

Date: September 12, 2017
To: Blue Earth County District Court
From: Thomas M. Wolfe, PhD
Subject: Parenting Time / Custody Evaluation

Mariah Lutter Chapman
Petitioner

Jason C. Kohlmeyer, Esq.
Attorney for Petitioner

and

Eric John Chapman
Respondent

Marla M. Zack, Esq.
Attorney for Respondent

Child: Lincoln Lyle Chapman **dob:** 05-18-2015 **Age:** 2 years, 3 months

Court File Number: 07-FA-16-3280

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Family Contacts

07-10-2017 Home Visit: Ms. Chapman (parent interview)
07-21-2017 Home Visit: Mr. Chapman (parent interview)
07-26-2017 Home Visit: Ms. Chapman (parent-child observation)
07-28-2017 Home Visit: Mr. Chapman (parent-child observation)
08-02-2017 Phone Interview: Mr. Chapman
08-03-2017 Phone Interview: Ms. Chapman
09-10-2017 Fact Check: Mr. Chapman
09-10-2017 Fact Check: Ms. Chapman
09-12-2017 Fact Check: Ms. Chapman

Collateral Contacts

08-24-2017 Grace Drees: Lincoln's teacher / daycare provider at Little Saints Daycare
09-05-2017 Grace Brown: Mr. Chapman's reference (girlfriend)
09-05-2017 Sarah Houle: Mr. Chapman's reference (sister)
09-05-2017 Pamela Chapman: Mr. Chapman's reference (mother)
09-06-2017 Dan Chapman: Mr. Chapman's reference (brother)
09-06-2017 Amy Waddell: Ms. Chapman's reference (friend from MI)
09-06-2017 Sheryl Lutter: Ms. Chapman's reference (mother)
09-06-2017 Rachel Smith: Ms. Chapman's reference (sister)
09-06-2017 Ron Huber: Ms. Chapman's reference (current neighbor)
09-06-2017 Ellen Hanson: Mr. Chapman's backup childcare for Lincoln
09-07-2017 Nicole Hart (Graves): Ms. Chapman's reference (friend)

Collateral Documentation and Data

- Child Information Form: Lincoln Chapman (Mr. Chapman)
- Child Information Form: Lincoln Chapman (Ms. Chapman)
- Parent Information Form: (Ms. Chapman)
- Parent Information Form: (Mr. Chapman)
- Sociogram: (Mr. Chapman)
- Sociogram: (Ms. Chapman)
- Relationship History Report: Ms. Chapman & Mr. Chapman (Mr. Chapman)
- Relationship History Report: Ms. Chapman & Mr. Chapman (Ms. Chapman)
- Child Custody and Parenting Time / Holiday Schedule Form: (Ms. Chapman)
- Child Custody and Parenting Time / Holiday Schedule Form: (Mr. Chapman)
- Affidavit of Mariah Chapman: dated 1-9-2017.
- Temporary Stipulation and Order, Blue Earth County District Court, MN, signed 1-10-2017.
- Affidavit of Eric Chapman: not dated.
- Notice of Motion and Motion for Temporary Relief: on behalf of Mr. Chapman, dated 1-10-2017.
- Amended Notice of Motion and Motion for Temporary Relief on behalf of Mr. Chapman: dated 1-18-2017.

- Responsive Affidavit of Eric Chapman: not dated.
- Responsive Affidavit of Mariah Chapman: dated 1-17-2017.
- Findings of Fact, Conclusions of Law, and Order, Blue Earth County District Court, MN, signed 2-9-2017.
- Affidavit of Paul Lutther (on behalf of Ms. Chapman): dated 4-23-2017.
- Affidavit of Rachel Smith (on behalf of Ms. Chapman): dated 4-23-2017.
- Affidavit of Sheryl Lutther (on behalf of Ms. Chapman): dated 4-23-2017.
- Letters of support for Mr. Chapman from Pamela Chapman (4-4-2017), Kevin Chapman (4-18-2017), Denise Chapman (4-19-2017), Dan Chapman (dated 4-19-2017), and Rachel Houle (4-20-2017).
- Affidavit of Eric Chapman: dated 4-20-2017.
- Respondent's Memorandum of Law: on behalf of Mr. Chapman, dated 4-20-2017.
- Respondents Notice of Motion for Contempt of Court and Enforcement of Parenting Time Order: on behalf of Eric Chapman, dated 4-20-2017.
- Affidavit of Mariah Chapman: dated 4-24-2017.
- Notice of Responsive Motion and Motion for Parenting Time: on behalf of Ms. Chapman, dated 4-24-2017.
- Respondents Amended Notice of Motion for Contempt of Court and Enforcement of Parenting Time Order: on behalf of Mr. Chapman, dated 4-28-2017.
- Responsive Affidavit of Eric Chapman: dated 4-28-2017.
- Findings of Fact, Conclusions of Law, and Order, Blue Earth County District Court, MN, signed 6-2-2017.
- Family Conference Form for Lincoln (dated 7-7-2017) from Little Saints Daycare.
- Miscellaneous emails from Ms. Chapman containing numerous copies of text message and email correspondence between Mr. Chapman and Ms. Chapman.
- Minnesota Trial Court Public Access website to review legal histories of Mr. Chapman and Ms. Chapman.
- Michigan Register of Action documentation regarding 2014 disorderly conduct charges against Mr. Chapman.
- Minneapolis Police Department Case Report with Supplements regarding an incident that occurred on 6-16-2010 that led to disorderly conduct charges against Mr. Chapman.
- 8-29-2017 email correspondence from Ellen Hanson to Mr. Chapman, stating that Ellen and Dean Hanson agree to care for Lincoln when Mr. Chapman is on call.

Family Status

Mr. Chapman was born in Edina MN and was raised in Bloomington, MN. He has one younger brother and two younger half-sisters (same mother). He lived with his mother and father until approximately 5 years of age at which time his parents divorced. Following the divorce, Mr. Chapman's primary residence was with his mother. He spent parenting time with his father every other weekend and two weeks during summer months. After graduating from Thomas Jefferson Senior High School in 1998, Mr. Chapman moved from home to attend college. He graduated from the University of St. Thomas (MN) in 2005 (Bachelor of Arts) and from Lake Erie College of Osteopathic Medicine (PA) in 2010 (Doctor of Osteopathic Medicine). Mr. Chapman completed his

residency in 2015 (MI). He has since been employed in Brainerd, MN at Essentia Health. Mr. Chapman has lived at 12911 Parkwood Drive, Baxter, MN since 2015 and intends to continue living at this residence long term.

Ms. Chapman was born in Mankato, MN and was raised in an intact family in Janesville, MN. She has a younger sister and a younger brother. Ms. Chapman graduated from high school in 1998, and during her senior year took post-secondary classes at South Central Technical College, Mankato. Ms. Chapman graduated from Minnesota State University-Mankato in 2003 (Bachelor of Science). She graduated from St. Thomas / St. Catherine's University, St. Paul, MN in 2010 (Master Degree - Social Work). Ms. Chapman has been employed by St. Croix Hospice of Mankato since September, 2016. She has resided at 409 Sheppard Circle #2, Madison Lake, MN since September, 2016, where she leases a multifamily dwelling. Ms. Chapman would eventually like to purchase a home and intends to continue living in the area.

Mr. Chapman and Ms. Chapman began dating January of 2003. They dated for approximately 9 years. During a large portion of their courtship, the parties had a long-distance relationship as a result of living in different cities and at times different states. In 2010 the parties' relationship changed dramatically in that it went from a long-distance relationship with relatively little personal contact (Mr. Chapman had been living in PA for 4 years while Ms. Chapman lived in MN) to the parties both relocating to Michigan and living together while Mr. Chapman completed his residency. The parties wed October 11, 2012. The couple had one child together, Lincoln Chapman (5-18-2015). Near June of 2015, after Mr. Chapman completed his residency, the couple moved to Baxter in response to Mr. Chapman gaining employment in Brainerd. Ms. Chapman did not work following their relocation so she could stay at home and care for Lincoln. The parties experienced marital difficulty. August / September of 2016, Ms. Chapman told Mr. Chapman that she was going to take Lincoln and visit her parents in Janesville, but in reality had planned to file for divorce and never return. As stated, Mr. Chapman has continued living at the family home in Baxter; Ms. Chapman has since resided in Madison Lake MN and has provided Lincoln's primary residence.

