STATE OF MINNESOTA
IN COURT OF APPEALS
A07-0865

In re the Matter of:

John Thomas Kurhajetz,
Appellant,

vs.

Madeline Mae Fenice,
Respondent.

Filed March 4, 2008
Affirmed in part and reversed in part
Shumaker, Judge

Carlton County District Court
File No. 09-FA-06-692

Bill L. Thompson, Falsani, Balmer, Peterson, Quinn & Beyer, 1200 Alworth Building, 306 West Superior Street, Duluth, MN 55802 (for appellant)

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Considered and decided by Toussaint, Chief Judge; Klaphake, Judge; and Shumaker, Judge.

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

SHUMAKER, Judge

On appeal in this custody dispute, appellant-father contends that the district court abused its discretion by awarding sole physical custody to respondent-mother and that the parenting time awarded to him is deficient, because the district court failed to consider the best interests of the child; the awarded parenting time is less than that which was awarded in temporary orders and is inconsistent with recommendations of the guardian ad litem (GAL) and mother; the district court failed to provide specific instructions as to when and where the holiday exchanges would take place; and the awarded parenting time is to be further reduced without an evidentiary basis once the child begins elementary school. We affirm in part and reverse in part.

FACTS

In February 2006, father commenced this action, requesting that he be adjudicated the father of the minor child, L.J.K. and that the parties be awarded joint legal custody and joint physical custody. Mother served an answer and counterpetition requesting that she be awarded sole legal and physical custody and that father be awarded reasonable parenting time.

The district court entered a temporary order, based on the parties' agreement on March 13, 2006, adjudicating appellant the father of L.J.K.; awarding temporary joint legal custody to the parties and temporary sole physical custody to mother; and awarding father parenting time on alternating weekends from Friday at 3:00 p.m. until Monday

morning, a visit from 3:00 p.m. on Tuesday to about 8:00 p.m., and an overnight visit from 3:00 p.m. on Wednesday to Thursday at about 9:00 a.m.

On August 15, 2006, the court appointed a GAL and modified the parenting time so that all afternoon exchanges were moved from 3:00 p.m. to 5:00 p.m. and all morning exchanges were to occur at 8:00 a.m. The court also ordered that "[t]he parties and grandparents shall no longer communicate strictly via text messaging or e-mail. The parties must speak personally and civilly to each other."

The GAL issued her report on October 2, 2006, noting that father and mother began dating in the late summer of 2003. When mother was a senior in high school, the parties moved in together and mother became pregnant with L.J.K., who was born on May 24, 2004. L.J.K. has resided with mother since his birth. Father and mother never married, but continued to live together sporadically following L.J.K.'s birth, although the length of their cohabitation is disputed. Since November 2005, father has lived with his parents.

The parties were unable to resolve their differences over custody and parenting time, and ultimately the court held a trial on December 5, 2006, at which the court heard from several witnesses: mother and her parents, father and his parents, mother's employer, and the GAL. On February 28, 2007, the court issued its findings of fact, conclusions of law, order for judgment and judgment, awarding joint legal custody to the parties, sole physical custody to mother, and parenting time to father as follows:

> [Father] is awarded parenting time on alternating weekends beginning at 5:00 p.m. Thursday until 8:00 a.m. on Monday. When the child begins elementary school, the

> weekend parenting time shall be from Friday at 5:00 p.m. until 7:00 p.m. on Sunday. [Father] shall also have parenting time on Tuesday evening, from 5:00 p.m. until 8:00 p.m. on the week [father] does not have weekend parenting time.
>
> The parties shall alternate parenting time, commencing with the [father] having parenting time on Easter in 2007, on the following major holidays: Easter, Memorial Day, and July 4th, Labor day, Thanksgiving, Christmas Eve, Christmas Day, and New Year's Day.
>
> The child shall spend Mother's Day with [mother] and Father's Day with [father].
>
> The parenting time scheduled herein may be changed by mutual agreement of the parties.

Father appeals from the judgment, challenging the award of sole physical custody to the mother and contending that the award of parenting time is deficient because the district court failed to consider the best interests of the child; the awarded parenting time is less than that which was awarded in temporary orders and is inconsistent with the GAL's and mother's recommendations; the district court failed to provide specific instructions as to when and where the holiday exchanges would take place; and the awarded parenting time is further reduced, without an evidentiary basis, once the child begins elementary school.

D E C I S I O N

I.

