STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1334

Ryan Gary Sanford, petitioner,
Respondent,

vs.

Bethany Lynn Beilby,
Appellant.

Filed April 28, 2025
Affirmed as modified
Connolly, Judge

Steele County District Court
File No. 74-FA-21-8

Mark J. Rahrick, Smith, Tollefson, Rahrick & Cass, Owatonna, Minnesota (for respondent)

Jonathan Engel, Jack W. Hicks, Hellmuth & Johnson, PLLC, Edina, Minnesota (for appellant)

Considered and decided by Wheelock, Presiding Judge; Worke, Judge; and Connolly, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant-mother challenges the district court's award of sole legal custody, sole physical custody, the majority of parenting time, and the tax dependency exemptions of the parties' children to respondent-father; she also challenges the amount of her child-support obligation. Except for an arithmetical error of $100 in the amount of back child

support owed to appellant-mother that the parties agree should be corrected, we see no abuse of discretion in the district court's decisions. Consequently, we affirm as modified.

FACTS

Appellant Bethany Lynn Bilby and respondent Ryan Gary Sanford are the parents of two children, D.R.S., born in March 2017, and S.G.S., born in December 2018. The parties were never married to each other. Appellant was married to someone else and had two children at the time D.R.S. was born; she began dating A.S., who had three children, in 2020 and married him in 2021.

In January 2021, respondent filed a petition to establish his paternity, his joint legal and sole physical custody of the parties' children, and his parenting time. Appellant filed an answer and counterpetition also seeking joint legal and sole physical custody. Both parties later filed motions for joint legal and joint physical custody.

The district court filed an order adjudicating respondent as the children's father, granting the parties joint legal and joint physical custody, providing a 50-50 parenting time schedule, and requiring both parties to complete a co-parenting class and a bridging-parental-conflict class. Respondent filed verification that he timely completed both classes; appellant filed a late verification that she completed the co-parenting class and no verification of completion of the bridging-parental-conflict class.

The district court appointed M.M., a licensed psychologist with 30 years of experience, as a neutral evaluator. She recommended sole legal custody for respondent, due to the parties' inability to co-parent and "the destructive nature of [appellant's] untruths

and manipulation." M.M. also recommended joint physical custody, although she expressed concern for the children's well-being while in appellant's care.

Following a five-day trial, the district court field an Order, Judgment, and Decree (1) awarding respondent sole legal and sole physical custody, (2) setting a parenting-time schedule that provided respondent with 235 overnights and appellant with 130 overnights per year, (3) requiring appellant to pay $816 monthly in child support and pay back support, and (4) giving respondent the tax exemptions for both children. Appellant challenges these determinations.

DECISION

1. Custody Standard of Review

> To the extent that a party challenges a district court's findings on factual issues relevant to custody, this court applies a clear-error standard of review. If the facts are not in dispute, we apply an abuse of discretion standard of review to a district court's award of child custody. A trial court has broad discretion in making custody decisions; there is scant if any room for this court to question a district court's balancing of best-interests considerations.

In re Welfare of C.F.N., 923 N.W.2d 325, 334 (Minn. App. 2018) (citations and internal quotation omitted), *rev. denied* (Minn. Mar. 19, 2019). "[A] district court needs great leeway in making a custody decision that serves a child's best interests, "in light of each child's unique family circumstance." *Thornton v. Bosquez*, 933 N.W.2d 781, 790 (Minn. 2019).

We 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." *Id.*

A. Sole Legal Custody

The district court said in a footnote that "[t]hough the parties initially requested joint custody, testimony indicates that neither party believes joint custody to be appropriate. The custody evaluator and the [district] court agree that joint custody is untenable in this case." The record supports this, and appellant does not refute it. Appellant said "correct" when asked if her position was "no joint physical, joint legal, and equal parenting time." Although M.M. had initially recommended joint legal custody, when she was asked if these parties could "share joint legal custody," she in effect withdrew that recommendation. M.M. testified that, with these parties:

> I have one parent [appellant] who says absolutely no joint legal [custody], and I have another parent [respondent] who says, . . . I've got great concerns about my ability for this to work. That's not something I'm going to recommend that they go forward and do. I'm not going to force that upon them. I know that there's a presumption [for joint legal custody,] . . . but when people are telling you they're not going to manage a joint legal custody arrangement, you listen to them.

