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STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1831

In the Matter of:

Kathryn Marie Larson, on behalf of Minor Child, petitioner,
Respondent,

vs.

Keith Norman Marohn,
Appellant.

Filed June 29, 2020
Affirmed
Rodenberg, Judge

Isanti County District Court
File No. 30-FA-19-139

Leigh J. Klaenhammer, Roseville, Minnesota (for respondent)

Keith Norman Marohn, North Branch, Minnesota (pro se appellant)

Considered and decided by Connolly, Presiding Judge; Larkin, Judge; and Rodenberg, Judge.

U N P U B L I S H E D   O P I N I O N

RODENBERG, Judge

Appellant Keith Marohn appeals from the district court's order for protection (OFP) granted to respondent Kathryn Marie Larson on behalf of the parties' child, E.A.M. Appellant argues that the district court (1) should have issued a subpoena duces tecum

compelling the production of Isanti County Family Services (ICFS) records, (2) should not have quashed the subpoena duces tecum for E.A.M.'s counseling records, (3) improperly allowed witness intimidation at the hearing on the petition, and (4) improperly found the existence of domestic abuse. We affirm.

FACTS

On May 24, 2019, respondent, on behalf of minor child E.A.M., petitioned for an OFP against appellant. Appellant is E.A.M.'s father and respondent's ex-husband. Respondent alleged in the petition that on May 19, 2019, appellant became frustrated with E.A.M. for playing with her phone case. She further alleged that appellant grabbed E.A.M.'s right forearm, forcibly grabbed E.A.M.'s phone out of her hand, grabbed her left wrist, kicked her in the right knee, and dragged her up the stairs to her bedroom while holding her by her wrists. The petition alleged that appellant then prevented E.A.M. from leaving her bedroom by holding onto the door handle. The petition further alleged that E.A.M. eventually took her phone back and texted respondent that she was afraid of appellant. Finally, the petition alleged that E.A.M. was seen by a doctor on May 22, 2919, for bruises on her arm and knee, and that an x-ray was taken of her knee.

The district court issued an ex parte OFP and set a hearing date for May 31, 2019. On May 30, 2019, a guardian ad litem (GAL) was appointed to represent E.A.M. The order naming the GAL "authorizes and directs" that the GAL have access to all relevant records, including "[s]ocial services records" and "[m]edical, counseling, therapy, treatment, mental health and protected health records." The order stated that the GAL could not be prevented from obtaining relevant information because of, among other things, a "[c]laim

of legal privilege or other claimed right to confidentiality" or the Minnesota Government Data Practices Act (MGDPA).

Because appellant was not given adequate notice of it, the originally scheduled OFP hearing was continued to June 7. Appellant informed the district court of his intention to subpoena E.A.M.'s counseling records.

At the continued hearing on June 7, 2019, appellant requested another continuance because the subpoenas he had requested had not yet been issued. The hearing was continued to July 8, 2019.

On June 11, 2019, the district court issued subpoenas, including one directed to E.A.M.'s therapist. That subpoena was served on the therapist on June 14, 2019.

On June 24, 2019, E.A.M.'s therapist wrote the district court to request that the subpoena requiring her to produce E.A.M.'s counseling records be quashed. The letter argued that releasing E.A.M.'s records would harm E.A.M.'s mental health and "would have an impact on the trust that [E.A.M.] has come to expect in a therapeutic session." The letter stated the therapist's "clinical opinion that it is not in [E.A.M.]'s best interest to release any copies of diagnostic assessments or therapeutic progress notes to either parent." The district court temporarily granted the motion to quash the subpoena for E.A.M.'s counseling records and "reserve[d] the rights of the parties to be heard on the issue."

On June 24, 2019, appellant requested two more subpoenas, including one for records from ICFS. The district court reserved taking any action on appellant's request and stated that the request "may be heard at the next hearing."

