STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0637

In Re the Marriage of:

Tricia Margit Wilson, petitioner,
Appellant,

vs.

Justin Arthur Wilson,
Respondent.

Filed March 31, 2025
Affirmed
Ede, Judge

Crow Wing County District Court
File No. 18-FA-17-1274

Elizabeth Polling, Justice North, Brainerd, Minnesota (for appellant)

Justin Wilson, Sacred Heart, Minnesota (pro se respondent)

Considered and decided by Ede, Presiding Judge; Harris, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

In this modification-of-child-custody dispute, appellant mother challenges the district court's order granting respondent father sole physical custody of the children and setting father's home as the children's primary residence. Mother argues that the district court's evidentiary rulings constitute an abuse of discretion and that the record does not support the district court's decision to modify physical custody and the children's primary

residence. Because we conclude that the district court did not abuse its discretion in either its evidentiary rulings or its modification order, we affirm.

FACTS

Appellant mother Tricia Margit Wilson and respondent father Justin Arthur Wilson are the parents of three children: child 1, born in 2009; child 2, born in 2011; and child 3, born in 2013. The parties married in 2009 and divorced in 2017. Under the dissolution order, the district court awarded joint legal custody of the children to both parents and sole physical custody of the children to mother. The district court also awarded father parenting time. In August 2022, father moved for a change of custody, seeking an order granting him sole physical custody, equal parenting time, and primary residence for purposes of school enrollment. In an affidavit supporting his motion, father claimed that mother refused him parenting time. He further alleged that the children were unsafe in mother's home and that they were not receiving adequate medical, dental, or mental-health care. Father noted that the children had switched schools several times in four years and had expressed a desire to "attend[] one school for an entire academic year" in father's school district.

After mother was later arrested for alleged child endangerment,[1] father filed an ex parte motion seeking temporary sole legal and temporary sole physical custody of the children and permission to immediately enroll the children in father's home school district. The same day father filed his ex parte motion, the district court granted father's requests and filed an emergency ex parte order to that effect.

[1] The state ultimately declined to file charges related to this arrest.

Mother filed a responsive motion for a change of custody seeking sole legal custody and sole physical custody of the children. Following a hearing on these cross-motions, the district court determined that father had made a preliminary showing that the current custody arrangement in mother's home "endanger[ed] the children" and that an evidentiary hearing was warranted. The district court denied mother's custody motion, but awarded her visitation.

The parties later participated in mediation and entered into a binding mediated settlement agreement that included the following terms: the parents would share joint legal custody of the children; father would retain temporary physical custody of the children; the children would temporarily remain in their current school in father's district; and mother would have temporary parenting time and visitation. The district court adopted this settlement agreement as a temporary order, awarded the parents joint legal custody and father temporary physical custody, ordered the children to remain in their current school district, and granted visitation to mother.

The district court subsequently held a six-day evidentiary hearing to consider father's change-of-custody request. The following witnesses testified: the therapist for child 1 and child 2; father; father's partner; mother; the children's maternal grandmother and grandfather; and grandmother's friend. Their testimony is summarized below.

The children's therapist testified about the counseling services that she provided to child 1 and child 2. She diagnosed child 1 with an "other specific trauma and stressor related disorder." The therapist opined that child 1 had "a trauma disorder" as a result of "living with his mom and the experiences he had while living with her." She stated that

child 1 reported having "trauma" and depression from living with mother. Counsel asked the therapist if child 1 expressed suicidal thoughts while living with his mother, and the therapist responded that child 1 did. Child 1 shared with the therapist that he was "yelled at," that mother became "really angry very quickly," that he could not anticipate her anger, and that he felt scared and fearful of mother's temper. He also stated that he took care of his youngest sibling[2] and "would get in trouble if he didn't clean up after the baby as well as hi[s] mom wanted him to." Child 1 reported that mother's second husband "was physically abusive to him" and "beat" him. He felt stress from "moving to different schools," which, as was also the case for child 2, presented difficulties for child 1 in making friends, playing sports, and participating in activities. Child 1 also received "hurtful" text messages from mother, which upset him. The therapist testified that child 1 told her "he does not feel safe when visiting his mother."

