

*This opinion is nonprecedential except as provided by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
A26-0381**

In Re. the Marriage of:

Michelle Dorothea McKenna-Koziura, petitioner,
Appellant,

vs.

Amy Nicole Koziura,
Respondent.

**Filed September 28, 2026
Affirmed
Harris, Judge**

Hennepin County District Court
File No. 27-FA-20-1713

Michelle Dorothea McKenna, St. Michael, Minnesota (self-represented appellant)

Amy Nicole Koziura, Minnetonka, Minnesota (self-represented respondent)

Considered and decided by Wheelock, Presiding Judge; Harris, Judge; and
Reilly, Judge.*

NONPRECEDENTIAL OPINION

HARRIS, Judge

In this parenting-time dispute, appellant argues that the district court (1) erred by denying her request to reinstate parenting time, (2) abused its discretion by awarding

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

conduct-based attorney fees to respondent, (3) erred by imposing supervised one-on-one parenting time, (4) violated her due-process rights, (5) erred by conditioning parenting time based on her ability to pay certain fees, (6) improperly delegated its decision-making authority to a parenting consultant, (7) erred by awarding a tax exemption to respondent, and (8) failed to make independent findings. Because we discern no error or abuse of discretion, we affirm.

FACTS

Appellant Michelle Dorothea McKenna-Koziura¹ and respondent Amy Nicole Koziura were married and share one minor child, A.M.K. The marriage was dissolved pursuant to a stipulated judgment and decree in September 2021, and the parties were awarded joint legal and physical custody of A.M.K. The judgment and decree provided that parties would share equal parenting time and established certain communication rules. The communication rules included the use of Our Family Wizard² to schedule A.M.K.’s appointments and activities, prohibiting each parent from “mak[ing] negative comments about the other parent” if A.M.K. was present, and prohibiting each parent from “disparag[ing] the other parent to any professional,” such as A.M.K.’s physician or teacher.

The parties also agreed to use a parenting consultant (PC) “to resolve any parenting issues concerning [A.M.K.] which they are unable to resolve between themselves.” The

¹ Appellant changed her name to Michelle McKenna during the marriage-dissolution proceedings. We refer to Michelle McKenna-Koziura as McKenna and Amy Koziura as Koziura throughout this opinion.

² “Our Family Wizard” is a court-ordered communication platform for co-parenting purposes. *Winkowski v. Winkowski*, 989 N.W.2d 302, 306 (Minn. 2023).

decree states that the PC's decision "shall be binding upon the parties until . . . the Court . . . rule[s] otherwise." The decree did not specify how long the parties had to utilize a PC to resolve future parenting issues. In November 2021, the district court appointed a PC to resolve the parties' disputes over A.M.K. The order provided that the appointed PC would serve a two-year term.

2022 PC Decision

In April 2022, the PC issued a decision on overnight parenting time, school enrollment, medical care, parenting exchanges, respectful communication, and reducing conflict. The PC acknowledged substantial conflict between the parties and believed that the conflict was harmful to A.M.K. The PC reported that McKenna's attitude and conduct toward Koziura was a consistent source of the conflict and laid out several examples of McKenna's behaviors. These behaviors included, but were not limited to, McKenna's unwillingness to use Our Family Wizard in an attempt to avoid communicating with Koziura; disparaging Koziura in front of A.M.K.'s teachers, physicians, and other childcare providers; accusing Koziura of parental neglect; disparaging Koziura in front of A.M.K.; and sharing details of the parties' disputes with A.M.K. The PC determined that the only way to address McKenna's behavior was to reduce her parenting time, noting that parenting time could be reinstated if McKenna's behavior improved. The PC also ordered the parties to participate in co-parenting therapy and required the parties to continue using Our Family Wizard to communicate.

In May 2022, McKenna filed a motion challenging the PC's decision. McKenna requested to remove the PC requirement because of financial hardship and the PC's alleged

bias. The district court denied McKenna's motion, reasoning that the PC had authority to resolve certain parenting conflicts and could impose co-parenting therapy over McKenna's objection, regardless of cost.

Appointment of a New PC

In August 2023, the PC informed the parties that he could no longer serve as their PC following the expiration of his term in November 2023 and recommended a list of potential replacements. The parties disagreed over whether they were required to select a replacement PC, pursuant to the dissolution decree. McKenna argued that the parties had fulfilled their obligations under the decree and that a PC was no longer necessary. McKenna also asserted that she could not afford the cost of a PC. Koziura argued that the decree did not contemplate an end to the parties' use of a PC. Koziura asserted that while an individual PC's appointment may expire after two years, the decree required the continued use of a PC to resolve their conflicts until A.M.K. turned 18.