On July 8, 2019, the parties appeared for a hearing on the OFP as well as to address a motion by appellant to remove the district court judge. The district court judge granted appellant's motion to remove, and explained to appellant that it therefore declined to consider appellant's subpoena request. The hearing was continued to August 14 before a different district court judge.

On July 19, 2019, respondent's attorney wrote to the district court and requested a telephone conference "to address [appellant]'s subpoenas" before the hearing scheduled for August 14.

The district court conducted a telephone conference on August 6, 2019, and quashed appellant's subpoena for E.A.M.'s counseling records. It also declined to issue the requested subpoena compelling ICFS to produce records.

Late on August 12, 2019, appellant retained counsel. The day before the scheduled OFP hearing, appellant's counsel contacted the district court to request a continuance. The district court granted the request and the OFP hearing was again rescheduled for September 20, 2019.

At the OFP hearing on September 20, 2019, the district court heard testimony from E.A.M., respondent, the GAL, two of appellant's other children, appellant, and a former police officer. The subpoena issues were not revisited.

E.A.M testified that, after her sister's wedding, she got in her father's car and thought he was taking her to the Braham Police Station for a parenting exchange. E.A.M testified that her father instead took her to his house. E.A.M testified that appellant

"seemed to forget that [E.A.M] was supposed to go back to [her] mom's house and so [appellant] said that he would take [E.A.M] to [her mom's house] tomorrow."

E.A.M testified that she agreed to stay at appellant's house for the night and that the following day around 6:00 p.m. she asked to go to respondent's house. E.A.M testified that appellant "said like stuff like 'you owe me,' and [that he] never agreed to it and . . . I started fiddling with my phone case, . . . then he took my right forearm and left wrist and kicked me and then he tried to drag me up the stairs." E.A.M testified that she felt scared when appellant grabbed and kicked her.

E.A.M testified that appellant took her to her room and that she stayed in her room for a while to give both herself and appellant time to "cool down and have some time apart." Around 8:00 p.m., E.A.M got to respondent's house, and respondent called the police. E.A.M testified that respondent "tried to make a document of it by calling the police but then they wouldn't." The court clarified, "They wouldn't write it down?" E.A.M answered, "Yeah—Yes." E.A.M testified that respondent took her to the doctor because E.A.M. had bruises on her knee and left forearm.

The GAL testified that E.A.M "is very consistent in what she says and appears to be truthful." She supported issuance of the OFP.

Respondent testified concerning the events of May 19, that E.A.M. texted her expressing a desire to come "home" because she did not feel safe at appellant's house. Respondent testified that E.A.M. told her that appellant "grabbed her arm, she was kicked, she was forced into her bedroom. The bedroom door was held shut for some time." Respondent eventually went to appellant's house to pick up E.A.M. When she arrived,

E.A.M. ran out of the garage with her backpack and appellant followed "ten feet behind." Respondent testified that once E.A.M. was in the car, respondent "took off as quickly as [she] could to avoid any confrontation with [appellant] just due to him chasing [E.A.M.]." Respondent testified that when they got to her house she tried to make a police report. Respondent testified that she eventually got a return call from the police department and was "told by the officer that the phone call was inappropriate because it was just discipline. [The officer] was disgusted by the phone call. [The officer] said that she encouraged [appellant] to make an HRO report on me."

Ms. Samuelson, a former Cambridge Police Department officer, testified that, on May 19, 2019, she received a call from appellant "who wanted to report a possible harassment complaint against his former wife." Appellant expressed concerns about respondent blocking his driveway. Ms. Samuelson testified that she advised appellant to call the police the next time he had issues of this sort to obtain a restraining order. Ms. Samuelson testified that "[s]everal hours later" her dispatch contacted her and told her that respondent was repeatedly calling and asking to speak with her. Ms. Samuelson called the phone number given to her by dispatch and spoke with both E.A.M. and respondent. Ms. Samuelson testified that E.A.M. told her that appellant grabbed her right forearm and took her phone. Ms. Samuelson testified that, in response to E.A.M. telling her that appellant took her phone away, she told E.A.M., "Okay, he's allowed to do that, that's discipline." In response to being told by E.A.M. that appellant tried to lock her in her bedroom, Ms. Samuelson testified that she said, "He's also allowed to do that too." Ms. Samuelson testified that she eventually spoke with respondent at which point she told

respondent "to act like an adult and to speak with her ex-husband as adults and not involve law enforcement." Ms. Samuelson testified that she had not yet formed any opinion about respondent, despite her having advised appellant to get a restraining order if he had future problems with respondent.

