STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1383

In re the Guardianship of Devin Ziegler.

Filed June 16, 2025
Affirmed
Larson, Judge

Waseca County District Court
File No. 81-PR-07-322

Kenneth R. White, Law Office of Kenneth R. White, P.C., Mankato, Minnesota (for appellants Deidre Cram-Ziegler and Daniel Ziegler)

Rachel V. Cornelius, Waseca County Attorney, Waseca, Minnesota (for respondent Minnesota Prairie County Alliance)

Benjamin M. Cass, Smith, Tollefson, Rahrick & Cass, Owatonna, Minnesota (for respondent Devin Ziegler)

Considered and decided by Larson, Presiding Judge; Cochran, Judge; and Slieter, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellants Deidre Cram-Ziegler and Daniel Ziegler appeal from a district court order removing appellants as their son's co-guardians and appointing a professional guardianship company to serve as son's successor guardian and conservator. Because we conclude the district court made adequate findings to enable our review, and the district

court did not abuse its discretion in determining that this change in guardianship was in son's best interest, we affirm.[1]

FACTS

In 2007, appellants were appointed as co-guardians and co-conservators for son. It has been determined that son is unable to make responsible decisions regarding his estate, finances, and daily needs without assistance. Son has lived primarily in adult residential treatment facilities (group homes) since 2006, aside from a few brief periods in the hospital or at Cram-Ziegler's home. In 2019, the district court discharged appellants as son's co-conservators and, thereafter, son did not have a conservator.

On November 3, 2023, respondent Minnesota Prairie County Alliance (the county), which provides services for son, petitioned for the removal of appellants as son's co-guardians and the appointment of a successor guardian. The county indicated its belief that Cram-Ziegler could no longer effectively perform guardianship duties due to her actions toward staff at son's group homes. The county alleged that Cram-Ziegler had engaged in numerous concerning behaviors, including threatening staff, intentionally "trigger[ing]" son by mentioning certain topics, and refusing to comply with scheduled behavioral plans.

[1] The district court appointed a professional guardianship company to serve as son's guardian and conservator. *See* Minn. Stat. §§ 524.5-310(a) (providing for appointment of guardian), -409, subd. 1 (providing for appointment of conservator) (2024). Appellants appear to contest only the district court's decision as it pertains to guardianship. To the extent that appellants attempted to challenge the conservatorship, the issue is inadequately briefed and is forfeited on appeal. *See State, Dep't of Lab. & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to consider inadequately briefed issue); *In re Est. of Hadaway*, 668 N.W.2d 920, 924 (Minn. App. 2003) (applying this concept in probate appeal).

On December 8, 2023, the county filed a petition for emergency appointment of a guardian and conservator for son after Cram-Ziegler moved son from his group home to her home, which allegedly could cause son to "become agitated and . . . end up with law enforcement involvement or a hospital intervention." On December 13, 2023, the district court filed a temporary order allowing son to reside with Cram-Ziegler pending the outcome of an evidentiary hearing, unless son was at risk of losing his group-home placement, in which case he had to return to the group home.

Son thereafter lost his group-home placement and was "hospitalized because of behavioral issues and absconding from [Cram-Ziegler's] home." As a result, on January 3, 2024, the district court appointed Ethical Solutions, LLC, a professional guardianship company, as son's emergency guardian and conservator. After an evidentiary hearing, the district court issued a July 9, 2024 order removing appellants as co-guardians and appointing Ethical Solutions as successor guardian and conservator.

This appeal follows.

DECISION

Appellants raise two arguments to challenge the district court's decision to remove them as son's co-guardians and appoint a professional guardian. First, appellants assert that we should remand to the district court because the district court made insufficient findings to allow for meaningful appellate review. Second, appellants argue the district court abused its discretion when it determined that the record supported its decision that son needed a change in guardian. We are not persuaded by either argument.

