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**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1882**

In re the Matter of the Welfare of the Children of:
N. A., D. M., and G. T., Parents.

**Filed April 20, 2020
Affirmed
Bratvold, Judge**

Nobles County District Court
File Nos. 53-JV-19-69, 53-JV-19-88

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Considered and decided by Bryan, Presiding Judge; Reyes, Judge; and Bratvold,
Judge.

UNPUBLISHED OPINION

BRATVOLD, Judge

Appellant-mother seeks review of a district court order adjudicating her three children in need of protection or services and terminating her parental rights to two of these children. Appellant argues that the district court abused its discretion when it (1) terminated her parental rights on the statutory grounds of neglect and palpable unfitness,

(2) determined that termination was in the children’s best interest, and (3) adjudicated the children in need of protection or services (CHIPS). Because we conclude that the district court did not abuse its discretion, we affirm.

FACTS

Appellant N.A. (mother) has the three children involved in this case,¹ arising from her relationship with two fathers. Mother and G.T. are the parents of twins: a daughter, A.S.T. (child one), and a son, A.M.T. (child two) (collectively, the twins), born in November 2013. Child one has generalized anxiety disorder and child two has autism and sensory-processing disorder and is largely nonverbal. The twins are in kindergarten, have individual educational plans, and receive the services of a one-on-one paraprofessional. Child two also receives outpatient speech and occupational therapy. Mother and D.M. are the parents of a son, A.M. (child three), who was born in July 2017.²

2018 CHIPS petition

In April 2018, respondent Nobles County Community Service Agency (the county) received anonymous reports that mother “had been and was continuing to use drugs,” specifically methamphetamine, throughout her pregnancies. On June 13, 2018, a county social worker received a report that child one “nearly drowned” in a pool while in mother’s

¹ The record shows that mother has a fourth child, who is not involved in these proceedings.

² Only mother’s parental rights are at issue in this appeal. G.T. did not appeal the district court’s order terminating his parental rights. G.T. is currently in prison and has minimal contact with the children. D.M., child three’s father, was involved in the CHIPS proceeding and entered an admission in July 2019. The district court deferred disposition until after the TPR trial.

care. On June 7, child one was found unresponsive in the pool and mother drove her to the hospital rather than call an ambulance. The hospital admitted child one to intensive care and mother later obtained child one's discharge against medical advice.

On the same day the social worker received this report, the county removed the twins from the home after the district court issued an order authorizing an emergency protective-care hold. Because the county was unable to determine child three's whereabouts, the district court issued an ex parte order for emergency protective custody for child three. On June 14, the county filed a CHIPS petition for all three children and placed them into foster care. Hair-follicle testing showed that the children had been exposed to methamphetamine. On August 13, the district court adjudicated the children in need of protection or services. Mother and social worker developed a case plan. Mother and the children began receiving services, including individual and family therapy with a professional clinical counselor (therapist).

In late August 2018, mother attended inpatient chemical-dependency treatment and aftercare in St. Cloud. By the end of November, the children joined mother for a trial home visit. In January 2019, the children moved with mother to a townhome in Worthington. In March 2019, the district court terminated jurisdiction, mother regained full physical and legal custody over the children, who had spent 285 days in the county's custody. Mother and the children continued to receive services from the social worker and therapist.

2019 CHIPS and TPR petitions

"Immediately" after mother regained custody of the children, the social worker and therapist observed "behavior changes by mother that they associated with drug use." The

next month, the social worker required mother to wear a drug patch, but mother removed the patch twice before it could be tested. The social worker also “had to schedule a doctor’s appointment for the children as they had been sick for two weeks” and mother had not made an appointment. And the social worker “continued to get reports from different people in the community that there was a lot of traffic going in and out of [mother’s] house” during this time.