A district court has broad discretion to provide for the custody of the parties' children. *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984). "In making a custody or custody-related decision, the court must find that the facts support that decision, and the court's conclusions of law must be based on adequate factual findings." *Dailey v. Chermak*, 709 N.W.2d 626, 632 (Minn. App. 2006), *review denied* (Minn. May 16,

2006). "Even though the trial court is given broad discretion in determining custody matters, it is important that the basis for the court's decision be set forth with a high degree of particularity." *Durkin v. Hinich*, 442 N.W.2d 148, 151 (Minn. 1989) (quotation omitted).

On appeal, review of custody determinations is limited to determining "whether the trial court abused its discretion by making findings unsupported by the evidence or by improperly applying the law." *Silbaugh v. Silbaugh*, 543 N.W.2d 639, 641 (Minn. 1996) (quotation omitted). This court sustains the district court's findings of fact, unless they are clearly erroneous. Minn. R. Civ. P. 52.01; *Pikula v. Pikula*, 374 N.W.2d 705, 710 (Minn. 1985). "So long as there is evidence to support the trial court's decision, there is no abuse of discretion." *Doren v. Doren*, 431 N.W.2d 558, 561 (Minn. App. 1988). In order to successfully challenge a district court's findings of fact, "the party challenging the findings must show that despite viewing the evidence in a light most favorable to the trial court's findings . . . , the record still requires the definite and firm conviction that a mistake was made." *Vangsness v. Vangsness*, 607 N.W.2d 468, 474 (Minn. App. 2000). We defer to the district court's credibility determinations. *Id.* at 472. "That the record might support findings other than those made by the trial court does not show that the court's findings are defective." *Id.* at 474.

District courts make custody determinations based on the best interests of the child; the child's best interests are determined by balancing the relevant factors, which

can include 13 factors enumerated in the statute. Minn. Stat. § 518.17, subd. 1 (2006).[1] The district court must make detailed written findings regarding its consideration of the best-interests factors. *Id.* The "law leaves scant if any room for an appellate court to question the trial court's balancing of best-interests considerations." *Vangsness*, 607 N.W.2d at 477.

In addition to the 13 best-interests factors, courts consider four other relevant factors when contemplating whether to award joint legal or joint physical custody: the parents' ability to cooperate in rearing the child, the available methods for resolving disputes over any major decision concerning the life of the child and the parents' willingness to use such methods, whether it would be detrimental to the child if one parent had sole authority over the child's upbringing, and whether domestic abuse occurred between the parents. Minn. Stat. § 518.17, subd. 2 (2006). If, despite a party's objection, the court awards joint legal or physical custody, the court must then make detailed findings on each of these factors and explain how they led to its determination that joint custody was in the child's best interests. *Id.*

"There is neither a statutory presumption disfavoring joint physical custody, nor is there a preference against joint physical custody if the district court finds that it is in the best interest of the child and the four joint custody factors support such a determination."

[1] While this is a parentage proceeding and while Minn. Stat. § 518.17, subd. 1, is a martial dissolution statute, Minn. Stat. § 257.66, subd. 3 (2006), directs that custody and parenting-time issues in parentage proceedings are to be determined pursuant to Minn. Stat. § 257.541 (2006). And section 257.541 in turn directs courts to determine the best interests of a child under Minn. Stat. § 518.17.

Schallinger v. Schallinger, 699 N.W.2d 15, 19 (Minn. App. 2005), *review denied* (Minn. Sept. 28, 2005); *Wopata v. Wopata*, 498 N.W.2d 478, 482 (Minn. App. 1993) ("Joint physical custody . . . is not a preferred arrangement."). Awarding joint physical custody *is* an abuse of discretion when the difficulties between the parents are so significant and pervasive as to preclude cooperation. *Wopata*, 498 N.W.2d at 483 (citing *Greenlaw v. Greenlaw*, 396 N.W.2d 68, 74 (Minn. App. 1986)); *see also Heard v. Heard*, 353 N.W.2d 157, 162 (Minn. App. 1984) (concluding that joint physical custody was inappropriate where parents could not cooperate or resolve their disputes on their own).

Father claims that the district court abused its discretion by awarding sole physical custody to mother, arguing that the court's findings are inadequate because they are cursory or unsupported by the evidence and that the court failed to draw the appropriate nexus between its findings and conclusion. He asks this court to remand the case to the district court with instructions that the court make further findings that draw a nexus between its conclusions and the findings of fact.

