

*This opinion is nonprecedential except as provided by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
A26-0255**

In the Marriage of:

Jennifer Teeson, petitioner,
Appellant,

vs.

Matthew Charles Heger,
Respondent.

**Filed September 14, 2026
Reversed
Johnson, Judge**

Anoka County District Court
File No. 02-FA-17-554

Ruta Johnsen, Hazel N. Bowen, Henschel Moberg, P.A., Minneapolis, Minnesota; and

Michael D. Dittberner, Linder, Dittberner & McSweeney, Ltd., Edina, Minnesota (for
appellant)

Julie K. Seymour, Larkin Hoffman, Minneapolis, Minnesota (for respondent)

Sami Sexton, Standpoint, St. Paul, Minnesota (for *amicus curiae* Standpoint)

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

NONPRECEDENTIAL OPINION

JOHNSON, Judge

In this post-dissolution custody dispute, the father of two teenage children filed a motion requesting multiple forms of emergency relief. Within three hours, the mother of the children objected to the emergency nature of the motion and requested that the matter be set for a hearing so that she could fully respond. The next morning, the district court granted the father's motion in full. On appeal, the mother challenges the district court's order on three grounds. We conclude that the district court erred because the circumstances that gave rise to the motion did not present a true emergency and, thus, did not satisfy the requirements of the rule governing emergency motions in family court. Therefore, we reverse.

FACTS

Jennifer Teeson and Matthew Charles Heger were married in 2005. They have two joint children, S.H. and L.H., who now are 18 and 15 years old, respectively.

Teeson petitioned for dissolution of the marriage in March 2017. In February 2019, the district court entered a judgment and decree of dissolution based on the parties' stipulation, which reserved final determination of the issues of custody and parenting time. The district court addressed those issues in an October 2019 order, which was based on another stipulation. The district court awarded Teeson sole legal custody and sole physical custody of the children. The district court awarded Heger four hours of supervised parenting time per week. The order also provided that, if Heger met certain conditions, he would be allowed to gradually increase the amount of his parenting time and transition

from supervised to unsupervised parenting time. In addition, the district court appointed a parenting consultant.

Between 2022 and 2024, Heger filed four motions related to custody and parenting time. In each motion, Heger alleged that he was being deprived of his parenting time due to Teeson's non-cooperation, sought to modify the existing order concerning custody and parenting time, and requested conduct-based attorney fees and other sanctions. The district court denied Heger's first motion in November 2022 and his third motion in January 2024. Heger's second motion was resolved in June 2023 by a stipulated order that expanded the amount of his supervised parenting time to 12 hours per week. The district court denied Heger's fourth motion in an order filed in January 2025.

The case was reassigned to a different judge. In February 2025, Heger moved to amend numerous findings in the January 2025 order. In July 2025, the district court granted Heger's motion in part and made substantial revisions to the January 2025 order. The district court found that Teeson had intentionally interfered with Heger's parenting time since January 2024 and had "engaged in alienation of the children from Father since the beginning of this case." The district court concluded that it was in the children's best interests to expand Heger's parenting time and ordered the parties to submit proposed parenting-time orders within seven days. In August 2025, the district court filed an order awarding Heger parenting time on alternating weekends, one weeknight per week, and certain holidays. The district court ordered the parties to communicate with each other using the Our Family Wizard (OFW) web-based application and ordered that Heger "is allowed to communicate with the children in any manner." The district court scheduled a

review hearing for February 2026 “to review the above outlined parenting time schedule and its impact on the children.”

Approximately three months later, on November 17, 2025, Heger filed the emergency motion that is the subject of this appeal. He requested an order (1) requiring Teeson to provide him with S.H.’s and L.H.’s cell-phone numbers, (2) allowing him to select a therapist for family-reunification therapy involving the children and himself, (3) requiring Teeson to cooperate with family-reunification therapy, (4) requiring Teeson to pay all expenses of family-reunification therapy, and (5) requiring Teeson to reimburse him \$2,415 for the attorney fees he incurred in bringing the emergency motion.

With the emergency motion, Heger filed an eight-page affidavit. He described the parties’ interactions since the August 2025 order, stated that he had not received the parenting time that had been ordered, and stated that Teeson was limiting his ability to communicate directly with the children by refusing to provide him with their cell-phone numbers. He stated that Teeson insisted that he communicate with the children only via OFW, which he believed she was monitoring. Heger also stated that both children recently had sent him messages saying that they do not want to have any parenting time with him, which caused him to believe that the children had been “coerced and coached” by Teeson. Heger further stated that he had asked Teeson to agree to family-reunification therapy but that she had refused. Heger did not file a memorandum of law.

Less than three hours after Heger filed his emergency motion, Teeson’s attorney filed a letter addressed to the district court in which she acknowledged receipt of Heger’s motion papers but stated that his requests for relief “are not appropriate for emergency

motion practice and do not warrant emergency relief.” Teeson requested that Heger be required to schedule a motion hearing so that she could have “an opportunity to fully respond.”

