STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0832

In Re the Custody of: B. G. F.;

Matthew Ryan Foede, petitioner,
Respondent,

vs.

Courtney Ann-Nicole Vaughn,
Appellant,

County of Sherburne,
Intervenor.

Filed January 13, 2025
Affirmed
Wheelock, Judge

Sherburne County District Court
File No. 71-FA-17-101

Carrie A. Doom, McKinnis & Doom, P.A., Cambridge, Minnesota (for respondent)

Cortney Ann-Nicole Vaughn, Big Lake, Minnesota (pro se appellant)

Considered and decided by Johnson, Presiding Judge; Bjorkman, Judge; and Wheelock, Judge.

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

In this appeal from an order modifying physical and legal custody, appellant mother argues that the district court (1) abused its discretion in its evidentiary rulings, (2) abused

its discretion by modifying the custody order, (3) erred by terminating father's child-support obligation, and (4) demonstrated judicial bias. We affirm.

FACTS

Appellant Cortney Ann-Nicole Vaughn[1] (mother) and respondent Matthew Ryan Foede (father) are the parents of B.G.F. (the child), born in July 2013. A district court filed a custody order in June 2018, granting both parents joint legal and joint physical custody of the child.

Both parents had equal parenting time until fall 2019, when the child started kindergarten in the Sartell School District. At that time, the schedule changed to allow mother, who lived in Sartell, to parent the child during the school week and every fourth weekend while father parented the child during the other three weekends. Beginning in kindergarten, the child missed classes or entire school days, and his attendance worsened each year. By the winter of second grade, the child's teachers identified him as being at "high risk" in reading comprehension and math based on the school district's goals for students his age.

In July 2022, father filed a petition to modify (1) physical custody by reversing the parenting schedule between the parents such that father would parent the child during the school week and every fourth weekend and mother would parent the child on the remaining three weekends in a four-week period and (2) legal custody by directing the child to attend

[1] The caption in this matter is taken from the district court record. Minn. R. Civ. P. 143.01 ("The title of the action shall not be changed in consequence of the appeal."). The caption here contains a typographical error that reads "Courtney" instead of "Cortney," which we do not change.

school in the Becker School District, where father lived. At a November 2022 initial hearing on father's petition, the district court determined that father presented a prima facie case of endangerment and issued a temporary order granting father's petition effective immediately. Although the district court scheduled a full evidentiary hearing for April 2023, mother requested a continuance a few days before the hearing, and the district court rescheduled it for September 2023.[2]

The hearing took place over five days spanning September through December, during which the district court received testimony from father; father's mother (grandmother); mother; and E.C., father's ex-girlfriend who shares a child with father. Both parties submitted proposed findings in December 2023, and the district court granted father's petition in March 2024, in effect making permanent the temporary changes in physical and legal custody that it had granted in November 2022, though both parents retained joint legal and joint physical custody.

Mother appeals.

DECISION

Mother challenges the district court's order in a self-represented brief. Her brief identifies 12 issues that we organize into four categories: (1) rulings on evidentiary issues;

[2] Mother argues that the district court erred because it delayed the hearing, contrary to the statute's explicit requirement that it "shall hold a hearing at the earliest possible time to determine the need to modify the order granting parenting time." Minn. Stat. § 518.175, subd. 5(d) (2022). But the only delay was the continuance that mother requested a few days before the April 2023 hearing date. Mother requested another continuance at the next hearing date, and the district court denied it in an effort to resolve this matter quickly as required. We therefore discern no error in the district court's decision to continue the hearing to September 2023.

(2) modifying legal and physical custody; (3) terminating father's child-support obligation; and (4) demonstrating judicial bias. We address each category of arguments in turn.

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

Mother asserts that the district court abused its discretion when it made the following evidentiary rulings: (1) excluding one of mother's witnesses; (2) excluding E.C.'s testimony related to E.C.'s affidavits; (3) admitting a newspaper article; and (4) excluding mother's exhibits about the child's need for testing.

"Rulings on the admissibility of evidence lie within the district court's discretion, and this court will not disturb an evidentiary ruling unless it is based on an erroneous view of the law or is an abuse of that discretion." *Aljubailah v. James*, 903 N.W.2d 638, 644 (Minn. App. 2017) (quotation omitted). "[O]n appeal error is never presumed," *Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (quotation omitted), and inadequately briefed issues are not properly before this court, *In re Civ. Commitment of Kropp*, 895 N.W.2d 647, 653 (Minn. App. 2017), *rev. denied* (Minn. June 20, 2017). Self-represented parties are afforded some leeway but "are generally held to the same standards as attorneys and must comply with court rules." *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001).

