FILED
October 10, 2024
OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

IN COURT OF APPEALS

A22-1467

In re the Marriage of:

Matthew James Beland, petitioner,

Appellant,

vs.

Heidi Ann Beland,

Respondent,

and

Polk County,

Intervenor.

ORDER OPINION

Polk County District Court
File No. 60-FA-15-340

Considered and decided by Johnson, Presiding Judge; Bratvold, Judge; and Smith, John, Judge.*

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Appellant Matthew James Beland (father) appeals an order filed by a child support magistrate (CSM) in August 2022 that modified the amount of child support he owed to pro se respondent Heidi Ann Beland (n/k/a Rylander) (mother). Father argues that the CSM lacked the jurisdiction to enter the August 2022 order modifying child support

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

and that the CSM failed to properly apply the child support guidelines regarding nonjoint children. We dismiss his appeal as moot.

2. Father and mother divorced in November 2015. They share joint legal and joint physical custody of two minor children, J.B. and K.B. Both mother and father also have nonjoint children for whom they are responsible. *See* Minn. Stat. § 518A.26, subd. 12 (2022) (defining "nonjoint child" as "the legal child of one, but not both of the parents in the support proceeding," not including stepchildren). Since the divorce in 2015, father has repeatedly litigated the amount he owes in child support. *See Beland v. Beland*, No. A20-1070, 2021 WL 1081487, at *1 (Minn. App. Mar. 22, 2021) (detailing the underlying facts for each of father's appeals regarding child support), *rev. denied* (Minn. June 15, 2021); *Beland v. Beland*, No. A21-1675, 2022 WL 3581825, at *1 (Minn. App. Aug. 22, 2022) (same).

3. In July 2021, Polk County[1] filed a motion to "modify basic support, medical support, and childcare support at father's request." *Beland*, 2022 WL 3581825, at *2. The motion for modification was based, in relevant part, on the fact that father now had "an 'ordered support obligation' for his nonjoint child, L.B., born April 2021, who 'resides in a household other than [father's household].'" *Id*. Father submitted an affidavit in support of the modification. He claimed that his child support obligation to mother needed to change because, in addition to paying child support for L.B., he was also in the process of

[1] Intervenor Polk County did not file a response or participate in this appeal.

adopting another child, C.B. *Id.* C.B. was already living in father's home when the motion for modification was brought. *Id.*

4. In October 2021, following an evidentiary hearing, the CSM filed an order modifying father's child support obligation. The modification was based, in part, on the fact that the CSM found father had "one non-joint child at home," L.B., which was a changed circumstance from the previous child support order. The CSM did not attach a completed child support guidelines worksheet to its October 2021 order.

5. Father appealed the October 2021 order, arguing that the way the CSM factored in father's child support obligation for L.B. to his obligation for the joint children he shared with mother was erroneous. Father also claimed that the CSM clearly erred by finding that he only had one nonjoint child. *Beland*, 2022 WL 3581825, at *5. On August 22, 2022, we reversed the October 2021 order because we were "unable to review the determinations made by the CSM regarding L.B. and C.B.," as no child support guidelines worksheet was included. *Id.* We remanded the matter back to the CSM for "further findings regarding the applicable deductions." *Id.* On remand, we instructed the CSM to only consider the evidence presented at the initial evidentiary hearing. *Id.*

6. Three days later, on August 25, 2022, the CSM filed an amended order modifying child support based on our remand instructions. The CSM once again determined that father had only "one non-joint child in his home for whom he has a legal responsibility to support." It stated that "[t]he evidence presented does not support a determination that the other minor children in [father's] home"—including C.B.—"are

[his] biological or adopted children." Therefore, only the child support for L.B. was deducted from father's obligation to the joint children he shares with mother.

7. Father appealed the CSM's August 2022 order. The matter was referred to the Family Law Appellate Mediation Program and the appeal was stayed pending the outcome of mediation. On August 11, 2023, the parties entered a stipulation. On August 21, 2023, the district court incorporated that stipulation into a stipulated judgment addressing the issues of custody, parenting time, use of a parenting time expeditor, child support, medical insurance, dental insurance, medical decision making, extracurricular activities, and tax exemptions.

8. The Family Law Appellate Mediation Office advised this court that the appeal could be dismissed, this court dismissed the appeal on November 15, 2023, and father asked the supreme court to review that dismissal. The supreme court noted that a dismissal based on a notice from the Family Law Appellate Mediation Office was inconsistent with rule 13(b) of the Special Rules of Practice for the Minnesota Court of Appeals Governing Family Law Appellate Mediation. The supreme court vacated this court's order dismissing the appeal and remanded the matter to this court for reconsideration in light of rule 13(b). On February 21, 2024, this court reinstated the appeal.

9. On appeal, father argues first that the CSM lacked the jurisdiction to issue its August 2022 order modifying child support because our appellate judgment reversing the October 2021 order was not yet entered, and therefore not final. Next, he contends that the CSM failed to properly apply the child support guidelines regarding nonjoint children and

clearly erred by finding that C.B. was *not* a nonjoint child of father. For two reasons, we do not reach a decision on the merits.

10. First, once spouses reach a dissolution-related stipulation, the district court, sitting as a third party, must approve that stipulation. *See Pooley v. Pooley*, 979 N.W.2d 867, 873 (Minn. 2022). Stipulations entered by parties to a dissolution-related dispute are "accorded the sanctity of binding contracts[,]" and parties to a stipulation cannot withdraw from, or repudiate, their stipulation without the consent of the other party, unless the party seeking to do so obtains leave of the district court for cause. *Shirk v. Shirk*, 561 N.W.2d 519, 521-22 (Minn. 1997). Thus, absent permission of the other party or the court, "parties to a dissolution stipulation are precluded from disavowing that stipulation before the district court decides whether to accept the stipulation[.]" *Toughill v. Toughill*, 609 N.W.2d 634, 638 n.1 (Minn. App. 2000).