The therapist also provided testimony about child 2, stating that the child had a diagnosis of adjustment disorder with anxiety. When the therapist first met child 2, the child "talked about trauma he experienced when living [with mother]." The therapist explained that the word "trauma" was "the word that both [child 1 and child 2] first used with [her]. They said that they needed to work through trauma . . . ." Child 2's main concerns related to "how often he started new schools," which impeded child 2's efforts to form friendships. He also shared that there was "stress in the household" and that mother's second husband "was abusive towards [child 1]." Child 2 witnessed this abuse.

[2] Mother has a fourth child with her second husband. She and her second husband no longer reside together.

The therapist testified that child 1 and child 2 had improved since moving in with father. Child 1 reported that he was happier, had made progress in treatment, was getting good grades in school, was participating in sports, and was making friends. His anxiety had decreased, and he was experiencing stability at his new school and in father's home. Child 2 had also made progress in therapy and was experiencing less stress. The therapist noted that child 2 was "doing very well academically."

Father testified that the children had been living with him since mother's arrest in September 2022 and that they were doing well in his care. According to father, the children were exposed to domestic abuse in mother's home. He also raised concerns about mother's mental health and her ability to care for the children's medical, dental, therapeutic, and educational needs. For example, father testified that child 1 and child 2 needed cavities filled and child 3 needed six teeth removed. As to the children's education, father testified that he had to get records from multiple schools before enrolling the children in his school district. He also stated that mother's frequent relocations of the children resulted in school tardies, extended absences of up to 15 missed days in one quarter, and poor grades. The children enrolled in the school near father's home in September 2022. According to father, the children were doing well in school, getting good grades, playing sports, and had made friends. Father maintained that the children were stable in his home and requested that the children continue to live with him.

Father's partner also testified. She described the children as "doing great" in the home and noted that they were "doing really good in school," had made friends, and participated in sports. Father's partner testified that she spent time with the children and

helped get them to school, activities, and medical appointments. She also noted that the children's grades had improved over the past year and confirmed that they regularly attended school and doctor's appointments.

Mother urged the district court to return physical custody of the children to her. She testified that she currently lives in a three-bedroom duplex where the children stay during weekend visits. When questioned about the frequent relocations, mother explained that she had lived in four cities since her divorce from father, requiring the children to change schools with each move. But mother claimed that the children transitioned well between the various schools, that they had good grades, and that their attendance had been fine. As for the children's health, mother acknowledged that she did not ensure that the children received mental-health services. She also admitted being unaware that the children's dental needs were unmet. As for her own health, mother stated that she was attending therapy. She acknowledged yelling at the children but asserted that the children were not visibly upset by her behavior and did not cry. Mother conceded, however, that her second husband had been "physical with the boys at times."

Maternal grandmother expressed concern about mother's mental health, her tendency to skip taking her medications, and her drug use. She also described her worry that the children were being abused while in mother's care. At one point, grandmother made a report to child protection services about mother and her second husband physically and mentally abusing the children. She noted that mother "frequently move[d] around" and that the condition of her homes was typically "unsafe" as a result of mold, broken windows, and dangerous surroundings. Grandmother testified that she saw mother yell or scream at

the children, sometimes "screaming erratically out of nowhere." At times, grandmother observed mother "scream at the baby" or scream at child 1 to change the baby's diaper. According to grandmother, mother blamed her anger on the fact that she had not taken her medication. Grandmother noted that child 1 had to remind his mother to take her pills.

Grandfather's testimony diverged from that of grandmother. He testified that the children were doing well in school when they lived with mother. Grandfather was unaware of any school absences. He reported that, before the temporary change in custody, he had noticed no health concerns or dental concerns with the children, nor did he think mother's home was unclean. Grandfather denied seeing mother exhibit any "extreme mood swings" or other concerning behaviors. And while grandfather agreed that mother had struggled with mental-health concerns, he did not believe that mother's mental-health struggles affected her parenting.

Finally, grandmother's friend testified about an incident in the fall of 2022 when she went to mother's home with grandmother, child 1, child 2, and the children's cousins. The friend stated that mother's home was "rundown" and "filthy." She reported that the floor looked like it was going to "cave in." And the friend testified that, as she was driving away, "[child 2] came running out of the house" crying, got into friend's car, and said that he had "come [to] say goodbye" because mother told him he would never see them again. The friend explained that child 2 began "begging" her to take him back to grandmother's house and not to leave him with mother. According to the friend, mother came out of the house, told the children to give grandmother a hug because they would never see grandmother again, and accused grandmother of killing mother's sibling—an experience

that grandmother's friend described as "very traumatic" and which resulted in everyone crying. In her testimony, grandmother explained that mother's sibling had died by suicide and that mother blamed grandmother for this death.

