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**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-1465**

In the Matter of the Welfare of the Children of:
M. C. R. and T. R. M., Parents.

**Filed February 26, 2018
Affirmed
Peterson, Judge**

Steele County District Court
File No. 74-JV-17-914

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Considered and decided by Peterson, Presiding Judge; Worke, Judge; and Ross,
Judge.

UNPUBLISHED OPINION

PETERSON, Judge

Appellant-father makes several assertions challenging the district court's decision
to terminate his parental rights. Because the assertions are not supported by argument or

authority and because appellant's brief fails to state the facts with completeness and candor or provide references to the record, we affirm.

D E C I S I O N

Appellant-father T.R.M. and mother M.C.R. are the parents of a daughter, M.M.M., born in 2012; and a son, S.L.R., born in 2015. The parents' history with child protection dates back to M.M.M.'s birth. On October 8, 2015, a child-in-need-of-protection-or-services (CHIPS) petition was filed, and custody of the children was transferred to Steele County Human Services. On October 20, 2015, the children were adjudicated in need of protection or services.

A petition to terminate parental rights was filed on May 23, 2016. On August 10, 2016, the district court adopted a stipulated order to continue the CHIPS proceeding and withdraw the termination petition. Due to improvement in father's mental health, a trial home visit began in December 2016. But by March 2017, father's mental health deteriorated, and arrangements were made to place the children in respite care.

A second petition to terminate parental rights was filed in May 2017, and the case was tried to the court in August 2017. The district court found that father was unable to parent the children currently or in the foreseeable future and that the chemical-dependency and mental-health issues that affected the family in 2015 were still present and made the parents unable to parent the children currently or in the foreseeable future. The district court determined that termination of parental rights and placement for adoption were in the children's best interests. The district court voluntarily terminated mother's parental rights and involuntarily terminated father's parental rights. This appeal by father followed.

An appellant's brief shall contain a statement of facts, which "must be stated fairly, [and] with complete candor." Minn. R. Civ. App. P. 128.02, subd. 1(c); *cf.* Minn. R. Civ. App. P. 134.04 (requiring appellant's counsel at oral argument to "state the case and facts fairly, with complete candor, and as fully as necessary for consideration of the issues to be presented"). Additionally, "[e]ach statement of a material fact shall be accompanied by a reference to the record." Minn. R. Civ. App. P. 128.02, subd. 1(c).

Father's statement of facts is one and a half pages long. It does not address the reports or testimony of numerous witnesses, including three social workers, the guardian ad litem (GAL), and the parenting-assessment expert. Father makes assertions regarding his psychiatrist's testimony, but the facts section of his brief contains no references to the record. The facts section of father's brief fails to meet the requirements of Minn. R. Civ. App. P. 128.02. Father also asserts that the county failed to present evidence that he continues to use controlled substances, but the district court's decision to terminate father's parental rights was not based on controlled-substance use; it was based on father's lack of insight into his mental illness.

The issues statement of father's brief lists five issues. Two of those issues are not addressed in the argument section of father's brief. The issues that are addressed in the argument section of father's brief are addressed in less than one and a half pages and are supported only by conclusory statements and assertions regarding father's trial testimony and his conduct. Like the facts section of father's brief, the argument section contains no references to the record to support the assertions. "[E]rror is never presumed" on appeal. *Midway Ctr. Assocs. v. Midway Ctr., Inc.*, 306 Minn. 352, 356, 237 N.W.2d 76, 78 (1975)

(quotation omitted). The party seeking reversal has the burden of showing that the district court erred and that the error was prejudicial. *Id.* And an assignment of error that is based on mere assertion and is not supported by argument or legal authority is forfeited “unless prejudicial error is obvious on mere inspection.” *State v. Modern Recycling, Inc.*, 558 N.W.2d 770, 772 (Minn. App. 1997) (quotation omitted). Because father has failed to show error and no error is obvious on mere inspection, he is not entitled to reversal.

Despite the inadequacies of father’s brief, we have reviewed the record. Clear and convincing evidence supports the district court’s detailed findings, and those findings support the termination of father’s parental rights.

Affirmed.