STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0181

In re the Matter of:
Sean Patrick Dempsey, petitioner,
Respondent,

vs.

Martalisbet Horrocks Loman,
Appellant.

Filed December 19, 2022
Affirmed
Worke, Judge

Hennepin County District Court
File No. 27-PA-FA-14-300

Sarah A. Peterson, Collins, Buckley, Sauntry & Haugh, P.L.L.P., St. Paul, Minnesota; and

Victoria J. Brenner, Taft Stettinius & Hollister LLP, Minneapolis, Minnesota (for respondent)

John M. Jerabek, Letty M-S Van Ert, Allyson Kerr, Tuft, Lach, Jerabek & O'Connell, PLLC, Maplewood, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Smith, Tracy M., Judge; and Wheelock, Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant-mother challenges the district court's order granting respondent-father sole legal and physical custody of their child, arguing that the record does not support the

district court's factual findings, that the district court misapplied the law, and that its custody decision was an abuse of discretion. Mother also contends that the district court abused its discretion by restricting her parenting time and lacked authority or jurisdiction to temporarily place the child in the care of her paternal grandmother. We affirm.

FACTS

Appellant-mother Martalisbet Horrocks Loman and respondent-father Sean Patrick Dempsey were never married but have one joint child (the child), born in April 2014. In November 2014, the district court adjudicated paternity and awarded the parties joint legal custody. Based on the parties' agreement and in lieu of designating physical custody, the district court ordered a parenting-time schedule that gradually expanded father's parenting time. The district court also appointed a parenting consultant to assist the parties in resolving potential disputes.

The parties experienced hostility regarding father's place in the child's life even before the paternity adjudication. This hostility led the parenting consultant to refer the parties for psychological evaluations. Mother's evaluator concluded that mother had not anticipated father being involved in the child's life, which mother "appear[ed] to have interpreted . . . as an act of hostility." The evaluator noted that although this sentiment is not uncommon, it was unusual that it appeared to have worsened over time.

The parties reached a revised parenting agreement in the spring of 2016. The agreement expanded father's parenting time to six overnights every two weeks.

In the summer of 2018, the child began making statements to father to the effect of, "I'm not going to live with you again when I'm older. I'm not going to see you again after

kindergarten" and "that's so sad." Father video recorded two instances of these statements. In the recordings, the child clarified that she was repeating statements made by mother and her maternal grandmother.

In the fall of 2019, the child began showing behavioral issues at school, such as kicking, biting, and kissing other students. The child also began expressing fear toward father and was reluctant to go with him during parenting exchanges. The child would allegedly claim to mother that father would bite and punch her.

In December 2019, the parties agreed to maintain father's parenting time at just under half. But almost immediately after the district court adopted the agreement, mother told personnel at the child's school that the child claimed that father "kissed her on the crotch." Child protective services (CPS) was notified.

Mother reported to CPS that the child told her, "My dad kissed my crotch. Can you get me a new dad[?] I was with him too many days." Mother also reported that she had kept "a notebook of the odd things [the child] ha[d] said." CPS suspended father's parenting time pending an investigation. During the investigation, the child spontaneously disclosed to two different investigative personnel that father "kissed her where she pees" or "in the crotch."

In February 2020, Hennepin County filed a petition to terminate parental rights (TPR) of father. But months later, the county moved to dismiss the TPR petition due to concerns that mother might have "coached" the child to ensure that father would not be present in the child's life. The county also expressed concern that mother would continue to allege abuse in the future. The TPR petition was dismissed in October 2020. Despite

the dismissal, father had not seen the child at the time of the evidentiary hearing on custody in this case since the CPS investigation began more than 14 months earlier.

In September 2020, while the TPR petition was pending, mother moved to a different town with the child without informing father. Mother arranged several meetings between the child and a therapist. Mother told the therapist that father physically, sexually, and emotionally abused the child. The child told the therapist that she did not "want to have to see [her] [d]ad." The therapist preliminarily diagnosed the child with post-traumatic stress disorder.