Also, the therapist reduced her weekly in-home therapy visits with the family from nine to three hours per week because she “felt the children were attaching to her and not to the Mother.” After she reduced her visits, the therapist noticed that mother “was more closed off” with her, the children were “more dysregulated,” and “we were kind of regressing a little bit.” The therapist told the social worker that she felt “like something’s going on” and that “there’s so much emotion dysregulation she was fearful to leave [the children in] the home.”

Mother’s probation agent began supervising her at the end of January 2019 for a third-degree driving-while-impaired offense. At the end of April, mother’s urine test was positive for methamphetamines and amphetamines. Mother’s May urine test also returned positive for methamphetamines, amphetamines, and marijuana. The probation agent issued a violation report on May 10, 2019, and police arrested mother.

While in jail, mother admitted to the social worker that she had recently used methamphetamine twice in her garage and made a similar statement later to law enforcement, adding that she relapsed on methamphetamine once in the garage while the children slept. Based on mother’s admission, law enforcement obtained and executed a

search warrant at mother's home on May 16. Law enforcement found "a small white plastic baggie . . . underneath a cushion of a couch located in the garage" with "a white crystalized substance" inside the baggie. The white substance later tested positive for methamphetamine.

On the same day police executed the search warrant, the county filed a CHIPS petition on behalf of the three children and removed them from mother's care. The twins remained together and in the same foster home they had for the 2018 CHIPS petition. The county eventually placed child three with his father in Worthington. The petition alleged that the children were without proper parental care and that the children's environment was injurious or dangerous under Minn. Stat. § 260C.007, subd. 6(8)-(9) (2018). Mother entered a denial.

Mother and the social worker prepared a case plan, which mother signed. The case plan addressed the children's safety, mother's drug use, and her attempts to hide her drug use. The case plan required mother to provide a safe and clean home for the children, show sobriety through drug-patch testing and urine testing, and complete a chemical-dependency assessment and follow the recommendations.

In June, the children completed hair-follicle testing and all three children's samples tested positive for exposure to methamphetamine; child one's sample tested positive for ingestion of methamphetamine.

On July 5, 2019, the county filed a termination of parental rights (TPR) petition seeking to terminate mother's parental rights to the twins. The petition cited Minn. Stat. § 260C.301, subd. 1(b)(2), (b)(4), (b)(5) (2018), and alleged that mother had relapsed

and was using methamphetamine, based on failed tests and her own admission, mother was trying to tamper with and was not cooperating with drug testing, police found methamphetamine in mother's garage, and hair-follicle testing showed that the children had been exposed to methamphetamine. Mother entered a denial.

On August 12, mother's urine tested positive for methamphetamine. Mother had five negative drug tests during the rest of August. In early September, mother failed to appear for two urine tests, which her probation agent considered positive test results. On September 6, mother was uncooperative with urinalysis instructions and tried to tamper with her sample. Mother submitted an insufficient sample, again considered a positive test result by probation. The probation agent issued a second violation report.

A one-day trial occurred on the TPR and CHIPS petitions on September 12, 2019. The district court took judicial notice of the 2018 CHIPS case and received five exhibits: police reports, two probation violation reports, the children's 2019 hair-follicle-test reports, and a forensic toxicologist's curriculum vitae. The county presented evidence from the social worker, a forensic toxicologist, a police detective, the probation agent, and the therapist, who testified to the facts summarized above as well as provided some additional facts. Mother testified and called her mother and father (maternal grandparents) as character witnesses. G.T. also testified.

The detective, who executed the search warrant at mother's home, testified that the twins and the maternal grandmother were at the home when police executed the warrant. The district court later found, based on the detective's testimony, that mother "denied that

the baggie of methamphetamine was hers and [stated] that the couch that it was located in was” from “off the curb” in Worthington.

After the county removed the children from the home in May 2019, mother participated in supervised visits with her children. As summarized by the district court, the social worker testified that the visits “initially involved all the children, but then shifted to visits with the mother and one of the children at a time” because visits with all three children were “too much” for mother.