Court Status

The parties reached an impasse over custody and parenting time issues. Judge Jaas signed an Order on 5-12-2017, appointing Thomas Wolfe, PhD to conduct an evaluation for the purpose of making recommendations related to child parenting time and legal custody.

Position of Each Party: Custody and Parenting Time

Current Parenting Time. Per a Temporary Stipulation and Order signed by the Court and filed on January 10, 2017, and Findings of Fact, Conclusion of Law, and Order signed by the Court on June 2, 2017, Mr. Chapman's Court Ordered parenting time consists of:

- 2 weekends per month

- 4 overnights per weekend
- the ability to expand to 6 overnights per weekend if Mr. Chapman has vacation
- the weekends are not to be consecutive
- the parties may mutually agree on other parenting times
- Mr. Chapman is to inform Ms. Chapman of his parenting time schedule within 2 weeks of the date he receives his work schedule

The parties have experienced difficulty working effectively together which has resulted in deviations from the Court Ordered temporary parenting time schedule. This has resulted in Mr. Chapman at times having less parenting time than he is allowed to have per the Court-Ordered temporary schedule.

Ms. Chapman

Ms. Chapman would like to share joint physical and joint legal custody with Mr. Chapman. Ms. Chapman proposes that she provide Lincoln's primary residence and Mr. Chapman proposes the following parenting time schedule.

- a) Every other weekend, beginning Friday at 6:00pm and ending the following Sunday at 2:00pm.
- b) When Mr. Chapman has vacation time to use, parenting time would begin Thursday at 6:00pm and end the following Sunday at 2:00pm.

Note: Ms. Chapman stated that when "Lincoln gets older" Mr. Chapman's parenting time could gradually be extended to a "full week". Ms. Chapman did not provide a specific age that she believes Lincoln would be developmentally ready to spend a full week of parenting time with Mr. Chapman.

Ms. Chapman notes that if Mr. Chapman would like to have weekday exchange time earlier in the day, she would no longer like exchanges to occur in Rogers, MN. Ms. Chapman would like the exchange location to be closer to Madison Lake so that she does not have to drive as far as she currently does, as it results in her needing to leave work early.

Ms. Chapman proposes a holiday / special event parenting time schedule that generally alternates parenting time (every other year) across holidays and special days, with Mr. Chapman's parenting time consisting of single overnight stays.

Reasons why Ms. Chapman believes her proposed parenting time schedule is appropriate includes the following.

- a) Ms. Chapman has been Lincoln's primary caretaker since birth. Lincoln is very attached to Ms. Chapman and spending overnights away from her is stressful for Lincoln.
- b) Ms. Chapman believes her parenting time schedule takes into consideration Lincoln's

age, mental capacity to understand what is happening in life, and will provide him with a sense of security.

c) Ms. Chapman believes Lincoln needs routine and consistency in his life as this is the foundation of healthy development. She believes her schedule provides this.

d) She does not believe that Mr. Chapman is capable of meeting all of Lincoln's needs and functioning as an effective parent within a hectic daily schedule in the event he was the primary parent.

Mr. Chapman

Mr. Chapman proposes that he provide Lincoln's primary residence. In terms of Ms. Chapman's parenting time with Lincoln, Mr. Chapman proposed a flexible approach which included the following:

- every other weekend, with the possibility of 3-day weekends
- additional weekends during times Mr. Chapman is on call at work
- additional weekends would be made available during special events that may occur during Ms. Chapman's life.

Note: Mr. Chapman did not provide specific details such as exchange times, potential exchange locations, etc.

Mr. Chapman noted that Ms. Chapman may have difficulty getting off work in time to make exchanges in Rogers, MN, so he would be willing to driving more than half way with Lincoln for the drop-off exchange if Ms. Chapman would drive over half way to Baxter for the return exchange.

Mr. Chapman proposes a holiday / special event parenting time schedule that generally alternates parenting time every other year across holidays and special days, with the following exceptions. Once Lincoln begins kindergarten the following school breaks would be spent with the parent who is not awarded Lincoln during the school year: MEA weekend, Thanksgiving weekend, winter holiday break, and spring break.

Note: Due to an employment-mandated travel restriction during weeks Mr. Chapman is on call, he will be unable to participate in exchanges during weeks he is on call. He proposes that while he is on call, Ms. Chapman drive all the way to Baxter for exchanges.

Reasons why Mr. Chapman believes his parenting time schedule is appropriate include the following.

a) Mr. Chapman has more time off work than Ms. Chapman, so he is more available during the year to spend time with Lincoln. Mr. Chapman stated he has 10 weeks of vacation per year, most Fridays off, and is typically off work Wednesday afternoons.

b) Mr. Chapman believes he is fully capable of taking care of Lincoln, e.g., meeting his primary needs, scheduling and taking him to doctor appointments, arranging for preschool, enrolling him in activities, etc.

c) Mr. Chapman believes he is able to support Ms. Chapman's relationship with Lincoln and recognizes that Lincoln needs both of his parents in his life. Mr. Chapman believes he is better suited to do this than Ms. Chapman, as she has demonstrated since the separation that she has not supported Lincoln's and Mr. Chapman's relationship.

MS 518.17; Subdivision 1: The Best Interests of the Child(ren).

Factor 1. A child's physical, emotional, cultural, spiritual, and other needs, and the effect of the proposed arrangements on the child's needs and development.

Ms. Chapman

The evaluator is of the opinion that Ms. Chapman's proposed parenting time schedule would affect Lincoln's needs as follows.

Physical needs. Ms. Chapman's schedule does not interfere with Lincoln's diet, physical activities, or rest. Each party appears capable of ensuring Lincoln's physical needs are met within Ms. Chapman's proposed schedule.

Cultural needs. Neither party identified cultural issues or concerns nor did the evaluator.

Spiritual needs. Neither party identified spiritual issues or concerns nor did the evaluator.

Emotional needs. Ms. Chapman's proposed parenting time has her as Lincoln's parent year-around. It appears geared toward Lincoln at his current, specific period of development in life and is thus limited in scope. It provides little detail about how to expand Lincoln's parenting time with his father as Lincoln matures. The evaluator is concerned Ms. Chapman's proposed parenting time schedule will not adequately meet Lincoln's emotional needs in the long run as it relates to continuing to develop and maintain a healthy, deep relationship with his father.

Parent-child relationships are created, developed, and maintained across a lifetime through parents and children spending time together engaged in relationship-building activities. Parenting time is the key factor here. Ms. Chapman's parenting time schedule, although vague, limits the amount of time Lincoln will have with Mr. Chapman during a given year which in turn limits the opportunity for Lincoln to develop and maintain a deep bond with his father, create memories, and so on. The evaluator believes this is not in Lincoln's best interest.

Mr. Chapman

The evaluator is of the opinion that Mr. Chapman's proposed parenting time schedule would affect Lincoln's needs as follows.

Physical needs. Mr. Chapman's schedule does not interfere with Lincoln's diet, physical activities, or rest. Each party appears capable of ensuring Lincoln's physical needs are met within Mr. Chapman's proposed schedule.

Cultural needs. Neither party identified cultural issues or concerns nor did the evaluator.

Spiritual needs. Neither party identified spiritual issues or concerns nor did the evaluator.

Emotional needs. The evaluator is of the opinion that Mr. Chapman's proposed parenting time schedule's flexibility has the potential of providing a better balance of parenting time with Lincoln across parents relative to Ms. Chapman's proposed parenting time schedule. But, Mr. Chapman's proposed schedule lacks detail making it impossible for the evaluator to know how much time Ms. Chapman would actually be able to spend each year with Lincoln. In the end, the evaluator has concerns similar to concerns expressed in regard to Ms. Chapman's proposed plan. That is, Mr. Chapman's proposed parenting time schedule also provides for a primary residence with one parent which in turn limits the time Ms. Chapman has to spend with Lincoln, which in turn negatively impacts their ability to develop their relationship.