After the TPR petition was dismissed, mother informed a family advocate that the child disclosed allegations of sexual abuse. During meetings with the family advocate, the child spontaneously disclosed that father "kissed [her] butt." Mother and the family advocate participated in a "case review" that mother knew could result in reopening the sexual-abuse case against father. But the case was not reopened.

In October 2020, father filed a motion requesting temporary sole legal and temporary sole physical custody of the child. The family court referee denied temporary relief but set the issues of permanent custody and parenting time for an evidentiary hearing.

Following the evidentiary hearing, the district court granted father sole legal and sole physical custody. The court found[1] that a significant change in circumstances had

[1] The family-court referee presided over the evidentiary hearing and recommended findings and an order that the district court adopted in full. We therefore refer to the referee's findings "as the findings of the court." *See* Minn. R. Civ. P. 52.01; *Warwick v. Warwick*, 438 N.W.2d 673, 675 (Minn. App. 1989) (explaining that district court is free to exercise its "judgment and discretion" regarding a referee's proposed findings and order).

occurred since the 2014 custody order based on mother's false sexual-abuse allegations against father, father's resulting inability to see the child, and the ultimate dismissal of the TPR petition based on those false allegations. The court also found that the child's custodial environment endangered her emotional health and that the custody modification served the child's best interests. The district court made findings on 11 of the best-interests factors under Minn. Stat. § 518.17, subd. 1(a) (2022). The district court concluded:

> [Mother]'s actions and communications . . . [and] those of her parents[] have resulted in a campaign to alienate or eliminate [father]'s role as the child's father. The efforts to support a narrative of abuse committed by [father] leave the child in an untenable position, struggling emotionally with choices and loyalties that no child of her age is capable of managing. Such machinations began prior to the child's birth and culminated in . . . coached reports of sexual abuse . . . to remove [father] from the child's life. Once the allegations were debunked by professionals and [mother]'s coaching of the child was questioned, she chose to continue making the same allegations, misrepresenting the status of the juvenile court case to others . . . . [Mother]'s actions . . . are tantamount to child abuse . . . . [T]o preserve the possibility of [mother] building a relationship with the child in a healthy, non-manipulative, and appropriate manner, the only hope is to remove the child from her custody so that proper therapeutic intervention may occur.

The district court ruled that restricting mother's parenting time to two professionally supervised, four-hour sessions per week served the child's best interests. The court explained that this was the only way for the child "to heal and gain emotional stability in her relationships with both parents in the future." To facilitate father's and the child's gradual reunification, the court temporarily placed the child in the "care and residence" of paternal grandmother with paternal grandmother's consent. This appeal followed.

DECISION

Custody modification

Regarding custody modification, mother argues that the record does not support the district court's factual findings, that the district court misapplied the law, and that the district court's custody decision was an abuse of discretion.

We review child-custody orders for an abuse of discretion. *Hansen v. Todnem*, 908 N.W.2d 592, 596 (Minn. 2018). "A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record." *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted).

The evidence insufficiently supports a factual finding only if the finding is "clearly erroneous" such that we are "left with the definite and firm conviction that a mistake has been made." *Goldman v. Greenwood*, 748 N.W.2d 279, 284 (Minn. 2008) (quotation omitted). Factual findings are not clearly erroneous as long as the record reasonably supports them, and it is "immaterial" if the record also supports contrary findings. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 222-23 (Minn. 2021). When reviewing findings for clear error, appellate courts (1) view the evidence in the light most favorable to the findings; (2) do not reweigh the evidence; (3) do not find facts; and (4) do not reconcile conflicting evidence. *Id.* at 221-22.

Whether the district court misapplied the law is a legal question reviewed de novo. *In re A.R.M.*, 611 N.W.2d 43, 47 (Minn. App. 2000).

The standard under which father sought custody modification required him to establish that: (1) the circumstances of the parties or the child had changed; (2) the child's present environment endangers her emotional health or development; (3) the benefits of modification outweigh the harm caused by the change in environment; and (4) modification serves the child's best interests. *See* Minn. Stat. § 518.18(d)(iv) (2022); *Crowley v. Meyer*, 897 N.W.2d 288, 293 (Minn. 2017). We address mother's fact-finding claims and the elements of custody modification in turn.