Following the evidentiary hearing, the district court filed findings of fact, conclusions of law, and an order granting father sole physical custody of the children and setting father's home as the children's primary residence. The district court also awarded mother parenting time with the children. Mother appeals.

DECISION

Mother raises two arguments on appeal. First, she claims that the district court abused its discretion in several of its evidentiary rulings, which prejudiced her. Second, mother maintains that the district court's modification decision must be reversed because it is not supported by the record evidence. For the reasons discussed below, we reject both of mother's contentions.

I. The district court did not abuse its discretion in its evidentiary rulings.

Mother asserts that the district court: improperly admitted evidence of statements by the children that are set forth in their mental-health records, including child 1's and child 2's initial intake interviews; abused its discretion in evidentiary rulings related to testimony by father's partner; and impermissibly permitted father to question mother about a criminal charge. An appellate court reviews a district court's evidentiary rulings for an abuse of discretion. *Olson ex rel. A.C.O. v. Olson*, 892 N.W.2d 837, 841 (Minn. App. 2017). The party asserting an evidentiary error is entitled to relief only if the party establishes that the error was prejudicial. *See* Minn. R. Evid. 103(a) (providing that, among

other requirements, "[e]rror may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected").

A. Mental-Health Evidence

First, mother argues that the district court abused its discretion by admitting evidence of statements by the children that are set forth in their mental-health records, including documentary exhibits of child 1's and child 2's initial intake interviews. Although she does not identify specific statements by child 1 and child 2, mother generally asserts that this evidence was inadmissible hearsay. We do not agree.

"'Hearsay' is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." Minn. R. Evid. 801. Hearsay is not admissible unless an exception applies. Minn. R. Evid. 802. Exceptions include "[s]tatements made for purposes of medical diagnosis or treatment," Minn. R. Evid. 803(4), and the business-records exception, Minn. R. Evid. 803(6). In particular, the business-records exception allows a district court to admit certain records if a qualified witness—someone familiar with how a business compiles its documents—lays a proper foundation. Minn. R. Evid. 803(6) (articulating the requirements for the business-records exception); *see also Nat'l Tea Co. v. Tyler Refrigeration Co.*, 339 N.W.2d 59, 61 (Minn. 1983).

The children's therapist testified at the hearing about her observations of child 1 and child 2. As part of her testimony, the therapist discussed child 1's and child 2's initial intake interviews, which were completed by other therapists within the same health organization.

The children's therapist explained:

- her qualifications, education, training, and experience as a licensed professional clinical counselor employed by the organization that provided mental-health services to child 1 and child 2;

- that it is typical at her organization for other therapists to complete initial intake interviews;

- that her organization has a policy for such interviews to be documented within seven days;

- that the initial intake interview is "a requirement of . . . [her] agency's licensure";

- that—as part of the organization's process and normal procedure—the initial intake interviews prepared by other therapists are incorporated into notes and treatment plans that treating therapists use and rely on when working with clients, as the children's therapist did with child 1 and child 2;

- that child 1's and child 2's initial intake interviews were conducted by a licensed psychologist and a licensed clinical social worker (LCSW), respectively, who were employed with the therapist's organization;

- that the licensed psychologist's and LCSW's main roles are to meet with clients and complete initial intake interviews; and

- that the content of child 1's and child 2's initial intake interviews aligned with what the therapist encountered in treating the children and "accurately reflected" what the therapist determined to be the children's needs.

Mother objected to the district court receiving evidence of statements by the children—including documentary exhibits of child 1's and child 2's initial intake interviews—that are set forth in their mental-health records. In arguing that the hearsay rule bars admission of such evidence, mother noted that the testifying therapist did not personally conduct the initial intake interviews. The district court overruled mother's

objection without identifying a specific hearsay exception. We discern no abuse of discretion in this decision.