*Note: The evaluator has elaborated on concerns related to Mr. Chapman's proposed schedule in **Factor 9**.*

Factor 2. Any special medical, mental health, or educational needs that the child may have that may require special parenting arrangements or access to recommended services.

Neither party indicated that Lincoln has any special medical, mental health, or educational needs that require special parenting arrangements or access to recommended services. The evaluator has no concerns in this regard.

Factor 3. The reasonable preference of the child, if the court deems the child to be of sufficient ability, age, and maturity to express an independent, reliable preference.

Lincoln is not old enough to express parental preference.

Factor 4. Whether domestic abuse, as defined in section 518B.01 has occurred in the parents' or either parent's household or relationship; the nature and context of the domestic abuse; and the implications of the domestic abuse for parenting and for the child's safety, well-being, and developmental needs.

Neither party has been found to be a perpetrator of domestic abuse, as identified in section 518B.01.

Factor 5. Physical, mental, or chemical health issue of a parent that affects the child's safety or developmental needs.

Ms. Chapman

Mr. Chapman has no concerns about Ms. Chapman's physical, mental, or chemical health relative to Lincoln's safety and developmental needs. Information obtained from Ms. Chapman's references each stated that she takes excellent care of Lincoln and they have no concerns about her parenting ability. The evaluator has no concerns in this regard.

Mr. Chapman

Ms. Chapman reported she has concerns about Mr. Chapman's mental health in relation to managing his anger when he consumes alcohol. She provided the evaluator with information about two instances of legal trouble Mr. Chapman got into during 2010 and 2014. Mr. Chapman acknowledged that these incidents occurred. Ms. Chapman also described several other instances when she saw Mr. Chapman become angry and verbally aggressive to others while they were *"... out with friends having drinks."*

In 2010 while in Minneapolis, MN, Mr. Chapman was with friends and got involved in an altercation with a parking lot attendee over the need to pay for parking. In the end, Mr. Chapman was arrested and charged with Disorderly Conduct. The Minneapolis police report indicated Mr. Chapman appeared intoxicated at the time of arrest.

In October of 2014 while living in Michigan, Mr. Chapman was with friends, consumed alcohol, and eventually had an altercation in someone's home. Although records indicate various charges were made against Mr. Chapman, in the end he pled guilty to Disorderly Conduct-Fight. Records indicate Mr. Chapman received 6 months of probation during which time he had to complete an alcohol insight weekend and refrain from consuming alcohol.

The evaluator spoke with Mr. Chapman about his alcohol consumption. He reported typically consuming *"Three to 4 beers per month."* Mr. Chapman said he has never been intoxicated or "hung-over" while with Lincoln.

While it is the evaluator's opinion that Mr. Chapman may be more prone to have difficulty managing his emotions while consuming alcohol, Mr. Chapman does not appear to be a heavy drinker, or rely on drinking alcohol in order to cope with stress. He indicated that he consumes alcohol infrequently and does not consume alcohol while with Lincoln. Mr. Chapman's references supported this statement. The evaluator notes Ms. Chapman did not claim that Mr. Chapman has ever been intoxicated while caring for Lincoln. Nor did she claim that Mr. Chapman's alcohol consumption in any way had in the past directly impacted his ability to take care of Lincoln while parenting him.

Factor 6. The history and nature of each parent's participation in providing care for the child.

At the time of Lincoln's birth, Ms. Chapman quit her social work job at Sparrow Hospital in Michigan so that she could stay at home and take care of Lincoln. Ms. Chapman has been Lincoln's primary caregiver since birth. Although Ms. Chapman was Lincoln's primary caregiver before the parties separated, Mr. Chapman appears to have been

involved in some of the daily caregiving activities, e.g., bathing, feeding, changing diapers, reading to Lincoln, and at times putting him to bed.

Since Ms. Chapman moved with Lincoln fall of 2017 from the parties' home in Baxter to Madison Lake, Mr. Chapman has had relatively little opportunity to spend time with Lincoln, care for him, and allow Lincoln to develop an attachment to him / bond with him. For the past year Lincoln has spent the majority of his home-life being cared for solely by his mother. Ms. Chapman not only has had the opportunity to spend a lot of time with Lincoln, their time together appears to consist of high rates of parent-child interaction and displays of affection. In the end, the evaluator believes that the discrepancy in the amount of time and interaction each parent has had with Lincoln since his birth, especially during the past year, has resulted in Lincoln developing a much stronger attachment to his mother relative to his father. Such an attachment has been referred to as a "*primary attachment*" in some child development research literature.

The evaluator believes Lincoln's primary attachment to his mother is an important factor within the current evaluation. What this means for Lincoln is that when he is near his mother he feels a sense of security, safety and happiness. This attachment serves a very important purpose, as it provides a healthy foundation for Lincoln to develop mentally, emotionally, behaviorally, and socially. Toddlers who feel safe and secure because of having a deep healthy attachment to a parent are:

- more likely to curiously explore the world around them which in turn leads to all kinds of learning as well as stimulates intellectual development.
- less likely to cling to their parents when near people they don't know or are in novel situations.
- more likely to interact with others and may make friends easier, both of which fosters social development.
- more likely to feel happy, which stimulates the development of a healthy self-concept (good self-esteem).

The evaluator is concerned that if Lincoln spends more time away from Ms. Chapman (his primary attachment) than he is developmentally ready for given his age and the circumstances of his life, he may be negatively affected and lose some of the benefits he has gotten from having a strong attachment to his mother. The evaluator believes it will be important to consider Lincoln's attachment to his mother, his age, and stage of development when determining the length of time he can spend away from Ms. Chapman without being negatively affected.

Factor 7. The willingness and ability of each parent to provide ongoing care for the child; to meet the child's ongoing developmental, emotional, spiritual, and cultural needs; and to maintain consistency and follow through with parenting time.

Ms. Chapman

Ms. Chapman reportedly desires to provide ongoing care for Lincoln and appears able to do so adequately. The evaluator has no concerns about her ability to meet Lincoln's

developmental, emotional, spiritual, and cultural needs.

It is clear that Ms. Chapman deeply loves Lincoln and Lincoln loves her. The evaluator observed Ms. Chapman and Lincoln enjoy their time together as they engaged in a variety of play activities.

Signs of love and attachment included: Lincoln approaching Ms. Chapman to get her attention, touch, hugs, lap-sitting, kisses, turn-taking during activities, tickling, and almost non-stop laughter. Ms. Chapman appears able to adequately manage Lincoln's behavior. The evaluator observed Ms. Chapman have good control of the Lincoln during the home visit, where she was observed to do such things as: use touch, use redirection, and give explanations. Lincoln appeared very eager to comply with his mother's requests and directives. Statements from her references supported the evaluator's observations.

Mr. Chapman

Mr. Chapman reportedly desires to provide ongoing care for Lincoln and appears able to do so adequately. The evaluator has no concerns about his ability to meet Lincoln's developmental, emotional, spiritual, and cultural needs.

Mr. Chapman clearly loves Lincoln deeply, and Lincoln clearly loves his father. The evaluator observed Mr. Chapman and Lincoln enjoy their time together. Signs of love and attachment included: Lincoln approaching Mr. Chapman to get his attention, touch, close proximity, hugs, kisses, and laughter. Mr. Chapman appears able to adequately manage Lincoln's behavior. The evaluator observed Mr. Chapman have good control of the Lincoln during the home visit, where he was observed to do such things as: use touch, give explanations, model behavior for Lincoln to show Lincoln how to interact with other children in the park, and use redirection. Statements from his references supported the evaluator's observations.