Appellant testified that on May 19, 2019, he could tell that E.A.M. was "waiting for somebody." Appellant testified:

> [S]o I kind of talked to [E.A.M.] and I said, look, you know, here's the situation, you haven't seen me for months, it's your dad's time, I think a weekend with your dad would be okay, you can stay for the weekend. You know, she wasn't engaging and so I said why—why don't you go up to your—why don't you go up to your bedroom and just spend some time up in your bedroom. I didn't force her or anything like that. I wasn't locking her in the car—or in the—in the room, right, but it was just kind of a, I want her away from that wall, away from the window. She went upstairs for a few minutes, she came back down again, and then ran out the garage door.

When asked if he took E.A.M.'s phone from her, appellant testified, "No . . . Well, I asked for her phone, . . . I . . . didn't force her to grab it from her but it was very much a daddy, give me your phone moment, you know, very stern . . . voice. She kind of handed it over and stomped away."

Appellant was asked how he would explain E.A.M.'s bruises on her arms and on her knee. Appellant responded, "That's a great question. The children sometimes will come home from their mom's house complaining about what their mom has done to them. If I had to really speculate I would assume that possibly [respondent] became violent with [E.A.M] afterwards."

The district court found the testimony of E.A.M. to be credible and the testimony of appellant and Ms. Samuelson to be not credible. The district court found that appellant "committed acts of domestic abuse against [E.A.M.] . . . by grabbing her by the arms, kicking her in the knee, dragging her upstairs [and] locking her in her room." The district court issued a two-year OFP.

This appeal followed.

D E C I S I O N

I. Appellant was not prejudiced by the district court's error in denying his duces tecum subpoena request for social services records from ICFS.

Appellant argues that the district court erred when it declined to issue a subpoena duces tecum to compel the production of social services records. Appellant contends that "[t]he hearing outcome would have been different if [he] had access to the social services records."[1]

From the rather sketchy record[2], appellant seems to have wanted ICFS to produce two categories of records—records pertaining to the two current child-protection

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[1] Our task on appeal is made more difficult by respondent not having submitted a brief. Without a brief from respondent, we are left to closely examine the record on appeal without the benefit of respondent's position. If respondent agrees that appellant should be granted relief, she should register that agreement with this court; and, if she does not agree, the appellate process would benefit from respondent arguing either that there was no error below or that any error was harmless. This is particularly so where, as here, the record on appeal is imperfect. We have decided the case based on a careful review of the record as constituted.

[2] No transcript of the August 6, 2019 phone conference exists. Appellant instead filed a statement of proceedings pursuant to Minn. R. Civ. App. P. 110.03. The district court responded to appellant's statement of proceedings with its corrections under Minn. R. Civ. App. P. 110.05.

assessments arising out of the events of May 19, 2019 (apparently one assessment for each of the children), and old records of prior "false reports."

In June 2019, appellant requested a subpoena for a social worker supervisor with ICFS. Appellant requested "records concerning him or his minor children," as well as "access to records or a statement identifying how many other people in the county had never been found to abuse but [were] investigate[d] more than him."

"The [district] court has broad discretion in granting or denying discovery requests." *Connolly v. Comm'r of Pub. Safety*, 373 N.W.2d 352, 354 (Minn. App. 1985). We will not reverse a district court's discovery decision unless the district court abused its discretion. *Ciriacy v. Ciriacy*, 431 N.W.2d 596, 599 (Minn. App. 1988). "A district court abuses its discretion by misapplying the law." *Sanvik v. Sanvik*, 850 N.W.2d 732, 737 (Minn. App. 2014).