Mother's generalized assertion that "[t]he statements of the children to the therapist were inadmissible double hearsay" is unavailing. To the extent that mother challenges the district court's admission of testimony by the children's therapist about statements that child 1 and child 2 made to her in therapy, such evidence is admissible as "[s]tatements made for purposes of medical diagnosis or treatment" under Minnesota Rule of Evidence 803(4). *See, e.g.*, *State v. Larson*, 472 N.W.2d 120, 127 (Minn. 1991) (analyzing hearsay statements by a child, including statements to a psychologist "during therapy," and concluding that "the least troubling [statements] . . . [were] the ones made to [the psychologist] during therapy" because "[t]hose statements were for the purpose of therapy . . . and were admissible under the 'medical treatment' exception, Rule 803(4), which is a firmly-rooted hearsay exception"); *In re Welfare of R.T.*, 364 N.W.2d 884, 886–87 (Minn. App. 1985) (citing Rule 803(4) and concluding that "[t]he trial court did not err by admitting reports and testimony which included references to statements made by the children," including "[s]tatements made to [a] psychologist").

As for the district court's admission of documentary exhibits summarizing child 1's and child 2's initial intake interviews, Minnesota law recognizes that "[i]t is accepted medical practice to use a team approach for psychological evaluations." *Murray v. Antell*, 361 N.W.2d 466, 469 (Minn. App. 1985). And we have concluded that reports prepared by staff members of a mental-health center are admissible under the business-records exception, even though the staff members did not testify, when an organization's

psychologist "testified that the . . . reports were prepared in the regular course of business by qualified personnel conducting a team evaluation." *Id.* In light of this guidance and the testimony of the children's therapist about the initial intake interview process both generally and specifically as to child 1 and child 2, we conclude that those mental-health records were admissible per Minnesota Rule of Evidence 803(6), the business-records exception to the hearsay rule.[3] Thus, the district court did not abuse its discretion by admitting the above mental-health evidence.

But even assuming the documentary exhibits summarizing child 1's and child 2's initial intake interviews were not admissible under the business-records exception, we would nevertheless conclude that mother was not prejudiced by the admission of that evidence. "A district court's ruling on the admissibility of evidence will only be reversed if the court abused its discretion *and the abuse of discretion prejudiced the objecting party*." *Melius v. Melius*, 765 N.W.2d 411, 417 (Minn. App. 2009) (emphasis added). The children's therapist noted that initial intake interviews act only as a "baseline" and are "just the first step to get [an individual] into services." The therapist explained that she worked with child 1 and child 2 over several months before the evidentiary hearing on father's change-of-custody request. She testified that, when formulating a comprehensive treatment

[3] To be clear, as much as mother's generalized double-hearsay argument may refer to statements by child 1 and child 2 to the licensed psychologist and the LCSW that are in the documentary exhibits summarizing the initial intake interviews, we conclude (1) that the children's statements to the licensed psychologist and the LCSW were admissible under Minnesota Rule of Evidence 803(4) and (2) that the documentary exhibits were admissible under Rule 803(6).

plan for the children, she relied more heavily on the information she received directly from child 1 and child 2 as the therapy appointments progressed. And the therapist used notes from her ongoing, individual sessions with child 1 and child 2 to draft her report. In other words, the therapist's testimony about the children's mental-health needs was based on her ongoing meetings with the children in the eight months before the evidentiary hearing—not solely on the initial intake interviews. Mother does not identify in the district court's findings of fact, conclusions of law, and order any prejudicial reliance by the court on the initial intake interviews versus the therapist's testimony. Nor do we discern any. We therefore conclude that any assumed error in the admission of the documentary exhibits summarizing child 1's and child 2's initial intake interviews was not prejudicial.

B. Witness Testimony from Father's Partner

Next, mother contends that the district court abused its discretion in its evidentiary rulings related to testimony from father's partner. She claims that the district court abused its discretion by: (1) allowing partner to invoke her constitutional right against self-incrimination; and (2) excluding evidence of an unrelated child-protection matter. We reject both arguments.

Mother asserts that the district court improperly allowed father's partner to decline to testify about a criminal matter on Fifth Amendment grounds. Specifically, mother's counsel asked partner about a criminal charge that was pending against her. In response, father's partner asserted her right to remain silent and declined to answer other questions on that issue. Mother argues that partner's invocation of her Fifth Amendment right

unfairly prejudiced mother because mother maintains that the criminal charge is relevant to whether father's house is a proper primary residence.