Contrary to father's assertion, the district court's findings are not cursory. *Cf. The American Heritage Dictionary* 216 (4th ed. 2001) (defining "cursory" as meaning "[p]erformed with haste and scant attention to detail"). Rather, the district court made specific findings relating to *each* of the best-interests factors and *each* of the four other considerations relevant to the joint-custody determination, before awarding mother sole physical custody. Although the findings relating to some factors might be brief, that brevity is attributable to the nature of the facts, not to a lack of attention to detail. For example, with regard to the child's preferences, the court notes just that L.J.K. is only

two years old, and thus, not of an age to express a preference. And with regard to the intimacy of the relationship between L.J.K. and the parents, the court states, that "[b]oth parents have a close, loving relationship with the child."

Father takes particular issue with the court's findings on the three factors relating to the child's primary caretaker; the child's adjustment to home, school, and community; and the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining the continuity of that environment. We examine each in turn, and also note that the district court's decision is supported by the parties' inability to communicate and cooperate with each other.

Primary Caretaker

Father contends that the district court erred in concluding that mother was L.J.K.'s primary caretaker because the court failed to address and consider the typical activities performed by a caretaker.

Minnesota courts have previously explained that a primary caretaker is the parent who performs caring and nurturing duties, which include:

> (1) preparing and planning of meals; (2) bathing, grooming and dressing; (3) purchasing, cleaning and care of clothes; (4) medical care, including nursing and trips to physicians; (5) arranging for social interaction among peers after school, i.e. transporting to friends' houses or, for example, to girl or boy scout meetings; (6) arranging alternative care, i.e. babysitting, day-care, etc.; (7) putting child to bed at night, attending to child in the middle of the night, waking child in the morning; (8) disciplining, i.e. teaching general manners and toilet training; (9) educating, i.e., religious, cultural, social, etc.; and, (10) teaching elementary skills, i.e., reading, writing and arithmetic.

Steinke v. Steinke, 428 N.W.2d 579, 583 (Minn. App. 1988) (quotation omitted). As father points out, the district court's analysis does not delve into who performed what duties, but instead concludes that mother was the primary caretaker. When discussing other factors, however, the district court notes that L.J.K. attends Early Childhood Family Education with mother. The court's conclusion that mother is the primary caretaker is also supported by the GAL's testimony that mother has been the child's primary caretaker since he was born.

In addition, mother testified that L.J.K. has lived with her his entire life and has never resided at father's parents' house, which is where father currently lives. Father and mother cohabitated sporadically since L.J.K.'s birth in May 2004, before permanently separating, and father has lived with his parents since November 2005. An infant who resides continuously with one parent necessarily receives substantial primary caretaking from that parent, unless the contrary is demonstrated.

Father also contends that this finding must be erroneous because it fails to take into account a calendar exhibit that illustrates the overnight dates that father cared for L.J.K. But father's testimony and the calendar exhibit are not dispositive on the issue of primary caretaker, and there is record evidence supporting the finding that mother was the primary caretaker.

Moreover, there is evidence in the record suggesting that father's parents may have performed some caretaking duties when L.J.K. was in father's care. For instance, father testified that he sometimes leaves L.J.K. asleep at his parents' house and spends the night with his girlfriend, and testimony from father's mother indicates that father

sometimes sleeps elsewhere when L.J.K. visits. Mother testified she was concerned that father was leaving L.J.K. with his grandparents and giving up his parenting time. The GAL's testimony confirms this testimony because she stated that the father's parents told her that they had performed "a lot of the day-to-day basic caretaking functions" for L.J.K., even when father was not working.

Given this testimony, the district court's finding that mother was L.J.K.'s primary caretaker is supported by the evidence and thus not clearly erroneous. *See Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988) (explaining that this court defers to the district court on credibility determinations); *Vangsness*, 607 N.W.2d at 474 ("That the record might support findings other than those made by the [district] court does not show that the court's findings are defective.").

Child's Adjustment

In considering the factor relating to the child's adjustment to home, school, and community, the district court found:

> [L.J.K.] is well adjusted to the custodial arrangement established by the Court's prior orders. [L.J.K.] is also enrolled in Early Childhood Family Education which he attends with his mother one morning per week. [Mother] is employed as a teacher at the Kiddie Academy in Moose Lake and will be able to enroll [L.J.K.] in this program when he reaches the age of 33 months.