The evaluator notes that Mr. Chapman is on call at his place of employment 1 week out of every 3-week work cycle. The week that he is on call during each 3-week work cycle can change every time a new 3-week work cycle starts, i.e., there is no pattern to the week Mr. Chapman is on call. Mr. Chapman reportedly receives his work schedule in 3-month blocks, typically 4 to 6 weeks in advance. Mr. Chapman's parenting time has thus far been scheduled only during weeks that he is not on call, which has resulted in a somewhat irregular pattern of parenting time each month. As a result of being on call and having other employment-related commitments, Mr. Chapman will have virtually no parenting time with Lincoln during the month of October, 2017. This is a long period of time for Lincoln to go without spending time in person interacting with his father. Given Lincoln's age and level of cognitive as well as emotional development, going for a month without seeing his father may begin to erode Lincoln's attachment to him and may result in Lincoln having a harder time adjusting following future transitions between parental households.

Mr. Chapman has arranged for Mrs. Ellen and Mr. Dean Hanson to provide backup childcare for Lincoln in the event it is needed following the parenting time litigation. The

Hanson's are Mr. Chapman's Step-Grandparents who are retired, in good health, live approximately 10 minutes from Mr. Chapman's home, and are willing to take care of Lincoln with little notice in the event Mr. Chapman is called to the hospital. Mr. Chapman stated that the reason he has not arranged to have backup childcare for Lincoln to date is because he has been unsure if he should do so, given the current Court-Ordered temporary parenting time schedule and the uncertainty of the outcome of the parenting litigation.

Key Point

a) As a result of employment commitments, Mr. Chapman's parenting time has not occurred in a consistent / patterned manner, such as every other week, etc. It is also important to note that Mr. Chapman's work schedule allows him plenty availability to spend time with Lincoln. It just has not always occurred in a consistent manner. For example, Mr. Chapman will have virtually no parenting time with Lincoln during the month of October, 2017. Although reportedly unavoidable, this is not in Lincoln's best interest.

b) Mr. Chapman has arranged for Mrs. Ellen and Mr. Dean Hanson to provide backup childcare for Lincoln in the event it is needed once a permanent parenting time schedule is in place.

Factor 8. The effect on the child's well-being and development of changes to home, school, and community.

Ms. Chapman Home

As stated, Lincoln's primary residence has been in Madison Lake with his mother since September, 2016. Lincoln appears comfortable within this residence and does not exhibit signs of maladjustment. Ms. Chapman has provided structure for Lincoln within the home. During the workweek Lincoln wakes up between 7:00-7:30am. Ms. Chapman gives him GERD medicine, makes him breakfast and then Lincoln plays for a bit. Ms. Chapman gets Lincoln dressed and ready for the day. Ms. Chapman and Lincoln leave the house at 8:30am and go to Little Saints Daycare, which is approximately 1 mile from their home. Ms. Chapman then goes to work and typically is able to pick Lincoln up from daycare by 2:30pm, occasionally being able to pick him up at 12:30pm. Ms. Chapman feeds Lincoln a snack at home and then plays (outside is preferred) with Lincoln. Ms. Chapman has supper around 5:30pm, then plays with Lincoln, and often go for a walk together. Ms. Chapman gives Lincoln a bath between 7:00-7:30pm and then gets him ready for bed. Ms. Chapman then reads to Lincoln and typically rocks him before putting him to bed between 8:00-8:30pm. Ms. Chapman said she tries to follow the same schedule during the weekend, with the addition of giving Lincoln a nap a noon because that's when he takes a nap at daycare during the week.

Ms. Chapman reported that she intends to live at her present residence until she can afford to purchase a home. This makes sense for the following reasons. Ms. Chapman intends to purchase a home in or near Madison Lake so Lincoln can continue going to Little Saints Daycare. Ms. Chapman has a close bond with her family. Her parents live nearby in Janesville; she spends time at her parents' home every week with Lincoln and

wants to continue doing so. Ms. Chapman works as a hospice social worker and her employment takes her into neighboring communities, which is a good fit with living near or in Madison Lake.

Within Ms. Chapman's home Lincoln receives: structure, consistency (across weekdays and weekends), developmentally appropriate activity, significant attention and interaction, a sense of safety and love, and adequate nutrition. The evaluator believes that it is in Lincoln's best interest to continue spending significant time in this home setting, particularly given his age and stage of development.

Mr. Chapman Home

As stated, Mr. Chapman owns a home in Baxter, MN. This was Lincoln's home from approximately 2 months to 14 months of age. Mr. Chapman appears to provide structure within his household for Lincoln equaling that of Ms. Chapman.

While with Mr. Chapman, Lincoln wakes up between 6:45-7:00am. Mr. Chapman then rocks Lincoln and gives him GERD medicine. Mr. Chapman then reads or plays with Lincoln followed by feeding him breakfast. Around 9:30am, Mr. Chapman takes Lincoln outside and goes to the park, plays in the yard, etc. Around 10:30am, Mr. Chapman feeds Lincoln a snack and near 11:45am Mr. Chapman feeds him lunch. Lincoln is given a nap from 12:15-12:30pm until 2:00-2:30pm. After Lincoln gets up, Mr. Chapman plays with him (outside activities are preferred: running through sprinkler, bike riding). Mr. Chapman gives Lincoln a snack around 4:45pm followed by more play. Mr. Chapman feeds Lincoln supper around 6:15pm and gives him a bath around 7:00pm. While bathing, Mr. Chapman typically washes Lincoln and then drains the water and refills it with fresh water so Lincoln can play with toys in clean water. After bathing, Mr. Chapman gives Lincoln milk and then reads him a book while having a Disney movie playing to provide background singing and music. Lincoln is then given "*downtime to get him in the mood for bed*". Lincoln's bedtime is around 8:30pm, at which time Mr. Chapman either rocks Lincoln to sleep or lays Lincoln in his crib and rubs his back until he falls asleep.

Mr. Chapman reported that he intends to remain living at his current residence long term for the following reasons. His work schedule is very conducive to family life. Baxter and Brainerd have low crime rates and a low cost of living. The community offers many activities for families to do. Mr. Chapman is becoming connected socially within the community and he enjoys working with his colleagues.

As in Ms. Chapman's home, within Mr. Chapman's home Lincoln receives: structure, developmentally appropriate activity, significant attention and interaction, a sense of safety and love, and adequate nutrition. **The key difference** across households is that since Ms. Chapman moved to Madison Lake, Mr. Chapman has primarily, or only, had parenting time with Lincoln on days that he does not work. In addition, Mr. Chapman has spent relatively few days and nights with Lincoln in his home during the past year.

Whereas Ms. Chapman has a "track record" that demonstrates she is able to provide consistency for Lincoln in her home across weekdays and weekends for an extended

period of time, Mr. Chapman has no such proof. This is an important point, in the evaluator's opinion. Taking care of Lincoln and meeting his needs while also meeting employment obligations and time demands during the workweek presents a very different set of parenting challenges relative to caring for Lincoln during non-work days, e.g., stress associated with getting Lincoln ready for and to daycare, getting to work on time, caring for Lincoln at the end of the day while tired from a stressful or busy workday, etc.

To be clear, the evaluator is not saying that Mr. Chapman is not able to provide consistency for Lincoln across workdays and weekends across the months and years. The evaluator is simply saying that this is an important unknown, because providing Lincoln with a consistent home environment is in his best interest as it can affect many aspects of his development.

School

As stated, Lincoln has been attending Little Saints Daycare for a year. The evaluator spoke with Ms. Grace Drees, who is Lincoln's teacher and has taken care of Lincoln since he began attending daycare. Ms. Drees reported Lincoln has adjusted very well to attending Little Saints Daycare. She said that during the first few months of daycare, Lincoln was a little "clingy" when Ms. Chapman delivered him to daycare and did not appear to want his mother to leave. Lincoln now separates easily from Ms. Chapman during drop-offs. Ms. Drees shared that while at daycare Lincoln almost never cries, is a very happy child, and has several "close buddies" that share mutual excitement in seeing each other every day.