We begin with appellants' argument regarding the sufficiency of the findings, which we review de novo. *In re Civ. Commitment of Spicer*, 853 N.W.2d 803, 807 (Minn. App. 2014). "The findings and conclusions of a district court must be detailed, specific and sufficient enough to enable meaningful review by this court." *In re Guardianship of Doyle*, 778 N.W.2d 342, 353 (Minn. App. 2010) (quotation omitted). "An order does not permit meaningful appellate review if it does not identify the facts that the district court has determined to be true and the facts on which the district court's decision is based." *Spicer*, 853 N.W.2d at 811. But a district court's findings of fact regarding credibility and other matters can be implicit. *See Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009) (noting that district court's findings "implicitly indicate[d]" it found certain evidence credible); *Prahl v. Prahl*, 627 N.W.2d 698, 703 (Minn. App. 2001) (stating that "[w]e may treat statutory factors as addressed when they are implicit in the findings").

Here, the district court provided detailed findings regarding both Cram-Ziegler's interference with son's access to services and son's adjustment to the new group-home setting after the emergency guardianship was in place to support its determination that removing appellants as co-guardians was in son's best interest. *See* Minn. Stat. § 524.5-309(b) (2024) ("The [district] court, acting in the best interest of the [person subject to guardianship], may decline to appoint a person having priority and appoint a person having a lower priority or no priority."). We, therefore, conclude that the district court's findings are sufficient to allow for meaningful appellate review.[2]

[2] Appellants quote *In re Guardianship of Kowalski*, 478 N.W.2d 790, 792 (Minn. App. 1991), *rev. denied* (Minn. Feb. 10, 1992), in support of their argument that the district

We next address appellants' contention that the district court abused its discretion when it found that son needed a change in guardian. We will not alter the district court's appointment or removal of a guardian absent a clear abuse of discretion. *In re Guardianship of DeYoung*, 801 N.W.2d 211, 216 (Minn. App. 2011) (removal); *In re Guardianship of Autio*, 747 N.W.2d 600, 603 (Minn. App. 2008) (appointment). A district court abuses its discretion if its findings are unsupported by the evidence, if it misapplies the law, or if its decision is against logic and the facts in the record. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022). "A reviewing court is limited to determining whether the district court's findings are clearly erroneous, giving due regard to the district court's determinations regarding witness credibility." *In re Guardianship of Wells*, 733 N.W.2d 506, 510 (Minn. App. 2007), *rev. denied* (Minn. Sept. 18, 2007). A finding is clearly erroneous if it is unsupported by the record. *See Doyle*, 778 N.W.2d at 352. When reviewing for clear error, we (1) view the evidence in the light most favorable to the findings; (2) do not find our own facts; (3) do not reweigh the evidence; and (4) do not

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court's findings are insufficient to enable appellate review. But the quoted portion of the case discusses Minn. Stat. § 525.551 (1990). That statute required the district court to "make specific written findings of fact" and, if multiple people petitioned for appointment, "a finding that the person to be appointed as guardian or conservator is the most suitable and best qualified person . . . [that] specifically address[es] the reasons for the court's determination that the appointment of that person is in the best interest of the [person subject to guardianship or conservatorship]." Minn. Stat. § 525.551, subd. 5. This statute was repealed in 2003, *see* 2003 Minn. Laws ch. 12, art. 2, § 8, at 170, and the current statutes lack similar language, *see* Minn. Stat. §§ 524.5-309, -310 (2024). Appellants' assertion that we must "remand for factual findings sufficient to meet the statute" therefore references a previous version of the statute.

reconcile conflicting evidence. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021). Thus, we

> need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court. Rather, because the factfinder has the primary responsibility of determining the fact issues and the advantage of observing the witnesses in view of all the circumstances surrounding the entire proceeding, [our] duty is fully performed after [we have] fairly considered all the evidence and [have] determined that the evidence reasonably supports the decision.

Id. at 222 (quotations and citation omitted).