Father contends that there is no reason that L.J.K. could not become accustomed to a new schedule and claims that this finding must be erroneous because the district court ordered a change in the parenting-time schedule, which would disrupt L.J.K.'s adjustment to the custodial arrangement. Father cites no authority for his proposition that

the finding regarding the child's adjustment is erroneous simply because the district court ordered a change in the parenting-time schedule. Moreover, the GAL testified that a change in the parenting-time schedule was necessary.

Similarly, father argues that the finding is erroneous because there is no reason that he could not take L.J.K. to Early Childhood Family Education or drop off L.J.K. at the Kiddie Academy. Again, the court's findings are not defective simply because father could drop off L.J.K. or attend Early Childhood Family Education. *Vangsness*, 607 N.W.2d at 474.

Continuity

Regarding the factor relating to the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity, the district court found that "[a]lthough [L.J.K.] has spent considerable time with both parents since their separation, he has resided with [mother] since birth and it is desirable to maintain the continuity of that living arrangement." Father contends this finding is not supported by the evidence because it fails to take into account the calendar exhibit mentioned above. But as noted earlier, the district court is responsible for making the factual determinations, and thus, it is the province of the district court to weigh the evidence. Moreover, there is record evidence showing that in fact L.J.K. has resided with mother since birth. Because there is evidence in the record supporting the finding, the finding is not clearly erroneous.

Father also argues that this finding is erroneous because the district court failed to explain why it is desirable to maintain continuity or to identify why a change would

impact L.J.K. negatively. But even if there was evidence in the record suggesting that there would *not* be a negative impact—and father does not point to any such evidence—that alone would not support a conclusion that the finding was erroneous. *Vangsness*, 607 N.W.2d at 474.

Parties' Inability to Communicate and Cooperate

Moreover, the district court's decision to award sole physical custody to mother, instead of joint physical custody, is not an abuse of discretion because joint physical custody would not be in the child's best interests. The district court made specific findings on each of the four considerations relevant to the joint-custody determination specified in subdivision 2 of Minn. Stat. § 518.17. In particular, the district court observed that the parties were unable to communicate well with one another at times and noted that the court had previously had to order the parties to speak personally and civilly to each other. Likewise, the district court found that throughout the pendency of the proceeding, the parties failed to "demonstrate[] that they have the ability to talk, seek and follow guidance, or work things out." Accordingly, the court concluded it was in L.J.K.'s best interests that mother be awarded sole physical custody.

Given the parties' inability to cooperate or communicate well with one another, the district court's determination that sole physical custody was appropriate was not an abuse of discretion. The district court's decision is also supported by the GAL's report, which explains that there is a high potential for conflict and that the parties have been

unable to develop effective strategies for resolving their disputes and recommends that physical custody remain with mother.

Because we give broad deference to the district court's credibility determinations and because the district court made specific findings as to why sole physical custody was appropriate, the district court did not abuse its discretion in awarding sole physical custody to mother, and we affirm that award.

II.

The law requires the court to "grant such parenting time on behalf of the child and a parent as will enable the child and parent to maintain a child to parent relationship that will be in the best interests of the child." Minn. Stat. § 518.175, subd. 1(a) (2006). A district court has broad discretion in deciding parenting-time issues and determining what is in a child's best interests, and its decision will be reversed only for a clear abuse of discretion. *Moravick v. Moravick*, 461 N.W.2d 408, 409 (Minn. App. 1990). Factual findings, on which a parenting-time decision is based, will be upheld unless they are clearly erroneous. *Griffin v. Van Griffin*, 267 N.W.2d 733, 735 (Minn. 1978). "It is well established that the ultimate question in all disputes over [parenting time] is what is in the best interest of the child." *Clark v. Clark*, 346 N.W.2d 383, 385 (Minn. App. 1984), *review denied* (Minn. June 12, 1984).

Father challenges the district court's award of parenting time and contends that it is deficient for several reasons. Specifically, he argues that the district court failed to consider the best interests of L.J.K.; the awarded parenting time is deficient because it is less than that awarded in temporary orders and is inconsistent with the GAL's and

mother's recommendations; the court erred in failing to provide specific instructions as to when and where the holiday exchanges would take place; and the court abused its discretion in further reducing the parenting time once L.J.K. begins elementary school.