The therapist testified that she has worked with mother and the children since August 2018, providing both family and children-only sessions. The therapist testified, as summarized by the district court, that the children “were behind in their development when she began working with the family,” the children made progress while they resided with mother at her treatment program in St. Cloud, but they “regressed during sessions upon being return[ed] to the Mother’s custody.”

The therapist testified that the twins “do better in therapy sessions” when mother does not attend, and that they “do better in therapy while they are in foster care versus when they are in their Mother’s custody.” The therapist also testified that “being in and out of foster care has had a negative effect” on the children because it has hurt the children’s “ability to relate and trust others,” “their regulation” has been affected, and it has been “very stressful.” The therapist testified that she “has safety concerns for the children if they were returned to the care of the Mother.” And when she discussed her safety concerns about mother’s drug use, mother “has been wanting support” and has been “very open” with the therapist.

The forensic toxicologist testified about the children's hair-follicle testing and stated that the twins' samples showed that they had been environmentally exposed to methamphetamine. The toxicologist also testified that child one's sample tested positive for amphetamine, a metabolite of methamphetamine, which means she had ingested methamphetamine; child three's sample tested positive for methamphetamine exposure and THC.³ The toxicologist testified that the "detection window" for the samples was 90 days, meaning the exposure or ingestion occurred within the past three months. On cross-examination, the toxicologist stated that he could not comment on the effects of methamphetamine exposure.

The district court also received the guardian ad litem's (GAL) written report from September 2019 in which she recommended that mother's parental rights be terminated and that the children be adjudicated in need of protection or services. The GAL also recommended that it is in the twins' "best interests to reside in a safe, stable and permanent home where they can be provided with consistent care and nurturing," and that, "[n]either parent is able to meet the children's need at this time or in the foreseeable future." The GAL wrote that mother "does not have a home for the children to reside in if they were returned to her care today, and has not shown she is willing or able to make long-term changes to provide for her children's basic needs, their developmental needs, or their emotional needs."

³ We note that the district court's TPR order at one point erroneously stated that child three tested positive for amphetamines. But the district court's TPR order accurately stated the test results in other sections and mother does not raise this as an error on appeal.

District court's TPR order

The district court issued its findings of fact, conclusions of law, and order on November 4, 2019, terminating mother's parental rights to the twins and adjudicating the children as CHIPS. Along with the factual findings already discussed, the district court summarized mother's testimony, stating "that she desires another chance to care for her children, and that she would like to go to treatment." The district court also found that mother testified that "she had not manipulated urine tests, although she admitted that she had a friend fill a condom with urine in order to manipulate a urine test, although she ultimately decided to not manipulate the test."

The district court found that mother failed "several drug tests" since being placed on probation in January and that mother "has not been compliant with probation, and has submitted urine tests which have tested positive for methamphetamine, amphetamine, and THC." The district court found that mother "has manipulated and attempted to manipulate urine tests" which required the probation agent to use methods such as placing a "hat" on the toilet seat and dying the toilet water blue to "prevent [mother] from dipping the sample in the toilet water." The district court also found that mother "has been rude, confrontational, and generally noncompliant with probation staff."

The district court found that the maternal grandparents' testimony was not credible. As summarized by the district court, the maternal grandmother testified that "she was present in the Mother's home during the incidents in which methamphetamine use was occurring in the garage, and that she was ensuring the children were taken care of." The district court found that grandmother "blamed others for the drug use occurring in the

Mother's home," and grandmother testified that mother "would have been better off if she lied about her drug use, instead of being honest." The district court also found that grandmother "directly accused law enforcement of planting the methamphetamine discovered in the Mother's garage." The district court found that grandmother was biased in mother's favor. The district court found not credible grandfather's testimony that mother is "the best mother in the world" and "even when she is using."

