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**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-0311**

In re the Marriage of:

Antonio I. Kartalozi, petitioner,
Appellant,

vs.

Melissa Kartalozi,
Respondent.

**Filed September 16, 2008
Affirmed
Lansing, Judge**

Hennepin County District Court
File No. 27-FA-000288901

Antonio I. Kartalozi, 2629 West 43rd Street, Apartment 104, Minneapolis, MN 55410
(pro se appellant)

Steven Nichols, 2536 Dupont Avenue South, #202, Minneapolis, MN 55405 (for
respondent)

Considered and decided by Worke, Presiding Judge; Lansing, Judge; and
Stoneburner, Judge.

UNPUBLISHED OPINION

LANSING, Judge

On appeal in this parenting-time dispute that has spanned five years, Antonio Kartalozi argues that the district court abused its discretion, first, by indefinitely suspending his parenting time and, second, by imposing conditions for resuming supervised parenting time. Because the district court properly applied the law, reasonably exercised its discretion, and relied on findings that were well supported by the record, we affirm.

FACTS

Antonio and Melissa Kartalozi are the parents of AK, currently eight years old, and IK, currently six years old. The Kartalozis dissolved their four-year marriage in 2003, and, since that time, have been involved in a series of disputes over parenting time. This is the second appeal of parenting-time issues. *See Kartalozi v. Kartalozi*, No. A06-1749 (Minn. App. July 24, 2007) (providing more detailed factual account of earlier disputes). Under the Kartalozis' 2003 Florida dissolution judgment, Melissa Kartalozi has sole physical and legal custody of the children subject to Antonio Kartalozi's supervised parenting time.

Following their marital dissolution, both Kartalozis relocated to Minnesota. With the consent of the Florida court, the Minnesota courts assumed jurisdiction over the Kartalozis' custody and parenting-time issues and appointed a guardian ad litem (GAL). In 2004 Antonio Kartalozi moved for unsupervised parenting time. After reviewing the GAL's report, the district court issued interim orders that denied unsupervised parenting

time, allowed supervised parenting time with both children, required him to consult with a parenting-reunification therapist, and ordered him to deposit AK's passport with the court. The interim orders directed both Kartalozis to obtain individual psychologists and required a parenting evaluation by a psychologist.

In August 2005 the district court issued its findings of fact, conclusions of law, and order denying Antonio Kartalozi's motion for unsupervised parenting time. Among other grounds, the district court based its denial on Antonio Kartalozi's failure to show that his mental health had improved significantly since the dissolution judgment, failure to arrange for reunification therapy, failure to comply with the order to deposit AK's passport with the court, and specific incidents of inappropriate parenting during the supervised parenting time. The order allowed for a gradual modification from supervised to unsupervised parenting time conditioned on Antonio Kartalozi continuing therapeutic progress in addressing both his mental-health issues and his history of domestic violence, assuming the responsibility to arrange for a reunification therapist, taking all steps necessary to engage in reunification therapy, and surrendering AK's passport to the court.

Six months later, in February 2006, Antonio Kartalozi again moved for unsupervised parenting time. The district court denied the motion in July 2006 because the conditions of the August 2005 order had not been met and stated that the August 2005 order remained in full force with the same conditions. The district court's determination was affirmed on appeal. *Kartalozis v. Kartalozis*, No. A06-1749 (Minn. App. July 24, 2007).

In March 2007, based on Antonio Kartalozi's conduct during supervised parenting time, the GAL notified him that she had suspended his parenting time pending an evaluation to determine whether the visits had become psychologically harmful to AK and IK. In response, Antonio Kartalozi filed a motion on April 6, 2007, seeking an accelerated hearing to reinstate supervised visitation. At the accelerated hearing, the district court reinstated limited, supervised parenting time. Pending the full evidentiary hearing, the district court ordered records of the parenting time extending back to 2006, ordered psychological examinations of AK and IK, and ordered a current GAL report on whether Antonio Kartalozi had complied with the requirements of the August 2005 order that had been continued in effect following the district court's July 2006 order.

The district court conducted an evidentiary hearing in September and October 2007, and, at the close of the hearing, ordered an immediate and indefinite suspension of Antonio Kartalozi's parenting time. In January 2008 the district court issued detailed findings of fact and conclusions of law, determining that Antonio Kartalozi had failed to comply with the conditions imposed in the August 2005 order and July 2006 continuation order. The district court conditioned the resumption of supervised parenting time on specific conditions including that Antonio Kartalozi obtain the individual therapy and reunification therapy required in the 2005 and 2006 orders. Antonio Kartalozi appeals.

