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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1056**

In the Matter of the Welfare of the Children of:
P. T. N., Father.

**Filed February 18, 2020
Affirmed
Cleary, Chief Judge**

Ramsey County District Court
File No. 62-JV-18-588

Patrick D. McGee, Forest Lake, Minnesota (for appellant father P.T.N.)

John J. Choi, Ramsey County Attorney, Jenese Larmouth, Assistant County Attorney,
St. Paul, Minnesota (for respondent Ramsey County Social Services Department)

Emily A. Unger, Fredrikson & Byron, P.A., Minneapolis, Minnesota; and

Debra Kovats, Children's Law Center of Minnesota, St. Paul, Minnesota (for respondent
child M.H.)

Robert J. Lawton, St. Paul, Minnesota (for respondent mother T.R.)

Lauren Durand, St. Paul, Minnesota (for respondent children B.B.M. and K.T.K.)

Gao Thao, St. Paul, Minnesota (guardian ad litem)

Considered and decided by Rodenberg, Presiding Judge; Cleary, Chief Judge; and
Jesson, Judge.

UNPUBLISHED OPINION

CLEARY, Chief Judge

Appellant father challenges the district court's termination of his parental rights to five of his children. Because the record supports the district court's determination that father inflicted egregious harm on one of his children by sexually abusing her, we affirm.

FACTS

P.T.N. (father) and T.R. (mother) are married and have five children together, B.B.M., age 18,¹ M.H., age 14, K.T.K., age 13, A.N., age 9 and Y.D., age 4. In January 2018, after suffering from a panic attack at school, M.H. disclosed to a social worker that father had sexually abused her and that flashbacks of the abuse made her want to kill herself. She was taken to the hospital and placed on a 72-hour hold.

M.H. was later taken to the Midwest Children's Resource Center (MCRC) where she was interviewed and underwent a physical examination. M.H. reported that father had sexually abused her on multiple occasions beginning when she was five years old, and ending when she was eight years old. M.H. also reported that father had inflicted physical abuse on her.

M.H. has been out of the home since early 2018. She has been either hospitalized, in foster care receiving outpatient treatment, or in residential treatment. The other four

¹ B.B.M. has turned 18 since father's rights were terminated. However, the district court is permitted to retain jurisdiction over B.B.M. until her nineteenth birthday because the petition was filed before she turned eighteen. See *In re Welfare of Child of L.M.L.*, 730 N.W.2d 316, 322 (Minn. App. 2007).

children have remained in the home. Father has been out of the home since January 2018 and has been living in his car. Father has denied the abuse.

In March 2018, respondent Ramsey County Social Services filed an expedited petition to terminate father's parental rights to the five children. The district court held a trial in April and May 2019. The district court granted the county's termination petition to all five children under Minn. Stat. § 260C.301, subd. 1(b)(6) (2018), finding clear and convincing evidence that father had caused egregious harm to M.H., such that a reasonable person would believe it contrary to the best interest of any of the children to be in father's care. The district court also found that, only with respect to M.H., father was palpably unfit to parent and had neglected his parental duties under Minn. Stat. § 260C.301, subd. 1(b)(2) and (4) (2018). Father appeals.

D E C I S I O N

Father challenges the district court's termination of his parental rights, arguing that the district court's findings on the factors under Minn. Stat. § 260C.301, subd. 1(b)(2), (4), and (6) were clearly erroneous.

The district court may terminate the rights of a parent if any one of a number of statutory factors are met under Minn. Stat. § 260C.301, subd. 1(b)(1)-(9) (2018). We review the district court's ultimate decision to terminate parental rights for an abuse of discretion. *In re Welfare of Child of R.D.L.*, 853 N.W.2d 127, 136-37 (Minn. 2014). We review the district court's findings of fact to determine whether they are supported by substantial evidence, are not clearly erroneous, and address the statutory factors. *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990). A factual finding is clearly

erroneous “if it is either manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *In re Welfare of Children of T.R.*, 750 N.W.2d 656, 660-61 (Minn. 2008) (quotation omitted). We defer to the district court’s credibility assessments. *In re Welfare of Children of B.M.*, 845 N.W.2d 558, 563 (Minn. App. 2014). “We will affirm the district court’s termination of parental rights when a statutory ground for termination is supported by clear and convincing evidence, termination is in the best interests of the child, and the county has made reasonable efforts to reunite the family.”² *In re Welfare of Children of A.R.B.*, 906 N.W.2d 894, 897 (Minn. App. 2018).

