

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 33

Kim Goldade-Jose nka Kim Austin,

Plaintiff and Appellant

v.

Gino Jose,

Defendant and Appellee

and

State of North Dakota,

Statutory Real Party in Interest

No. 20210231

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Cynthia Feland, Judge.

AFFIRMED.

Per Curiam.

Theresa L. Kellington, Bismarck, ND, for plaintiff and appellant; submitted on brief.

Ashley R. Heitkamp, Fargo, ND, for defendant and appellee; submitted on brief.

Goldade-Jose v. Jose, et al.
No. 20210231

Per Curiam.

[¶1] Kim Goldade-Jose, n/k/a Kim Austin, appeals from a district court order denying her request to remove the supervision requirement for her parenting time. She argues the court clearly erred in denying her request because she demonstrated a year of sobriety as required by the amended judgment. The court’s decision on parenting time is a finding of fact and will not be reversed unless clearly erroneous. *Lerfald v. Lerfald*, 2021 ND 150, ¶ 7, 963 N.W.2d 244. “A finding of fact is clearly erroneous if it is induced by an erroneous view of the law, if there is no evidence to support it, or if we are left with a definite and firm conviction a mistake has been made.” *Id.*

[¶2] The district court’s denial of Austin’s parenting time request was not induced by an erroneous view of the law, evidence in the record supports the denial and, after a review of the entire record, we are not left with a definite and firm conviction a mistake has been made. We summarily affirm under N.D.R.App.P. 35.1(a)(2).

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