The Minnesota Rules of Evidence apply to custody-modification proceedings. *See* Minn. R. Evid. 1101 (explaining that the rules of evidence apply to all state court proceedings unless otherwise noted). Pursuant to these rules, the district court makes preliminary determinations regarding the admissibility of evidence. Minn. R. Evid. 104(a). The rules require that, for a witness to testify, their testimony must have foundation. For a

witness's testimony to have foundation, the testimony must "derive from the witness' personal experience and personal knowledge" of the facts at issue. Minn. R. Evid. 701 2016 comm. cmt. Testimony is hearsay if it is an out-of-court statement offered to prove the truth of the matter asserted. Minn. R. Evid. 801(c). The rules prohibit admitting hearsay unless an exception applies. Minn. R. Evid. 802.

The Minnesota Rules of Civil Procedure also apply to parties and their submission of evidence. These rules allow a district court to prohibit the introduction of evidence if a party fails to follow a discovery order. Minn. R. Civ. P. 37.02(b)(2). And they require a party to identify for the court and the other party "each document or other exhibit, including summaries, . . . identifying those items the party expects to offer" at least 30 days prior to trial. Minn. R. Civ. P. 26.01(c). A district court's record of a case includes documents, such as affidavits, that are submitted to the court. *See Est. of King*, 992 N.W.2d 410, 415 (Minn. App. 2023) (explaining that these submissions comprise the appellate record).

If a district court erroneously admits or excludes evidence, the party may receive a new hearing unless the error was harmless. Minn. R. Civ. P. 61; *see Goldman v. Greenwood*, 748 N.W.2d 279, 285 (Minn. 2008) (applying rule 61 to an appeal of a custody-modification order). An error is not harmless if the refusal to grant a new hearing would be "inconsistent with substantial justice." *See* Minn. R. Civ. P. 61. To demonstrate that such an error resulted in prejudice and therefore was not harmless, an appellant must show that the error "might reasonably have influenced the fact-finder and changed the result of the proceeding." *Olson ex rel. A.C.O. v. Olson*, 892 N.W.2d 837, 842 (Minn. App. 2017). Keeping these rules in mind, we consider each of mother's arguments in turn.

Exclusion of Mother's Witness

Mother argues that the district court abused its discretion by excusing one of her witnesses and by allowing father's attorney to question the witness while preventing mother from questioning the witness.[3]

The record shows that, when mother began questioning her witness, father's attorney objected on the grounds of foundation. After the district court sustained nine objections of this nature, father's attorney offered to "inquire of the witness to see if he even has any information relevant to these proceedings." The district court and mother agreed, and father's attorney conducted voir dire[4] to determine whether the witness possessed personal knowledge and experience regarding the facts at issue. The witness admitted that he did not know father personally, that he saw mother and child only

[3] Mother's principal brief discusses only one witness but implies that other witnesses were wrongfully excluded. Her reply brief asserts that the child was another improperly excluded witness, but because mother did not raise it in her principal brief, we do not reach this argument. *Wood v. Diamonds Sports Bar & Grill, Inc.*, 654 N.W.2d 704, 707 (Minn. App. 2002) ("If an argument is raised in a reply brief but not raised in an appellant's main brief, and it exceeds the scope of the respondent's brief, it is not properly before this court and may be stricken from the reply brief."), *rev. denied* (Minn. Feb. 26, 2003). Even if we were to address this argument, it is not persuasive because whether to interview a child is highly discretionary and, in reaching its decision, the district court considered the testimony of others that relayed the child's experiences and preferences. *See Madgett v. Madgett*, 360 N.W.2d 411, 413 (Minn. App. 1985) (stating that interviewing a child is discretionary and that, absent an interview, the district court may consider other evidence of the child's needs and preferences).

[4] Opposing counsel may "conduct a limited cross-examination, referred to as voir dire," of a witness to determine whether there is adequate foundation for the evidence offered. *State v. Hager*, 325 N.W.2d 43, 44 (Minn. 1982). The district court's decision to permit father's attorney to conduct this limited voir dire is in keeping with well-established practice and was not an abuse of the district court's discretion to manage the admission of evidence.

