STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1673

Jessica Lin Love, n/k/a/ Jessica Lin Lopez Love,
Appellant,

vs.

Edward Love, Jr.,
Respondent.

Filed April 20, 2020
Affirmed
Reilly, Judge

Dakota County District Court
File No. 19-F9-07-003547

Jessica Lin Love, n/k/a/ Jessica Lin Lopez Love, West St. Paul, Minnesota (pro se appellant)

James C. Backstrom, Dakota County Attorney, Tina K. Isaac, Assistant County Attorney, West St. Paul, Minnesota (for respondent county)

Edward Love, Jr., St. Paul, Minnesota (pro se respondent)

Considered and decided by Reilly, Presiding Judge; Connolly, Judge; and Hooten, Judge.

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

REILLY, Judge

Appellant-mother challenges two child-support orders, arguing that the child-support magistrate (the CSM) (1) abused its discretion by denying mother's request for an

earlier effective date than July 1, 2019; (2) erred by declining to consider mother's request for reimbursement of certain expenses; (3) erred by dismissing respondent-county's motion for review as moot; and (4) erred by not granting enforcement remedies to mother. We affirm.

FACTS

Appellant-mother Jessica Lin Lopez Love and respondent-father Edward Love, Jr. are the parents of a minor child born in 2005. Father and mother divorced in June 2008. The divorce decree granted sole physical custody of the child to mother and parenting time to father. Father was ordered to pay basic support, child-care support, and medical support. Respondent Dakota County (the county) also provided child-support-enforcement services under title IV-D of the Social Security Act. In January 2011, the CSM modified father's child-support obligation by lowering his basic child-support and child-care-support obligations.

Following a review hearing in 2019, the CSM issued an order on July 14, 2019, regarding basic child support. The CSM found that father and mother were both currently employed full-time. The CSM increased father's basic-support obligation, effective July 1, 2019. The remaining issue before the CSM was whether to order the basic child-support obligation retroactive to a time when either father or mother secured full-time employment. The CSM determined that it did not have sufficient information to determine retroactive child support. Accordingly, the July 14 order left the record open regarding how past support could be calculated before July 1, 2019, and ordered the parties to provide additional documentation. The CSM ordered the county to provide both parties with "a

printout of/copies of all written information supplied by either parent or the County to a parent, and the notes taken by the child support office . . . from January 1, 2011, to July 10, 2019, no later than August 7, 2019." Mother was required to provide the CSM, the county, and father with "verification of her cost for child care for 2012 through 2018." Father was required to provide the CSM, the county, and mother with "information regarding any unemployment compensation benefits he may have received 2011-2018."

The county did not supply either party with the information requested. Instead, the county filed a motion for review seeking "clarification of the scope of the information to be released or an order of the court identifying the private and confidential nature of the information and ordering the County to proceed."

On August 2, 2019, mother sent a letter to the county and the CSM outlining her child-care costs and uninsured medical-and-dental expenses for reimbursement consideration. Mother did not send the letter to father because she did not want father to know where the child attended child care or received medical services.

Father did not submit any information.

The CSM issued an order on August 21, 2019. The CSM noted that the county and father failed to submit any information, and that mother failed to properly serve the documentation on father. The order found that "[t]he court cannot consider information not provided to all other parties thus the information provided by [mother] cannot be considered by the court." The CSM also found that the county and mother "have issues regarding confidentiality that cannot be resolved in this forum." The order vacated the provision in the July 14 order directing the parties to provide documentation regarding past

support, and dismissed the county's motion for review as moot. Finally, the August 21 order held that the CSM could not make "any further review of this matter," and concluded that any further proceedings "must be conducted in the expedited child support process." The CSM declined to make any "further changes to the child support obligations prior to July 1, 2019."

Mother now appeals the July 14, 2019 and August 21, 2019 orders.