In its conclusions of law about the termination petition, the district court determined that the county "made reasonable efforts to reunify [the twins] with the parents and to finalize the permanent plan of reunification for the children. These efforts have been unsuccessful." The district court found the county's efforts "have been reasonable to the point of being exhaustive." The district court found that the county arranged for mother's chemical-dependency treatment, provided supervised visitation between mother and the children, provided intensive in-home therapy, met the children's mental-health and medical needs when mother could not, and social worker had even helped mother with her laundry.⁴

The district court also determined that mother is not "presently able to resume caring for the children, and this is likely to continue for the foreseeable future." The district court determined that the county "proved by clear and convincing evidence that grounds for termination of the parental rights" exist under Minn. Stat. § 260C.301, subd. 1(b)(2) (child neglect) and subd. 1(b)(4) (palpable unfitness). The district court determined that the

⁴ On appeal, mother does not challenge the district court's conclusion that the county made reasonable efforts to reunite her with the twins apart from repeating mother's testimony that she could have used more help from the county with her transportation needs.

county proved “by clear and convincing evidence that termination of parental rights would be in the children’s best interests.”

As to the CHIPS petition, the district court determined that the county proved by clear and convincing evidence that the children needed protection or services under Minn. Stat. § 260C.007, subd. 6(8) and 6(9), because the children’s “behavior, condition, or environment are such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of children to criminal activity in the children’s home.”

Mother appeals.

D E C I S I O N

Parental rights are terminated only for “grave and weighty reasons.” *Matter of Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990). “A natural parent is presumed to be suitable to be entrusted with the care of his child.” *In re Welfare of Child of R.D.L.*, 853 N.W.2d 127, 136 (Minn. 2014) (quotation omitted). We will affirm an involuntary termination if at least one statutory criteria for termination is supported by clear and convincing evidence, the county provided reasonable efforts to reunite the parent and child, and termination is in the child’s best interests. *In re Children of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005); *see also* Minn. R. Juv. Prot. P. 49.03 (providing standard of proof is “clear and convincing evidence” for CHIPS petition); Minn. R. Juv. Prot. P. 58.03,

subd. 2(a) (providing standard of proof is clear and convincing evidence for TPR petition for non-Indian child).⁵

When reviewing a decision to terminate parental rights, we review the district court's factual findings for clear error, but "we review its determination of whether a particular statutory basis for involuntarily terminating parental rights is present for an abuse of discretion." *In re Welfare of Children of J.R.B.*, 805 N.W.2d 895, 901 (Minn. App. 2011), *review denied* (Minn. Jan. 6, 2012). "A 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 Children of T.R.*, 750 N.W.2d 656, 660-61 (Minn. 2008) (quotation omitted). Appellate courts defer to the district court's assessment of witness credibility and the weight given to the evidence. *See In re Welfare of L.A.F.*, 554 N.W.2d 393, 396 (Minn. 1996) ("[A] district court is in a superior position to assess the credibility of witnesses."); *see also In re Welfare of J.H.*, 844 N.W.2d 28, 39 (Minn. 2014) ("On matters of credibility and the weight to be given the testimony of witnesses, we defer to the juvenile court."). "Because the best-interests analysis involves credibility determinations and is generally not susceptible to an appellate court's global review of a record, we give considerable deference to the district court's findings." *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 92 (Minn. App. 2012) (quotation omitted).

⁵ We note that the Minnesota Rules of Juvenile Protection Procedure were amended effective September 1, 2019. *See Order Promulgating Amendments to the Rules of Juvenile Protection Procedure*, No. ADM10-8041 (Minn. Aug. 30, 2019).

I. The district court did not abuse its discretion in finding that clear and convincing evidence supports termination of mother's parental rights on the statutory ground of neglect.

Minn. Stat. § 260C.301, subd. 1(b)(2), provides that a district court may terminate parental rights if it finds by clear and convincing evidence “that the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship.” Under the statute, parental duties include, but are not limited to, “providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child’s physical, mental, or emotional health and development.” Minn. Stat. § 260C.301, subd. 1(b)(2). Parental duties also include a duty to “protect and care for the child.” *In re Welfare of Children of J.R.B.*, 805 N.W.2d at 902 (quotation omitted).