"sporadically"—limited to four or five times in 2023—and that his knowledge of this matter was "based on talking with [mother]." Because the witness knew about the matter only through conversations with mother, he lacked the foundation required for him to offer testimony and the district court did not abuse its discretion when it excused the witness.

Exclusion of E.C.'s Testimony

Mother argues that the district court abused its discretion by excluding E.C.'s testimony about E.C.'s affidavits. E.C. and father share a child from their previous relationship. E.C. provided an affidavit in support of father's petition to modify physical and legal custody, but a year later, she submitted a second affidavit in support of mother.[5]

At the evidentiary hearing, mother attempted to question E.C. about her second affidavit and father objected on the grounds of foundation and hearsay. The district court explained these rules of evidence to mother, who was self-represented during the hearing. During mother's questioning, however, E.C. testified that the last time she saw father and the child at issue in these proceedings was during a brief parenting exchange of E.C. and father's shared child over a year before the day of the hearing. Because E.C. had not seen

[5] Mother submitted a motion requesting that the district court find that father and his attorney committed misconduct, conspiracy, and perjury. To support her motion, mother attached about 50 pages of emails and screenshots of text conversations to demonstrate that E.C.'s first affidavit was false. Mother alleged that father offered to "agree to [E.C.'s] terms for custody" of their shared child if E.C. submitted the affidavit in support of his motion, that father's attorney wrote the initial affidavit for E.C., and that E.C. agreed to sign the false affidavit while intoxicated and without reading it. The district court informed mother that it would not consider mother's motion at the evidentiary hearing on the motion to modify custody (father's motion) because she filed her motion shortly before the hearing on father's motion. Mother's motion and accompanying evidence is included in the record before us, but because it is not within the scope of this appeal, we do not address the motion in this opinion.

or spent time with father or with the child at issue in these proceedings during the time referenced in her second affidavit, she could not have had personal knowledge about the father's relationship with the child as she discussed in her second affidavit and about which mother attempted to question her during her testimony. Thus, the district court did not abuse its discretion by excluding E.C.'s testimony about her affidavits.

We also note that E.C.'s testimony about the affidavits would be cumulative and could be excluded under Minn. R. Evid. 403, and thus, any error in excluding them for lack of foundation would be harmless. E.C.'s testimony about the affidavits would also be hearsay as it was about E.C.'s statements within the affidavits and not her personal knowledge of the events and facts in the affidavits. Because both of the affidavits are in the record and E.C.'s testimony about the affidavits was properly excluded, the district court did not abuse its discretion by excluding E.C.'s testimony about the statements she made in her affidavits and any error was harmless.

Admission of Newspaper Article

Mother next argues that the district court admitted hearsay over her objections, but the only instance she identified was the admission into evidence of a newspaper article about a domestic-violence incident. Mother did not object to the admission of the newspaper article at the hearing.

Father testified that mother called him in 2021 and asked that he keep the child safe because her ex-boyfriend had threatened mother, father, their child, another of mother's children, and that child's father. Father moved to admit as an exhibit a newspaper article about the incident, and he testified that the article was consistent with his testimony. We

agree that the newspaper article was hearsay because it contained out-of-court statements that were offered to prove that the incident with the ex-boyfriend happened and that, therefore, the article should not have been admitted. However, because father also testified to his own experience of the incident and his testimony was consistent with the article, we conclude that, even if the error had been properly preserved, mother was not prejudiced by the admission and therefore any error in admitting the article was harmless and cannot provide a basis for the relief mother seeks.[6]

Exclusion of Mother's Exhibits

Mother argues that the district court abused its discretion by not admitting her exhibits, specifically asserting that it should have admitted additional documentation supporting the child's need for attention-deficit hyperactivity disorder (ADHD) testing and that the exclusion prejudiced her.[7]

The record shows that mother did not provide notice to the district court or father's attorney of her exhibits as required by the applicable rules and that, in fact, she had tried to upload them on the morning of the hearing. At the hearing, the district court reminded

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[6] Mother asserts that other testimony was hearsay and prejudiced her, but she does not identify what statements were erroneously admitted hearsay. Because mother has inadequately briefed these arguments and error is never presumed on appeal, we do not consider mother's vague assertions that the district court admitted other hearsay. *See Loth*, 35 N.W.2d 546; *Kropp*, 895 N.W.2d at 653.