Best Interests

Father argues that the court did not consider L.J.K.'s best interests when it awarded parenting time. But the court's order provided a detailed and thorough consideration of the child's best interests and concluded that it is in L.J.K.'s best interests that mother have sole physical custody, subject to father's right to reasonable and liberal parenting time. As explained above, the findings are supported by record evidence and are therefore not clearly erroneous.

Temporary Order

Father complains that the district court awarded him less parenting time than he was awarded under the temporary order, but he cites no authority to support his suggestion that the final order should have given him the same amount of parenting time that he enjoyed while the custody proceedings were pending. Because a temporary order is intended to last only until the district court makes its final determination on the issues, the fact that the parenting-time award in the final order differed from the temporary order is not an abuse of discretion. *See* Minn. Stat. § 518.131, subd. 5 (2006) (providing that a temporary order shall continue until amendment, vacation, dismissal of the action, or the final decree of dissolution or legal separation); *id.*, subd. 9(a) (2006) (providing that the temporary order shall not prejudice the parties' rights to be adjudicated at subsequent hearings).

GAL's Recommendation

A district court is not bound by an independent evaluator's custody recommendations. *Pikula*, 374 N.W.2d at 712; *Rutanen v. Olson*, 475 N.W.2d 100, 104 (Minn. App. 1991); *Mowers v. Mowers*, 406 N.W.2d 60, 64 (Minn. App. 1987). Whether to accept a recommendation is a discretionary decision of the district court. *Rutanen*, 475 N.W.2d at 104. But if it does not adopt the recommendation, the district court is required to "either (a) express its reasons for rejecting the custody recommendation, or (b) provide detailed findings that examine the same factors the custody study raised." *Rogge v. Rogge*, 509 N.W.2d 163, 166 (Minn. App. 1993) (citing *Rutanen*, 475 N.W.2d at 104), *review denied* (Minn. Jan. 28, 1994); *see also* Minn. Stat. § 518.167, subd. 2(b) (2006) (requiring a custody investigator to consider and evaluate the factors in Minn. Stat. § 518.17, subd. 1, and, if joint custody is contemplated or sought, to consider and evaluate the factors in Minn. Stat. § 518.17, subd. 2). If the order does not fulfill these requirements, a remand is necessary. *Rogge*, 509 N.W.2d at 166.

Here, father asserts that the district court rejected the GAL's recommendations, without providing any reasons or detailed findings on the factors raised by the custody study. Therefore, he contends that a remand is necessary.

But father's explanation of the GAL's recommendation is misleading. The GAL's report from October 2, 2006, recommended "[t]hat the parents should follow the parenting time schedule as already set forth by the court in its temporary order dated March 13, 2006, as modified by the Court Order of August 15, 2006." Even if the court construed this statement to be a recommendation for a parenting-time schedule, the

GAL's testimony from the trial on December 5, 2006, would clearly contradict it, since she testified that the current parenting-time schedule was problematic and required an adjustment.

The GAL's concerns centered on the frequent exchanges of the child between the parents, in particular the back-to-back exchanges on Tuesdays and Wednesdays. She explained that she believed the exchanges were too frequent, stating, "I believe that there's too much back and forth of [L.J.K.]" She suggested that longer visits were preferable to the shorter times during the week with the alternating weekends because it provided L.J.K. with "a consistent routine." Thus, the GAL strongly recommended avoiding numerous exchanges.

When asked if she could make a specific recommendation to the court regarding the parenting-time schedule, the GAL provided the court with several options, but again stressed that her underlying concern was the frequent exchanges.

> ATTORNEY: And what would you recommend that [the parenting-time schedule] be changed to?
> GAL: As we were alluding to earlier, it seems to me that the way the schedule is now, there is a lot of back and forth every week with [L.J.K.] in a very short period of time, so I think there could be a couple of options. There could certainly be a four-day weekend where [father] would have [L.J.K.] every other weekend but have him for a longer stretch of time . . . .
>
> Another possibility might be for [L.J.K.] to go with his father every other weekend and let's say on a Thursday evening until Sunday evening, which would be a three-day visit, and then perhaps just that, you know, three-hour visit on every Tuesday evening. I like the idea of a child being able to have face-to-face contact with a non-custodial parent at least once a week so that they can kind of check in . . . . I'm just concerned that the present visitation schedule allows for

> too much back and forth of [L.J.K.] I think that's hard on a child at that age. He's only two-and-a-half years old.

