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**STATE OF MINNESOTA  
IN COURT OF APPEALS**

**A14-1286**

**A14-1287**

In the Matter of: Anna Joy Tawyea,  
individually and obo Minor Child, petitioner,  
Respondent,

vs.

Steven Ray Tawyea,  
Appellant,

and

In the Matter of: Steven Ray Tawyea,  
individually and obo Minor Child, petitioner,  
Appellant,

vs.

Anna Joy Tawyea,  
Respondent.

**Filed February 17, 2015**

**Affirmed**

**Kirk, Judge**

Beltrami County District Court  
File Nos. 04-FA-14-1538, 04-FA-14-1535

Anna Joy Tawyea, Bemidji, Minnesota (pro se respondent)

Jacob T. Erickson, Smith, Paulson, O'Donnell & Associates, P.L.C., Monticello,  
Minnesota (for appellant)

Considered and decided by Kirk, Presiding Judge; Rodenberg, Judge; and Hooten, Judge.

## UNPUBLISHED OPINION

**KIRK**, Judge

In this consolidated appeal, appellant Steven Ray Tawyea argues that the district court abused its discretion by (1) issuing an order for protection (OFP) to respondent Anna Joy Tawyea individually and on behalf of the child of appellant and respondent, without finding that appellant had abused the child; and (2) failing to issue an OFP on behalf of appellant and their minor child against respondent. We affirm.

## DECISION

This court reviews a district court's decision to grant an OFP for an abuse of discretion. *Braend ex rel. Minor Children v. Braend*, 721 N.W.2d 924, 926-27 (Minn. App. 2006). "As a remedial statute, the Domestic Abuse Act receives liberal construction in favor of the injured party." *Pechovnik v. Pechovnik*, 765 N.W.2d 94, 98-99 (Minn. App. 2009) (quotation omitted). In reviewing a district court's decision to grant an OFP, we review the record in the light most favorable to the district court's findings, and we will reverse those findings only if we are left with the definite and firm conviction that a mistake has been made. *Chosa v. Tagliente*, 693 N.W.2d 487, 489 (Minn. App. 2005). The Domestic Abuse Act provides that an OFP petition may be filed by "any family or household member personally or by a family or household member . . . or, if the [district] court finds that it is in the best interests of the minor, by a reputable adult age 25 or older

on behalf of minor family or household members.” Minn. Stat. § 518B.01, subd. 4(a) (2014).

Appellant argues that the district court erred by issuing an OFP to respondent on behalf of the minor child without finding that he abused the child. In support of his argument, appellant points to *Schmidt ex rel. P.M.S. v. Coons*, 818 N.W.2d 523, 529 (Minn. 2012), where the Minnesota Supreme Court vacated an OFP granted to an adult on behalf of a minor child because the district court did not find that the child was a victim of domestic abuse. Minn. Stat. § 518B.01, subd. 2(a)(1), (2) (2014), defines “domestic abuse” to include physical harm, bodily harm, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault.

Viewing the record in the light most favorable to the district court’s findings, we acknowledge that the court failed to make a specific finding in the OFP that the child was a victim of domestic abuse committed by appellant as required by *Schmidt*. 818 N.W.2d at 529. While we could remand the case to the district court for specific findings as required by *Schmidt*, it is clear from the record that the court would undoubtedly reach the same decision. See *Grein v. Grein*, 364 N.W.2d 383, 387 (Minn. 1985). Accordingly, we affirm the district court’s issuance of an OFP to respondent individually and on behalf of the child against appellant.

Likewise, we conclude appellant’s argument that the district court erred by failing to issue an OFP to appellant individually and on behalf of the child against respondent is without merit. Appellant contends that the district court should have issued an OFP to him on behalf of the child because respondent committed felony malicious punishment of

the child when she tapped the child's head while breastfeeding. On appeal, we will not reverse a district court's decision to grant an OFP because we view the evidence differently. *Pechovnik*, 765 N.W.2d at 99. We neither "reconcile conflicting evidence nor decide issues of witness credibility, which are exclusively the province of the factfinder." *Id.* (quotation omitted). Here, both parties presented conflicting evidence and testimony about whether the child was injured by respondent's corrective slapping of the child's head during breastfeeding when she bit respondent. In denying appellant's petition, the district court found respondent's testimony to be more credible on this issue, and witness credibility is the exclusive province of the factfinder. *See id.* This court gives great deference to a district court's determination of witness credibility. *Alam v. Chowdhury*, 764 N.W.2d 86, 89 (Minn. App. 2009).

Finally, appellant argues that the district court was clearly biased in granting respondent custody of the child because it stated at the hearing that she would likely get custody because she was breastfeeding the child. Given the considerable discretion that the district court is afforded to grant relief under Minn. Stat. § 518B.01, subd. 6 (2014), we conclude that appellant's argument is without merit.

**Affirmed.**