The Fifth Amendment right against self-incrimination may be invoked if the testimony or information "sought would tend to incriminate the witness." *Minn. State Bar Ass'n v. Divorce Assistance Ass'n, Inc.*, 248 N.W.2d 733, 737 (Minn. 1976). This right can be invoked in both criminal and civil proceedings. *Parker v. Hennepin Cnty. Dist. Ct., Fourth Jud. Dist.*, 285 N.W.2d 81, 82 (Minn. 1979). In a civil case, a fact-finder may draw an adverse inference from a party's or witness's invocation of the right. *Wartnick v. Moss & Barnett*, 490 N.W.2d 108, 111 n.1 (Minn. 1992).

The district court acknowledged these principles and advised father's partner that, while she had the right to remain silent, the court could "draw a negative inference[] regarding the circumstances outlined in [the] complaint." Based on the record as a whole, and even with this adverse inference, the district court ultimately determined that a modification of physical custody was warranted and therefore designated father's home as the children's primary residence. The district court's decision necessarily incorporated the court's credibility findings, including its assessment of partner's credibility as a witness, to which this court defers. *See Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988) (noting that a reviewing court defers to the district court's assessment of witness credibility). We discern no abuse of discretion or resulting prejudice in the district court's decisions about evidence of partner's pending criminal charge.

Mother also argues that the district court improperly excluded evidence of a prior child-protection case involving partner's children and their biological father. Father's

partner acknowledged the existence of that case. But, as mother's counsel conceded in her offer of proof to the district court, partner was not the perpetrator of the conduct underlying the child-protection matter. Based on that concession, the district court concluded that the collateral matter involving partner's children was not relevant to this proceeding involving child 1, child 2, and child 3. Again, we agree with the district court. "Rulings on the admissibility of evidence lie within the district court's discretion." *Aljubailah v. James*, 903 N.W.2d 638, 644 (Minn. App. 2017). We conclude that the district court did not abuse its discretion by excluding evidence of the unrelated child-protection matter.

C. Mother's Theft Charge

Finally, mother argues that the district court impermissibly allowed father's counsel to ask mother about a theft conviction. During cross-examination, father's counsel asked mother: "[Y]ou have a theft conviction[,] don't you?" Mother's counsel objected to the question on relevance grounds. Father's counsel argued that the conviction was relevant because it showed "[a]ctive dishonesty" by mother. The district court overruled mother's objection and ordered mother to answer the question. Mother acknowledged that she had a prior criminal record for theft. On appeal, mother argues that the crime is not a crime involving dishonesty or a false statement.

Evidence that a witness has been convicted of a crime may be admitted to impeach the witness if the crime "involved dishonesty or false statement, regardless of the punishment." Minn. R. Evid. 609(a)(2). The parties disagree about whether mother's previous conviction is a crime involving dishonesty or a false statement. Assuming without deciding that mother's prior offense was inadmissible, we conclude that any error in the

admission of this evidence was harmless. *See* Minn. R. Civ. P. 61 (noting that if a district court erroneously admits or excludes evidence, the party may receive a new hearing unless the error was harmless); *Goldman v. Greenwood*, 748 N.W.2d 279, 285 (Minn. 2008) (applying this rule to an appeal from a custody-modification order). To show that an error was prejudicial and therefore not harmless, an appellant must show that the error "might reasonably have influenced the fact-finder and changed the result of the proceeding." *Olson*, 892 N.W.2d at 842. Here, ample evidence in the record supports the district court's custody-modification decision. Thus, mother is not entitled to relief on the basis of this argument.

II. The district court did not abuse its discretion by modifying custody.

Mother challenges the district court's modification decision. "A district court has broad discretion to provide for the custody of children." *In re M.R.P.-C.*, 794 N.W.2d 373, 378 (Minn. App. 2011). "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). "[W]e review the [district court's] findings [of fact] for clear error, giving deference to the district court's opportunity to evaluate witness credibility and reversing only if we are left with the definite and firm conviction that a mistake has been made." *Thornton v. Bosquez*, 933 N.W.2d 781, 790 (Minn. 2019) (quotations omitted).