Sufficiency of the evidence

Mother's efforts to alienate the child from father

First, mother asserts that the district court clearly erred by finding that she alienated the child from father by manipulating her into fearing him and falsely claiming that he sexually abused her.[2]

Mother does not appear to dispute on appeal that the sexual-abuse allegations were false. Yet she points to no evidence suggesting that these false allegations resulted from anything other than her and maternal grandmother's influence. Mother speculates that the

[2] Although the district court did not expressly make this finding, we infer it from the district court's order and review it for clear error. *See Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009) (indicating that findings of fact can be implicit); *Vettleson v. Special Sch. Dist. No. 1*, 361 N.W.2d 425, 428 (Minn. App. 1985) (reviewing implicit findings for clear error). We also observe that most of the district court's findings "are not truly findings of fact because they are merely recitations of the evidence [and arguments] presented at" the evidentiary hearing. *See In re Civ. Commitment of Spicer*, 853 N.W.2d 803, 810 (Minn. App. 2014); *Dean v. Pelton*, 437 N.W.2d 762, 764 (Minn. App. 1989) (making the same point in a family-law appeal). We take this opportunity to remind district courts to ensure effective appellate review by making all findings of fact specific and affirmative. *See Spicer*, 853 N.W.2d at 810-12.

child—who was five years old when the sexual-abuse allegations arose—might have independently fabricated the allegations. Mother also argues that the district court should not have placed as much weight on the expert testimony. Further, she argues that the district court instead should have focused on mother agreeing to expand father's parenting time and on mother co-parenting with father for some time.

Mother essentially asks us not to view the evidence in the light most favorable to the findings, to reweigh the evidence, and to reconcile conflicting evidence, none of which we may do. *See Kenney*, 963 N.W.2d at 221-22; *In re Welfare of Child. of J.B.*, 698 N.W.2d 160, 167 (Minn. App. 2005) ("The weight to be given any testimony, including expert testimony, is ultimately the province of the fact-finder."). Even if mother demonstrated a reasonable alternative finding, it would be "immaterial." *See Kenney*, 963 N.W.2d at 223 (quotation omitted). While "an appellate court need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court," we do so here to clarify the record supporting the finding of alienation. *Id.* at 222 (quotation omitted).

Father testified that mother and maternal grandparents were "significantly disappointed with him" when he refused to continue a romantic relationship with mother during the pregnancy. A forensic psychologist testified that father's refusal likely caused mother a "narcissistic injury"—"a tremendous blow to her self-esteem"—that likely explained mother's subsequent attitude and conduct toward father. Mother subsequently cut off communication with father, did not inform him of the child's birth, did not include him on the child's birth certificate, and kept him from seeing the child. Father testified that

mother initially communicated that she "wanted to be the sole primary caregiver of [the child] until [the child] was much older." And mother's psychological evaluation shows that this sentiment grew over time.

The forensic psychologist also testified that mother was trying to interfere with father's parenting time over an "extended sequence." Father's testimony and the child's recorded statements indicate that in the summer of 2018, mother and maternal grandmother told the child that they would enact their desire to separate the child from father. And soon thereafter, the child began expressing fear and anxiety toward father that continued through the evidentiary hearing on custody. This timing reasonably suggests that mother and maternal grandmother followed through with their plan to alienate the child from father. The recordings also suggest that the sexual-abuse allegations did not arise coincidentally while the child was in kindergarten.

The record contains no corroborating evidence that the child was physically abused even though the child allegedly claimed to mother that father bit her and punched her. The child's lack of physical injury might have given mother pause. But it took mother over a month to talk to anyone other than maternal grandmother about the child allegedly stating that father sexually abused her. Mother agreed to maintain father's parenting time at nearly equal to mother's parenting time before she raised the sexual-abuse allegations. This record suggests that mother executed the agreement with knowledge that she would undermine it by raising the allegations, and that mother influenced the child to make the allegations.

