

Filed 3/19/20 by Clerk of Supreme Court

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2020 ND 57

Royce Don Carlson,

Plaintiff and Appellee

v.

Jill Marie Carlson,

Defendant and Appellant

No. 20190187

Appeal from the District Court of Stutsman County, Southeast Judicial District, the Honorable Troy J. LeFevre, Judge.

AFFIRMED.

Per Curiam.

James D. Sandsmark, Fargo, ND, for plaintiff and appellee; submitted on brief.

Ashley C. Halvorson, Fargo, ND, for defendant and appellant; submitted on brief.

Carlson v. Carlson
No. 20190187

Per Curiam.

[¶1] Jill Carlson appealed from a district court judgment awarding Royce Carlson primary residential responsibility and decision-making authority over daycare/afterschool provider decisions and non-emergency medical decisions of the parties' minor children. Jill Carlson argues the district court's findings on best-interest factors a, b, d, e, f, h, j, k, and l under N.D.C.C. § 14-09-06.2 were clearly erroneous. We retained jurisdiction under N.D.R.App.P. 35(a)(3) and remanded with instructions that the district court make further findings on best-interest factor j, which considers evidence of domestic violence. *Carlson v. Carlson*, 2020 ND 36, 938 N.W.2d 413.

[¶2] The district court issued its additional findings, and found the evidence did not trigger a presumption of domestic violence, and if a presumption did apply, it was overcome by clear and convincing evidence. After reviewing the district court's findings on the best-interest factors, and its additional findings on factor j, we conclude the district court's finding that the evidence did not trigger the presumption of domestic violence is not clearly erroneous, and we summarily affirm under N.D.R.App.P. 35.1(a)(2).

[¶3] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Jerod E. Tufte
Daniel J. Crothers
Lisa Fair McEvers