At a hearing on July 8, 2019, the district court briefly addressed and attempted to clarify what records from ICFS appellant desired to access:

> COURT: Turning then to the issue of—I think there was—[appellant], there was a request—there was a second request for a subpoena that was on the same sheet that was a subpoena for an agency representative.
> APPELLANT: [ICFS]' investigative records.
> COURT: And again, has the request been made directly to the agency?
> APPELLANT: Yes. And request denied until the investigation is complete.
> COURT: I see.
> APPELLANT: And that's why it was separate and later than all of the other subpoena requests.
> COURT: I see. And what records is it that you're seeking exactly?

> APPELLANT: Any records related to the—the investigation for—for [E.A.M.]. And there is a concurrent investigation that they're doing for [appellant's son]. So any records related to those two.

On August 6, 2019, the district court held a telephone conference "to address two subpoenas requested by [appellant]." One of those requested subpoenas was intended to compel ICFS to produce the records appellant sought. During the conference, appellant argued that "[t]his subpoena was needed since ICFS denied his data access request in a letter where they cited a policy of not releasing records during an ongoing investigation." Appellant argued:

> Since ICFS was the agency investigating, they would have witness statements, medical records, photographs, and any other evidence. In addition, [respondent] had a history of making child abuse claims which were recorded by ICFS and would be part of the defense. These ICFS records had already been provided to the [GAL] who was expected to testify for the [respondent].

Respondent's attorney allegedly "stated she did not have a problem with the request." In his statement of proceedings, appellant states, "[Respondent]'s Attorney confirmed the [GAL] had access to these records."

The district court denied appellant's request for a subpoena directed to ICFS "because the information [appellant] sought was determined to be privileged under Minn. R Civ. P. 45.04(b) and no exception applied that would allow for its disclosure."

The district court abused its discretion by denying appellant's subpoena request. Under Minn. R. Civ. P. 45.01(c), "[t]he court administrator *shall* issue a subpoena, signed but otherwise in blank, to a party requesting it, who shall complete it before service."

(Emphasis added.) Under appropriate circumstances, it seems that a district court can limit a party's ability to invoke the power of the court by denying the issuance of a subpoena. *See* Minn. R. Civ. P. 45.01(e), 45.05 (addressing penalties for improper use and improper responses to a subpoena). However, the record as constituted does not support any determination by the district court that appellant is subject to a limit on his ability to obtain subpoenas. And rule 45.04(b), on which the district court relied in declining to issue the subpoena, provides that any claim of privilege in withholding information sought by a subpoena "shall be made expressly and shall be supported by a description of the nature of the . . . things not produced that is sufficient to enable the demanding party to contest the claim." None of that was done here. ICFS never asserted any claim of privilege—because no subpoena was issued as required by rule 45.01(c). We see no legal basis for the district court to have denied issuance of the subpoena directed to ICFS, particularly in the absence of any claim of privilege by ICFS. That was error as to both categories of ICFS records—current and old.

But the district court's error in declining to issue this subpoena does not end the inquiry. In addition to demonstrating error, an appellant must demonstrate on appeal that the district court's error prejudiced the appellant. Although the district court abused its discretion by declining to even issue the subpoena directed to ICFS, "unless the error is prejudicial, no grounds exist for reversal." *Kallio v. Ford Motor Co.*, 407 N.W.2d 92, 98 (Minn. 1987).

As to the records concerning the current family assessments, appellant fails to demonstrate that the district court's error prejudiced him.