The notebook that mother maintained before she raised the sexual-abuse allegations is also probative on that point. Mother claimed that the notebook was for the child's therapy. But the notebook contained only negative (mostly general) statements from the child about father[3] even though the child was having concurrent behavioral issues in school. As the district court suggested, mother likely elicited these statements in light of her admission that she would respond to the child's fears of father by telling her she was "fine" because father was not around. The district court could reasonably find, as it did, that mother implied to the child that she "should be afraid of her father."

The circumstances after the county filed the TPR petition similarly support a finding that mother influenced the child into making the sexual-abuse allegations. As the district court noted, the child's "lingering fear and anxiety" regarding father after a long period of no contact suggests that someone was likely reinforcing the child's fears. During the summer of 2020, for example, the child spontaneously stated to her dance teacher that her "dad is a bad man[.]" *See Weber v. W.P.W.*, 653 N.W.2d 804, 810 (Minn. App. 2002) (stating that record supported district court's finding that alienation occurred when, among other things, the child was "parroting . . . adult language"). And after moving without informing father, mother brought the child to a therapist and a family advocate and elicited more allegations in an apparent effort to reopen the debunked sexual-abuse case against father, likely reinforcing the child's fear. Indeed, text messages between mother and the

[3] According to the notebook, the child stated that "dad wants to kill" her grandfather (which one is not clear) and "my dad's going to kill me." Yet there is no sign from the record that mother contacted the police, warned the child's grandfather, or otherwise acted on these disturbing statements.

family advocate establish that mother knew the child disclosed new allegations to the therapist several times and that the therapist reported the disclosures to social services.

That the child spontaneously disclosed sexual abuse to CPS personnel and the family advocate without evidence of similar disclosures to school personnel also supports a finding that mother prepared the child for these disclosures. The forensic psychologist, an expert on child sexual abuse, and the guardian ad litem from the TPR case all testified that these spontaneous disclosures to strangers by a child and alleged victim of sexual abuse were highly unusual. The expert on child sexual abuse specifically expressed concerns regarding the child repeating similar phrases "about her dad kissing her." She also testified that it was particularly concerning for the child to disclose to the family advocate, who was not a forensic interviewer and was not investigating the sexual-abuse allegations.

Another expert witness in forensic psychology interviewed mother before the evidentiary hearing. He confirmed that, "wittingly or unwittingly," mother likely influenced the child "to develop sexual statements" despite the child not understanding the statements' meaning. He testified that mother "almost indoctrinat[ed]" the child about father's "failings and danger." Even the county dismissed the TPR petition out of concern that mother coached the sexual-abuse allegations to remove father from the child's life, and that mother would keep facilitating these allegations.

The record supports the district court's finding that mother alienated the child from father by manipulating her into fearing him and falsely accusing him of sexual abuse.

Alleged abuse by father against mother

Mother also argues that the district court clearly erred by not finding that father committed "domestic abuse" against mother "as defined in" Minn. Stat. § 518B.01 (2022). *See* Minn. Stat. § 518.17, subd. 1(a)(4) (providing that occurrence of domestic abuse as defined in section 518B.01 is a relevant best-interests factor in child-custody matters).

Mother points to two specific instances of alleged abuse. First, mother testified that after a failed joint counseling session while she was pregnant, father "grabbed [her] arm so hard that [she] had to use [her] other arm to release him from [her] and get out of the car." Father denied grabbing mother. Second, mother highlights an incident in 2013 when father picked her up for a party and refused to give maternal grandfather the address of the party, which he wanted in case he needed to pick up mother if she was not feeling well. Mother also emphasizes that the parenting consultant reported to CPS that father was "very controlling" in his co-parenting relationship with mother.

