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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-1426**

In the Matter of the Welfare of the Children of:
B. L. W., M. T. L. II, and T. B. (deceased),
Commissioner of Human Services, Legal Custodian.

**Filed April 19, 2021
Reversed and remanded; motion denied
Reyes, Judge**

Steele County District Court
File No. 74-JV-19-1488

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Brooke Beskau Warg, Mitchell Hamline School of Law Child Protection Clinic, St. Paul, Minnesota (for appellant C.W.)

Daniel A. McIntosh, Steele County Attorney, Sasha J. Henning, Assistant County Attorney, Owatonna, Minnesota (for respondent Minnesota Prairie County Alliance)

Thomas J. Nolan, Jr., Nolan Law Offices, Minneapolis, Minnesota (for guardian ad litem)

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

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues that the district court erred by denying, without holding an evidentiary hearing, her motion for adoptive placement because it (1) failed to treat properly her motion and supporting documents; (2) abused its discretion by concluding that appellant failed to make a prima facie showing that the agency acted unreasonably; and

(3) “abused its discretion” by concluding that appellant did not timely file her motion with an approved adoption home study. We reverse and remand with instructions to hold an evidentiary hearing on appellant’s motion for adoptive placement, and we deny as moot appellant’s motion to strike.

FACTS

B.L.W. is the biological mother of K.W. and A.L. (the children). K.W.’s father is deceased, and A.L.’s putative father is M.T.L. (putative father). On October 9, 2018, the children were removed from B.L.W.’s care, adjudicated children in need of protection or services (CHIPS), and placed in foster care with G.H. and M.S. (foster parents).

On January 15, 2019, A.L.’s paternal grandmother told respondent Minnesota Prairie County Alliance (MNPrairie) of appellant C.W.’s interest in serving as a placement for the children. C.W. is A.L.’s biological great-great aunt and lives in the state of Virginia. MNPrairie did not contact C.W. Then on April 15 and 22, 2019, A.L.’s paternal grandmother again informed MNPrairie of C.W.’s interest. Over three months after first being notified of C.W.’s interest, on April 26, 2019, MNPrairie finally contacted C.W. for the first time. C.W. expressed interest in being a placement for the children.

By June 12, 2019, MNPrairie sent a request and a corrected request for a foster-care home study for C.W. through the Interstate Compact on the Placement of Children (ICPC) to the Virginia ICPC office. The Virginia ICPC office rejected both requests because MNPrairie provided insufficient documentation and closed their case on the matter. Over two months later, on August 22, 2019, the Virginia ICPC office informed MNPrairie it would need to submit a new referral packet.

From August 22, 2019, to August 24, 2019, C.W. visited the children in Minnesota and maintained weekly video phone calls thereafter. On August 23, 2019, MNPrairie filed a termination of parental rights (TPR) petition against B.L.W. and M.T.L. Upon return to Virginia, C.W. began foster-care training which she completed by October 2, 2019. The Virginia ICPC office did not receive the completed referral packet from MNPrairie until October 3, 2019.

On November 13, 2019, MNPrairie emailed the attorneys for B.L.W., M.T.L., and the guardian ad litem, explaining the ICPC process and identifying only one permanency option: the foster parents.

On the day of the TPR trial, November 18, 2019, B.L.W. and M.T.L. executed a consent-to-adopt agreement for each of the children. The consent-to-adopt agreements identified the foster parents as the prospective adoptive parents and stated, in relevant part:

If [the foster parents] do not finalize the adoption of my children within *six (6) months* of the execution of this consent, Minnesota Prairie County Alliance must find *another* adoptive parent for my children, unless the failure to finalize the adoption is not due to the action or failure to act by the prospective adoptive parent[s]. With the understanding pursuant to Minn. Stat. 260C.212 subd. 2 and Minn. Stat. 260C.605 subd. 1 *family will be considered first for a proposed adoptive family.*

(Emphasis added.)

The consent-to-adopt agreements also stated:

I understand that I will have no ability to name another prospective adoptive parent in the event that [the foster parents] do not adopt. *With the understanding family will be considered first for a proposed adoptive family.*

(Emphasis added.)