In his brief, appellant alleges—without citation to the record—that "[t]he [GAL] had already been granted access" to the ICFS records. *See* Minn. R. Civ. App. P. 128.03 ("Whenever a reference is made to a part of the record that is not reproduced in the addendum of any party, the reference shall be made to the particular part of the record, suitably designated, and to the specific pages of it."). The question before us on appeal is whether appellant was prejudiced by the district court not having issued the requested subpoena; it is not whether the records appellant sought were revealed to the GAL. Worth noting, however, is that the record does *not* establish that the GAL accessed any particular records of ICFS. The GAL expressed general awareness of the current assessments being conducted by ICFS, and she testified at the OFP hearing that it was her "understanding that there's a family assessment that's been opened." On cross-examination, she testified that she believed the family assessment was "still open pending the outcome of this Order for Protection hearing." The record does not support appellant's contention that the GAL had actually accessed any ICFS records.

As concerns whether appellant was prejudiced by the district court's erroneous refusal to issue the requested subpoena, the MGDPA provides:

> Active or inactive investigative data that identify a victim of child abuse or neglect reported under section 625.556 are private data on individuals. Active or inactive investigative data that identify a reporter of child abuse or neglect under section 625.556 are confidential data on individuals, unless the subject of the report compels disclosure under section 626.556, subdivision 11.

Minn. Stat. § 13.82, subd. 8 (2018).

Minnesota law concerning the reporting of maltreatment of minors provides that "data acquired by the local welfare agency . . . during the course of [a child maltreatment] assessment or investigation are private data on individuals." Minn. Stat. § 626.556, subd. 10(i) (2018). "An individual subject of a record shall have access to the record" under chapter 13. Minn. Stat. § 626.556, subd. 11. (2018). "Any person conducting an investigation or assessment under [section 626.556] who intentionally discloses the name of a reporter prior to the completion of the investigation or assessment is guilty of a misdemeanor." *Id.*

We think the individual subjects of the child-protection assessments sought by appellant in this case were the children. Appellant does not appear to argue otherwise. And appellant makes no argument on appeal that he should have been afforded access to the ICFS records notwithstanding the provisions of sections 13.82, subdivision 8, and 626.556. To our view, those statutes do not appear to allow individuals to access records concerning an open and ongoing child-protection investigation in the circumstances present here. This would seem to be particularly important in cases where the person requesting access to the open child-protection records is one of the very people whose conduct toward the children was being "assessed."

Had the district court issued the requested subpoena to ICFS, as it should properly have done, it seems certain that the agency would have invoked sections 13.82, subdivision 8, and 626.556. Once it did so, it appears from the record as constituted that the records would have been determined to be confidential at the time of the hearing on the OFP petition—because there were then two open child-protection assessments.

Therefore, and although the district court erred when it declined to issue the requested subpoena, the documents sought by appellant relating to the then-active assessments would not have been subject to disclosure to him. The district court's error in not issuing the subpoena is therefore harmless as relates to the active assessments.

As to the ICFS records of prior assessments, the district court's error in not having issued the subpoena upon appellant's request must again be examined for prejudice. *Kallio*, 407 N.W.2d at 98. The significance of the old records that appellant emphasizes on appeal is that he wanted to show that false reports were made against him in the past. He was able to and did make that very point at the hearing without having accessed the ICFS records. Appellant testified that there had been false reports alleging him to have committed child abuse in the past. At the conclusion of the OFP hearing, appellant's counsel argued that "there's a huge history . . . of [respondent] making false accusations" and argued that the current reports had not resulted in any child-protection proceedings being formally commenced by the county.

The ICFS records concerning the old "false reports" might have provided some additional detail, but the detail of the reports was not the purpose for which appellant was referencing them. His point was that the older reports were *false*. Whatever details were in those old reports were details of which he disputed the accuracy. Any additional detail that might have been gleaned from the old reports was therefore irrelevant.

Although the district court erred in not issuing the requested subpoena duces tecum directed to ICFGS, appellant has not demonstrated on appeal that he was prejudiced by the error.[3]

II. The district court did not abuse its discretion by quashing appellant's duces tecum subpoena for E.A.M.'s counseling records.

