STATE OF MINNESOTA
IN COURT OF APPEALS
A10-1260

In re the Marriage of:
Brent Lee Henze, petitioner,
Respondent,

vs.

Lisa Lynette Lillie (f/k/a Lisa Lynette Henze),
Appellant.

Filed May 23, 2011
Affirmed
Halbrooks, Judge

Olmsted County District Court
File No. 55-FX-05-001511

Jill I. Frieders, Timothy A. Woessner, O'Brien & Wolf, L.L.P., Rochester, Minnesota (for respondent)

Jorma Cavaleri, Faribault, Minnesota (for appellant)

Considered and decided by Schellhas, Presiding Judge; Shumaker, Judge; and Halbrooks, Judge.

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

HALBROOKS, Judge

Appellant challenges the district court's denial of her motion for the appointment of a parenting-time expeditor and for a change of venue. Because we conclude that the district court acted within its discretion, we affirm.

FACTS

Appellant Lisa Lynette Lillie, formerly known as Lisa Lynette Henze, and respondent Brent Lee Henze were married in 1997, separated in 2005, and divorced in 2008. After a five-day trial, respondent was awarded sole legal and sole physical custody of the children, T.H. and N.H., and appellant was restricted to supervised parenting time based on the district court's finding that "unsupervised parenting time with [appellant] would not be in [T.H.] and [N.H.]'s best interest. This is largely due to [appellant]'s declining mental health evidenced by her bizarre and unreasonable behavior." Appellant was awarded parenting time every other weekend and Wednesday evenings from 6 p.m. to 8 p.m. The district court gave respondent the authority to "decide the weekend rotation" as well as authority to choose the parenting-time supervisor if the children's maternal grandparents or a mutually agreed-upon supervisor were not available. Neither party appealed from the dissolution judgment.

In April 2010, appellant moved for the appointment of a parenting-time expeditor and a change of venue. Appellant requested the appointment of a parenting-time expeditor who would have the same authority as respondent with respect to choosing a parenting-time supervisor, determining the weekend rotation, and determining if and when her parenting time could be unsupervised in the future. Appellant sought a change of venue because neither of the parties then lived in Olmsted County.

The district court denied appellant's motion. This appeal follows.

D E C I S I O N

I.

Appellant argues that the district court abused its discretion by denying her motion for a parenting-time expeditor. A district court "may appoint a parenting time expeditor to resolve parenting time disputes." Minn. Stat. § 518.1751, subd. 1 (2010). Parenting-time issues are resolved in favor of the best interests of the children and decisions based on those interests are reviewed for an abuse of discretion. *Olson v. Olson*, 534 N.W.2d 547, 550 (Minn. 1995). The district court found that "[i]n light of [appellant]'s declining mental health that is evident in her own numerous emails, her conduct at the children's school[s] and against her parents who had been supervising, [respondent] has acted reasonably with respect to parenting time. There is no need for a parenting time expeditor."

Appellant's parents supervised her parenting time until May 1, 2009, when an argument occurred between appellant and her parents. After that, appellant's parents were no longer willing to supervise her parenting time. The parties began using the Children's Safety Center in Lakeville—where respondent and the children live—as a parenting-time supervisor. But on December 23, 2009, respondent suspended appellant's parenting time because of inappropriate incidents that occurred at the children's schools the day before. Appellant admits that she "should not have gone to their schools since it was not scheduled supervised parenting time as set forth in the Judgment and Decree," but argues that "it was well-intentioned and brief contact and should not have resulted in

the termination of [her] parenting time." Appellant argues that "[respondent] has [not] acted reasonably with respect to the authority he was granted by the Court."

The district court assessed the parties' behavior in light of the best interests of the children. Respondent has sole legal and sole physical custody of the children. The district court found that respondent recognizes that it is important for the children to maintain an appropriate relationship with their mother and has acted reasonably in attempting to foster such a relationship. We conclude that the children's interests are being served by the current arrangement and the district court did not abuse its discretion by determining that it is not necessary to appoint a parenting-time expeditor at this time.

II.

Appellant argues that the district court abused its discretion by denying her motion for a change of venue. The district court has the authority to change venue "when the convenience of the parties or the ends of justice would be promoted by the change." Minn. Stat. § 518.09 (2010). "We review a district court's denial of a motion for a change of venue in a family law case under an abuse-of-discretion standard." *Toughill v. Toughill*, 609 N.W.2d 634, 642 (Minn. App. 2000).

The district court denied appellant's motion "[f]or the reasons stated in paragraph 24 of the Judgment and Decree," which states:

> Based on this Court's knowledge of the entire record, it would be a disservice to the parties to have different district court judges directly involved to hinder stability for the children . . . and the parties. This file shall remain with the [Olmsted County District Court] as it is in the best interests of the children and will provide that continuity for the children and the parties.

The district court noted that "based on her numerous emails . . . [appellant] is simply looking for a new forum to re-litigate the same custody and parenting time issues that [were] heard and decided by this Court after a five day trial."

In cases involving the best interests of the children, we find the one-judge one-family concept valuable. *Cf.* Minn. R. Juv. Prot. P. 7.07 2003 advisory comm. cmt. (stating "the Committee recommends that courts implement the one-judge one-family concept to the greatest extent possible"). The Olmsted County District Court is familiar with the parties' situation after several years of litigation and a five-day trial and was aware at the time the dissolution was finalized that the parties either had moved or were considering moving. There are no pending motions or unresolved issues at this point, and if future motions are made, the infrequency should not necessitate much travel. We therefore conclude that it was within the district court's discretion to deny the venue change in favor of maintaining continuity.

Affirmed.