The following day, MNPrairie informed C.W. that the parents signed the consent-to-adopt agreements to move forward with a nonrelative foster-parent placement. On November 26, 2019, Virginia's ICPC office finally approved C.W.'s ICPC foster-care home-study results.

On December 16, 2019, the district court accepted B.L.W. and A.L.'s consent-to-adopt agreements and ordered the children transferred to the Minnesota Commissioner of Human Services (the commissioner) for adoptive placement. The district court's order also incorporated the parties' six-month timeline with the following language: "If adoption is not finalized by the identified prospective adoptive parents, due to the prospective parents' actions, within 6 (six) months of the signing of this consent to adopt, the Commissioner or Commissioner's delegate shall pursue adoptive placement in another home considering other relatives as potential adoptive placements."

On April 1, 2020, C.W. filed a motion to intervene in the adoption proceedings, which the district court later granted in its June 25, 2020 order. The district court cancelled the postpermanency review hearing scheduled for April 29, 2020, due to the COVID-19 pandemic and, instead, held the hearing on July 17, 2020, more than six months after the parties executed the consent-to-adopt agreement. At this postpermanency review hearing, the district court granted C.W.'s request for an expedited ICPC adoption home study as reflected in its June 25 order. Although the district found that MNPrairie made reasonable efforts toward finalizing adoption, MNPrairie did not request, and the district court did not

make, an express finding that the failure to finalize the adoption was not attributable to foster parents' actions or inaction.¹

On July 6, 2020, MNPrairie notified the parties that the nonrelative foster parents and the department executed a placement agreement. By July 10, 2020, MNPrairie submitted a request for an adoption home study for C.W.

On August 4, 2020, the Minnesota ICPC office received the approved adoption home study for C.W. but did not send the study to C.W., despite her requests that it do so. On August 5, 2020, C.W. filed a motion for adoptive placement with a supporting affidavit and memorandum of law. On the morning of August 6, 2020, the Minnesota ICPC office emailed the approved adoption study to C.W., which, minutes later, she filed with the district court. Less than five minutes later, MNPrairie filed a motion to dismiss C.W.'s motion, alleging that C.W. failed to timely file the adoption home study and that her submissions failed to make a prima facie showing that MNPrairie acted unreasonably in denying her requested placement.

The district court denied C.W.'s motion for adoptive placement, relying on the consent-to-adopt agreements as dispositive of the fact that MNPrairie did not act unreasonably in denying C.W.'s requested placement and concluding that C.W. did not timely file her motion with an approved adoption home study. This appeal follows.

¹ MNPrairie later conceded that there is no specific finding that the failure to finalize the adoption after six months was not due to the foster parents' action or inaction.

DECISION

- I. **The district court erred by denying, without an evidentiary hearing, C.W.’s motion for adoptive placement because it failed to properly consider her motion and supporting documents and abused its discretion by misapplying the law.**

C.W. argues that the district court erred by determining that she failed to make a prima facie showing that MNPrairie acted unreasonably because the district court (1) failed to properly consider her motion and supporting documents and (2) abused its discretion by improperly applying the law. We agree.

“Adoption is a creation of statute and therefore the [district] court’s authority in matters relating to adoption is limited to the authority set forth by [the Juvenile Court Act].” *In re Adoption of C.H.*, 554 N.W.2d 737, 740 (Minn. 1996); see Minn. Stat. §§ 260C.001-.637 (2020) (addressing adoption of children who, like those here, are under guardianship of commissioner of human service).

When the district court places a child under the commissioner’s guardianship after a termination of the parental rights of that child’s parents, an agency acting on behalf of the commissioner must make “reasonable efforts” to finalize an adoption. Minn. Stat. §§ 260C.601, subd. 2, .605, subd. 1. Under Minn. Stat. § 260C.605, subd. 1(d), “reasonable efforts” to finalize an adoption include, among other things, identifying an appropriate prospective adoptive parent based on an updated assessment of child’s needs as described

in Minn. Stat. § 260C.212, subd. 2(b)², and performing an up-to-date relative search, Minn. Stat. § 260C.605, subd. 1(d)(3)(i).