Appellant argues that the district court abused its discretion by quashing his subpoena for E.A.M.'s counseling records and contends that the district court's error prejudiced him.

The decision to quash a subpoena "is within the discretion of the [district] court." *Phillippe v. Comm'r of Pub. Safety*, 374 N.2d 293, 297 (Minn. App. 1985). "This court will not reverse a [district] court's discovery decision in the absence of an abuse of discretion." *Ciriacy*, 431 N.W.2d at 599.

"In ruling on a motion to quash a subpoena, the court should balance the need of the party to inspect the documents or things against the harm, burden, or expense imposed upon the person subpoenaed." *Id.* (quotation omitted). "[T]he court shall exercise its power with liberality in issuing orders which justice requires for the protection of parties or witnesses from unreasonable annoyance, expense, embarrassment, or oppression." *Baskerville v. Baskerville*, 75 N.W.2d 762, 769 (Minn. 1956).

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[3] As discussed, and despite the breadth of the GAL's appointment order allowing her access to records regardless of the MGDPA, it is not at all evident from the record that the GAL accessed any ICFS records. None were produced at the evidentiary hearing and the GAL did not identify any facts that seem to have come from ICFS records.

The district court issued the requested subpoena for the records of E.A.M.'s counselor. The subpoena was served on June 14, 2019. In response to the subpoena, the counselor wrote the district court requesting "an order quashing said subpoena duces tecum." She explained:

> Due to current allegations of abuse, there is an Order for Protection on file and releasing records would be considered third party contact. Further, it is in this clinician's opinion that the release of these records would be detrimental to the mental health of [E.A.M.]. To do so would have an impact on the trust that [E.A.M.] has come to expect in a therapeutic session. The release of records could interfere with [E.A.M.'s] treatment moving forward and may affect current and future therapy relationships. . . . I am seeking to protect the confidentiality of [E.A.M.]'s mental health records in order to protect [E.A.M.'s] ability to speak freely about her relationships and concerns regarding each parent.

The counselor further explained that she did not believe it was in E.A.M.'s best interest to release the records to either parent.

In response to the counselor's request, the district court ordered the "[m]otion to quash temporarily granted" and "reserve[d] the rights of the parties to be heard on the issue."

During the August 6, 2019 telephone conference, the district court addressed the subpoena for E.A.M.'s counseling records. During that conference, the counselor's attorney appeared and reiterated the counselor's earlier arguments opposing release of the records. Appellant argued that "the counseling records were needed for a complete defense." Appellant noted that the counselor had previously testified against him and asserted that the GAL had access to the counseling records. Finally, appellant argued that

he needed access to E.A.M.'s records to "ensur[e] fairness in the hearing" and because "fostering the relationship between child and father should be paramount to the concerns for the relationship between child and counselor." The district court denied appellant's request and quashed the subpoena. In quashing the subpoena, the district court determined that the information sought was privileged under Minn. R. Civ. P. 45.04(b) and that "no exception applied that would allow for its disclosure."

"On timely motion, the court on behalf of which a subpoena was issued shall quash . . . the subpoena if it . . . requires disclosure of privileged or other protected matter and no exception or waiver applies." Minn. R. Civ. P. 45.03(c)(1)(C). "When information subject to a subpoena is withheld on a claim that it is privileged . . . the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim." Minn. R. Civ. P. 45.04(b)(1).

E.A.M.'s counseling records are presumptively privileged. Although E.A.M. did not assert the privilege, her therapist recognized the issue and brought it to the district court's attention, satisfying the requirement of rule 45.04(b) that there be a claim of privilege with a supporting rationale for the assertion of the claim. We do not have on appeal a verbatim record of the telephone conference that resulted in the order quashing the subpoena, but from the limited record, appellant fails to show that the district court abused its discretion in quashing the subpoena seeking production of E.A.M.'s counseling records.