D E C I S I O N

I. Standard of Review

The CSM may be appointed to preside over matters in an expedited child-support process and has the authority to establish, modify, and enforce child support if the case is identified as a IV-D case. *Brazinsky v. Brazinsky*, 610 N.W.2d 707, 710 (Minn. App. 2000); *see also* Minn. Stat. § 518A.26, subd. 10 (2018) (identifying a "IV-D case" as one "where a party has assigned to the state rights to child support because of the receipt of public assistance . . . or has applied for child support services under title IV-D of the Social Security Act"). We apply the same standard for reviewing a CSM's order as applied to a district court's order regarding child support. *Ludwigson v. Ludwigson*, 642 N.W.2d 441, 445-46 (Minn. App. 2002). The CSM is afforded broad discretion in making child-support determinations. *See Brazinsky*, 610 N.W.2d at 710 (discussing standard of review). We therefore review the CSM's order for an abuse of discretion. *See Borcherding v. Borcherding*, 566 N.W.2d 90, 92 (Minn. App. 1997). We will reverse a modification order only if the CSM abuses its discretion by resolving the question in a manner that is contrary to logic and the facts on record. *Id*. at 92-93.

We also review a medical-support determination under an abuse-of-discretion standard. *Casper v. Casper*, 593 N.W.2d 709, 714 (Minn. App. 1999) (recognizing that a child's medical needs "are in the nature of child support" (quotation omitted)). We will set aside the CSM's findings of fact only if they are clearly erroneous, and we defer to the CSM's opportunity to evaluate witness credibility. *Goldman v. Greenwood*, 748 N.W.2d 279, 284 (Minn. 2008). "Findings of fact are clearly erroneous where an appellate court is left with the definite and firm conviction that a mistake has been made." *Id*. (quotation omitted).

II. The CSM Did Not Abuse its Discretion in Setting the Effective Date.

Mother challenges the August 21, 2019 order's denial of her request for an effective date earlier than July 1, 2019. The CSM "has broad discretion to set the effective date of a modified child support obligation." *Borcherding*, 566 N.W.2d at 93 (citation omitted). Modification of a child-support award "may be made retroactive only with respect to any period during which the petitioning party has pending a motion for modification but only from the date of service of notice of the motion on the responding party." Minn. Stat. § 518A.39, subd. 2(f) (2018).

During the July 2019 review hearing, the CSM noted that "[t]he parties agree that the effective date of the [child support] order will be July 1, 2019." Mother then requested an effective date earlier than July 1, 2019. In its July 14, 2019 order, the CSM indicated that it needed to know "the actual cost of child care if a decision to use an earlier effective date is made." The CSM ordered mother to provide the county and father "verification of her cost for child care for 2012 through 2018." Mother responded by sending a letter to

the county and to the CSM providing information regarding her child-care costs. Mother did not send this information to father. The CSM noted that mother had not served the child-care information on father, as ordered, and indicated that it could not consider "information not provided to all other parties."

On appeal, mother argues that the CSM failed to properly consider her safety concerns in sharing the information with father. Mother also argues that her request should have been granted because her letter was uncontested. We disagree. The discretion to set an effective date other than the date the motion was served "must be exercised based on the facts as found by the [decision-maker]." *Lee v. Lee*, 775 N.W.2d 631, 643 (Minn. 2009). Here, the CSM did not have the facts necessary to set an earlier effective date. The CSM did not have information from the county or from father, and the CSM was understandably unwilling to consider information provided to the CSM by mother on an ex parte basis despite the July 14, 2019 order's explicit requirement that mother provide copies of her submissions to father. We discern no abuse of discretion in this decision, and determine that the CSM properly exercised its discretion by setting the July 1, 2019 effective date and denying mother's request for an earlier effective date.

III. The CSM Did Not Err by Declining to Consider Mother's Request for Reimbursement of Uninsured Expenses.

Mother challenges the CSM's August 21, 2019 order denying her request for reimbursement of uninsured medical and dental expenses accruing before July 1, 2019. At the review hearing, the parties agreed to share uninsured, unreimbursed medical and dental expenses at the rate of 41% for father and 59% for mother. Following the hearing, the

CSM, consistent with Minn. Stat. § 518A.41, subd. 17(b) (2018), noted in its order that "[a] party seeking reimbursement for uninsured medical and dental expenses must request reimbursement no later than two years from the date the expenses were incurred." "A requesting party must mail a written notice of intent to collect the unreimbursed or uninsured medical expenses and a copy of an affidavit of health care expenses to the other party at the other party's last known address." *Id.*, subd. 17(c) (2018). "The affidavit of health care expenses must itemize and document the joint child's unreimbursed or uninsured medical expenses and include copies of all bills, receipts, and insurance company explanations of benefits." *Id.*, subd. 17(e) (2018). The requesting party may only commence enforcement against the other party "[i]f the other party does not respond to the request for reimbursement within 30 days." *Id.*, subd. 17(f) (2018).