Ms. Drees said Lincoln always appears happy when he is with his mother, is always dressed appropriately for the weather, and always appears clean and well-cared for. Ms. Drees reported that when Ms. Chapman comes to pick Lincoln up from daycare, Lincoln is excited to see her. Upon seeing his mother, Lincoln smiles and repeatedly says "Mom's house." If he is working on a project as Ms. Chapman enters, he wants to show it to her. Ms. Chapman will "... get down on Lincoln's level and look at his project." Ms. Drees said Ms. Chapman always kisses Lincoln on his forehead numerous times and then says to him "Are you ready to go?" Lincoln typically responds by holding his arms up so Ms. Chapman can carry him as they leave.

Ms. Drees reported that on the day before Lincoln will be going to stay with Mr. Chapman, his behavior is "normal". But, when Lincoln returns from staying with his father longer than a weekend, Lincoln's mood and behavior are different in a concerning way. For example, during the day after his return Lincoln cries periodically while at daycare. Lincoln appears more sensitive and he has difficulty coping with daily things that typically do not bother him. Ms. Drees said Lincoln will periodically approach her during the day and want her to hug and hold him. Ms. Drees said that this behavior typically lasts for a day or so and then Lincoln's behavior returns to normal.

Note: *The evaluator notes that the information provided by Ms. Drees matches reports from Ms. Chapman (and her family members) about Lincoln's behavior and emotional tone at Ms. Chapman's home after returning from parenting time with his father. The*

evaluator is of the opinion that Lincoln's behavior following extended parenting time with Mr. Chapman indicates he has difficulty adjusting to and coping with the change in his life associated with stays of duration exceeding his weekend parenting time. The evaluator believes this is an important factor to consider when designing and implementing a parenting time schedule that is appropriate for Lincoln.

It is the evaluator's opinion that Lincoln is well-adjusted to Little Saints Daycare. He has developed friendships there, which indicates he is growing in his social development. Similarly, Lincoln is well-behaved while at daycare, which is also good for his social development and demonstrates that he is learning how to function adaptively within a community setting. Lincoln appears comfortable and appears to feel safe at daycare which is good for his emotional, social, and cognitive development.

It is the evaluator's opinion that it is in Lincoln's best interest to continue to attend Little Saints Daycare so he may continue to benefit in the numerous aforementioned ways.

Community

Given Lincoln's age, he has no independent community involvement.

Factor 9. The effect of the proposed arrangements on the ongoing relationships between the child and each parent, siblings, and other significant persons in the child's life.

Ms. Chapman

As stated in *Factor 1*, the evaluator is concerned Ms. Chapman's proposed parenting time schedule will not adequately meet Lincoln's emotional needs as it relates to continuing to develop and maintain a healthy, deep relationship with his father. This is because the schedule allows for Lincoln to spend relatively little time during a given year with his father, which in turn provides little opportunity for Lincoln to develop a strong attachment to him, and for Lincoln and his father to develop and maintain a strong bond. This concerns the evaluator.

Mr. Chapman

The evaluator is of the opinion that Mr. Chapman's proposed parenting schedule has the same limitations as that of Ms. Chapman's, albeit to a lesser extent. However, the reality of the two proposed plans is that Mr. Chapman's schedule would potentially have a devastating impact on Lincoln, especially in the short run, whereas Ms. Chapman's proposed schedule would not. The reason for this is simple and easy to understand.

Lincoln is accustomed to spending relatively little time with his father and he does not have a primary attachment to him. So, in the event Ms. Chapman's schedule was implemented, Lincoln's parenting time with his father would essentially carry on much as it has in the past, and so would Lincoln's life. As described previously, Lincoln's development has been on track. He is happy, learning about the world, making friends, and generally doing well. In the evaluator's opinion, the only thing that could make things better for Lincoln is if his attachment to his mother and father was more balanced. But, Lincoln is unaware of this so it has relatively little impact on him at this time in his

life.

However, in the event Mr. Chapman's proposed parenting time schedule was implemented, Lincoln's life would change markedly, and the adult with whom he has his primary attachment would no longer be ubiquitously involved in his life. As described in *Factor 7*, the primary source for his sense of security, safety, and bright emotional tone would virtually be removed from his life, and so would the foundation of his mental, emotional, behavioral, and social development. Since Lincoln's sense of security and safety has to date allowed him to explore his world, learn, default to a feeling of happiness during his days, and grow in all capacities, the evaluator is of the opinion that implementing Mr. Chapman's proposed parenting plan does not make sense and is not in Lincoln's best interest.

And, as stated in *Factor 7*, the evaluator is concerned that if Lincoln spends more time away from Ms. Chapman than he is ready for, he may be negatively affected and lose some of the benefits he has gained as a direct and indirect result of having a strong attachment to his mother. The evaluator is of the opinion that Mr. Chapman's proposed plan places Lincoln in such risk of not progressing, and possibly regressing, developmentally at the rate he has, that it is not a viable option.

Factor 10. The benefit to the child in maximizing parenting time with both parents and the detriment to the child in limiting parenting time with either parent.

Benefits of Maximizing Parenting Time

The benefits of maximizing Lincoln's time with both parents include the following.

a) As stated, Lincoln appears significantly more attached to his mother than his father. The evaluator believes this is largely due to the fact that Lincoln has simply spent most of the time in his life during the past year being cared for by his mother, who in turn is very dedicated to him. She appears in tune with Lincoln's needs and perhaps more importantly is able to consistently meet them. However, the evaluator believes Lincoln would benefit from having attachments to his parents that are comparable. If his parental attachments remain lopsided, Lincoln may be reluctant to spend time with his father, especially when he is older and a multitude of options become available for him to spend his time in direct competition with spending time with Dad, e.g., going to activities that may be occurring on his mother's side of the family, spending time with friends, staying "home" and playing video games, simply not wanting to leave the comfort of his mother's home for the weekend, etc. Each parent has something different as well as important to offer Lincoln. But, if Lincoln's attachment to his parents remains out of balance, he may end up missing out on important things that his father has to offer.

b) Lincoln may benefit from having equitable opportunity to create lifelong memories with both parents. Parent-child memories can provide the common ground that helps children (especially adolescent and adult children) and parents get through difficult periods that inevitably occur during a lifetime.

c) Maximizing Lincoln's parenting time with his mother and father may help him form a healthy self-image, feel loved unconditionally, and provide the basis for sound mental health throughout his life.

Detriment of Limiting Parenting Time

Limiting Lincoln's time with one of his parents may result in Lincoln's attachment to, or bond with, that parent never fully developing. Similarly, limiting time with a parent may weaken an existing attachment or bond that Lincoln has with the parent. Either of these scenarios may affect how intimately Lincoln interacts with that parent throughout his lifetime. This could manifest in the following ways. As a toddler and child, the impact of previously limiting a parent's time with Lincoln could make the difference between Lincoln feeling like the parent is "Mom" or "Dad" vs. feeling like the parent is akin to a likeable babysitter. As an adolescent and adult, this could manifest in a variety of ways, such as Lincoln not going to the parent to get advice or help during trying times, or not accepting help from the parent when it is truly in his best interest to take it.

The evaluator is of the opinion that Ms. Chapman has placed Mr. Chapman at risk of these things happening between him and Lincoln through moving from Baxter to Madison Lake in the manner she did. That is, the move reduced Mr. Chapman's opportunity to interact with Lincoln and gave Mr. Chapman few options to regain opportunity to spend time with his son. In addition, it is the evaluator's opinion that Ms. Chapman's proposed parenting time schedule further places Mr. Chapman at risk of the described detriments.

In the end, the evaluator believes that maximizing Lincoln's time with each parent to the extent he is developmentally ready for as described in *Factor 9*, and given the circumstances of his life, is in his best interest.

Factor 11. Except in cases in which domestic abuse as described in clause (4) has occurred, the disposition of each parent to support the child's relationship with the other parent and to encourage and permit frequent and continuing contact between the child and the other parent.

Neither party has been found to be a perpetrator of domestic abuse, as identified in section 518B.01.

Ms. Chapman

When Ms. Chapman was asked by the evaluator how important she thought it was for Lincoln to spend time with both parents, Ms. Chapman stated that

"It is very important that we both have time with Lincoln. The struggle right now is the distance between us..."