III. The record does not reveal any witness intimidation.

Appellant argues that "[p]rejudicial error was committed when the [district] court failed to provide safety for witnesses to testify in court." Appellant contends that "[t]he attorney for [respondent] approached, questioned, and harassed the witnesses for the Appellant about their upcoming testimony in the courtroom hallway."

"A reviewing court must generally consider only those issues that the record shows were presented and considered by the trial court in deciding the matter before it." *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). "[O]n appeal error is never presumed. It must be made to appear affirmatively before there can be reversal." *Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (quotation omitted); *see* Minn. R. Civ. P. 61 (requiring harmless error to be disregarded). Appellant must show that the district court erred. *Id.*

Appellant did not raise this issue with the district court and the record reveals no witness intimidation. If any there was, appellant concedes that it was not brought to the district court's attention. That being so, appellant has not preserved this issue for appellate review. *Peters v. Indep. Sch. Dist. No. 657*, 477 N.W.2d 757, 760 (Minn. App. 1991).

IV. The record supports the district court's determination that appellant committed domestic abuse against E.A.M.

Appellant argues that the record does not support the district court's conclusion that appellant committed domestic abuse against E.A.M.

The Minnesota Domestic Abuse Act, Minn. Stat. § 518B.01 (2018), allows persons claiming to be victims of domestic abuse to petition for an OFP. To obtain relief by way of an OFP, the petitioner must allege that domestic abuse occurred and explain "the specific

facts and circumstances from which relief is sought." Minn. Stat. § 518B.01, subd. 4(b). Under the Minnesota Domestic Abuse Act:

> "Domestic abuse" means the following, if committed against a family or household member by a family or household member:
> (1) physical harm, bodily injury, or assault;
> (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or
> (3) terroristic threats . . . ; criminal sexual conduct . . . ; or interference with an emergency call . . . .

Minn. Stat. § 518B.01, subd. 2(a).

"We review the district court's decision to grant an OFP for an abuse of discretion." *Ekman v. Miller*, 812 N.W.2d 892, 895 (Minn. App. 2012). "A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record." *Thompson v. Schrimsher*, 906 N.W.2d 495, 500 (Minn. 2018) (citation and quotation omitted).

E.A.M. testified that appellant grabbed her right forearm and left wrist, kicked her, dragged her up the stairs, held her bedroom door shut so that she could not get out, and took her phone away. The GAL testified—without objection—that E.A.M. "is very consistent in what she says and appears to be truthful." The district court made its ruling from the bench at the conclusion of the hearing, stating:

> The Court finds that [E.A.M.] was contacting her mother by her phone, that that made [appellant] upset, that he grabbed [E.A.M.]'s arms, took her phone and drug her upstairs and put her in her room and locked her in there because he was afraid that she was going to leave because she didn't want to be there as she had done in the past.
>
> Accordingly, I find that [appellant] is the father of [E.A.M.], that he committed acts of domestic abuse against

> [E.A.M.] as noted by grabbing her arms, kicking her in the knee, dragging her upstairs and locking her in her room.

In issuing the two-year OFP, the district court considered the testimony of E.A.M., appellant, the GAL, two of appellant's children, respondent, and a former police officer. The district court found the testimony of E.A.M. to be credible and expressly found the testimony of the former police officer and appellant to be not credible.

The district court's written findings, while summary and consisting only of a finding that appellant "grabbed and kicked the minor child," are sufficient to support the determination that domestic abuse occurred. We defer to the district court's factual findings and credibility determinations. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988). Much of appellant's argument consists of his insistence that the district court ought to have believed his evidence and not the child's testimony. To be sure, the record reveals sharply conflicting versions of what happened on May 19. The evidence would also have supported a finding that appellant did not do what respondent and the child allege him to have done. But our task is not to revisit factual questions resolved by the district court. "That the record might support different findings does not render them defective." *Muschik v. Conner-Muschik*, 920 N.W.2d 215, 223 (Minn. App. 2018). The record supports the district court's findings and its determination that appellant committed domestic abuse.

Affirmed.