A relative or foster parent who is not selected for an adoptive placement but who has a competing interest in adopting the child may, within the statutory time period, move the district court for an adoptive placement of the child. Minn. Stat. § 260C.607, subd. 6(a). “The motion and supporting documents must make a prima facie showing that the agency has been unreasonable in failing to make the [movant’s] requested adoptive placement.” *Id.*, subd. 6(b). If the district court determines that the movant’s motion and supporting documents assert a prima facie case that the agency acted unreasonably in denying the movant’s requested placement, “the court *shall* set the matter for evidentiary hearing.” *Id.*, subd. 6(c) (emphasis added).

When, as here, a relative or foster parent with a competing interest in adopting a child moves the district court for an adoptive placement of the child and the district court, without an evidentiary hearing, denies that motion, this court reviews that denial in three steps. *In re Welfare of L.L.P.*, 836 N.W.2d 563, 570 (Minn. App. 2013). First, we review de novo whether the district court treated the parties’ supporting documents “properly.”

² To determine the needs and best interests of the child, the agency must consider various factors, including: (1) the child’s current functioning and behaviors; (2) the medical needs of the child; (3) the educational needs of the child; (4) the developmental needs of the child; (5) the child’s history and past experience; (6) the child’s religious and cultural needs; (7) the child’s connection with a community, school, and faith community; (8) the child’s interests and talents; (9) the child’s relationship to current caretakers, parents, siblings, and relatives; (10) the reasonable preference of the child, if the court, or the child-placing agency in the case of a voluntary placement, deems the child to be of sufficient age to express preferences. Minn. Stat. § 260C.212, subd. 2(b).

Id. (citing *Boland v. Murtha*, 800 N.W.2d 179, 185 (Minn. App. 2011)). Second, we review the district court’s determination that the movant failed to make a prima facie showing for an abuse of discretion. *Id.* And third, we review de novo the district court’s denial of an evidentiary hearing. *Id.* (noting that failure to make prima facie showing is dispositive of need for evidentiary hearing). We consider each step in turn.

A. The district court erred by failing to properly consider C.W.’s motion and supporting documents.

C.W. argues that the district court improperly weighed evidence against her motion and supporting documents, namely that it did not accept the facts alleged and considered the consent-to-adopt agreements against the children’ best interests and against allegations that MNPrairie acted unreasonably. We agree.

“A motion for adoptive placement is analogous to a motion to modify custody.” *L.L.P.*, 836 N.W.2d at 570. In the custody-modification context, we have stated that: “At the prima-facie-case stage of the proceeding, [the movant] need not *establish* anything. [The movant] need only make allegations which, if true, would allow the district court to grant the relief [the movant] seeks.” *Amarreh v. Amarreh*, 918 N.W.2d 228, 231 (Minn. App. 2018), *review denied* (Minn. Oct. 24, 2018); *see Tousignant v. St. Louis County*, 615 N.W.2d 53, 59 (Minn. 2000) (stating that prima facie case is “one that prevails in the absence of evidence invalidating it.” (quotation omitted)). Because, at the prima-facie-case stage of the proceeding, the district court must accept the moving party’s allegations as true, the district court may only consider a nonmovant’s documents to the extent they explain or provide context to the movant’s allegations. *L.L.P.*, 836 N.W.2d at 570.

On the first step, C.W. alleges facts in her motion and supporting documents that, if true, could show that MNPrairie acted unreasonably in denying her requested placement. These facts predate the consent-to-adopt agreements.³ Specifically, C.W. asserts that, before contacting her about the possibility of being a placement for the children, MNPrairie waited nearly six months after the children were removed and four months after A.L.'s paternal grandmother told MNPrairie of C.W.'s interest in being a placement option. C.W. also states that MNPrairie failed to keep her informed of the status of the placement proceedings, never sent her an initial relative-search notification, delayed her foster home study and adoption home study, and failed to timely inform the putative father that C.W.'s foster-care home study was pending. The result, according to C.W., was that the putative father executed the consent-to-adopt agreements without knowing the status of C.W.'s attempts to become a placement for the children. Indeed, C.W. supplemented her affidavit with one of two letters that M.T.L. wrote to the district court stating that he did not make an informed decision to sign the consent-to-adopt agreements. The district court, however, stated: "To say [C.W.] was excluded from consideration by MNPrairie is not true." We believe that the district court accurately summarized C.W.'s allegations as asserting that MNPrairie functionally excluded her from consideration. But by rejecting that assertion, the district court failed to assume that C.W.'s allegations were true as is required by caselaw.