The district court found that mother “repeatedly exposed her children to methamphetamine,” used methamphetamine in her garage, and “engaged in conduct that has exposed her young children to methamphetamine on two occasions within a year” with one of those instances occurring “within mere months” of regaining custody. The district court found that mother’s drug use and the twins’ exposure to methamphetamine was “a complete abdication of a parent’s duty to protect her children from harm.”

Mother argues that the district court abused its discretion when it concluded that her “failure to remain sober” caused her to “neglect to comply with her parental duties.” The county responds that record evidence supports the district court’s determination that mother neglected to perform her parental duties based on evidence that mother “was unable to interact meaningfully with all three children simultaneously during supervised visits,” the

social worker had to schedule doctor appointments for the children when they were ill, mother's care of the children declined when services were reduced in March 2019 upon restoring children to mother's custody, mother used methamphetamine while the children were at home, and the children were out of mother's care for over 365 days in 2018 and 2019.

A district court may terminate parental rights if the petitioner proves by clear and convincing evidence that a parent's continued substance abuse led to the parent's repeated neglect of parental duties. *See In re Welfare of the Child of A.M.C.*, 920 N.W.2d 648, 655 (Minn. App. 2018). The record supports the district court's findings that mother's methamphetamine use has led to the twins' removal from the home twice in one year and led to their exposure to methamphetamine based on hair-follicle tests in summer of 2018 and 2019. Child one's 2019 test showed that she had also ingested methamphetamine. During the spring of 2019, when the social worker and therapist suspected that mother had relapsed, the social worker had to arrange for medical care for the twins because mother neglected to make appointments.

Mother admitted to using methamphetamine in her garage while the children were sleeping, and police found methamphetamine in the garage. Mother's failed drug-patch and urine tests, along with her positive urine test three days before the court trial, support the district court's determination that mother was continuing to use methamphetamine and attempting to conceal her use before and throughout the CHIPS and termination petitions. It is true that therapist testified that mother was "definitely always trying to care for [the twins] and [to] love them," but also testified that mother has continually failed to satisfy

her parental duties and was unable to provide for the twins' needs for a stable and safe home.

Mother makes three additional arguments, which we discuss in turn. First, mother argues that the district court erroneously relied on *In re Welfare of the Child of A.M.C.*, claiming that her conduct differs from the appellant's conduct. 920 N.W.2d at 655. In *A.M.C.*, this court determined that the district court's termination of the mother's parental rights was supported by the record because the mother had many opportunities for treatment, yet relapsed, and her continued use of controlled substances "prevented her from parenting or meaningfully interacting with [child.]" *Id.* Here, mother also received inpatient and outpatient treatment, relapsed, and admitted drug use, at times in the home while the children were sleeping, which has led to the children's removal from the home twice in one year. Mother exposed the twins to methamphetamine, and child one ingested methamphetamine. Also, the therapist's testimony established that mother's relationship and ability to care for the twins deteriorated after she resumed drug use. The facts here are analogous to *A.M.C.*

Second, mother argues that the district court's finding that "other people were coming to [mother's] home to use illegal drugs with her" was unsupported by record evidence. But the social worker testified that she had received reports that "there was a lot of traffic going in and out of [mother's] house," from which she inferred that mother may be using drugs with other people. Maternal grandmother also testified that she blamed "other people" for mother's drug use. While we find no direct evidence for the district court's finding that "other people" used drugs with mother in the home, we conclude that

any error was harmless because the district court did not rely on this factual finding as a basis for its termination decision.

Third, mother acknowledges that the twins were exposed to methamphetamine but argues that “nothing on the record demonstrates that this has caused the children any specific or identifiable harm.” We are not persuaded, in part, because Minn. Stat. § 260C.301, subd. 1(b)(2), does not require the petitioner to show harm. Rather, the county had to show that mother’s drug use repeatedly prevented her from performing her parental duties, and it has met this burden.