However, the evaluator noted the following factors relative to Ms. Chapman's disposition to support Lincoln's relationship and to encourage and permit frequent and continuing contact between Lincoln and his father.

a) As referenced, during August / September of 2016, Ms. Chapman carried out a plan that involved taking the couple's child and moving out of the Chapman household in Baxter, approximately 200 miles away to permanently reside in or near Madison Lake. Mr. Chapman was led to believe that Ms. Chapman had simply left for the weekend to visit her parents. Ms. Chapman clearly made a decision that had a major impact on Lincoln both in the short and long term without consulting Mr. Chapman. And, one of the outcomes of the decision was that Mr. Chapman would have markedly less access to Lincoln than he had prior to the relocation.

b) Ms. Chapman would like to implement a parenting schedule that limits the amount of time Mr. Chapman spends with Lincoln to every other weekend, with no specific plan for increasing Lincoln's parenting time with his father as Lincoln matures.

c) Findings of Fact number 15, found in the 6-2-2017 Findings of Fact, Conclusions of Law, and Order in part states:

"She (Ms. Chapman) did not allow the four to six overnights per weekend to be split into two periods that totaled the same amount of time, or discuss a timeline to cut back to three nights and gradually increase to more. As a result, Respondent (Mr. Chapman) was denied court-ordered parenting time of nine overnights from January to April 2017."

Given identified factors, it is the evaluator's opinion that after the divorce proceedings are over, Ms. Chapman may put forth little effort to support, encourage and permit frequent and continuing contact between Lincoln and his father.

Mr. Chapman

Mr. Chapman reported he wishes to support Lincoln's relationship with Ms. Chapman.

The evaluator did not find Mr. Chapman to have engaged in behavior in the past that indicates otherwise and thus has no behaviorally-based reason to conclude that in the future Mr. Chapman will not support Lincoln's relationship with his mother.

Factor 12. The willingness and ability of parents to cooperate in the rearing of their child; to maximize sharing information and minimize exposure of the child to parental conflict; and to utilize methods for resolving disputes regarding any major decision concerning the life of the child.

Exposure to Parental Conflict. Ms. Chapman stated while living with Mr. Chapman, he yelled at her in front of Lincoln on many occasions. Mr. Chapman reported that he did not yell at Ms. Chapman in front of Lincoln. The evaluator is unclear if Mr. Chapman did or did not yell at Ms. Chapman while Lincoln was present during the time the parties lived together. Based on Lincoln's mood, ability to adapt to significant changes in his life and daily stressors, and his relative comfort around people he is unfamiliar with, the evaluator did not find signs that Lincoln has been adversely affected by exposure to parental conflict.

Ability to Communicate. Both parties have a low degree of trust and high degree of dislike for each other, which the evaluator believes makes it difficult for the parties to

want to cooperate with each other in the rearing of Lincoln. However, on 8-3-2017 Ms. Chapman reported that on a scale of 1 (worst) to 10 (best), her ability to communicate with Mr. Chapman about Lincoln had improved from a 3 (early months following her relocation) to a 7 or 8 during recent months. Similarly, Mr. Chapman reported that his ability to communicate effectively with Ms. Chapman about Lincoln was a 9. The evaluator believes this is a good sign as effective communication provides the foundation for parents to work cooperatively in the rearing of their children.

In addition, unlike many custody cases the evaluator has had which involved parties having multiple points of contention (findings of domestic abuse, substance abuse, mental health concerns, infidelity, financial ruin, etc.), the Chapmans' difficulty getting along with each other is relatively centered on the issue of parenting time. And to this end, both parties appear to be power-struggling with each other. The evaluator is hopeful that once the issue of parenting time is settled and the divorce is completed, the parties may begin to move on with their lives, which in turn may ease tensions and improve their ability to co-parent Lincoln.

The evaluator notes Ms. Chapman has a history of making major life decisions on behalf of Lincoln without first communicating with Mr. Chapman to obtain his input. Given this, the evaluator is of the opinion that of the two, Ms. Chapman is less likely to put forth effort to co-parent in the rearing of Lincoln.

Methods for Resolving Disputes. The parties currently appear to have no viable methods for solving disputes about major life issues concerning Lincoln, despite both parties reporting to that they are able to effectively communicate with each other about Lincoln. The evaluator is puzzled by this. In the event communicating directly with each other proves ineffective, it is recommended the parties seek help from: clergy, licensed mental health professionals, or mediation. If these methods prove ineffective, the parties may need to return to court as a last resort for solving a dispute.

Key Point Analysis Summary

Mr. Chapman was born in Edina and was raised in Bloomington. He has one younger brother and two younger half-sisters. He graduated from the University of St. Thomas in 2005 (BA) and from Lake Erie College of Osteopathic Medicine in 2010 (DO). Mr. Chapman completed a Michigan residency in 2015. He has since been employed in Brainerd, MN at Essentia and resides nearby in Baxter where he plans to live long term.

Ms. Chapman was born in Mankato, was raised in Janesville, and has a younger sister and a younger brother. She graduated from Minnesota State University-Mankato in 2003 (BS) and from St. Catherine's University in 2010 (MA). Ms. Chapman is employed by St. Croix Hospice of Mankato. She lives in Madison Lake and leases a residence within a multifamily dwelling. Ms. Chapman intends to live in the area long term.

Mr. Chapman and Ms. Chapman began dating January of 2003. They dated for approximately 9 years in what largely consisted of a long-distance relationship. The parties wed October 11, 2012. Lincoln Chapman is the parties' only child. Near June of 2015 the couple moved to Baxter in response to Mr. Chapman gaining employment.

Ms. Chapman did not work following their relocation so she could stay at home and care for Lincoln. The parties experienced marital difficulty. Fall of 2016, Ms. Chapman told Mr. Chapman she was going with Lincoln to visit her parents in Janesville, but in reality planned to file for divorce and never return. Ms. Chapman has since provided primary residence for Lincoln in Madison Lake, approximately 200 miles away from Baxter, making it difficult for Mr. Chapman to have parenting time with Lincoln.

The parties reached an impasse over custody and parenting time issues. The parties agreed to share physical and legal custody of Lincoln. However, each party wants to provide the primary residence for Lincoln and give the non-primary resident party parenting time every other weekend. Both parenting plans lacked detail and long-term planning. The evaluator is of the opinion that neither plan adequately meets Lincoln's emotional needs. In addition, Mr. Chapman's plan has the potential to cause Lincoln to have serious difficulty adjusting to it given his strong attachment to his mother, which in turn could impede his development.

Mr. Chapman reported no concerns about Ms. Chapman's physical, mental, or chemical health relative to Lincoln's safety and developmental needs.

Ms. Chapman reported she has concerns about Mr. Chapman's mental health in relation to managing his anger when he consumes alcohol. She provided the evaluator with information about 2 instances of legal trouble Mr. Chapman got into (2010 and 2014). Mr. Chapman appears more prone to have difficulty managing his emotions while consuming alcohol. However, Mr. Chapman does not appear to be a heavy drinker, or rely on drinking alcohol to cope with stress. The evaluator notes Ms. Chapman did not claim Mr. Chapman has ever been intoxicated while caring for Lincoln. Nor did she claim Mr. Chapman's alcohol consumption had ever directly impacted his ability to care for Lincoln while parenting.

Ms. Chapman has been Lincoln's primary caregiver since his birth. Since Ms. Chapman moved with Lincoln fall of 2017 from the parties' home in Baxter to Madison Lake, Lincoln has spent the majority of his home-life being cared for solely by his mother. The evaluator believes that the discrepancy in the amount of time and interaction each parent has had with Lincoln since his birth, especially during the past year, has resulted in Lincoln developing a much stronger attachment (**primary attachment**) to his mother relative to his father.

The evaluator believes Lincoln's primary attachment to his mother is a significant factor because it serves a very important purpose. It allows Lincoln to feel safe and secure and thereby provides a healthy foundation for Lincoln to explore the world, learn, interact with others, and generally feel happy. This in turn fosters healthy mental, emotional, behavioral, and social development for Lincoln. The attachment also provides Lincoln with a buffer from life stressors.