Minnesota Statutes section 518.18 (2024) governs custody modifications and allows a district court to modify custody under certain circumstances. If the movant alleges facts that would allow the district court to grant the relief sought, the district court must hold an

evidentiary hearing to determine whether those allegations are, in fact, true.[4] *M.J.H.*, 913 N.W.2d at 440; *Crowley*, 897 N.W.2d at 294 (noting that a district court may not modify custody without holding an evidentiary hearing in which it determines the facts that permit modification). Following the hearing, a district court shall not grant an endangerment-based motion to modify custody unless it finds that: a change has occurred in the circumstances of the child or the parties; modification would serve the best interests of the child; the child's present environment endangers the child's physical or emotional health or emotional development; and the harm to the child likely to be caused by the change of environment is outweighed by the advantage of change. Minn. Stat. § 518.18(d)(iv). The party requesting modification bears the burden of showing endangerment—in this case, father. *Szarzynski v. Szarzynski*, 732 N.W.2d 285, 292 (Minn. App. 2007).

With these principles in mind, we turn to the record before us. The district court held a six-day evidentiary hearing at which the court heard testimony from several witnesses and received multiple exhibits. "Based upon the evidence presented at [the] hearing," the district court determined that father had "met his burden to show that the custody arrangement in the 2017 judgment and decree should be modified." Given the following analysis of the four factors outlined in Minnesota Statutes section 518.18(d)(iv),

[4] Before an evidentiary hearing is held, the moving party must make a prima facie case for modification. *In re Custody of M.J.H.*, 913 N.W.2d 437, 440 (Minn. 2018). In this case, the district court determined as an initial matter that father alleged a prima facie case for custody modification based on endangerment. Mother does not specifically challenge the district court's prima facie determination on appeal.

we are satisfied that the district court acted well within its discretion in ordering the custody modification.

A. Change in Circumstances

The first factor requires the district court to find that a "significant" change of circumstances has "occurred since the original custody order." *Geibe v. Geibe*, 571 N.W.2d 774, 778 (Minn. App. 1997). The district court determined that there was sufficient evidence of a change in circumstances here. In particular, the district court reasoned that father "had limited to no contact with his sons" after the original order and that mother's second husband "likely contributed to the lack of contact." A parent's interference or denial of "a duly established parenting time schedule" is a valid basis for a custody modification. Minn. Stat. § 518.18(d). The record supports the district court's determination that father was denied parenting time with the children. Indeed, mother acknowledged that, despite the parenting-time schedule in place, father only had "[s]ix visits total[]" with the children following their 2017 divorce. The district court further ruled that there was a change in circumstances because mother and the children were living "under the shadow of domestic abuse" by her second husband. Again, the record supports this determination because mother admitted that the children were physically abused by her second husband. We conclude that the district court did not abuse its discretion in deciding that the first factor supports modification of the custody arrangement.

B. Best Interests of the Children

The second factor considers whether modification of a custody order "serve[s] the best interests of the child." Minn. Stat. § 518.18(d). "A child's best interests are the

fundamental focus of custody decisions." *Vangsness v. Vangsness*, 607 N.W.2d 468, 476 (Minn. App. 2000). The district court's factual findings "regarding the best-interest factors are reviewed for clear error," *Hansen v. Todnem*, 908 N.W.2d 592, 599 (Minn. 2018), which precludes an appellate court from weighing the evidence or engaging in factfinding, *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221–22 (Minn. 2021). Instead, appellate courts "fairly consider[ ] all the evidence" and determine whether "the evidence reasonably supports the [district court's] decision." *Kenney*, 963 N.W.2d at 222.

The district court concluded that it was in the best interests of the children for their parents to share joint legal custody and for father to have sole physical custody. Mother does not challenge the district court's best-interests determination, and we decline to consider issues that were neither raised nor briefed on appeal. *See In re Welfare of M.D.O.*, 462 N.W.2d 370, 379 (Minn. 1990). We furthermore note that the district court made factual findings in its memorandum bearing on the best-interests factors and that these findings are supported by the record. *See* Minn. Stat. § 518.17, subd. 1(a) (2024) (setting forth best-interests factors). For example, the district court discussed the children's physical, emotional, and educational needs, as well as the effect of the proposed custody arrangements on the children. It also found that domestic abuse occurred in mother's home and that mother's mental health affected her ability to parent the children. By comparison, the district court found that "the children have had their needs met, and have prospered" while living with father. And the district court found that father can provide stability to the children, which mother has been unable to provide. We discern no abuse of discretion by

the district court as to the second factor because the record reasonably supports the court's findings, which are not clearly erroneous.