The district court held that the parties were obligated to select a new PC. It reasoned that the dissolution decree "unambiguously require[d] the parties to utilize a [PC] without an expiration date," and that the court could not presume a time limitation "where no such language exist[ed] in the parties' judgment." It also noted that a PC was not required to serve indefinitely, but that the PC process would "naturally terminate when the child turns age 18." The district court ordered the parties to file a stipulation and order identifying a new PC.

McKenna again moved to remove the PC requirement. In a corresponding affidavit, McKenna alleged that the PC was biased and that she could not afford the PC fees. The

district court dismissed McKenna's motion with prejudice. It reasoned that the matter has been "repeatedly addressed by the Court" and that it had fully analyzed McKenna's arguments in prior orders. It also imposed conduct-based attorney fees against McKenna for unreasonably contributing to the length and expense of the proceeding by "failing to select and retain a PC and for failing to comply with multiple provisions of court orders and PC decisions." The parties eventually stipulated to the appointment of a new PC.

McKenna's Supervised Parenting Time

In June 2024, McKenna took A.M.K. to the emergency room for a mental-health evaluation. According to the visit summary, McKenna recounted the parties' disagreement to the attending physician and reported that A.M.K. was being pressured to say negative things about McKenna. A.M.K. initially denied the accusations but later confirmed that he felt pressured by Koziura and his therapist to say disparaging things about McKenna. Following the emergency room visit, the district court issued an order for one-on-one supervised parenting time between McKenna and A.M.K. for "inappropriately involving the child in the litigation and improperly exposing the child[] to conflict between the parties." In a subsequent order, the district court expressed concern that A.M.K.'s statements "were not the words of a ten-year-old." It determined that McKenna's choice to seek an "emergency" mental-health intervention was "manipulative and potentially endangering to [A.M.K.]."

2025 PC Decision and District Court Order

In March 2025, the visitation supervisor informed the PC of an incident that occurred between McKenna and A.M.K. during their scheduled visit. The supervisor

stated that she was on a call when McKenna and A.M.K. arrived. McKenna was alone with A.M.K. for approximately two minutes before the supervisor entered the room. McKenna then left to retrieve something from her car. A.M.K. appeared “very panicked” and informed the supervisor that he wanted to leave. According to A.M.K., McKenna said: “you better speak up this weekend or you and I are done and you will never see me again, they are trying to take you from me.” A.M.K. told the supervisor that he no longer wanted supervised visits or phone calls with McKenna, that he did not feel safe, and that he was “afraid of what [McKenna] will say to him.” The supervisor suspended all future visits and phone calls between McKenna and A.M.K. effective immediately.

In April 2025, the PC issued a decision temporarily suspending McKenna’s supervised parenting time. It stated that McKenna demonstrated an “inconsistent willingness or ability to follow coaching, modeling, and direction” during her supervised visits with A.M.K., made “limited progress . . . in maintaining appropriate parent-child boundaries,” and “lack[ed] the insight and ability to consistently place [A.M.K.’s] needs above her own.” The PC required McKenna and Koziura to participate in family therapy and McKenna to complete a parenting-capacity assessment before it would reconsider McKenna’s parenting time.

In July 2025, McKenna again moved to remove the PC requirement because of financial hardship and the PC’s alleged bias. McKenna also requested to reinstate equal parenting time and eliminate the use of Our Family Wizard. Koziura filed a motion requesting that the district court find McKenna to be a frivolous litigant. Koziura also requested conduct-based attorney fees.

The district court denied McKenna's petitions in their entirety. The district court found that McKenna raised the same issues that it previously addressed in past orders. It also found that McKenna had not complied with the PC's parenting-time directives. As it relates to McKenna's claims of financial hardship, the district court noted that McKenna failed to provide any documentation of her current income, retirement status, severance payments, or public assistance to prove that her income had decreased significantly. The district court also determined that McKenna was a frivolous litigant and awarded Koziura conduct-based attorney fees. McKenna appeals.

DECISION

I. The district court did not abuse its discretion by denying McKenna's request to reinstate her parenting time.

McKenna contends that the district court erred by denying her request to reinstate her parenting time and that depriving her of parenting time without "adequate procedural safeguards" violates public policy. We are not convinced.

"The district court has broad discretion in determining parenting-time issues and will not be reversed absent an abuse of that discretion." *Dahl v. Dahl*, 765 N.W.2d 118, 123 (Minn. App. 2009). "A district court's findings of fact underlying a parenting-time decision will be upheld unless they are clearly erroneous." *Hansen v. Todnem*, 891 N.W.2d 51, 59 (Minn. App. 2017) (quotation omitted), *aff'd on other grounds*, 908 N.W.2d 592 (Minn. 2018). "A finding is clearly erroneous if we are left with a definite and firm conviction that the district court made a mistake." *Id.* (quotation omitted).