[7] Mother also asserts that the district court should have considered the guardian ad litem's report and the 2018 parenting consultant's recommendation, but these were prepared for matters other than the underlying proceeding—mother's order-for-protection petition that was dismissed and the initial custody determination, respectively—and are not relevant to the proceedings here.

mother that it had told her previously about the applicable rules, including the timely submission of evidence, and that she was required to follow them. The district court excluded mother's exhibits because she did not comply with the rules; we discern no abuse of discretion. We also conclude that mother cannot demonstrate prejudice resulting from exclusion of the additional documentation about the child's alleged ADHD because the district court permitted mother's testimony about a possible ADHD diagnosis and admitted into evidence father's exhibit of the ADHD assessment mother procured. Thus, the district court ultimately considered the information about ADHD. We conclude that the district court did not abuse its discretion when it excluded mother's exhibits and that any error was harmless.

II. The district court did not abuse its discretion by modifying the custody order as to parenting time and the child's school district.

Mother challenges the district court's grant of father's petition that sought modifications to legal and physical custody pursuant to Minn. Stat. § 518.18(d) (2022), arguing that the district court abused its discretion when making the best-interests and endangerment findings.[8] The district court granted father's specific requests to (1) modify physical custody such that the child would be with father during the school week and every fourth weekend—an award of 58.1% of the parenting time—and the child would be with mother on the other three of every four weekends—an award of 41.9% of the parenting time—and (2) modify legal custody by changing the child's school district from Sartell,

[8] We note that modifying parenting time does not necessarily equate to modifying custody; however, as the facts, law, and conclusions are the same for both analyses, we have combined them in this opinion.

where mother lived, to Becker, where father lived. We first explain the legal framework that applies to a request to modify custody under Minn. Stat. § 518.18(d), then we analyze each of mother's arguments.

The party seeking to modify custody has the burden to meet the requirements for modification set forth in Minn. Stat. § 518.18(d) because that statute "governs the modification of custody orders after a judgment and decree." *Crowley v. Meyer*, 897 N.W.2d 288, 293 (Minn. 2017). Where a child attends school is part of a legal custody award, Minn. Stat. § 518.003, subd. 3(a)-(b) (2022), and custody matters are subject to a best-interests analysis. *Novak v. Novak*, 446 N.W.2d 422, 424 (Minn. App. 1989) (explaining that "general determinations of custody and resolution of specific issues" are all subject to review of the child's best interests), *rev. denied* (Minn. Dec. 1, 1989); *see* Minn. Stat. § 518.17, subd. 3(a) (2022) (listing legal and physical custody modifications as among a court's decisions that require a best-interests determination).

A modification of parenting time may be a restriction if the modification increases one person's parenting time above 54.9% or decreases another's parenting time below 45.1%. Minn. Stat. § 518.175, subd. 5(c) (2022); *Suleski v. Rupe*, 855 N.W.2d 330, 336 (Minn. App. 2014) ("There is no statutory definition of what constitutes a 'restriction' of parenting time."). "To determine whether a reduction in parenting time constitutes a restriction or modification, the court should consider the reasons for the changes as well as the amount of the reduction." *Suleski*, 855 N.W.2d at 336 (quotation omitted). If the modification of parenting time is a restriction, then the district court must find that not

modifying the "parenting time is likely to endanger the child's physical or emotional health or impair the child's emotional development." Minn. Stat. § 518.175, subd. 5(c)(1).

To modify a custody order that specifies the child's primary residence, a district court must make certain findings. Minn. Stat. § 518.18(d). These findings include that (1) there has been "a change . . . in the circumstances of the child or the parties" (first required finding) and (2) "modification is necessary to serve the best interests of the child" (second required finding). *Id.* Section 518.18(d) further provides that the district court "shall retain the custody arrangement or the parenting plan provision specifying the child's primary residence that was established by the prior order" unless the court makes the additional findings in the statute's applicable subparts. Minn. Stat. § 518.18(d)(i)-(iv). Here, the district court determined that subsection iv applied. Under section 518.18(d)(iv), the district court must also find that "the child's present environment endangers the child's physical or emotional health or impairs the child's emotional development" (third required finding) and "the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child" (fourth required finding). Minn. Stat. § 518.18(d)(iv); *accord Christensen v. Healey*, 913 N.W.2d 437, 440 (Minn. 2018). Mother's challenges are to the district court's determination of the second and third required findings, the best-interests finding and the endangerment finding, respectively. We next explain our standard of review before turning to mother's arguments.

