STATE OF MINNESOTA
IN COURT OF APPEALS
A11-2269

Delton Lee Vincent,
Appellant,

vs.

Angela Mae Guimond,
Respondent

and

Hennepin County,
Intervenor.

Filed September 4, 2012
Affirmed
Bjorkman, Judge

Hennepin County District Court
File No. 27-PA-FA-09-446

Delton Lee Vincent, St. Paul, Minnesota (pro se appellant)

Shannon M. Fitzpatrick, Minneapolis, Minnesota (for respondent)

Considered and decided by Bjorkman, Presiding Judge; Worke, Judge; and Stauber, Judge.

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

BJORKMAN, Judge

Appellant-father challenges an order denying his motion to modify parenting time, arguing that modification is in the best interests of the child and that he has a right to participate in decisions regarding the child's routine medical care. We affirm.

FACTS

In 2009, the district court adjudicated appellant Delton Vincent the father of C.L.G. The district court granted father and respondent-mother Angela Guimond joint legal custody, granted mother sole physical custody, and awarded father 15 hours of weekly parenting time. A September 2010 order slightly modified the parenting-time schedule based on an agreement between the parties. Less than a month later, father filed a motion to modify parenting time. The district court ordered a parenting-time evaluation. Following an evidentiary hearing, the district court denied father's motion and determined that mother is not required to obtain father's consent before making routine medical decisions regarding C.L.G. This appeal follows.

D E C I S I O N

I. The district court did not abuse its discretion by denying father's motion to modify parenting time.

The district court must modify parenting time "[i]f modification would serve the best interests of the child[.]" Minn. Stat. § 518.175, subd. 5 (2010). We will not reverse a district court's parenting-time decision unless the district court abused its discretion by

misapplying the law or relying on clearly erroneous findings of fact. *Dahl v. Dahl*, 765 N.W.2d 118, 123 (Minn. App. 2009).

Father argues that the evidence does not support the district court's determination that the existing parenting-time order serves C.L.G.'s best interests. He specifically challenges the veracity of statements by mother, the parenting-time evaluator, and a police officer, including statements that father is verbally aggressive during parenting-time exchanges, is physically and verbally abusive to mother, acts inappropriately by bringing C.L.G. to weekly Alcoholics Anonymous meetings, and instills fear in C.L.G. We are not persuaded by father's contentions. Father had the opportunity to challenge this evidence during the hearing, and we defer to the district court's credibility determinations. *Hagen v. Schirmers*, 783 N.W.2d 212, 215 (Minn. App. 2010).

Father also contends that an increase in his parenting time must be in C.L.G.'s best interests because he is C.L.G.'s father. This argument is unavailing. While father presented evidence that he successfully completed certain parenting and child-development programs, the parenting-time evaluator described numerous incidents when father's self-centeredness has led him "to put [C.L.G.] in sub-optimal and/or even damaging situations." Despite father's criticisms of mother and efforts to improve his parenting ability, the parenting-time evaluator concluded that an increase in father's parenting time is not warranted. On this record, we conclude that the district court's findings of fact are not clearly erroneous and denial of father's motion to modify parenting time does not constitute abuse of discretion.

II. The district court did not abuse its discretion by permitting mother to make unilateral decisions regarding C.L.G's routine medical care.

Joint legal custody gives both parents "the right to participate in *major* decisions determining the child's upbringing, including education, health care, and religious training." Minn. Stat. § 518.003, subd. 3(b) (2010) (emphasis added). We review the district court's decisions regarding custody for abuse of discretion. *LaChapelle v. Mitten*, 607 N.W.2d 151, 158 (Minn. App. 2000), *review denied* (Minn. May 16, 2000).

Father argues that the district court abused its discretion by permitting mother to seek medical treatment when C.L.G. develops a cold, fever, or general infection and to administer prescribed medications without obtaining father's consent. He argues that these circumstances present major decisions that the parents must make together. We disagree. Father cites no authority for the proposition that decisions regarding routine medical care are "major." Indeed, such decisions are more aptly characterized as matters of "routine daily care and control . . . of the child," that are assigned to the parent who has physical custody. Minn. Stat. § 518.003, subd. 3(c) (2010). Because mother has sole physical custody of C.L.G., the district court did not abuse its discretion by determining that mother may make unilateral decisions regarding matters of routine medical care.[1]

Affirmed.

[1] Father also argues that the district court erred in connection with a prior order suspending parenting time and in appointing a parenting-time expeditor. Because he did not appeal these orders, these challenges are not properly before us. *See* Minn. R. Civ. App. P. 103.04. Father also argues, for the first time on appeal, that the district court should have altered the parenting-time schedule to accommodate his work schedule. Because father did not raise this matter to the district court, he has waived it. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988).