

STATE OF MINNESOTA
COUNTY OF LE SUEUR

IN DISTRICT COURT
FIRST JUDICIAL DISTRICT
FAMILY DIVISION
Case Type: Domestic Abuse

Anthony Joseph Stepka,
OBO Minor Children
Petitioner,
and
Alexis Hope Roehrick,
Respondent

Court File No.: 40-FA-23-973

**STIPULATION AND
ORDER FOR TEMPORARY
CUSTODY AND
PARENTING TIME AND
DISMISSAL OF ORDER
FOR PROTECTION**

WHEREAS, Petitioner and Respondent are the parents of one joint child, namely Braxten Jerome Stepka, DOB: 05/30/2023.

WHEREAS, the parties in this matter are also parties in a Custody Matter in Blue Earth County (Court File No.: 07-FA-23-4739). There is currently no court order regarding custody in that file.

WHEREAS, the OFP matter came before the Honorable Judge Goggins at the Le Sueur County Courthouse, via Zoom, for a Continued Admit / Deny Hearing on November 30, 2023. Prior to the hearing, the parties reached an agreement whereas Petitioner agreed to dismiss the OFP against Respondent with the agreement that a temporary custody and parenting time schedule agreed upon by the parties would be ordered in the Custody matter. This agreement was read into the record at the hearing on November 30, 2023.

WHEREAS, Anthony Stepka is represented in both the OFP and Custody matter by Mr. Jason Kohlmeyer, Kohlmeyer Hagen Law Office. Alexis Roehrick is represented in the OFP matter by Mr. Michael P. Herrmann, Wornson Goggins, PC and is not represented by an attorney in the Custody matter.

WHEREAS, the parties wish to settle the issues of the OFP, temporary custody, and temporary parenting time without the need for an additional hearing;

NOW THEREFORE, based upon all the files, records, stipulation of the parties, and proceedings herein, the Court now makes the following:

ORDER

1. The Emergency Ex-Parte Order for Protection (Le Sueur County Court File No.: 40-FA-23-973) related to Anthony Joseph Stepka and Braxten Jerome Stepka is **DISMISSED**.
2. **Legal Custody:** The parties shall share temporary joint legal custody of the minor child.
3. **Physical Custody:** The parties shall share temporary physical custody of the minor child.
4. **Parenting Time:** The parties shall follow the temporary parenting time schedule outlined below:
 - a. Father shall have parenting time every other weekend from Thursday after daycare until Sunday at 5:00 p.m.
 - b. On the weeks father does not have weekend parenting time, he shall have parenting time on Thursdays after daycare until Friday morning.
 - c. Mother shall have all other parenting time not assigned to Father.
5. **Holiday Parenting Time:** The parties shall alternate holidays, beginning with Father having parenting time December 24th at 9:00 a.m. to December 25th at 9:00 a.m. and Mother having parenting time December 25th at 9:00 a.m. to December 26th am.
6. **Exchanges:** When possible exchanges should take place at daycare with the party ending their parenting time bringing the child to daycare the party starting their parenting time picking up the child from daycare. For exchanges when daycare is not an option, the parties shall meet at the Cleveland Gas Station.
7. **Communication:** The parties shall communicate solely about the child and only through Our Family Wizard unless there is a medical emergency. Both parties will

sign up for Our Family Wizard as soon as possible and no later than three days after the date of this order. Each party will be responsible for the cost associated with OFW.

- 8. **Mediation:** The parties shall attend mediation in an attempt to reach a permanent resolution on the custody and parenting time issues. Mediation shall occur within 90 days of the day of this order.

KOHLMEYER HAGEN,
LAW OFFICE, CHTD.

WORNSON GOGGINS, PC

/s/ Jason C. Kohlmeyer

/s/ Michael P. Herrmann


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BY THE COURT

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: _____


Goggins,
Patrick
2024.01.05
16:19:11 -06'00'

**Judge of District Court
State of Minnesota**

I hereby certify that the foregoing Conclusions of Law constitute the Order.

Court Administrator

APPENDIX A

NOTICE IS HEREBY GIVEN TO THE PARTIES:

I. PAYMENTS TO PUBLIC AGENCY. According to Minnesota Statutes, section 518A.50, payments ordered for maintenance and support must be paid to the Minnesota child support payment center as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. Parents mail payments to: P.O. Box 64326, St. Paul, MN 55164-0326. Employers mail payments to: P.O. Box 64306, St. Paul, MN 55164.

II. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A FELONY. A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or parenting time rights), according to Minnesota Statutes, section 609.26. A copy of that section is available from any court administrator.

III. NONSUPPORT OF A SPOUSE OR CHILD – CRIMINAL PENALTIES. A person who fails to pay court-ordered child support or maintenance may be charged with a crime, which may include misdemeanor, gross misdemeanor, or felony charges, according to Minnesota Statutes, section 609.375. A copy of that section is available from any district court clerk.