Her testimony regarding the particular parenting-time days or schedule is hardly unequivocal or firm, and in this sense, there might not have been a recommendation for the district court to follow or from which the court could have deviated.

Assuming that this testimony contains a recommended parenting-time schedule, the district court arguably deviated from that recommendation, since it ultimately awarded father parenting time on alternating weekends and on Tuesday evenings on the week that the father does not spend weekends with L.J.K. The award is consistent with the GAL's recommendation, in that it provides for parenting time on alternating weekends and for no parenting time on Wednesdays. But the award is inconsistent with the GAL's recommendation in that the testimony referred to above seemed to recommend parenting time on every Tuesday and the district court awarded Tuesday parenting time only on weeks where the father did not spend the weekends with L.J.K.

Even assuming that the GAL made a recommendation as to a specific parenting-time schedule and that the district court deviated from that recommendation, a remand is unnecessary because the court considered all of the appropriate factors in its order. *See Id.* at 166 (explaining that if a court deviates from the independent evaluator's custody recommendation, a remand is only necessary where the court fails to express its reasons for rejecting the recommendation or fails to provide detailed findings examining the same factors raised by the custody study). Minn. Stat. § 518.175, subd. 1(a), requires that the awarded parenting time be in the best interests of the child. And, as explained above, the

district court made detailed findings of fact on the best-interests factors related to custody and on the four considerations relevant to the joint-custody determination. Because the court examined the appropriate factors, we conclude that it did not abuse its discretion.

Mother's Position

Father also suggests that the court's order substantially deviated from mother's position on the parenting-time schedule. Mother, however, specifically testified that she thought father should have parenting time on alternating weekends and on Tuesdays, but not on Wednesdays. Thus, the only difference between mother's recommendation and the court's order is the Tuesday parenting time.

Specific Instructions on Exchanges for Holidays

In addition, father contends that this matter must be remanded because the district court did not provide specific instructions as to when and where the holiday exchanges should occur. Father argues that the failure to provide such instructions was contrary to the GAL's report, which indicated that a detailed order regarding holidays and other occasions was necessary.

Contrary to father's indication, the GAL's report does not indicate a need for any special instructions regarding the location or timing of the holiday exchanges; rather the GAL's report only recommends that "[p]arenting time for each parent should be clearly spelled out for all holidays and any other dates that are of special significance to the parties. To ensure fairness to each parent, I would recommend alternating each major holiday from year to year." The court's order complies with this recommendation by

providing for alternating holidays, listing the major holidays, and providing that L.J.K. is to spend Mother's Day with mother and Father's Day with father.

The GAL's report does not indicate that specific instructions are necessary regarding the location and time of the exchanges for holidays, and father has not pointed to any other part of the record indicating that the parties told the court that more specific instructions were necessary. There is no exchange location mentioned with regard to the weekly exchanges; thus, the normal parenting-time schedule does not indicate a need for an order that micromanages the exchange routine.

Because the necessity for more specific, detailed instructions regarding the holiday exchanges was not raised before the district court, we do not further address this argument here. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts generally address only issues and theories presented to and considered by the district court). Moreover, since there is no indication in the record that the district court was aware of any need for more specific, detailed instructions regarding the holiday exchanges, the district court could not have abused its discretion by omitting such instructions.

Elementary School

Although the district court's order awards father parenting time on alternating weekends beginning at 5:00 p.m. on Thursday until 8:00 a.m. on Monday, once L.J.K. begins elementary school this parenting time is reduced to Friday at 5:00 p.m. to Sunday at 7:00 p.m. Father contends that this reduction is an abuse of discretion because the

district court did not make any findings to support the reduction or explain why a reduction was warranted once elementary school began. We agree.

There are no findings of fact, and no record evidence, identifying the circumstances that would allow the district court to determine the appropriate future parenting-time schedule once L.J.K. begins elementary school. Although a district court has broad discretion on child-custody matters, it must set forth the basis of its decision with a high degree of particularity. *Durkin*, 442 N.W.2d at 151; *Dailey*, 709 N.W.2d at 632 (requiring the court's conclusions to be based on adequate findings).

The district court did not make findings to support the future reduction in parenting time, and the record lacks evidence of the circumstances upon which the appropriateness of the future schedule could be determined. Therefore, we reverse the future reduction of the parenting-time award that was to occur once L.J.K. begins elementary school, and we leave that issue open for future determination if necessary.

Affirmed in part and reversed in part.