In its January 2026 order, the district court denied McKenna’s motion to reinstate 50/50 parenting time because McKenna “has . . . not complied with the directives of the PC, which were made after the PC reviewed significant collateral information.” The district court also noted that McKenna “refutes the veracity of the collateral information and has accused all of the professionals involved with [A.M.K.] of misrepresentation.”

The district court’s findings of fact are supported by substantial evidence in the record. In the PC’s April 2025 decision, which the district court adopted, the PC stated: “Supervised parenting time and phone calls between . . . McKenna and [A.M.K.] . . . are discontinued and temporarily suspended until the following steps are completed.” The PC directed McKenna to participate in a parenting-capacity assessment to “evaluate [her] attunement to [A.M.K.] and her ability to support his emotional development and well-being.” The PC also directed McKenna to attend family therapy “to realign parenting roles and introduce a systems-based approach to high-conflict dynamics.” The PC stated that it would re-evaluate McKenna’s parenting time upon review of the parenting-capacity assessment and progress reports from the family therapist.

McKenna did not comply with these requirements. In an affidavit in support of her motion to modify child support and parenting time, McKenna stated that she was unable to comply with the terms set forth in the PC’s April 2025 decision. McKenna stated that visual impairment, financial hardship, and “serious concerns regarding [the psychologist’s] professional qualifications” prevented her from completing the parenting-capacity assessment. She reasoned that the psychologist “lack[ed] the requisite credentials and competency to perform comprehensive assessments.” McKenna also stated that she could

not participate in family therapy because the therapist was “entirely dependent on directives of the [PC].”

To persuade us otherwise, McKenna argues that “Minnesota’s statutory framework and public policy favor[s] ongoing parent-child relationships,” and that depriving her of parenting time thwarts those efforts. She asserts that the amendments to the parenting-time statute in 2023 “reinforce that parenting time should not be restricted absent compelling justifications and the courts should promote meaningful parental involvement.” In 2024, the legislature modified certain parenting-time provisions. 2024 Minn. Laws. Ch. 101, art. 1, § 9, at 866-68 (codified at Minn. Stat. § 518.175, subd. 6 (2024)). The amended statute provides that when “one parent has repeatedly and intentionally denied or interfered with another parent’s parenting time, then the court shall award attorney fees . . . and require the parent who has been denying or interfering with parenting time to pay the other parent for costs incurred as a result of enforcing the decision.” Minn. Stat. § 518.175, subd. 6(k)(3). The court may also transfer custody of the child, impose sanctions, or award other relief “as determined to be in the best interests of the children involved.” *Id.*, subd. 6(k)(4)(i)-(iii).

McKenna’s reliance on the amended statute is misplaced. The amendment protects a parent who has been “repeatedly and intentionally denied” parenting time. *Id.*, subd. 6(k)(3). But those facts are not present here. There is no evidence in the record to support McKenna’s assertion that Koziura repeatedly or intentionally denied McKenna parenting time with A.M.K. Rather, McKenna’s parenting time was temporarily suspended because she demonstrated an “inconsistent willingness or ability to follow coaching,

modeling, and direction” during her supervised visits with A.M.K., made “limited progress . . . in maintaining appropriate parent-child boundaries,” and “lack[ed] the insight and ability to consistently place [A.M.K.’s] needs above her own.”

McKenna nevertheless asserts that “parenting time should not be restricted absent compelling justification and that courts should promote meaningful parental involvement.” But McKenna’s argument overlooks the fact that there *was* a compelling justification to temporarily suspend her supervised parenting time with A.M.K. During her last supervised visit, McKenna told A.M.K., “you better speak up this weekend or you and I are done and you will never see me again, they are trying to take you from me.” A.M.K. appeared “very panicked” and informed the supervisor that he no longer wanted supervised visits or phone calls with McKenna, that he did not feel safe, and that he was “afraid of what [McKenna] will say to him.” Exposing A.M.K. to the parties’ ongoing conflict provides compelling justification to suspend parenting time.

Because the district court’s findings were supported by substantial evidence in the record, we conclude that the district court did not abuse its discretion by denying McKenna’s request to reinstate her parenting time.

II. The district court acted within its discretion by awarding Koziura conduct-based attorney fees.

McKenna asserts that the district court abused its discretion by awarding Koziura conduct-based attorney fees without considering her ability to pay. We are not persuaded.

“Conduct-based fee awards may be awarded against a party who unreasonably contributes to the length or expense of the proceeding.” *Szarzynski v. Szarzynski*, 732

N.W.2d 285, 295 (Minn. App. 2007); Minn. Stat. § 518.14, subd. 1 (2024). “Conduct-based fee awards are discretionary with the district court.” *Sharp v. Bilbro*, 614 N.W.2d 260, 264 (Minn. App. 2000), *rev. denied* (Minn. Sep. 26, 2000). “Conduct-based fee awards may be awarded regardless of a party’s ability to pay the award.” *Id.* We review conduct-based attorney-fee awards for an abuse of discretion. *Sanvik v. Sanvik*, 850 N.W.2d 732, 737 (Minn. App. 2014). A district court abuses its discretion by making findings of fact that are unsupported by the record, misapplying the law, or resolving the question in a way contrary to logic and the facts on record. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022).

