

SUPREME COURT OF MINNESOTA

Rodgers v. Knauff

649 N.W.2d 166 (Minn. 2002) · Decided August 15, 2002

SUMMARY

The Minnesota Supreme Court reviews a custody dispute between a surviving biological father and the deceased custodial parent’s sister and brother-in-law. The court holds that a surviving, noncustodial parent is presumptively entitled to custody unless extraordinary circumstances of a grave and weighty nature show that the child’s best interests require denial of custody. Because the district court’s findings did not clearly incorporate that parental presumption, the court reverses and remands for further proceedings.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Minnesota                                                                                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Blatz, Chief Justice; Gilbert, Justice; Page, Justice                                                                                                                                                                                                                                                                                                 |
| JURISDICTION          | Minnesota                                                                                                                                                                                                                                                                                                                                             |
| DECIDED               | August 15, 2002                                                                                                                                                                                                                                                                                                                                       |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | The surviving, noncustodial biological father appealed a district court order awarding permanent custody of his daughter to the deceased custodial mother's sister and brother-in-law. The Minnesota Court of Appeals affirmed, and the Minnesota Supreme Court granted review.                                                                       |
| STANDARD OF REVIEW    | Custody determinations are reviewed for abuse of discretion, including whether the district court made findings unsupported by the evidence or improperly applied the law. Findings of fact are reviewed under the clearly erroneous standard, viewing the record in the light most favorable to the findings. Questions of law are reviewed de novo. |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                                                                                                                                                        |
| PARTIES               | Robert Knauff v. Robin Rodgers, Chris Rodgers                                                                                                                                                                                                                                                                                                         |

TOPICS

- child custody
- family law procedure
- appellate procedure
- standard of review
- due process

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether a surviving, noncustodial biological parent is entitled to a presumption of custody over third parties after the custodial parent dies.
2. Whether the district court properly applied the parental presumption when it awarded permanent custody to the deceased custodial parent's sister and brother-in-law.
3. Whether the custody award could stand based solely on the number and weight of best-interests factors favoring the third parties, without a clear finding of extraordinary circumstances of a grave and weighty nature.
4. Whether Knauff's constitutional challenge to applying the best-interests statutes to a fit parent was properly before the court.

## HOLDINGS

1. Following the death of a custodial parent, a surviving, noncustodial biological parent is entitled to custody unless the parental presumption is overcome by extraordinary circumstances of a grave and weighty nature indicating that the child's best interests require denial of custody to the surviving parent.
2. The district court erred by failing to clearly incorporate the parental presumption into its custody analysis and by suggesting that the numerical predominance of best-interests factors could itself overcome that presumption.
3. A court need not find that the surviving parent is unfit or has abandoned the child to find extraordinary circumstances warranting custody by a third party; extraordinary circumstances may instead arise from the child's special needs or other circumstances requiring placement with the third party.

## KEY QUOTATIONS

*“Accordingly, we conclude that following the death of a custodial parent, a surviving, noncustodial parent is entitled to custody unless the presumption that the parent be awarded custody is overcome by extraordinary circumstances of a grave and weighty nature, indicating that the best interests of the child require that the surviving parent be denied custody.”* (649 N.W.2d at 175)

*“While the best interests analysis can be very helpful in illuminating the reasoning of the district court, the essential question to be answered by the court is whether extraordinary circumstances of a grave and weighty nature exist to support the grant of permanent custody to a third party and not to a surviving parent.”* (649 N.W.2d at 176)

*“Therefore, we hold that the court erred. Accordingly, we remand this case to the district court for further proceedings to determine whether extraordinary circumstances of a grave and weighty nature exist here to overcome the presumption in favor of the parent.”* (649 N.W.2d at 177)

## FACTUAL BACKGROUND

Robert Knauff and Renee Montpetit were divorced in 1994, with joint legal custody and Montpetit having sole physical custody of their daughter, N.A.K. During Montpetit's serious illness and treatment, N.A.K. lived for substantial periods with Montpetit's sister and brother-in-law, Robin and Chris Rodgers. After Montpetit died in July 1999, the Rodgers obtained temporary and ultimately permanent custody, while Knauff asserted that he was a fit parent and that the Rodgers had interfered with his relationship with N.A.K. The district court found that the Rodgers prevailed on numerous best-interests factors but did not clearly apply the presumption favoring a surviving natural parent.

## PROCEDURAL HISTORY

After the child's mother died, the district court awarded the Rodgers temporary and then permanent sole legal and physical custody. The court denied Knauff's post-trial motions and later restricted his access pending compliance with conditions. The court of appeals affirmed the custody and attorney-fee rulings and declined to reach Knauff's constitutional challenge on procedural grounds. The Minnesota Supreme Court reversed the custody ruling and remanded for further proceedings under the parental-presumption standard.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The district court must conduct further proceedings, including a new custody hearing before the currently assigned judge, and make new findings of fact and conclusions of law determining whether extraordinary circumstances of a grave and weighty nature overcome the presumption favoring Knauff. The findings must recognize that a parent's right to custody is paramount and superior to that of a third person but yields to the child's best interests when the required extraordinary circumstances exist.

## CASES CITED

- Durkin v. Hinich, 442 N.W.2d 148 (Minn. 1989)
- Pikula v. Pikula, 374 N.W.2d 705 (Minn. 1985)
- Rogers v. Moore, 603 N.W.2d 650 (Minn. 1999)
- Frost-Benco Electric Ass'n v. Minnesota Public Utilities Commission, 358 N.W.2d 639 (Minn. 1984)
- Wallin v. Wallin, 290 Minn. 261, 187 N.W.2d 627 (1971)
- In re Klugman, 256 Minn. 113, 97 N.W.2d 425 (1959)
- In re Hohmann, 255 Minn. 165, 95 N.W.2d 643 (1959)
- In re Custody of N.M.O., 399 N.W.2d 700 (Minn. App. 1987)
- Troxel v. Granville, 530 U.S. 57, 120 S. Ct. 2054, 147 L. Ed. 2d 49 (2000)
- Thiele v. Stick, 425 N.W.2d 580 (Minn. 1988)
- Sigurdson v. Isanti County, 448 N.W.2d 62 (Minn. 1989)