11. Here, the stipulation stated that (a) the parents intended "a global settlement on all pending issues" that would "end the continual litigation that ha[d] been exceedingly costly and difficult for themselves and their children," (b) the parents intended "a complete agreement and final settlement of all issues," and (c) "all pending [m]otions shall be dismissed." Regarding child support, the stipulation states father would pay mother $450.00 per month until their youngest child reaches the age of 18 or graduates high school, "whichever is later." The stipulation also states that, while the $450.00 amount deviates from the child support guidelines, the parents believed the $450.00 was "reasonable, appropriate and in the best interests of the children" and that it would help the parties "avoid on-going litigation." The stipulation further states that "neither parent may request a review

of the child support amount during the entire approximately six and one-half (6½) year period of remaining child support obligations."

12. When addressing the meaning of a document that, like a dissolution-related stipulation, is in the nature of a contract, courts first consider, de novo, whether the relevant language is clear or ambiguous. *See Nelson v. Nelson*, 806 N.W.2d 870, 872 (Minn. App. 2011) (addressing construction of stipulated dissolution judgment). When doing so, courts give the relevant language its "plain and ordinary meaning." *Id.* (quotation omitted). The language "is ambiguous if it is reasonably susceptible to more than one interpretation." *Id.* (quotation omitted). If the language is unambiguous, courts apply its plain meaning without reference to extrinsic evidence. *Id.* If the language is ambiguous, courts review the district court's identification of the meaning of the ambiguous language for clear error. *Suleski v. Rupe*, 855 N.W.2d 330, 339 (Minn. App. 2014) (noting that "[a] district court's determination of the meaning of an ambiguous judgment and decree provision is a fact question, which appellate courts review for clear error.").

13. The language of this stipulation unambiguously communicates that the parents intended "a global settlement on all pending issues[,]" including child support. Accordingly, father is bound by the stipulated resolution of the support questions in the "global settlement" and a decision on the merits of this appeal is neither necessary nor proper.

14. A second, related, reason for not addressing the merits of this appeal is that the stipulation renders the appeal moot. "[W]hen an event occurs pending appeal that makes a decision on the merits unnecessary or an award of effective relief impossible, the

appeal should be dismissed as moot." *Hous. & Redevelopment Auth. ex rel. City of Richfield v. Walser Auto Sales, Inc.*, 641 N.W.2d 885, 888 (Minn. 2002). Specifically, "Minnesota courts may only hear actual cases and controversies." *Ly v. Harpstead*, 7 N.W.3d 560, 568 (Minn. 2024) (quotation omitted). And appellate courts will decline to "hear cases that have become moot 'because courts do not issue advisory opinions or decide cases merely to make precedents.'" *Id.* (quoting *Winkowski v. Winkowski*, 989 N.W.2d 302, 308 n.7 (Minn. 2023)). Here, while the appeal was pending, the parties stipulated to a settlement of all questions. Thus, pending this appeal, an event occurred that may have rendered a decision on the merits of the appeal unnecessary.

15. Mootness, however, is not "a mechanical rule that is automatically invoked whenever the underlying dispute between the parties is settled or otherwise resolved"; it is a flexible doctrine subject to some limited exceptions. *Winkowski*, 989 N.W.2d at 307-08 (quotation omitted). None of the three exceptions to the mootness rule recognized by the supreme court apply here. *See Snell v. Walz*, 985 N.W.2d 277, 284 (Minn. 2023); *Winkowski,* 989 N.W.2d at 308. "First, courts may consider a moot issue when it is functionally justiciable and an important matter of statewide significance that requires immediate decision." *Snell*, 985 N.W.2d at 284 (quotation omitted). Second, when "the harm to the plaintiff is capable of repetition yet evading review," a court may decide an otherwise moot case. *Id.* (quotation omitted). Third, an appeal is not considered moot if "appellant produces evidence that collateral consequences actually resulted from a judgment." *In re McCaskill*, 603 N.W.2d 326, 329 (Minn. 1999). A decision on the merits of this appeal would be relevant only to mother and father, meaning the case is not of

statewide importance. Furthermore, the global settlement resolves all ongoing issues regarding child support and has a clause prohibiting future modifications. Thus, the issues in this case are not capable of evading review. And finally, there is no evidence that collateral consequences—which generally arise only out of criminal convictions and civil commitment—resulted from the August 2022 order.

16. Given that father's appeal is moot, and none of the mootness exceptions apply, dismissal of the appeal is appropriate. *See Ly*, 7 N.W.3d at 568 (stating that appellate courts will not "hear cases that have become moot" (quotation omitted)).[2]

IT IS HEREBY ORDERED:

1. Father's appeal is dismissed as moot.

2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: October 10, 2024 **BY THE COURT**

/s/
Judge John Smith

[2] We note that our decision here is in line with the results of an order we issued in November 2023 that partially dismissed one of father's other pending appeals. In said order we concluded, in relevant part, that "[b]ecause the parties' stipulation expressly resolved the issue[] of . . . child support, . . . [father] has not preserved any challenges to earlier decisions regarding" child support. *See generally In re Marriage of Beland*, No. A23-1488, 2023 WL 7458062, at *1 (Minn. App. Nov. 7, 2023).