The record demonstrates and the district court found that McKenna unreasonably contributed to the length and expense of the proceedings by seeking court intervention “on matters that have already been adjudicated (on more than one occasion) and/or on matters that should be handled by the Parenting Consultant.” The district court concluded that, as a result, Koziura incurred unnecessary legal fees responding to McKenna’s motions.

In its January 2024 order, the district court directed the parties to “immediately select” a replacement PC following the expiration of the current PC’s term. Yet, McKenna continuously challenged the use of a PC after the district court determined that a PC was required. McKenna has also demonstrated a failure to comply with district court orders and PC directives that include, but is not limited to, refusing to use Our Family Wizard to communicate with Koziura, disparaging Koziura in front of A.M.K. or others, not completing the parenting-capacity assessment, and choosing not to participate in family therapy. Moreover, McKenna has repeatedly raised the same issues before the district court

on numerous occasions. And the district court made detailed findings addressing each of McKenna's claims.

We are also not persuaded that the district court abused its discretion by awarding Koziura conduct-based attorney fees without considering McKenna's ability to pay. District courts are not required to consider a party's ability to pay before awarding conduct-based attorney fees. *See Bilbro*, 614 N.W.2d at 264 ("Conduct-based fee awards may be awarded regardless of a party's ability to pay the award.").

Therefore, the district court acted within its discretion by awarding Koziura conduct-based attorney fees.

III. McKenna's claims regarding the August 2024 decision are not properly before this court.

McKenna appears to challenge the district court's August 2024 order imposing one-on-one supervised parenting time after McKenna brought A.M.K. to the emergency room for a mental-health evaluation.

Notably, McKenna did not appeal the August 2024 decision. "[A]n appeal may be taken . . . from an appealable order within 60 days after service by any party of written notice of its filing." Minn. R. Civ. P. 104.01, subd. 1. The district court issued its order on August 26, 2024, and provided written notice to each party's attorney through eservice. The period for challenging that order expired on October 25, 2024.

The August 2024 order is outside the scope of McKenna's appeal, which is limited to the January 2026 decision that she is appealing. McKenna may not collaterally attack the August 2024 order, which became final when the appeal period expired. *See In re Est.*

& Tr. of Anderson, 654 N.W.2d 682, 686 (Minn. App. 2002) (stating that an order may not be collaterally attacked after the appeal period has expired), *rev. denied* (Minn. Feb. 26, 2003).

Accordingly, McKenna's claims regarding the August 2024 decision are not properly before this court.

IV. McKenna's due-process claims are not properly before this court.

McKenna appears to argue that the district court violated her due-process rights by depriving her of equal parenting time without a hearing.

First, McKenna's argument mischaracterizes the record. The district court held a hearing in October 2025 before issuing its findings and order denying McKenna's request to reinstate equal parenting time. Moreover, McKenna cites no legal authority to support her claim that restricting parenting time violates due process. Nor has she demonstrated that the district court deprived her of a protected right because she has made only mere assertions. *See Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (holding that mere assertion of an error unsupported by arguments or authorities is forfeited and will not be considered). We therefore decline to address this issue on appeal.

V. The remainder of McKenna's arguments are forfeited.

McKenna also argues that the district court erred by conditioning parenting time based on her ability to pay certain fees, improperly delegating its decision-making authority to a PC; awarding a tax exemption to Koziura, and failing to make independent findings as

it relates to her financial hardship, suspension of supervised parenting time, and willful noncompliance.

McKenna provides no legal analysis, citation, or support for these assertions. We decline to consider issues that are inadequately briefed. *State Dep't of Labor & Indus. by the Special Comp. Fund v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to reach inadequately briefed issue). This principle applies equally to self-represented litigants. As we have emphasized, although some accommodations may be made for self-represented parties, they are generally held to the same standards as attorneys and must comply with applicable court rules. *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001).

Even assuming that McKenna's claims are properly before us, the record does not support McKenna's contention that the district court conditioned parenting time based on her ability to pay certain fees. In its January 2026 order, the district court denied McKenna's request to modify parenting time because McKenna "has . . . not complied with the directives of the PC, which were made after the PC reviewed significant collateral information." The district court also denied McKenna's request to eliminate certain obligations due to financial hardship because McKenna "failed to show what her actual financial situation is."

Because McKenna's claims are based on factual assertions that are not supported by the record and lack legal authority, we conclude that her remaining arguments are forfeited.

Affirmed.