The district court also explained its award of sole legal custody to respondent:

> 3. . . . Where the parties are so wholly unable to communicate and make decisions cooperatively that joint custody is contrary to [the children's] best interests, the presumption [of joint legal custody] should not be upheld. [Appellant] has made it abundantly clear that she believes she is entitled to make all decisions concerning the children unencumbered by [respondent's] input. Though her pleadings espouse a supposed willingness to share legal custody and to co-parent,

> her actions render this impossible. While many reasons have been identified herein, the fact that [appellant] told the custody evaluator that [respondent] should not have parenting time or any contact with the parties' minor children is sufficient to find joint legal custody will not work. The evidence amply demonstrates [appellant's] chronic inability to collaboratively problem-solve with [respondent,] dooming the success of joint legal custody.
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> 4. . . . The tumultuous relationship history between the parties makes any attempt at joint, legal decision-making unrealistic. While Minnesota presumes joint legal custody, forcing the parties in this case to make decisions jointly would be detrimental to the short- and long-term health and wellbeing of the children. The custody evaluator identified [respondent] as capable of making decisions in the best interests of the child[ren], particularly regarding the children's education. [Respondent] has a demonstrated history of prioritizing the children's interests over his personal feelings and approaching parenting with respect and consideration for [appellant]. [Appellant] has shown she is unable or unwilling to do the same.

Both in her appellate brief and at oral argument, appellant expressed her view that the district court must make two separate sets of findings on each of the best-interest factors, one for legal custody and one for physical custody, but she offers no statutory or caselaw support for this view. In any event, the district court made numerous findings prior to addressing the best-interest factors in relation to physical custody. These included: (1) appellant's inability to prioritize or identify the children's needs; (2) her interference with respondent's parent-child relationships; (3) her refusal to tell respondent where or with whom the children were living; (4) her attempt to separate the children from respondent by seeking an Order For Protection (OFP) against him, which she withdrew when she found he had evidence opposing the OFP; (5) her insistence on her children

calling her new partners "Dad" and calling respondent by his first name, without comprehending the confusion and negative impact of this on the children; and (6) her exposing the children to adult issues and not being aware of their emotional needs or how she could be harming them. The district court did not abuse its discretion in awarding respondent sole legal custody rather than awarding the parties joint legal custody.

B. Physical custody

The district court addressed each of the "best interest" factors set out in Minn. Stat. § 518.17 (2022) and determined whom each factor favored. Four factors were determined to be neutral: (b) the children's special needs; (c) the children's preferences; (d) domestic abuse; and (h) changes to home, school, and community. As set out below, the district court provided explanations of its decision that other factors favored respondent. Our review of the record shows that the district's court's findings and associated explanations are adequately supported.

As to (a), each parent's ability to meet the children's needs, both parents had provided and were able to provide the necessities, but appellant has degraded respondent, used poor judgment, and urged one child to participate in manufacturing a false narrative about respondent's parenting. Moreover, sole custody would be the best way to keep the children out of the conflict between their parents.

As to (e), the parents' physical, mental or chemical health, no evidence was presented of any disability that would affect either parent's ability to parent, but appellant's psychological testing indicated she is immature, self-centered, and inclined to overreact, which "was amply demonstrated in the record."

As to (f), the parents' history of caretaking, appellant had more experience, because she already had two children when D.R.S. was conceived, but respondent sought guidance from trusted, experienced people and was the more "attentive and deliberate of the two parents." Appellant also left the children unsupervised while she went to care for her animals, which was a concern for both M.M. and the district court.

As to (g), the parents' willingness and ability to meet the children's developmental, emotional, spiritual, and cultural needs and to maintain consistency and follow through, appellant had three homes in four years; conceived D.R.S. with respondent while married to someone else; began another relationship while in a relationship with respondent; immediately moved the children into that person's home, which already had other children; and had the children call that person "Dad" without realizing that this would be confusing for them. She also denied respondent access to insurance cards and medical information for the children, delayed getting D.R.S. into play therapy, and opposed S.G.S. having the advantages of preschool.

As to (i), the effect of the proposed arrangement on the children's relationship and the disposition of each parent to support the other parent's positive relationship with the children, appellant's unreasonable and unresolved hostilities toward respondent would result in sole physical custody with her having a seriously detrimental impact on the children's relationship with respondent. M.M. noted that, if appellant were granted more authority, she would use it to diminish respondent's relationship with the children, while respondent sees and acknowledges that the children love appellant and will support their having positive relationships with her.