³ MNPrairie conceded at oral argument that its actions before the execution of the consent-to-adopt agreements are part of the record and relevant to the question of whether it was reasonable in its efforts to place the children. We agree.

Additionally, the district court's order relies primarily on the consent-to-adopt agreements as not just evidence of, but as dispositive of the fact that MNPrairie did not act unreasonably in failing to make C.W.'s requested placement. But because, at the prima-facie-case-stage of the proceeding, the district court assumes the movant's allegations are true, it does not weigh evidence. The district court can, however, consider the procedural history of a case to provide context for the movant's allegations. See *L.L.P.*, 836 N.W.2d at 570 (stating that district court can consider nonmovant's documents for context).

MNPrairie counters that the district court properly considered the consent-to-adopt agreements under *In re Welfare of the Children of J.L.G.*, 924 N.W.2d 9, 15 (Minn. App. 2018), *review denied* (Minn. July 16, 2019). But *J.L.G.* involved a qualitatively distinct set of facts and legal question in which the district court relied on an implied finding from a prior TPR order to determine that a relative had been "ruled out" as a suitable permanency resource under Minn. Stat. § 260C.607, subd. 2(5). *Id.* (reversing and remanding to reconsider whether relative made prima facie showing that county acted unreasonably because district court erroneously relied on implicit finding of ineligibility from prior order). Here, the district court did not determine that C.W. was "ruled out" as a suitable permanency resource for the children and MNPrairie makes no argument that C.W. is not a suitable permanency resource. Under *J.L.G.*, any such finding would need to be an explicit finding. *Id.* To the extent that *J.L.G.*'s limited holding applies, it suggests that the district court may not rely on implicit findings from prior orders to avoid addressing whether the movant has made a prima facie showing of unreasonableness. *Id.* It does not

support the proposition that a district court may weigh a consent-to-adopt agreement as wholly dispositive or even contrary to the movant's motion and supporting documents.

C.W. also alleged facts that it is in the children's best interests to live with a family member who can impart their African-American culture and tradition and that living in Owatonna, a predominantly White community in which the children have already experienced racial prejudice, is not in the children's best interests. C.W. states that her home would provide a culturally and racially diverse community, surrounded by family members who can help the children navigate the racial prejudice that Black people experience. C.W. argues that the children are already beginning to display worry and feel abandoned by their biological relatives. C.W. also alleged that it is in the children's best interests to have their medical needs, educational opportunities, and connection to faith met through her care. "The paramount consideration in all juvenile protection proceedings is the health, safety, and best interest" of the children, Minn. Stat. § 260C.001, subd. 2(a). The district court did not address those considerations when it employed conclusory language and stated: "It would have been unreasonable for MNPrairie to make a different adoptive placement with [C.W.] than that agreed upon by the natural parents." In making this conclusion, the district court erred both by failing to accept C.W.'s allegations and supporting documents as true and by weighing the consent-to-adopt agreements against the best interests of the children.

B. The district court abused its discretion by concluding that C.W. failed to make a prima facie showing that MNPrairie acted unreasonably by not making her requested placement.

C.W. argues that the district court abused its discretion because it failed to consider that MNPrairie did not (1) involve and assess her as the children’s relative for placement; (2) fulfill its duty to make an individualized determination of the most suitable placement options for the children; and (3) pursue adoptive placement for the children in “another” home after six months and instead relied on the consent-to-adopt agreements as dispositive. We agree.

We review the district court’s determination that the movant failed to make a prima facie showing that the county was unreasonable by not making the requested placement for an abuse of discretion. *L.L.P.*, 836 N.W.2d at 570. A district court abuses its discretion if it makes findings of fact not supported by the record, improperly applies the law, or otherwise resolves the discretionary question in a manner that is contrary to logic and facts on the record. *Dobrin v. Dobrin*, 569 N.W.2d 199, 202 (Minn. 1997). Because the district court does not make findings of fact at the prima facie inquiry, the “facts” are those that C.W. alleges. *See L.L.P.*, 836 N.W.2d at 570-71 (stating that district court must accept petitioner’s allegations as true).