Mother does not adequately explain how a finding of domestic abuse would be justified, let alone required. But the only even arguably applicable definitions of domestic abuse are in Minn. Stat. § 518B.01, subd. 2(a)(1)-(2), (b)(6). Those provisions define "[d]omestic abuse" as either of the following if committed by a man against a pregnant woman of whose child the man is alleged to be the father: "physical harm, bodily injury, or assault;" or "the infliction of fear of imminent physical harm, bodily injury, or assault." Minn. Stat. § 518B.01, subd. 2(a)(1)-(2), (b)(6).

Physical harm, bodily injury, and assault are not defined in section 518B.01. But Minnesota's criminal code defines "[b]odily harm" as "physical pain or injury." Minn.

Stat. § 609.02, subd. 7 (2022). It also defines "[a]ssault" as "an act done with intent to cause fear in another of immediate bodily harm or death[,]" or "the intentional infliction of or attempt to inflict bodily harm upon another." *Id.*, subd. 10 (2022). We conclude that "domestic abuse" under the relevant provisions of section 518B.01 similarly refers to causing or attempting to cause physical pain, injury, or fear thereof. *See State v. Thonesavanh*, 904 N.W.2d 432, 437 (Minn. 2017) ("Also called the related-statutes canon, in pari materia allows two statutes with common purposes and subject matter to be construed together to determine the meaning of ambiguous statutory language." (quotation omitted)).

Out of mother's claims of abuse, only the arm-grabbing incident could relate to physical abuse. But mother never testified that father caused or attempted to cause her physical pain or fear thereof. And father denied that the incident occurred. The district court was free not to infer that father caused or attempted to cause mother pain or fear. Therefore, the district court did not clearly err by not finding that father committed domestic abuse against mother.

Grandparents' involvement in mother's parenting

Mother next argues that the district court clearly erred by finding that her parents were unhealthily involved in mother's parenting.

According to paternal grandmother, maternal grandmother asserted her authority by insisting that communications between father and mother "w[ould] go through [maternal grandmother]. Nothing [was] to go through [mother] at all." Paternal grandmother also

testified that she declined maternal grandmother's suggestion for the grandparents to "get together and . . . become involved."

After the child's birth, maternal grandmother virtually lived with mother and the child and believed that she should provide care to the child rather than sending the child to daycare. Maternal grandmother conducted almost all parenting exchanges with father. She testified that she helped mother maintain the notebook of the child's negative statements about father. And she admitted that she was with mother and the child when the child first allegedly stated that father "kiss[ed] her crotch." As the forensic psychologist who interviewed mother concluded, maternal grandmother "did not serve as a balance . . . to [mother]'s anxiety about [father], but . . . as an amplifier."

The record supports the district court's finding that maternal grandparents were unhealthily involved in mother's parenting.

Changed circumstances

Mother also contends that, as a matter of law, no change in circumstances occurred.

A party moving to modify child custody must show that "a change has occurred in the circumstances of the child or the parties" based on facts that arose since the prior custody order or that the district court did not know when issuing the prior order. Minn. Stat. § 518.18(d) (2022). The "prior order" since which there has been a change in circumstances refers to the latter of "an original order granting custody or a subsequent order modifying custody," not an order only modifying parenting time. *Spanier v. Spanier*, 852 N.W.2d 284, 288 (Minn. App. 2014) (quotation omitted). Therefore, the prior order at issue here is the 2014 paternity order establishing custody.

Mother specifically argues that no change in circumstances occurred because she did not directly cause the filing of the TPR petition or father's inability to see the child. According to mother, the county caused those circumstances.

Notwithstanding that the record shows that mother directly caused the child to fear and make false abuse allegations against father, the law does not support mother's apparent claim that she was required to directly cause the change in circumstances. Section 518.18(d) requires the movant to establish only "that *a change has occurred* in the circumstances of the child or the parties" on "the basis of facts" that have arisen since the prior order. (Emphasis added.) It does not matter who or what caused the circumstances to change, at least so long as the movant does not cause the change in circumstances in bad faith to obtain a custody modification. *See Weber*, 653 N.W.2d at 810; *Sharp v. Bilbro*, 614 N.W.2d 260, 263 (Minn. App. 2000) ("[W]e decline to endorse a position that would encourage custodial parents to interfere or to continue to interfere with visitation in an attempt to prevail in a later custody dispute."), *rev. denied* (Minn. Sept. 26, 2000).