The next day, November 18, 2025, at approximately 10:30 a.m., the district court filed a three-page order granting Heger’s motion in full. The order includes eight paragraphs of findings, five of which are general statements of procedural history. The district court found that Teeson refused to agree to family-reunification therapy, refused to provide the children’s cell-phone numbers to Heger, insisted that Heger use OFW to communicate with the children, and engaged in “unreasonable” conduct that caused him to incur attorney fees. The district court’s order is practically identical to the proposed order filed by Heger one day earlier, except for the introductory paragraph, which was revised to reflect that no hearing had occurred, and the final paragraph, which was revised to schedule a review hearing for a date 14 days in the future. The district court did not attach a memorandum to the order.

The review hearing later was continued for ten days because of attorney scheduling issues. Before the review hearing, Teeson filed a petition for a writ of prohibition with this court. At the review hearing, Teeson requested that the district court cancel the hearing and stay enforcement of its order until a ruling on her prohibition petition. In the alternative, Teeson requested that the district court schedule a hearing so that she could formally move for a stay and fully respond to Heger’s motion. The district court denied Teeson’s requests. During the hearing, Teeson argued that the district court’s November 18, 2025 order caused a *de facto* change in custody by allowing Heger to select

a family-reunification therapist, ordered Teeson to cooperate with family-reunification therapy that had not previously been ordered, provided relief to Heger without any analysis of the children's best interests, imposed financial obligations on her without any consideration of her financial status, and resolved Heger's motion without giving her an opportunity to respond.

On December 26, 2025, the district court filed an amended version of its November 18, 2025 order, with a few minor changes. On the same day, the district court filed a two-page order concerning the review hearing, which stated that the order ruling on the emergency motion remains "in full force and effect." This court subsequently denied Teeson's petition for a writ of prohibition. *Teeson v. Heger*, No. A25-1998 (Minn. App. Jan. 30, 2026) (order). The district court administrator entered judgment on January 2, 2026. Teeson appeals from the district court's November 18, 2025 and December 26, 2025 orders and the January 2, 2026 judgment.

DECISION

Teeson argues that, for three reasons, the district court erred by granting Heger's emergency motion. First, Teeson argues that the district court violated a procedural rule by considering Heger's motion on an emergency basis despite the absence of a genuine emergency. Second, Teeson argues that the district court erred by allowing Heger to select a family-reunification therapist on the ground that she, as the sole legal custodian, has exclusive authority to make decisions concerning the children's health care. Third, Teeson argues that the district court's order is not supported by adequate findings. We begin with Teeson's first argument.

A.

Under the rules that apply in family court, a party who files a motion ordinarily must schedule a hearing, promptly give notice to the opposing party of the date and time of the hearing, and serve a notice of motion and motion on the opposing party. Minn. Gen. R. Prac. 303.01(a), (b). The moving party must serve motion papers “at least 21 days before the hearing,” and the non-moving party must serve responsive papers “at least 7 days before the hearing.” Minn. Gen. R. Prac. 303.03(a)(1), (3).

The rules also provide for motions for emergency relief. *See* Minn. Gen. R. Prac. 303.04. The rule governing emergency motions does not specify any particular time periods for giving notice of or serving motion papers for such a motion. *See* Minn. Gen. R. Prac. 304.04. The rule provides merely that a district court “may grant emergency relief if the requirements in this Rule 303.04 are met.” Minn. Gen. R. Prac. 303.04(a); *see also Baker v. Baker*, 494 N.W.2d 282, 286 (Minn. 1992) (stating that rule 303.04 “provide[s] a framework to guide” district courts). One of the requirements in rule 303.04 is that a party seeking emergency relief “must state with specificity in a motion and affidavit,” among other things, “[w]hy emergency relief is required” and “[t]he relief requested.” Minn. Gen. R. Prac. 303.04(c)(i)-(iii).

The comments to the applicable rule describe “the circumstances that justify seeking . . . emergency . . . relief.” Minn. Gen. R. Prac. 303.04, 2012 comm. cmt. The comments state, “Emergency relief may be appropriate where there is urgency, not caused by lack of diligence on the part of the moving party, that makes the normal deadlines in the rules unworkable.” Minn. Gen. R. Prac. 303.04, 2012 comm. cmt. The nature of the “urgency”

that warrants emergency relief is not further explained in the rule. In another context, this court has applied the common and ordinary meaning of the word “emergency”: “a serious situation or occurrence that happens unexpectedly and demands immediate action.” *State v. Brandes*, 781 N.W. 2d 603, 606 (Minn. App. 2010) (quoting *The American Heritage College Dictionary* 449 (3d ed. 2000)).

