

STATE OF MINNESOTA
IN COURT OF APPEALS

A24-0972



In Re the Matter of RATK:

Randall Zaza Kar, petitioner,

Respondent,

vs.

Saypee Kennedy,

Appellant.

ORDER OPINION

Anoka County District Court
File No. 02-FA-22-635

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

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

1. Respondent Randall Zaza Kar and appellant Saypee Kennedy are the parents of R.A.T.K., now eight years old.

2. In February 2023 the district court granted temporary sole legal and temporary sole physical custody of R.A.T.K. to appellant, granted respondent parenting time, and ordered respondent to pay temporary basic child support.

3. In 2022-2023, appellant was committed and found to have symptoms including tangential thought, loose association, grandiosity, elevated and labile moods, delusions and paranoia, and responsiveness to internal stimuli.

4. In June 2023, appellant interacted with police who found her erratic and manic. She was placed on a medical hold and diagnosed with unspecified bipolar disorder and unspecified mood disorder.

5. In July 2023, after allegations of parental neglect against appellant resulted in a child-in-need-of-protection (CHIPS) proceeding, respondent filed for emergency custody of R.A.T.K., who was then placed in respondent's custody under a voluntary parenting agreement.

6. A mandatory guardian ad litem (GAL) was appointed because the district court had reason to believe R.A.T.K. was the victim of parental neglect.

7. In October 2023, the parties stipulated that respondent would have temporary joint legal and temporary sole physical custody pending resolution of the matter, his child support obligation would be suspended, and appellant would have unsupervised parenting time.

8. Both parties sought sole legal and sole physical custody of R.A.T.K. An evidentiary hearing was held on their petitions, at which they both testified and the GAL testified.

9. Following the trial, the district court issued Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree granting respondent sole legal and sole physical custody of R.A.T.K., awarding appellant supervised limited parenting time, and establishing her child-support obligation at \$50 monthly.

10. Appellant, acting pro se, challenges this judgment. Her brief is primarily a list of grievances with respondent, who takes no part in this appeal. Because appellant

does not raise any legal issues in her brief, she has forfeited them. *See Honke v. Honke*, 960 N.W.2d 261, 266 (Minn. 2021). However, we address the merits of the case under Minn. R. Civ. App. P. 142.03 (“If the respondent fails or neglects to serve and file its brief, the case shall be determined on the merits.”).

11. “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). This court reviews 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 [it is] left with the definite and firm conviction that a mistake has been made.” *Id.*

12. Both the district court’s findings and its analysis of the 12 best-interest factors listed in Minn. Stat. § 518.17, subd. 1(a) (2024), support its decision.

13. The district court stated that it found respondent’s testimony to be more credible than appellant’s and the GAL’s testimony to be credible and corroborative of respondent’s testimony.

14. The GAL testified that R.A.T.K. told her appellant leaves him home alone, which was corroborated by a police report that other residents of appellant’s apartment found R.A.T.K. unattended in the hallway and could not reach respondent; he was

unattended again two days later, when appellant was found to be in jail; and a week later, R.A.T.K. informed police that appellant was not at home, but they found her in the bathroom with a marijuana “blunt” burning on the counter. The GAL further testified that, during her interactions with appellant, appellant was prone to argue, was aggressive, and was unable to remain calm.

15. The GAL expressed concern about appellant’s: (a) untreated mental health issues, (b) history of housing instability and of job instability, (c) unemployment, (d) refusal to disclose her current address to the GAL, (e) failure to provide adequate supervision, (f) withholding of respondent’s parenting time in violation of a court order, and (g) failure to exercise parenting time because she refuses to use the court-ordered exchange site.

16. The GAL observed R.A.T.K. with respondent and reported that he was happy and comfortable in respondent’s care and that respondent is able to provide a loving and stable home and is willing to prioritize R.A.T.K.’s best interests.

17. The district court found that appellant does not ensure that R.A.T.K. attends school regularly. Staff at R.A.T.K.’s school reported that appellant was involved in an altercation at the school, and she did not inform either the school or respondent when she enrolled R.A.T.K. in a different school.

18. The district court found that the parties have an inability to co-parent and to cooperate in raising R.A.T.K.; while respondent expressed a desire to cooperate, appellant did not, and her interactions with respondent are confrontational.

19. The district court determined that eight of the twelve best-interest factors support awarding sole legal and sole physical custody of R.A.T.K. to respondent and supervised parenting time to appellant and that the other four factors do not apply.

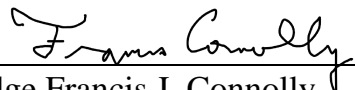
20. The district court did not abuse its discretion in awarding sole legal and sole physical custody of R.A.T.K. to respondent and limited supervised parenting time to appellant.

IT IS HEREBY ORDERED:

1. The district court's judgment is affirmed.
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: 4/22/25

BY THE COURT



Judge Francis J. Connolly