Appellate courts review an order modifying custody for an abuse of discretion. *Pikula v. Pikula*, 374 N.W.2d 705, 710 (Minn. 1985). "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). Appellate courts will defer to a district court's ability to evaluate witness credibility and will "set aside a district court's findings of fact only if clearly erroneous." *Goldman*, 748 N.W.2d at 284. The district court's findings of fact are clearly erroneous if the appellate court "is left with the definite and firm conviction that a mistake has been made." *Id.* (quotation omitted). When reviewing the findings of fact for clear error, an appellate court need not "go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court"; rather, the appellate court's duty "is fully performed after it has fairly considered all the evidence and has determined that the evidence reasonably supports the decision." *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 222 (Minn. 2021) (quotations omitted). Appellate courts "neither reconcile conflicting evidence nor decide issues of witness credibility, which are exclusively the province of the factfinder." *Gada v. Dedefo*, 684 N.W.2d 512, 514 (Minn. App. 2004). The party challenging the district court's findings must show that the evidence, when viewed in the light most favorable to the district court's findings, does not sustain the findings. *Vangsness v. Vangsness*, 607 N.W.2d 468, 474 (Minn. App. 2000). Having explained our standard of review, we now turn to mother's arguments.

A. Best-Interests Factors—the Second Required Finding

Appellate courts review the district court's balancing of the best-interests factors for an abuse of discretion. *Thornton v. Bosquez*, 933 N.W.2d 781, 794 (Minn. 2019). We begin by noting that the "law leaves scant if any room for an appellate court to question

the [district] court's balancing of best-interests considerations." *Vangsness*, 607 N.W.2d at 477. A nonexclusive list of the best-interests factors is set forth in Minn. Stat. § 518.17, subd. 1 (2022). *See Geibe v. Geibe*, 571 N.W.2d 774, 778 (Minn. App. 1997) (explaining that the best-interests factors enumerated in this statute are the second required finding when deciding whether to modify custody). Pursuant to that statute, the district court must make detailed findings on each factor "based on the evidence presented and explain how each factor led to its conclusions." Minn. Stat. § 518.17, subd. 1(b)(1).

Here, the district court reviewed the evidence and explained its conclusions on each of the 12 factors. It determined that factors 1, 2, 4, 7, 8, and 10 favored father; factors 3 and 5 did not apply to the parties; and factors 6, 9, 11, and 12 were neutral. Because it determined that, overall, the best-interests factors weighed in favor of father, the district court concluded that the best interests of the child supported father's request to modify custody.

Mother asserts that the district court abused its discretion when reaching its conclusion on the best-interests factors by (1) basing its decision on only one or two factors rather than considering them as a whole, (2) determining that six factors did not apply or were neutral, (3) making insufficient findings of fact to support its conclusions of law, (4) inaccurately summarizing the child's attendance records, and (5) not considering her evidence that would show the factors weighed in her favor.[9] However, all of mother's

[9] Mother also argues that the district court should have considered the merits of each school district and the effects of modifying physical custody on the child's insurance coverage; however, applicable law does not require the district court to make specific findings or comparisons about school districts or insurance coverage. Moreover, any concerns about

arguments ask us to reweigh evidence or engage in credibility determinations, neither of which we can do. *See Kenney*, 963 N.W.2d at 222 (holding that appellate courts do not reconcile conflicting evidence on appeal and must review the evidence in support of the district court's determinations). Furthermore, we need not provide an extended discussion of the evidence in order to review the correctness of the district court's findings. *Id.*

After reviewing the record, we discern no abuse of discretion in the district court's determinations on the best-interests factors because evidence supports each of the district court's findings. The evidence related to the child's chronic tardies and absences from school and his second-grade teachers identifying him as being at "high risk" support the district court's finding that the child's educational development (factor 1), educational needs (factor 2), ongoing development (factor 7), and stability in school and community (factor 8) would be served by granting father's petition. The evidence related to the child's exposure to domestic violence in mother's home supports the district court's finding that the child's well-being and development (factor 4) would be served by granting father's petition. Finally, the evidence related to mother's moving in and out of the Sartell School District as compared to father's staying in the Becker School District supports the district court's finding that the child's ongoing development (factor 7) and stability in school and community (factor 8) would be served by granting father's petition. Collectively, the

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the child's insurance coverage were moot by the time the district court issued its final disposition on this matter in March 2024, given that the district court issued the temporary order in November 2022. Thus, we do not address either of these arguments.

evidence supports that the modification would maximize parenting time with both parents (factor 10) and thus also supports granting father's petition.