IV. RULES OF SUPPORT, MAINTENANCE, PARENTING TIME.

- A. Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.
- B. Payment of support must be made as it becomes due, and failure to secure or denial of parenting time is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.
- C. Nonpayment of support is not grounds to deny parenting time. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.
- D. The payment of support or spousal maintenance takes priority over payment of debts and other obligations.
- E. A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.
- F. Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.
- G. *A Parental Guide to Making Child-Focused Parenting Time Decisions* is available from any court administrator.
- H. The nonpayment of support may be enforced through the denial of student grants; interception of state and federal tax refunds; suspension of driver's, recreational, and occupational licenses; referral to the department of revenue or private collection agencies; seizure of assets, including bank accounts and other assets held by financial institutions; reporting to credit bureaus; interest charging, income withholding, and contempt proceedings; and other enforcement methods allowed by law.
- I. The public authority may suspend or resume collection of the amount allocated for child care expenses if the conditions of Minnesota Statutes, section 518A.40, subdivision 4, are met.
- J. The public authority may remove or resume a medical support offset if the conditions of section 518A.41, subdivision 16, are met.
- K. The public authority may suspend or resume interest charging on child support judgments if the conditions of section 548.091, subdivision 1a, are met.

V. MODIFYING CHILD SUPPORT. If either the obligor or obligee is laid off from employment or receives a pay reduction, child support may be modified, increased, or decreased. Any modification will only take effect when it is ordered by the court, and will only relate back to the time that a motion is filed. Either the obligor or obligee may file a motion to modify child support, and may request the public agency for help. **UNTIL A MOTION IS FILED, THE CHILD SUPPORT OBLIGATION WILL CONTINUE AT THE CURRENT LEVEL. THE COURT IS NOT PERMITTED TO REDUCE SUPPORT RETROACTIVELY.**

VI. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3. UNLESS OTHERWISE PROVIDED BY THE COURT:

- A. Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, police reports, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order

to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

- B. Each party has the right to be informed by the other party as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.
- C. Each party has the right to be notified by the other party of an accident or serious illness of a minor child, including the name of the health care provider and the place of treatment.
- D. Each party has the right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law enforcement officer or agency. There is no duty to notify if the party to be notified is the alleged perpetrator.
- E. Each party has the right of reasonable access and telephone contact with the minor children.

VII. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE. Child support and / or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, section 518A.53, have been met. A copy of that section is available from any court administrator.

VIII. CHANGE OF ADDRESS OR RESIDENCE. Unless otherwise ordered, each party shall notify the other party, the court, and the public authority responsible for collection, if applicable, of the following information within ten days of any change: residential and mailing address, telephone number, driver's license number, social security number, and name, address, and telephone number of the employer.

IX. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE. Basic support and / or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using the U.S. Department of Labor, Bureau of Labor Statistics, consumer price index Mpls. St. Paul, for all urban consumers (CPI-U), unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518A.75, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518A.75, and forms necessary to request or contest a cost of living increase are available from any court administrator.

X. JUDGMENTS FOR UNPAID SUPPORT; INTEREST. According to Minnesota Statutes, section 548.091:

- A. If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment **without notice** to the person responsible to make the payment.
- B. Interest begins accruing on a payment or installment of child support whenever the unpaid amount due is greater than the current support due.

XI. JUDGMENTS FOR UNPAID MAINTENANCE. A judgment for unpaid spousal maintenance may be entered and docketed when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any court administrator.

XII. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT. A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of Minnesota Statutes, section 518A.735, are met. A copy of that section and forms necessary to request or contest these attorney fees and collection costs are available from any court administrator.

XIII. PARENTING TIME EXPEDITOR PROCESS. On request of either party or on its own motion, the court may appoint a parenting time expeditor to resolve parenting time disputes under Minnesota Statutes, section 518.1751. A copy of that section and a description of the expeditor process is available from any court administrator.

XIV. PARENTING TIME REMEDIES AND PENALTIES. Remedies and penalties for wrongful denial of parenting time are available under Minnesota Statutes, section 518.175, subdivision 6. These include compensatory parenting time; civil penalties; bond requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any court administrator.

In addition to the Notices on pages 1 and 2, the following NOTICE applies to all orders addressing custody pursuant to Minn. Stat. § 518.17, subd. 3a.

NOTICE

EACH PARTY IS GRANTED THE FOLLOWING RIGHTS:

1. Right of access to, and to receive copies of, school, medical, dental, religious training, police reports, and other important records and information about the minor children.
2. Right of access to information regarding health or dental insurance available to the minor children.
3. Right to be informed by the other party as to the name and address of the school of attendance of the minor children.
4. Right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent-teacher conferences. The school is not required to hold a separate conference for each party, unless attending the same conference would result in violation of a court order prohibiting contact with a party.
5. Right to be notified by the other party of an accident or serious illness of a minor child, including the name of the health care provider and the place of treatment.
6. Right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law enforcement officer or agency. There is no duty to notify if the party to be notified is the alleged perpetrator.
7. Right to reasonable access and telephone or other electronic contact with the minor children.