The evaluator is concerned if Lincoln spends more time away from Ms. Chapman than he is developmentally ready for, especially given the circumstances of his life, he may be negatively affected and lose some of the benefits he has gotten from having a strong

attachment to his mother. And, the rate of his development may slow, with the possibility of regression. It is important to consider Lincoln's attachment to his mother, his age, and stage of development when determining the length of time he can spend away from Ms. Chapman without being negatively affected.

Mr. Chapman is on call at his place of employment 1 week out of every 3-week work cycle. His parenting time thus far occurred during weeks he is not on call, which has resulted in a somewhat irregular pattern of parenting time each month. Having a regular pattern of parenting time is in Lincoln's best interest. Mr. Chapman has arranged for Mrs. Ellen and Mr. Dean Hanson to provide backup childcare for Lincoln in the event it is needed while he is on call at work following the parenting time litigation.

Within Ms. Chapman's home as well as Mr. Chapman's home Lincoln receives structure, developmentally appropriate activity, significant attention and interaction, a sense of safety and love, and adequate nutrition. **The key difference** across households is that since Ms. Chapman moved to Madison Lake, Mr. Chapman has had parenting time with Lincoln on days he does not work. And, Mr. Chapman has spent relatively few days and nights with Lincoln in his home during the past year.

Ms. Chapman has a "track record" that demonstrates she is able to provide consistency for Lincoln in her home across weekdays and weekends for an extended period of time. Mr. Chapman has no such proof. **This is an important point**, in the evaluator's opinion. Taking care of Lincoln while also meeting employment obligations and time demands during the workweek presents a very different set of parenting challenges relative to caring for Lincoln during non-work days.

Lincoln has attended Little Saints Daycare for a year. He is adjusted to going there and appears to have benefited across emotional, social, behavioral, and cognitive domains of development. It is the evaluator's opinion that it is in Lincoln's best interest to continue to attend Little Saints Daycare.

When Lincoln returns from staying with Mr. Chapman longer than a weekend, his mood and behavior are concerning when he returns to daycare and to Ms. Chapman's home. He cries periodically, appears more sensitive, and has difficulty coping with things. Lincoln periodically approaches his teacher during the day and wants her to hug and hold him. He engages in similar behavior at Ms. Chapman's residence. The evaluator is of the opinion that this behavior indicates Lincoln has difficulty adjusting to and coping with the change in his life associated with stays of duration exceeding his weekend paternal parenting time. The evaluator believes this is an important factor to consider.

As stated, Lincoln appears significantly more attached to his mother than his father. The evaluator believes this is largely due to the fact that Lincoln has simply spent most of the time in his life being cared for by his mother, who is in tune with his needs and consistently meets them.

The evaluator believes Lincoln would benefit from maximized time with each parent so over time he develops attachments to his parents that are comparable. Each parent has

something different as well as important to offer Lincoln. But, if Lincoln's attachment to his parents remains out of balance, he may end up missing out on important things his father has to offer.

Based on her past actions, it is the evaluator's opinion that after the divorce proceedings are over, Ms. Chapman may put forth little effort to support, encourage and permit frequent and continuing contact between Lincoln and his father. The evaluator has no behaviorally-based reason to conclude that in the future Mr. Chapman will not support Lincoln's relationship with his mother.

The parties currently appear to have no viable methods for solving disputes about major life issues concerning Lincoln, despite both parties reporting they are able to effectively communicate with each other about Lincoln. The evaluator is puzzled by this. It is recommended that the parties immediately identify several mutually agreed upon individuals they could consult to help them settle a dispute, in the event one occurs. This way, the parties will not need to squander time finding someone to help them while in the midst of a dispute.

Recommendations

The following are the evaluator's recommendations. I believe they serve Lincoln's best interest per MN statute 518.17.

- 1. Ms. Chapman and Mr. Chapman have agreed to joint physical custody of Lincoln.**
- 2. Ms. Chapman and Mr. Chapman have agreed to joint legal custody of Lincoln.**
- 3. The evaluator is of the opinion that a parenting time schedule that allows Lincoln to spend significant time with each parent throughout the year is in his best interest.**

Given the parties live approximately 200 miles away from each other, a traditional 50/50 parenting time schedule is not pragmatically possible, but would be in Lincoln's best interest if it were possible, in the evaluator's opinion. The examiner notes that he has explored numerous as well as creative options for the purpose of trying to get Lincoln to have as close to equal time with each parent on a consistent basis throughout the year given the distance barrier, as he believes this is in Lincoln's best interest. In the end, the evaluator recommends a parenting schedule that has two phases. The phases take into consideration Lincoln's stage of development, his strong attachment to his mother, and the drive time Lincoln must endure during transitions relative to the benefit of parenting time.

4. Phase1 Parenting Time: Begins at the present time and goes until Lincoln begins kindergarten.

- a) Lincoln will reside with Ms. Chapman.
- b) Mr. Chapman will have parenting time every other weekend as follows.

Until Lincoln reaches the age of 3 years and 6 months

- Parenting time consists of 4 days and 3 overnights.
- Parenting time begins on Thursday at 6:00pm and ends on the following Sunday at 2:00pm.
- Exchanges will occur as they have in the past, in Rogers, MN.

From 3 years and 6 months until Lincoln begins kindergarten

- Parenting time consists of 5 days and 4 overnights.
- Parenting time begins on Wednesday at 6:00pm and ends on the following Sunday at 2:00pm.
- Exchanges will occur in Rogers, MN.

Note: The evaluator is of the opinion that Rogers, MN is a suitable place for exchanges to occur because it is deemed a "midway point" and can be used as an opportunity for parents to give Lincoln a break from riding in the vehicle.

c) After Lincoln turns 3 years old, Mr. Chapman will have two (2) one-week blocks of parenting time to be used before Lincoln turns 4 years old.

After Lincoln turns 4 years old, Mr. Chapman will have three (3) one-week blocks of parenting time each year until Lincoln begins kindergarten.

- Mr. Chapman's normally occurring weekend parenting time is subsumed within his one-week block of time if the block is used during one of his weekends.
- Mr. Chapman will provide Ms. Chapman with a minimum of 30 days advance notice of dates.
- One-week blocks must be separated by at least 2 months between usage.

5. Phase 2 Parenting Time: Begins when Lincoln starts kindergarten. It has school year and non-school year components.

School Year

a) Ms. Chapman will provide primary residence for Lincoln during the school year.

- Prior to the start of each new school year, Lincoln will transition to Ms. Chapman's residence 4 calendar days before the first day of school.
- The exchange will occur at 6:00pm in Rogers, MN.

b) Mr. Chapman will have parenting time with Lincoln as follows.

- Mr. Chapman will have parenting time every other weekend.
- Parenting time begins on Friday at 6:00pm and ends on the following Sunday at 2:00pm.
- All exchanges will occur in Rogers, MN.

Non-School Year / Summer Months

a) Mr. Chapman will provide primary residence for Lincoln during summer months.

- When school recesses for summer break, Lincoln will spend the rest of that week at Ms. Chapman’s residence. Lincoln will transition to Mr. Chapman’s residence the first Friday evening of summer break.
- The exchange will occur at 6:00pm in Rogers, MN.

b) During the summer following kindergarten, Ms. Chapman will have weekend parenting time with Lincoln as follows.

- Two consecutive weekends of parenting time, 1 weekend off, 2 consecutive weekends of parenting time, 1 weekend off, etc., beginning the first weekend following the transition.
- The first 2 weekends begin Thursday at 6:00pm and end Sunday at 4:00pm.
- Subsequent weekends begin Friday at 6:00pm and end Sunday at 4:00pm.
- All exchanges will occur in Rogers, MN.

c) During the summers following first and second grade, Ms. Chapman will have weekend parenting time with Lincoln as follows.

- Every other weekend, beginning the first weekend following the transition.
- The first 2 weekends begin Thursday at 6:00pm and end Sunday at 4:00pm.
- Subsequent weekends begin Friday at 6:00pm and end Sunday at 4:00pm.
- All exchanges will occur in Rogers, MN.

d) During the summers following third grade, Ms. Chapman will have weekend parenting time with Lincoln as follows.