We note that the district court did not receive evidence that it would be appropriate for the child to testify as to his preference (factor 3) or that either parent had physical-, mental-, or chemical-health needs that affected the child (factor 5), and it properly concluded that these factors did not apply. As for the remaining factors, the district court received testimony from mother and father that demonstrated both parents were active in their relationships with the child (factor 6), the child had siblings with both mother and father and would continue having a relationship with all of them despite the modification (factor 9), each parent is committed to supporting the other's relationship with the child (factor 11), and there is tension between the parents (factor 12); thus, none of these factors weigh in favor of or against granting father's petition. Because the district court's findings are supported by the evidence and we do not reweigh or reconcile conflicting evidence, we discern no abuse of discretion in the district court's determination on the second required finding under Minn. Stat. § 518.18(d)—that the best interests of the child would be served by granting father's petition to modify physical and legal custody.

B. Endangerment—the Third Required Finding

The next step of the section 518.18(d) analysis requires the district court to find endangerment. Endangerment is determined by looking at "the child's present environment" to decide whether it "endangers the child's physical or emotional health or impairs the child's emotional development." Minn. Stat. § 518.18(d)(iv). As explained previously, appellate courts do not reweigh or reconcile conflicting evidence and review

the evidence to ensure the district court's decision is supported. *Kenney*, 963 N.W.2d at 222. Whether endangerment exists is a question of fact that we review for clear error. *See Sharp v. Bilbro*, 614 N.W.2d 260, 264 (Minn. App. 2000) (stating that the record must support the finding of endangerment and that we will not reverse so long as the findings are not clearly erroneous), *rev. denied* (Minn. Sept. 26, 2000). "The concept of endangerment is unusually imprecise, but a party must demonstrate a significant degree of danger to satisfy the endangerment element of section 518.18(d)(iv)." *Goldman*, 748 N.W.2d at 285 (quotation omitted). Endangerment may be purely to the child's emotional development. *Geibe*, 571 N.W.2d at 778. Poor school performance may indicate a danger to the child's well-being and development. *Lilleboe v. Lilleboe*, 453 N.W.2d 721, 724 (Minn. App. 1990).

Mother argues that the district court clearly erred by concluding that the child was endangered in her care because the district court did not consider all the evidence. The evidence that she argues the district court did not consider is that the child told her witness that he was afraid of being hurt by father, the child was not present during the assault by her ex-boyfriend and she protected the child from any possible effects of the violence, the attendance records show that most of child's absences were excused for appointments or sick days, and the child was physically harmed in father's care when his girlfriend cut the child's toenails.

The evidence in the record supports the district court'sfinding that the child had attendance and performance issues in school while in mother's care, and caselaw demonstrates that this supports a determination of endangerment. In *Higgins v. Higgins*,

we affirmed a district court's finding of endangerment when a parent "ha[d] a history of difficulty getting [the child] to school on time" and there were recurring absences, even when some absences and tardies were excused. No. A12-2127, 2014 WL 273926, at *4-5 (Minn. App. Jan. 27, 2014).[10] Exposure to violence in the home also affects a child's well-being and emotional development and thus demonstrates endangerment. For example, if a child is afraid of a caregiver's paramour, then this may support a finding of endangerment, even if the child does not witness domestic abuse between the caregiver and their paramour. *Greenwood v. Greenwood*, No. A17-1206, 2018 WL 3097651, at *3 (Minn. App. June 25, 2018). Because the district court received evidence that the child consistently has been absent from school and that the child is afraid of mother's boyfriend and may have been present when there was violence in mother's home, the district court's finding of endangerment was not clearly erroneous.

Based on our review of the record and the district court order, we are not persuaded by mother's challenges to the district court's grant of father's requests to award father 58.1% of the parenting time and mother 41.9% of the parenting time and to change the child's school district from Sartell to Becker. Therefore, we affirm the district court's modification of the custody order.

III. The district court did not err by terminating father's child-support obligation.

Mother argues that the district court erred by terminating father's child-support obligation without making findings as required by Minn. Stat. § 518A.37, subd. 1 (2022).

