *see id.*, and the parties and child do not reside in Minnesota, *see id.* (a)(2). Mother does not address whether the district court could nonetheless exercise jurisdiction under section 518D.202(b).

The district court order lacks sufficient factual findings relevant to the issue of exclusive, continuing jurisdiction, making appellate review of the issue inappropriate. *Cf. Schmidt v. Schmidt*, 436 N.W.2d 99, 105-06 (Minn. 1989) (declining to decide whether Minnesota had jurisdiction in child-custody case because “generally it is inappropriate for an appellate court to comb the record and to make credibility assessments to ascertain” existence of jurisdiction). Remand is therefore warranted for the district court to consider in the first instance whether Minnesota has exclusive, continuing jurisdiction under section 518D.202. *Cf. id.* at 106 (remanding to district court to make findings establishing existence of jurisdiction); *Biscoe v. Biscoe*, 443 N.W.2d 221, 224 (Minn. App. 1989) (same).³

Remanded.

³ *Schmidt* and *Biscoe* discuss now-repealed statutes that were modeled after the Uniform Child Custody Jurisdiction Act (UCCJA), the predecessor to the UCCJEA. *See* 1999 Minn. Laws ch. 74, arts. 1-3, at 200-17 (repealing statutes modeled after UCCJEA predecessor and enacting statutes modeled after UCCJEA); *D.M.T.-R.*, 802 N.W.2d at 763 (identifying UCCJA as predecessor to UCCJEA).