As to (j), the benefits and detriments of limiting time with both parents, appellant's leaving the children by themselves when she is attending to her many animals, telling the children lies about respondent, and manipulating them with frightening stories and threats resulted in the district court's conclusion that it was in the children's best interests to spend the majority of their time with respondent beginning with the 2024-2025 school year. The district court also found that:

> [appellant's] pattern of behavior, lack of awareness, and inability to prioritize the needs of the children raises serious concerns about their health, safety, and wellbeing while in [her] care. The credible testimony, accepted evidence, custody evaluation, and the [c]ourt's own observations make it clear that [appellant] should not have lengthy, uninterrupted periods of parenting time.

As to (k), the willingness of each parent to cooperate, the record shows that respondent will cooperate, while appellant will not, and that her idea of co-parenting is that respondent agrees to whatever appellant desires.

The district court also noted that:

> While . . . [appellant] may be telling the truth about some minor things, her willingness to boldly lie about important matters such as medical information, school, housing, and domestic abuse, cause this Court great reluctance to accept much of what [appellant] claims, absent objective corroborating proof.

Particularly in light of this court's duty to "giv[e] deference to the district court's ability to evaluate witness credibility," *Thornton*, 933 N.W.2d at 790, there is no basis to conclude that the awards of sole legal and sole physical custody to respondent were an abuse of discretion.

2. Child Support

A district court has broad discretion to provide for the support of the parties' children. *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984). The district court found that respondent's gross monthly income is $9,765; appellant's gross monthly income, reduced by the deduction for her two non-joint children under Minn. Stat. § 518A.33(a) (2024), is $9,268; respondent's percentage share is 51%; appellant's percentage share is 49%; respondent's medical-support obligation to appellant is $44 monthly; appellant's child-support obligation to respondent is $860; and combining these two leads to a child support obligation of $816 monthly.

The district court accepted appellant's statement on a child-support guidelines worksheet filed on March 29, 2024, that her monthly income from her employment was $9,592. The district court also found that, although appellant "testified that she had income from her animals while the parties were together and after," she "omitted her animal business income in tax filings." The district court found that, at one point, appellant had 27 adult dogs, 35 puppies, 11 horses, 15 sheep, 15 goats, and more than 100 chickens and 50 ducks and that "a source of tension in the parties' relationship" was that appellant "devoted the bulk of her free time and financial resources to the animals." The district court also found "credible, historical evidence [that appellant] routinely sold puppies ranging from $500 to $1,600 per puppy. The only reasonable explanation for her to have so many dogs currently is that she is profiting from her labors," and found that appellant earned $1,000 monthly from her animal business in addition to the income she claimed on her child-support guidelines worksheet.

Appellant claims that her income from her animal business should not have been considered in her child-support obligation, but she does not argue or present evidence that she did not receive that income, and she did not provide any of the information on her income from the animal business requested during discovery.

Appellant also claims that her bonus income and overtime income should not have been considered in setting child support. The district court found that appellant's pay stubs indicated that she received a bonus in excess of $6,000 nearly every year and overtime compensation in excess of $10,000 most years. Moreover, appellant indicated that her monthly income from employment was $9,592 on her child-support worksheet, and these amounts are included in that figure.

Respondent agrees with appellant that, due to an arithmetical error of the district court, her award of back child support should not be $664 but $764, and the district court's opinion should be modified to reflect this. With this exception, there was no abuse of discretion in the district court's child-support determination.

3. Tax Exemptions

Minn. Stat. § 518A.38, subd. 7(a) (2024), provides that a district court may allocate income-tax exemptions for children, and allocation of federal-tax exemptions is discretionary with the district court. *Ludwigson v. Ludwigson*, 642 N.W.2d 441, 449 (Minn. App. 2002).

Minn. Stat. § 518A.38, subd. 7(b) (2024), provides relevant factors for a district court to consider in making the allocation, including each party's financial resources, whether not awarding an exemption would negatively impact a party's ability to provide

for the needs of the child, and whether only one party or both parties would receive a benefit from the exemption. Minn. Stat. § 518A.38, subd. 7(f) (2024), provides that, if the allocation is contested, the court must make findings supporting its decision. The district court found that, because both children will be spending more than 50 percent of their time with respondent, he is entitled to the tax exemptions for them.

Appellant claims that the allocation was an abuse of discretion because "the order for child tax exemptions did not have required findings to award both exemptions to [respondent]." But appellant does not indicate where in the record the allocation of tax exemptions was disputed or provide any evidence of the dispute. She also asserts that, "[w]hen making this allocation the court must consider the factors listed under Minn. Stat. § 518A.38, subd. 7(b)," but she offers neither statutory nor caselaw support for this assertion. The statute says only that, if an allocation is disputed, the district court must support the allocation with findings, and the district court did so. There is no basis to reverse the allocation of tax exemptions.

Affirmed as modified.