Mother does not claim that father maliciously caused any change in circumstances. Mother also does not dispute that the filing of the TPR petition, father's inability to see the child, and the dismissal of the TPR petition constituted changed circumstances. We conclude that the district court did not misapply the law and therefore did not abuse its discretion by finding that a change in circumstances occurred.

Endangerment

Mother argues that the district court clearly erred by finding that the child's environment under mother's care emotionally endangered her.

"'The concept of "endangerment" is unusually imprecise'" and depends "on the particular facts of each case." *Goldman*, 748 N.W.2d at 285 (quoting *Ross v. Ross*, 477 N.W.2d 753, 756 (Minn. App. 1991)); *Amarreh v. Amarreh*, 918 N.W.2d 228, 231 (Minn. App. 2018) (quotation omitted). But endangerment requires "a significant degree of danger," which can be "purely to emotional and psychological development." *Goldman*, 748 N.W.2d at 285 (quotation omitted); *Tarlan v. Sorensen*, 702 N.W.2d 915, 922 (Minn. App. 2005) (quotation omitted). Emotional endangerment exists when a parent engages in "a sustained course of conduct . . . designed to diminish a child's relationship with the other parent." *Amarreh*, 918 N.W.2d at 231-32 (quotation omitted). Whether endangerment exists is a question of fact reviewed for clear error. *See Sharp*, 614 N.W.2d at 264.

Mother argues that she did not engage in a sustained course of conduct to diminish the child's relationship with father because she only reported the child's disclosure of sexual abuse. This argument assumes that mother did not undertake a campaign over several years to alienate the child from father resulting in false abuse allegations and father not seeing the child for over a year. But as discussed above, the district court reasonably found to the contrary. Mother does not dispute that the district court's findings, if supported by the evidence, establish emotional endangerment. We therefore conclude that the district court did not clearly err on the endangerment prong.

Balance of harm and advantage from custody change

Mother argues that the district court did not adequately consider the impact to the child of removing her from mother's and maternal grandparents' day-to-day care. "[T]he balance of harms[] may sometimes be implicit in the other factors" of child-custody

modification. *Geibe v. Geibe*, 571 N.W.2d 774, 778 (Minn. App. 1997). Here, it appears that the district court implicitly balanced the harms. We therefore address the balance of harms.

At the evidentiary hearing, two experts testified that a parent causing a child to falsely believe that the other parent abused him or her constitutes child abuse and would make it necessary to temporarily remove the child from the care of the parent causing the false belief. The district court adopted this position with due regard for the harm to the child of removing her from mother's care. Specifically, the district court considered the child's strong attachment to mother and maternal grandparents. But in light of what two experts confirmed was child abuse by mother and maternal grandmother, the court found that "[a]ny detriment [of] reasonable restrictions on [mother]'s parenting time with the child w[ould] likely be outweighed by the benefit to the child of living in a healthier environment." We discern no abuse of discretion in the district court's balancing of harms.

Application of best-interests factors

Next, mother contends that the district court misapplied the law when balancing the child's best interests by focusing on its finding that mother manipulated the child into fearing father and falsely accusing him of sexual abuse to the exclusion of other factors.

"The guiding principle in all custody cases is the best interest of the child." *Pikula v. Pikula*, 374 N.W.2d 705, 711 (Minn. 1985). When evaluating a child's best interests, a district court considers "all relevant factors, including" those listed in Minn. Stat. § 518.17, subd. 1(a). "The [district] court may not use one factor to the exclusion of all others[.]" Minn. Stat. § 518.17, subd. 1(b)(1) (2022). But "[t]he law leaves scant if any room for an

appellate court to question the [district] court[']s balancing of best-interests considerations." *Williams v. Carlson*, 701 N.W.2d 274, 281 (Minn. App. 2005) (second alteration in original) (quotation omitted).