Mother did not comply with the statutory requirements for seeking unreimbursed expenses. Mother sent a letter to the county and the CSM seeking reimbursement for uninsured expenses. However, she did not mail a "written notice of intent" or an "affidavit of health care expenses" to father, as required by Minn. Stat. § 518A.41, subd. 17(c). Further, the record does not contain "copies of all bills, receipts, and insurance company explanations of benefits." *Id.*, subd. 17(e). Accordingly, the CSM declined to award unreimbursed expenses. The CSM noted that the July 14, 2019 order left the record open for further information specifically related to mother's child-care expenses. However, the CSM stated that the July 14, 2019 order did not leave the record open for any other information related to mother's unreimbursed/uninsured expenses. The CSM concluded that "[mother] apparently misunderstood [that portion] of the July 14, 2019 order" setting

a two-year deadline for requests regarding unreimbursed or uninsured expenses. We discern no error in the CSM's decision to deny mother's request for unreimbursed or uninsured expenses.

IV. The CSM Did Not Err by Dismissing the County's Motion for Review.

Mother argues that the CSM erred by dismissing the county's motion for review as moot. It is well established that a court "will decide only actual controversies." *In re Schmidt*, 443 N.W.2d 824, 826 (Minn. 1989). A matter is "moot when an event occurs that makes a decision on the merits unnecessary or an award of effective relief impossible." *Limmer v. Swanson*, 806 N.W.2d 838, 839 (Minn. 2011) (quotation omitted).

In July 2019, the CSM ordered the county to produce "a printout of/copies of all written information supplied by either parent or the County to a parent, and the notes taken by the child support office" from January 2011 to July 2019. The county filed a motion for review in lieu of the requested information, seeking "clarification of the scope of the information to be released or an order of the court identifying the private and confidential nature of the information and ordering the County to proceed." In its August 2019 order, the CSM determined that the county and mother "have issues regarding confidentiality that cannot be resolved in this forum." Therefore, the CSM vacated the provision in the July order requesting written information from the county, and dismissed the county's motion for review as moot. Because the CSM withdrew its earlier order requiring the county to provide certain documentation, it became "unnecessary" for the CSM to issue a "decision on the merits" of the county's motion for review. *See id*. Thus, the CSM did not err by dismissing the county's motion to review as moot.

V. The CSM Did Not Err by Declining to Grant Enforcement Remedies.

Mother argues that father has not satisfied his financial obligations, and that the CSM erred by "not taking the steps necessary" to ensure that father satisfied these obligations. It is unclear what specific relief mother is seeking, and she fails to cite relevant legal authority in support of her arguments. *See Melina v. Chaplin*, 327 N.W.2d 19, 20 (Minn. 1982) (deeming arguments forfeited on appeal that are unsupported by facts in the record and contain no citation to relevant legal authority). Moreover, mother does not allege any error committed by the CSM necessitating appellate review, and this court is an error-correcting court only. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988) ("The function of the court of appeals is limited to identifying errors and then correcting them."). Because mother did not raise any issue of enforcement remedies to the CSM, she is precluded from raising new issues for the first time on appeal. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (declining to consider issue not previously presented below).[1]

Affirmed.

[1] We appreciate that mother is self-represented in this appeal. While courts typically accord some "leeway" to self-represented litigants, such litigants are "still not relieved of the burden of, at least, adequately communicating to the court what it is [the party] wants accomplished and by whom." *Carpenter v. Woodvale, Inc.*, 400 N.W.2d 727, 729 (Minn. 1987) (citation omitted); *see also Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001) (stating that "[a]lthough some accommodations may be made for pro se litigants, this court has repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys and must comply with court rules").