Under section 260C.301, subd. 1(b)(6), a district court may terminate parental rights if it finds:

[T]hat a child has experienced egregious harm in the parent’s care which is of a nature, duration, or chronicity that indicates a lack of regard for the child’s well-being, such that a reasonable person would believe it contrary to the best interest of the child or of any child to be in the parent’s care.

Egregious harm includes acts that would constitute criminal sexual conduct under Minnesota’s criminal statutes. Minn. Stat. § 260C.007, subd. 14(10) (2018).

The district court found that M.H. suffered egregious harm under father’s care. Specifically, the district court found that father penetrated M.H.’s vagina with his penis on at least one occasion and that father touched M.H.’s vagina with his hand on at least one occasion. The district court found that M.H. was under the age of 13 and father was more

² The county was not required to make reasonable efforts to reunite the family because it made a prima facie showing of egregious harm under Minn. Stat. § 260.012(a)(1) (2018). Moreover, father does not specifically challenge the district court’s best-interests determination. This opinion therefore only addresses the statutory factors.

than 36 months older than her, constituting criminal sexual conduct under Minn. Stat. § 609.343, subd. 1(a) (Supp. 2019), which provides that a person is guilty of second-degree criminal sexual conduct if the person engages in sexual contact with a person under 13 years of age and the actor is more than 36 months older than the victim. The district court also found that father inflicted physical harm on M.H. by hitting her with a belt.

The record supports the district court’s finding that father sexually and physically abused M.H. M.H. testified about the abuse. She stated that father called her into his bedroom and told her to take off her clothes and that she “got on top of the bed, and then he pulled [her].” Then, “he was on top of [her]” and he “put [his penis] in [her] vagina.” She testified that this happened “a couple of times.” She testified that, on another occasion, he was in the living room and he called her over and “put his hands on [her] vagina.” M.H. testified that father also inflicted physical abuse. She stated that father hit her with a belt, on multiple occasions, leaving “bruises and marks.” The district court also heard testimony from several mental-health practitioners who treated M.H. These witnesses testified that M.H. disclosed the sexual abuse and that the sexual abuse has negatively impacted M.H.’s mental health.

Father’s argument hinges on his assertion that the district court clearly erred when it found that father sexually abused M.H. Father contends that M.H. is not credible because “[s]he could not provide a consistent story about how this all happened,” while “[h]is testimony was credible and consistent.” But the district court found M.H.’s version of events to be more credible than father’s testimony. And we give considerable deference to the district court’s credibility determinations. *B.M.*, 845 N.W.2d at 563.

The record clearly supports the district court's finding that father inflicted sexual abuse upon M.H. This finding supports the termination of father's parental rights to all five children. See Minn. Stat. § 260C.301, subd. 1(b)(6) (stating that termination is appropriate if a parent has inflicted egregious harm upon a child, "such that a reasonable person would believe it contrary to the best interest of the child or of *any* child to be in the parent's care") (emphasis added)). Egregious harm "pertains to the parent's grossly inadequate ability to provide minimally adequate parental care to *any* child." *In re Welfare of A.L.F.*, 579 N.W.2d 152, 154-56 (Minn. App. 1998) (emphasis added) (finding of egregious harm inflicted by father on child's half-sister was sufficient to support termination of father's rights as to child).

Because we conclude that the record supports the district court's finding that M.H. suffered egregious harm, we need not analyze the other statutory factors because a single statutory basis for termination is sufficient to affirm a district court's termination decision. *In re Welfare of Children of R.W.*, 678 N.W.2d 49, 55 (Minn. 2004).

Affirmed.