C. Endangerment

Under the third factor, custody modification may be warranted if "the child's present environment endangers the child's physical or emotional health or impairs the child's emotional development." Minn. Stat. § 518.18(d)(iv). The district court made several findings bearing on physical and emotional abuse that affected the children while in mother's custody. As to child 1, the district court found that he suffered "traumatic events" while living with mother. The district court credited testimony from the therapist that child 1 met the statutory definition of "Severe Emotional Disturbance" and "was noted [as having] a risk of self-harm." In addition, the district court found that Child 2 also met the criteria for "Emotional Disturbance" and reported experiencing "frequent body aches," which "were a stress-related physical symptom." Moreover, the district court found that child 1 and child 2 lived in an abusive environment with mother because child 1 was physically abused by mother's second husband and child 2 witnessed that abuse. The district court also found that the children attended up to eight schools before September 2022, "causing instability and a feeling of never being connected." And it observed that mother's own mental-health struggles affected her ability to provide stability for the children.

Mother does not challenge these findings on appeal. Instead, she maintains that other aspects of the record weigh against modifying custody. As an example, mother claims that she is engaging in therapy, obtained employment, and secured housing. But even

taking these assertions as true, mother's argument that her evidence could support an opposite result does not establish a basis for reversal. "When the record reasonably supports the findings at issue on appeal, it is immaterial that the record might also provide a reasonable basis for inferences and findings to the contrary." *Kenney*, 963 N.W.2d at 223 (quotation omitted); *see also Bayer v. Bayer*, 979 N.W.2d 507, 513 (Minn. App. 2022) (applying *Kenney* in a family-law appeal); *Vangsness*, 607 N.W.2d at 474 ("That the record might support findings other than those made by the trial court does not show that the court's findings are defective."). And we will not reweigh evidence or engage in fact-finding on appeal. *Kenney*, 963 N.W.2d at 221–22. Thus, even if the record could have supported alternative findings, we will not reverse the district court's endangerment determination, which is amply supported by the record.

Mother also challenges the district court's decision to comment on her arrest for child endangerment. She notes that the state declined to file charges related to this offense and asserts that the state's decision weighs against an endangerment finding. But we are unconvinced. The district court's statements about mother's arrest related to events that occurred at the pre-hearing stage, before the evidence had been presented to the court. *See Amarreh v. Amarreh*, 918 N.W.2d 228, 231 (Minn. App. 2018) (noting that a movant making a prima facie case of endangerment "need not *establish* anything" and "need only make allegations which, if true, would allow the district court to grant the relief" sought). And the district court's well-reasoned endangerment determination is based on witness testimony and exhibits presented at the hearing. We discern no basis in the district court's modification order for mother's contention that the court relied on mother's arrest in

deciding to modify custody. Rather, we conclude that the district court's decision rests on its findings related to the children's mental health, their frequent relocations and school changes, and the presence of domestic abuse in mother's home. The district court's endangerment determination is supported by the evidence.

D. Advantages of Modification to the Children

When evaluating the fourth factor, the district court must determine that "the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child." Minn. Stat. § 518.18(d)(iv). In this case, the district court acknowledged that Child 2 and Child 3 had "strong bonds" with mother. But it found that the children "benefitted from having stability" provided by father, which mother could not afford them. The district court explained:

> In [father's] primary care, the children have had their needs met, and have prospered. The children have benefitted from the simple concept of stability. Stability has provided them with academic access, athletic opportunity, and social interaction with friends. These benefits were derived from stability they were lacking when they attended up to eight different schools while with [mother].

Mother faults the district court for failing to "sufficiently address present circumstances at the time of modification." She does not, however, identify any evidence in the record supporting this claim. "An assignment of error based on mere assertion and not supported by any argument or authorities" is forfeited "unless prejudicial error is obvious on mere inspection." *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971); *see also Braith v. Fischer*, 632 N.W.2d 716, 725 (Minn. App. 2001) (applying *Schoepke* in a family-law appeal), *rev. denied* (Minn. Oct. 24, 2001).

Our mere inspection of the record reveals no prejudicial error in the district court's balancing of the harm likely to be caused by a change of environment against the advantage of that change. Because mother does not provide any legal authority or citations to the record in support of her conclusory assertion, and because prejudicial error is not otherwise obvious, we conclude that mother's argument is forfeited. On this record, the district court did not abuse its discretion in determining that the advantages of a custody change for the children outweighed any potential harms.

In sum, we conclude that the district court did not abuse its discretion in granting father's motion to modify physical custody and the children's primary residence.

Affirmed.