DECISION

Minnesota law provides that in all proceedings for dissolution the district court shall, in the best interests of a child, grant parenting time during the child's minority, that will enable a parent to maintain a parent-child relationship. Minn. Stat. § 518.175, subd.

1(a) (2006). This provision for parenting time, however, may be restricted to time, place, duration, or supervision if the court finds, after a hearing, that parenting time “is likely to endanger the child’s physical or emotional health or impair the child’s emotional development.” *Id.* And, if the “circumstances warrant,” the court “may deny parenting time entirely.” *Id.*

In applying this endangerment standard in the context of child-custody modification, we have recognized that endangerment requires a showing of a significant degree of danger but have also recognized that the danger may be purely to the child’s emotional development. *Geibe v. Geibe*, 571 N.W.2d 774, 778 (Minn. App. 1997); *see also* Minn. Stat. § 518.18(d)(iv) (2006) (governing modification of custody orders and parenting plans and setting forth same endangerment standard as § 518.175, subd 1(a)). A district court’s order on parenting time is reviewed under an abuse-of-discretion standard. *Olson v. Olson*, 534 N.W.2d 547, 550 (Minn. 1995).

Antonio Kartalozi offers two arguments on appeal. His first argument is that the evidence does not support the district court’s decision to indefinitely suspend his parenting time. We disagree. The district court, in a fifteen-page order, carefully reviewed the family history and the procedural context of the Kartalozis’ current parenting-time issues. The findings were also based on the court-ordered psychological examination of AK and IK; the records of the agency that supervised Antonio Kartalozi’s parenting time; the report of a new GAL; and testimony from both parents, the new GAL, the children’s maternal grandmother, the director of the agency supervising visitation, and the child psychologist who had evaluated AK and IK. At the close of the evidentiary

hearing, the district court found that Antonio Kartalozi had failed to comply with the 2005 and 2006 orders and that his conduct endangers the children's emotional health and impairs their emotional development and that their best interests would be served by suspending parenting time indefinitely.

The district court's findings of fact are well supported by the record. The 2005 order required that Antonio Kartalozi obtain reunification therapy because of his emotionally damaging disparate treatment of the children and the absence of a healthy and appropriate relationship with either child. The record supports the district court's finding that Antonio Kartalozi failed to obtain reunification therapy. The record also supports the district court's findings that Antonio Kartalozi failed to comply with two previous orders to obtain individual therapy. At the evidentiary hearing, he denied that he needs therapy for his continuing mental-illness issues and the issues underlying his extensive history of domestic abuse. In addition, the district court's findings recount multiple incidents of inappropriate conduct during supervised parenting time, particularly related to his starkly disparate treatment of the children and his attempt to exclude six-year-old IK from interaction in the sessions and from attending the sessions. The district court found that the children are "acutely aware of their father's favoritism toward [AK]."

Based on the evidence and the testimony, the district court found that AK suffers from anxiety, depression, and low self-esteem and struggles to retain her father's affection and protect IK. The court found Antonio Kartalozi's conduct in some of the parenting-time sessions to be "alarming." The court acknowledged that presently, IK, the

less-favored child, has been less affected than AK but stated that “it is reasonable to infer that her distress at being the disfavored child will intensify as she grows older.”

We have previously affirmed a district court order suspending parenting time when a parent’s conduct involved physical endangerment. *D.A.H. v. G.A.H.*, 371 N.W.2d 1, 4-5 (Minn. App. 1985), *review denied* (Minn. Sept. 19, 1985). We have also recognized that likely harm to emotional health and development may also satisfy the endangerment standard. *Tarlan v. Sorenson*, 702 N.W.2d 915, 923 (Minn. App. 2005). The district court’s findings support its conclusion that Antonio Kartalozi’s conduct during his parenting time, his inability to recognize the harmful conduct, and his unwillingness to comply with court orders to attempt to change that conduct has significantly endangered and already harmed AK’s and IK’s emotional health and development.

Antonio Kartalozi’s second argument is that the district court improperly imposed conditions on reinstatement of supervised visitation because these conditions are the same or very similar to the conditions that had previously been imposed for receiving unsupervised visitation. We find no basis for rejecting the court’s requirements on this ground. To the contrary, the repetitive requirements for individual therapy and reunification therapy are necessary because Antonio Kartalozi has failed to comply with these requirements and continues to refuse to address these mental-health problems that are at the base of his parenting-time issues. The district court did not err when it imposed conditions for reinstatement of supervised visitation. *See D.A.H.*, 371 N.W.2d at 4 (conditioning further visits on father undergoing intensive psychotherapy).

Because the findings are supported by the record and the court imposed reasonable conditions for reinstatement of supervised visitation, the district court did not abuse its discretion when it suspended supervised visitation.

Affirmed.