More importantly, keeping children away from illegal substances is a parental duty that mother repeatedly failed to satisfy. Methamphetamine is a Schedule II drug under Minn. Stat. § 152.02, subd. 3(d)(2) (2018), and it is illegal to possess it under Minn. Stat. § 152.025, subd. 2(1) (2018). And causing or permitting a child to be exposed to methamphetamine is a crime in Minnesota. Minn. Stat. § 152.137, subd. 2(b) (2018). Forensic testing of the twins’ hair samples prove that they were exposed to methamphetamine, child one had ingested methamphetamine, and law enforcement found methamphetamine in mother’s garage while the twins were present at the home. The district court had ample evidence to support its conclusion that mother repeatedly neglected her parental duties by failing to keep the children safe from methamphetamine and criminal activity.

Because we conclude that the district court did not abuse its discretion when it found that the statutory basis of neglect of parental duties was satisfied, we do not decide whether the district court abused its discretion when it determined that mother was palpably unfit.

II. The district court did not abuse its discretion when it weighed the best-interest factors.

When the district court determined that the county had proved at least one statutory ground for termination by clear and convincing evidence, it was then required to consider whether termination was in the twins' best interests. See Minn. Stat. § 260C.301, subds. 1(b), 7 (2018); see also *In re Welfare of the Child of D.L.D.*, 771 N.W.2d 538, 545 (Minn. App. 2009) (“[T]he district court must consider the child’s best interests and explain why termination is in the best interests of the child.”). The district court must consider (1) the child’s interest in preserving the parent-child relationship, (2) the parent’s interest in preserving the relationship, and (3) “any competing interests of the child.” Minn. R. Juv. Prot. P. 58.04(c)(2)(ii); *In re Welfare of Child of J.K.T.*, 814 N.W.2d at 92. “Competing interests include health considerations, a stable environment, and the child’s preference.” *J.K.T.*, 814 N.W.2d at 92. When a statutory basis to terminate parental rights is present, ultimately, “the best interests of the child must be the paramount consideration.” Minn. Stat. § 260C.301, subd. 7.

The district court determined that termination of mother’s parental rights was in the twins’ best interests. It relied on testimony from the social worker and therapist that moving the twins in and out of the foster-care system and mother’s drug use had harmed the twins’ development.

Mother argues that the district court did not consider the three required factors because it did not specifically discuss either the twins’ or mother’s interest in preserving the parent-child relationship or explain how it weighed the three factors. The county

responds that “the district court clearly articulated the correct legal standard, and its analysis certainly addresses these interests,” and that the district court “clearly, though implicitly, found that the [twins’] need for a stable home environment outweighed any of the other considerations.”

While it would have been preferable if the district court had made specific findings on each of the three factors in the same section of its decision that discussed the twins’ best interests, the district court’s TPR order includes detailed findings about the twins’ and mother’s interests in preserving the parent-child relationship, the twins’ competing interests, and implicitly suggests that it weighed the three statutory factors.

As for the twins’ interest in preserving the parent-child relationship, the district court relied on the therapist’s testimony and found that mother’s behavior during visits “negatively affect the children” and mother needed to visit with the children one at a time because “visits with all the children were initially too much for [mother] to handle.” The district court also found that the twins had special needs and “do better” in therapy sessions when mother is not present. The district court found that the “children are at risk for attachment-related problems later in life if they do not form a close bond with a caretaker who can provide for them, physically and emotionally.”

The district court also considered mother’s interest in preserving the parent-child relationship when it found that mother “desires another chance to care for her children,” and that “she would like to go to treatment.” But the district court also assessed the maternal grandparents’ testimony and found it “showed only that [mother] does not have the kind of family support she needs” to stop using drugs.