The district court's factual finding that mother manipulated the child as a result of intense bias toward father—damaging the child's well-being and the father-child relationship—impacted the court's legal conclusions regarding most of the best-interests factors. But the district court addressed all relevant best-interests factors. As discussed at length, the abuse allegations have been the focus of this case. Mother has directed most of her arguments at disputing the fact that she alienated the child from father and manipulated the child into making the false abuse allegations. It is unremarkable that the district court focused heavily on this subject when balancing the child's best interests given the relevance of the father-child relationship and the child's emotional health to the child's best interests.

Moreover, the district court considered facts other than those surrounding the sexual-abuse allegations in the 16 single-spaced pages that made up the court's best-interests findings. For example, the court considered father's recognition that the child should initially reside with a relative with whom she had a positive relationship, father's apparently good mental health, and father's active engagement with a parenting coach. The court considered mother's lack of parental autonomy in the presence of maternal grandparents, mother's relative unwillingness to cooperate with father in co-parenting, and mother's instability in her residential arrangement compared to that of father. But the district court appropriately focused its analysis on the circumstances surrounding the sexual-abuse allegations.

Mother also contends that the district court abused its discretion by failing to adequately consider that she supported the child's relationship with father, the impact of removing the child from her day-to-day care, and that she had been the child's primary caregiver for around 15 months without any involvement from father. But the record supports the district court's finding that mother did not support the child's relationship with father. The benefit to the child of removal from mother's custody outweighs any harm from removal. And mother's actions prevented father from being involved in the child's life. It would contradict logic, the facts on this record, and law to let mother take advantage of her wrongful exclusion of father from the child's life for purposes of child custody. *See Woolsey*, 975 N.W.2d at 506; *Sharp*, 614 N.W.2d at 263.

As a result, we conclude that the district court did not clearly err, did not misapply the law, did not contradict logic or the facts on record, and therefore did not abuse its discretion by awarding father sole legal and physical custody of the child.

Parenting-time restriction

Relatedly, mother seems to claim that because parenting time did not endanger the child, the district court clearly erred and contradicted logic and the facts on record by restricting mother's parenting time.

Parenting-time orders are reviewed for an abuse of discretion. *Dahl v. Dahl*, 765 N.W.2d 118, 123 (Minn. App. 2009). "A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record." *Woolsey*, 975 N.W.2d at 506

(quotation omitted). A district court "shall restrict"[4] parenting time if the court finds that parenting time "is likely to endanger the child's . . . emotional health or impair the child's emotional development." Minn. Stat. § 518.175, subd. 1(b) (2022). In the custody-modification context, whether endangerment exists is a question of fact reviewed for clear error. *See Sharp*, 614 N.W.2d at 264. We similarly review mother's endangerment argument in the parenting-time context for clear error.

Mother's parenting-time argument is like her endangerment argument regarding custody: Based on her assumption that she did not manipulate the child into fearing and falsely alleging sexual abuse against father, mother asserts that no endangerment existed. But Mother does not dispute that the district court's contrary findings, if supported by the record, establish emotional endangerment under sections 518.175, subd. 1(b), and 518.18(d)(iv). Because the record supports those findings, we conclude that the district court did not clearly err, did not contradict logic or the facts on record, and therefore did not abuse its discretion by restricting mother's parenting time.

Placement with paternal grandmother

Finally, mother seems to argue that the district court lacked authority or jurisdiction to temporarily place the child in the "care and residence" of her paternal grandmother because paternal grandmother did not move to intervene, file a third-party-custody petition, or otherwise make herself a party to the action.

[4] The parties do not dispute that the district court restricted mother's parenting time.

Mother did not raise this issue in her motion for amended findings or a new evidentiary hearing and the district court never considered the issue. Because we generally consider only issues that were presented to and considered by the district court, mother has forfeited her apparent claim that the district court lacked authority or jurisdiction to temporarily place the child with paternal grandmother. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988); *LaChapelle v. Mitten*, 607 N.W.2d 151, 160-61 (Minn. 2000) (applying this aspect of *Thiele* in child-custody matter).

Affirmed.