- Every other weekend, beginning the first weekend following the transition.
- Weekends begin Friday at 6:00pm and end Sunday at 4:00pm.
- All exchanges will occur in Rogers, MN.

e) Ms. Chapman will have a 1-week block of parenting time in the summer.

- Ms. Chapman will provide Mr. Chapman with a minimum of 30 days advance notice of dates.

6. Holiday and Special Days Schedule

| Holidays and Special Days | Odd Years | Even Years |
|---|-----------|------------|
| <p>Lincoln’s Birthday (before kindergarten) *Spent with parent who is normally scheduled to have Lincoln. Note: If birthday occurs the day before or the day after Mr. Chapman’s normally scheduled parenting time, Mr. Chapman will</p> | | |

| | | |
|---|-----|-----|
| have that birthday added to his normally occurring parenting time. Begins with a 6pm exchange Ends with a 6pm exchange | N/A | N/A |
| Lincoln's Birthday (after kindergarten) *Spent with parent who is normally scheduled to have Lincoln. | N/A | N/A |
| Easter Weekend (before kindergarten) If Ms. Chapman's Easter weekend falls on Mr. Chapman's Parenting weekend, Mr. Chapman will forgo his weekend parenting time so that Lincoln does not spend excessive time traveling in a car for exchanges. Mr. Chapman will have compensatory parenting time of equal days and nights to use within 6 months, and must provide Ms. Chapman with a 30 day notice. Begins Thursday of Easter weekend, 6pm exchange Ends Easter Sunday, 3pm exchange | Dad | Mom |
| School Spring Break (after kindergarten) Begins last day of school before break, 6pm exchange Ends the day before school starts, 3pm exchange | Dad | Dad |
| Mother's Day *No paternal parenting time on this weekend. | Mom | Mom |
| Father's Day (before kindergarten) Begins Thursday before Father's Day, 6pm exchange Ends on Father's Day, 5pm exchange | Dad | Dad |
| Father's Day (after kindergarten) Begins Friday before Father's Day, 6pm exchange Ends on Father's Day, 5pm exchange | Dad | Dad |
| Memorial Day Weekend (before kindergarten) Begins Thursday before Memorial Day, 6pm exchange Ends on Memorial Day, 3pm exchange *No paternal parenting time on this weekend during Mom's year. | Mom | Dad |
| Memorial Day Weekend (after kindergarten) Begins Friday before Memorial Day, 6pm exchange Ends on Memorial Day, 3pm exchange | Mom | Dad |
| July Fourth *Spent with parent who is normally scheduled to have Lincoln. | N/A | N/A |
| Labor Day Weekend (before kindergarten) Begins Thursday before Labor Day, 6pm exchange Ends Labor Day, 3pm exchange *No paternal parenting time on this weekend during Mom's year. | Mom | Dad |

| | | |
|--|-----|-----|
| <p align="center">Labor Day Weekend (after kindergarten)</p> <p>Begins Friday before Labor Day, 6pm exchange Ends Labor Day, 3pm exchange</p> | Mom | Dad |
| <p align="center">MEA School Break (after kindergarten)</p> <p>Begins last day of school before break, 6pm exchange Ends the day before school starts, 3pm exchange</p> | Dad | Dad |
| <p align="center">Thanksgiving (before kindergarten)</p> <p>Begins Wednesday before Thanksgiving, 6pm exchange Ends Sunday after Thanksgiving, 3pm exchange *No paternal weekend parenting time on Mom's year.</p> | Dad | Mom |
| <p align="center">Thanksgiving School Break (after kindergarten)</p> <p>Begins last day of school before break, 6pm exchange Ends the Sunday following Thanksgiving, 3pm exchange</p> | Dad | Mom |
| <p align="center">Christmas Eve (before kindergarten)</p> <p><i>2017 Dad</i> Begins Thursday 12-21-17, 6:00pm exchange. Ends Monday 12-25-17, 12:00pm exchange.</p> <p>2018 Mom Begins Saturday 12-22-18, 6:00pm exchange. Ends Tuesday 12-25-18, 12:00pm exchange.</p> <p><i>2019 Dad</i> Begins Saturday 12-21-19 (if this lands on Dad's weekend, his weekend now starts on 12-21) Ends Wednesday 12-25-19, 12:00pm exchange.</p> <p>2020 Mom Mom begins Monday 12-21-20 within normal parenting schedule. Ends Friday 12-25-20, 12:00pm exchange.</p> <p><i>2021 Dad (Use only if Lincoln is not in kindergarten)</i> Begins Wednesday 12-22-21, 6:00pm exchange. Ends Saturday 12-25-21, 12:00pm exchange.</p> | | |
| <p align="center">Christmas Day (before kindergarten)</p> <p>2017 Mom Begins Monday 12-25-17, 12pm exchange. Return to normal parenting schedule.</p> <p><i>2018 Dad</i> Begins Tuesday 12-25-18, 12:00pm exchange. Ends Saturday, 12-29-18, 3:00pm exchange.</p> <p>2019 Mom</p> | | |

| | | |
|---|-----|-----|
| Begins Wednesday 12-25-19, 12:00pm exchange. Runs through Sunday, 12-29-19. Return to normal parenting schedule. <i>2020 Dad</i> <i>Begins Friday 12-25-20, 12:00pm exchange.</i> <i>Ends Monday, 12-28-20, 6:00pm exchange.</i> 2021 Mom (Use only if Lincoln is not in kindergarten) Begins Saturday 12-25-21, 12:00pm exchange. Runs through Sunday, 12-26-21. Return to normal parenting schedule. | | |
| New Year's Holiday (before kindergarten) | | |
| *Spent with parent who is scheduled to have Lincoln. | N/A | N/A |
| Winter / Christmas School Break (after kindergarten) | | |
| Begins last day of school before break, 6pm exchange Ends December 25, 2pm exchange | Mom | Dad |
| Winter / New Year's School Break (after kindergarten) | | |
| Begins December 25, 2pm exchange Ends January 1, 2pm exchange | Dad | Mom |

7. Miscellaneous

a) Holidays and vacations take precedent over normal parenting time schedule.

- All exchanges will take place in Rogers, MN.
- Vacation time cannot be taken during the other parent's regularly occurring holiday time.

b) **Special occasions.** Events within the lives of family members, or close friends that affect Lincoln, including but not limited to: weddings, funerals, hospital visitation, etc. Special events have priority over regular parenting time and vacations.

c) **Compensatory parenting time.** The parent who loses time due to a special occasion is entitled to an equal amount of *like-natured* compensatory parenting time on the dates of his/her choosing, within 30 days of the time lost, excluding holidays.

d) **First right of refusal.** The parties will offer each other the first right of refusal to provide care for Lincoln when care exceeding 24 hours is needed outside of immediate family members.

e) **Unsafe Travel Conditions.** If unsafe travel conditions exist for any part of the journey between households during a time an exchange is scheduled to happen, the exchange will be postponed and Lincoln will continue residing with the parent who has him at that time. The exchange will be postponed until travel conditions are safe. The parties will have to work together to reschedule the exchange in such instances. The evaluator recommends using such resources as the Minnesota Department of Transportation who

publishes travel advisories on their website (511mn.org) to help the parties make sound travel decisions.

***Note:** Compensatory parenting time will not be granted when a parent loses parenting time due to unsafe travel conditions.*

f) 50/50 parenting time schedule. The evaluator recommends that in the event one or both of the parties relocate and live within approximately 20 miles of each other, a 50/50 parenting time schedule should be implemented. If this happens, the evaluator may be contacted to offer recommendations regarding a 50/50 parenting time schedule as well as how to implement it.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Thomas Wolfe', is written on a light yellow rectangular background.

Thomas Wolfe, PhD

Cc: Petitioner Attorney, Jason C. Kohlmeyer, Esq.
Respondent Attorney, Marla M. Zack, Esq.