Another requirement of rule 303.04 is that a party seeking emergency relief “must serve the motion and affidavit, including notice of the time when and the place where the motion will be heard, on the other party or counsel.” Minn. Gen. R. Prac. 303.04(e); *see also T.G.G. v. H.E.S.*, 946 N.W.2d 309, 321 (Minn. 2020) (Lillehaug, J., concurring) (noting that rule 303.04(e) generally requires hearing on emergency motion). As the comment explains, “Even where exigent circumstances justify shortening the deadlines, they do not generally excuse the giving of notice—or the attempt thereof—to the other side.” Minn. Gen. R. Prac. 303.04, 2012 comm. cmt. The requirement that a hearing be noticed may be excused in only two circumstances: if “the party seeking emergency relief provides a written statement that the party has made a good faith effort to contact the other party or counsel and has been unsuccessful” or if “the supporting documents show good cause why notice to the other party should not be required and the court waives the notice requirement.” Minn. Gen. R. Prac. 303.04(e)(i)-(ii).

We apply an abuse-of-discretion standard of review to a district court’s decision to consider a motion on an emergency basis pursuant to rule 303.04. *See Le v. Holter*, 838 N.W.2d 797, 800 (Minn. App. 2013) (applying abuse-of-discretion standard of review to district court’s application of rule 303.03), *rev. denied* (Minn. Dec. 31, 2013); *Brault v.*

Acceptance Indem. Ins. Co., 538 N.W.2d 144, 149 (Minn. App. 1995) (reasoning that district court has discretion to modify 28-day requirement in Minn. Gen. R. Prac. 115.03(a) for service of motion papers), *rev. denied* (Minn. Nov. 21, 1995).

B.

In this case, Heger’s affidavit addressed the requirement that an emergency motion state “[w]hy emergency relief is required.” *See* Minn. Gen. R. Prac. 303.04(a)(i). In one paragraph of his eight-page affidavit, Heger stated: “I find this to be an emergent situation. I have lost years with my children, and because [Teeson] previously interfered with therapy and now refuses to support therapy (and my court ordered parenting time), I am losing more time. I need the Court’s assistance again.” At the review hearing, which was held 24 days after the November 18, 2025 order, Heger’s attorney sought to justify the emergency nature of the motion by stating that the parties “have a child that’s almost going to age out” because she was approaching the age of 18.

These statements do not demonstrate that a genuine emergency existed on November 17, 2025. Heger’s affidavit did not identify any unexpected event that gave rise to the need for his motion. The children’s statements that they did not wish to participate in parenting time occurred approximately one to two months before the motion, which is a longer time period than the 21-day period for giving notice of a motion hearing. *See* Minn. Gen. R. Prac. 303.03(a)(1). Likewise, Heger’s attorney’s statement at the review hearing (that the older child soon would “age out”) does not depict an emergency, especially in the context of a custody and parenting dispute that spanned years. The date of S.H.’s eighteenth birthday obviously was foreseeable long before November 2025. Heger’s delay

in seeking relief indicates a “lack of diligence” that is inconsistent with emergency relief. *See* Minn. Gen. R. Prac. 303.04, 2012 comm. cmt.

In addition, Heger did not identify any significant adverse event that might have occurred in the absence of an expedited ruling by the district court. He did not seek merely to preserve the *status quo* or to enforce rights that previously had been awarded to him. Rather, he sought to establish his entitlement to multiple forms of relief that had not previously been awarded to him, such as family-reunification therapy and Teeson’s payment of the expenses of such therapy. Furthermore, Heger’s proposed order, which the district court adopted, required Teeson to take certain actions (such as providing the children’s cell-phone numbers to Heger and communicating with Heger about family-reunification therapy) long before the date for which the review hearing was scheduled.

Moreover, Heger did not schedule a hearing on his motion and, thus, did not serve Teeson with written notice of the date and time of a hearing. *See* Minn. Gen. R. Prac. 303.01(a), (b). “[N]otice of the time when and the place where the motion will be heard” is required, even for motions for emergency relief. Minn. Gen. R. Prac. 303.04(e); *see also* Minn. Gen. R. Prac. 303.04, 2012 comm. cmt.; *T.G.G.*, 946 N.W.2d at 321 (Lillehaug, J., concurring). There are two possible exceptions to that requirement, but Heger did not attempt to satisfy either one. *See* Minn. Gen. R. Prac. 303.04(e)(i)-(ii). The absence of a hearing is anomalous in light of the significant relief that Heger requested. Also, despite seeking multiple forms of relief based on facts stated in an eight-page affidavit, Heger did not serve and file a memorandum of law. *See* Minn. Gen. R.

Prac. 303.03(a)(1)(iii) (providing that moving party may serve and file memorandum of law with motion).

Thus, the motion Heger filed on November 17, 2025, did not satisfy the requirements in rule 303.04 for a motion for emergency relief. The district court did not expressly consider the requirements of rule 303.04 and did not expressly find that an emergency existed. The district court abused its discretion by considering the motion on an emergency basis. As a result, the district court's November 18, 2025 and December 26, 2025 orders no longer shall have force or effect. In light of that conclusion, we need not consider Teeson's second and third arguments. We note, however, that in any future proceedings concerning the same issues, the parties and the district court should be mindful of the authorities cited in the second and third parts of Teeson's brief as well as other authorities on the same subjects.

Reversed.