An "interested person may petition for removal of a guardian or conservator on the ground that removal would be in the best interest of the person subject to guardianship or conservatorship or for other good cause." Minn. Stat. § 524.5-112(b) (2024); *see also DeYoung*, 801 N.W.2d at 216 (citing Minn. Stat. § 524.5-112(b) (2010)) ("The district court may remove a guardian if removal would be in the best interest of the [person subject to guardianship] or for other good cause"). "The [best interest of the person subject to guardianship] must be the determinative factor in guiding the [district] court when making any choice on [their] behalf." *Doyle*, 778 N.W.2d at 347. "A petition for removal or permission to resign may include a request for appointment of a successor guardian or conservator." Minn. Stat. § 524.5-112(b).

When appointing a guardian, the district court must consider qualified persons in an order of priority specified by Minn. Stat. § 524.5-309(a). Under the statute, a professional guardian has a lower priority than the parent of the person subject to guardianship. *See* Minn. Stat. § 524.5-309(a)(5), (8). But the district court, "acting in the best interest of the

[person subject to guardianship], may decline to appoint a person having priority and appoint a person having a lower priority or no priority." Minn. Stat. § 524.5-309(b).

Appellants first contend that certain findings were missing from the district court's order. But, when deciding to remove appellants as guardians and appoint a professional guardian, the statute only required the district court to determine that doing so was in son's best interest. *See* Minn. Stat. §§ 524.5-112(b), -309(b). There are no other specific findings the district court must make to reach its decision. *See* Minn. Stat. §§ 524.5-112(b), -309(b).

And the district court's findings support its decision that appointing Ethical Solutions was in son's best interest. The district court found that appellants' conduct had been detrimental to son in light of his unique needs. For example, the district court found that son must live in a group home, that son "has great difficulty adjusting to change," and that moving, in particular, is challenging for son. The district court then found that Cram-Ziegler "interfered with [son's] housing options by targeting certain staff," "removed [son] from his group home placement," and, subsequently, "requested [son's] caseworkers find a crisis bed for [son] as [Cram-Ziegler] could not handle [son's] behaviors while living in [her] home." The district court also found that son requires ongoing medical and psychiatric care, but that Cram-Ziegler "has interfered with [son's] ability to obtain consistent medical and psychiatric services" and that Ziegler "does not attend appointments." Conversely, the district court found that, since Ethical Solutions began serving as temporary guardian, son had adjusted well to a new group home and necessary services were being established for him. These findings provide ample support for the

district court's decision that appointing Ethical Solutions as guardian was in son's best interest.

Appellants argue second that the district court's findings in support of removing Ziegler as co-guardian lack support in the record.[3] We disagree. Multiple people involved in son's care testified that they had never met Ziegler, despite working with son for many years. A social-services supervisor for the county testified that, since he began working with son in 2017, Ziegler had never gone to a meeting related to son's care. Ziegler testified that Cram-Ziegler is "primarily responsible for all of the duties of being [son's] guardian" and that he lets Cram-Ziegler "take the wheel." He also testified that he did not visit son at his last group home, where son lived from June 2022 through November 2023. Ziegler does not take son to his appointments and does not live in the area. Ziegler testified that he had concerns about the care son received at one of his group homes but admitted that he did not contact the county with those concerns. There is therefore ample support in the record for the district court's finding that removing Ziegler as co-guardian was in son's best interest.

[3] Appellants also argue that the law does not require Ziegler to actively participate in the guardianship. But the pertinent inquiry for the district court in ascertaining whether to appoint Ethical Solutions as guardian is son's best interest. *See* Minn. Stat. § 524.5-309(b) (allowing district court to appoint person with lower priority over someone with higher priority as guardian where it is in the best interest of the person subject to guardianship). Notwithstanding the level of participation required by law, then, the district court may still determine that it is in son's best interest to have a guardian who actively engages in the role.

For these reasons, we conclude the district court did not abuse its discretion when it removed appellants as co-guardians and appointed Ethical Solutions as son's guardian.

Affirmed.