[10] "Nonprecedential opinions . . . may be cited as persuasive authority." Minn. R. Civ. App. P. 136.01, subd. 1(c).

However, the statute on which mother relies refers to deviations from the presumptively appropriate child-support obligation. Here, the district court applied the presumptively appropriate child-support obligation and the statutory deviations do not apply.

The interpretation of a statute is a question of law that appellate courts review de novo. *Floding v. Gillespie*, 866 N.W.2d 905, 909 (Minn. 2015). "Whether the district court correctly applied the law is a legal question, which we review de novo." *In re Welfare of Child. of M.A.H.*, 839 N.W.2d 730, 746 (Minn. App. 2013). Minnesota law provides that a parent who is awarded 55% or more of the parenting time of a child receives "a rebuttable presumption that the parent has a zero dollar basic support obligation." Minn. Stat. § 518A.26, subd. 14 (2022) (defining "obligor"). Here, the district court awarded father 58.1% of the parenting time, which is more than 55% of the parenting time. Therefore, father, presumptively, has no support obligation under section 518A.26, subdivision 14, and, absent rebuttal of that presumption, the district court did not need to provide further written findings. Mother does not dispute the facts, nor has she argued or shown that any exception to the presumption applies. We thus conclude that the district court did not err by terminating father's child-support obligation without further written findings.

IV. The district court judge did not demonstrate bias.

Mother's final argument is that the district court judge exhibited bias toward her because the judge granted father's motion, the judge informed mother of the time during the evidentiary hearing, and the judge interrupted mother during her questioning of a

witness.[11] Appellate courts presume that the district court judge has discharged their duties properly. *Hannon v. State*, 752 N.W.2d 518, 522 (Minn. 2008). Adverse rulings by a judge do not, by themselves, constitute judicial bias. *State v. Sailee*, 792 N.W.2d 90, 96 (Minn. App. 2010), *rev. denied* (Minn. Mar. 15, 2011). An appellate court reviews the record as a whole when considering a claim of judicial bias. *State v. Morgan*, 296 N.W.2d 397, 404 (Minn. 1980).

When viewing the record as a whole, it is clear that the judge did not demonstrate bias toward mother during the proceeding but engaged in appropriate management of the courtroom. The record shows that the judge raised the issue of time to assist mother and to schedule another date for the hearing to continue. The judge said:

> It is 4 o'clock. I bring that up because you've raised concerns about your time frame, and I don't want to get beyond that and I know sometimes you can lose track of time. If it's the case that you need to be somewhere around the Sartell area by 5, then we need to stop.
>
> We also need to pick another date so that we can continue taking testimony in this case. I'm trying to look for a next date.
>
> . . . .
>
> I'm not trying to limit you in what you want to present to the Court.

[11] Mother also asserts that the judge took father's proposed order under advisement before she submitted hers, but we see no evidence of this in the record, and mother does not identify where in the record it occurs. She also argues that the judge denied her request to change the venue, but there was no error in this denial because the proceedings had already begun and all the parties and the child lived in Sherburne County.

The record also demonstrates that the judge consistently took time during the evidentiary hearing to explain the rules of evidence to mother to help her navigate repeated objections from father's attorney. For example, the judge explained foundation as follows:

> Laying a foundation is not going to get over a hearsay objection. The hearsay objection is because the statements in the affidavit were made outside of the court. They're statements that are being offered for the truth of the matter.
>
> If you have something that [E.C.] has witnessed, ask her about it. If there's something that she has seen that might be relevant, ask her about that. But what I can tell you is her opinions on things, like whether [father] is a good dad, [is] not relevant, and it calls for speculation.

The judge also repeatedly explained hearsay to mother to help mother elicit testimony, for example:

> So, [mother], to the extent that your question asks [father] to recall a conversation that took place outside of court, even with you or with someone else, that calls for hearsay. And so the basis of his knowledge would be based on—would be something that someone told him and that calls for hearsay and that's not allowed. If these are things that you want to bring to the Court's attention, you can certainly do that during your testimony.

The judge provided appropriate guidance and managed the proceedings as necessary through all five days of the evidentiary hearing. Our review of the record as a whole persuades us that the district court judge did not demonstrate bias.

In sum, the district court did not abuse its discretion or err when making evidentiary rulings, modifying the custody order, modifying parenting time, or terminating father's child-support obligation; nor did it demonstrate bias during the proceedings.

Affirmed.