As for the twins' competing interests, the district court found that the "children are in need of a stable, permanent, and safe living environment." The district court found that the children had been in foster care for over 365 days and "are in need of consistent, stable, safe, and predictable parenting" because the current "instability is negatively affecting" their "development and cannot continue." The district court also found that the children "require services to meet their mental health and developmental needs," child two is "a high-needs child," and his "development is behind other children of his age." The district court also found that child two "is not able to identify dangerous situations on his own and requires constant supervision." The district court also found that the children were exposed to drugs on at least two occasions in the last year, the "children are in desperate need of a stable, drug-free environment," and the children "cannot afford" to wait "for the parents to become capable, stable parents." *See generally In re Welfare of Child of J.K.T.*, 814 N.W.2d at 92 (stating competing interests include "health considerations, a stable environment, and the child's preference").

The district court implicitly weighed all three best-interest factors throughout its TPR order. While a more explicit discussion is preferable, we will affirm when the district court's findings are supported by the record, it correctly applied the law, and its implicit determinations are evident. *See In re Welfare of Child of W.L.P.*, 678 N.W.2d 703, 711 (Minn. App. 2004) (holding that "[a]lthough the trial court did not go into great detail," it concluded that the child's need for stability and nurturing outweighed any competing interest). This is not a case in which the district court has made no findings about the best interests of the children. *See, e.g., In re Tanghe*, 672 N.W.2d 623, 626 (Minn. App. 2003)

(remanding to the district court to “explain its rationale” when it made no findings about the children’s best interest). Unlike in *Tanghe*, the district court made detailed findings about the twins’ interest in the parent-child relationship, mother’s interest in the parent-child relationship, and the twins’ competing interest, and decided that termination was in the twins’ best interest. We conclude that the district court did not err in its evaluation of the best-interest factors.

III. The district court’s adjudication of the children to need protection or services was within its discretion.

To adjudicate a child in need of protection or services under Minn. Stat. § 260C.007, subd. 6 (2018), the petitioner must prove by clear and convincing evidence that one of the statutory grounds exists and that the child needs protection or services as a result. *In re Welfare of Child of S.S.W.*, 767 N.W.2d 723, 733 (Minn. App. 2009); *see also* Minn. R. Juv. Prot. P. 49.03 (requiring the clear and convincing evidence standard).

The district court determined that the three children, and in particular child three, needed protection or services because of mother’s “unabated drug use” and her “repeated exposure of the children to illegal drug use in the home.” The district court adjudicated the children in need of protection or services under Minn. Stat. § 260C.007, subd. 6(8) and 6(9). Subdivision 6(8) provides that a child needs protection or services if the child “is without proper parental care because of the emotional, mental, physical disability, or state of immaturity of the child’s parent, guardian, or other custodian.” Subdivision 6(9) provides that a child needs protection or services if the child’s “behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or

dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home." Minn. Stat. § 260C.007, subd. 6(9).

Mother argues the district court abused its discretion "by finding that there is clear and convincing evidence that the [c]hildren were without proper parental care due to the state of their [m]other." Mother contends that record evidence shows "that the children were in good health and [m]other never left the children without adult supervision." We disagree and conclude that the record supports the district court's factual findings and its CHIPS determination. The therapist testified that the "children were delayed in their development" when she began working with them and that mother's drug use "gets in the way of her availability and ability to parent her children." Because of mother's methamphetamine use, the children have been exposed to methamphetamine, the county removed them from the home twice in one year, and the twins resided in foster care for over 365 days since June 2018.

Mother also argues that, although testing confirmed that the children were exposed to drugs, "the record does not demonstrate how this exposure had been injurious to the children." Exposing a child to illegal substances and criminal activity, as discussed above, creates a dangerous environment that supports an order for protection and services. Minn. Stat. § 260C.007, subd. 6(9). We conclude that the district court did not err when it adjudicated the three children in need of protection or services.

Affirmed.