First, chapter 260C is designed to prioritize relative adoption and imposes statutory-notice requirements for relatives when the district court assesses the progress the responsible social-services agency makes toward the child’s permanency. Minn. Stat. § 260C.607, subd. 2(5); *see also J.L.G.*, 924 N.W.2d at 13. Additionally, the responsible social-services agency has a duty to identify, notify, and consider relatives of the children

as a placement “without delay.” Minn. Stat. § 260C.221(a). C.W.’s allegations of MNPrairie’s delays in dealing with her, and MNPriarie’s failure to give her timely information about the proceedings, amount to an assertion that MNPrairie failed to satisfy its obligations under these provisions.

Second, C.W. also asserts that MNPrairie did not make an individualized assessment of the children’s needs and best-interests under section 260C.212 and that its conclusory analysis excluded her as a potential placement for the children despite its awareness of her pending foster-care home study. Section 260C.212, subdivision 2(a), provides, “The policy of the state of Minnesota is to ensure that the child’s best interests are met by requiring an individualized determination of the needs of the child and of how the selected placement will serve the needs of the child being placed.” Thus, C.W.’s motion and supporting documents assert that MNPrairie also failed to satisfy its duties under these provisions.

Third, C.W. argues that the district court misapplied the law and misinterpreted the consent-to-adopt agreements, both of which she argues require the agency to consider “another” adoptive placement for the children after six months if the adoption is not finalized. We review the district court’s application of the law de novo. *In re Welfare of Children of M.A.H.*, 839 N.W.2d 730, 746 (Minn. App. 2013). Minn. Stat. § 260C.515, subd. 3(7) provides:

[I]f an adoption is not finalized by the identified prospective adoptive parent within six months of the execution of the consent to adopt under this clause, the responsible social services agency shall pursue adoptive placement in *another* home *unless* the court finds in a hearing under section

260C.317 that the failure to finalize is not due to either an action or a failure to act by the prospective adoptive parent.

(Emphasis added.) The plain language of the statute requires the district court to find that failure to finalize adoption is not due to the foster parents, if the agency has not finalized the adoption after six months. MNPrairie concedes that no such finding occurred here after six months or even at the postpermanency review hearing on June 17, 2020. And MNPrairie also concedes that section 260C.515 applies when it discusses the implications of a consent-to-adopt agreement that is “properly executed under §260C.515[,] subd. 3.” MNPrairie argues that Minn. Stat. § 260C.607, subd.7, limits those who may “qualify” for adoptive placement in this case to the foster parents. Section 260C.607, subdivision 7, provides:

When the child’s parent has consented to adoption under section 260C.515, *subdivision 3*, only the person identified by the parent and agreed to by the agency as the prospective adoptive parent qualifies for adoptive placement of the child until the responsible social services agency has reported to the court and the court has found in a hearing under this section that it is not possible to finalize an adoption by the identified prospective adoptive parent within 12 months of the execution of the consent to adopt under section 260C.515, *subdivision 3*, unless the responsible social services agency certifies that the failure to finalize is not due to either an action or a failure to act by the prospective adoptive parent.

Because section 260C.607, subdivision 7, incorporates by reference section 260C.515, subdivision 3, we must read the statutes to give effect to both. Minn. Stat. § 645.26, subd. 1 (2020) (“When a general provision in a law is in conflict with a special provision in the same or another law, the two shall be construed, if possible, so that effect may be given to both.”). Reading the two statutes together to give effect to each imposes

two duties on MNPrairie. First, under the more general provision of section 260C.515, subdivision 3, if MNPrairie has not finalized the adoption with the foster parents within six months, it must pursue adoptive placement with “another” home unless the district court finds that the delay is not attributable to the foster parents. Second, under the more specific provision to change the adoptive plan under section 260C.607, subdivision 3, MNPrairie also has a duty to certify that any delay is not attributable to the foster parents anytime within 12 months from the date the consent-to-adopt agreements are executed. Accepting that only the foster parents “qualify” as adoptive placements for 12 months after execution of the consent-to-adopt agreements under section 260C.607 does not eliminate the MNPrairie’s first duty under section 260C.515, subdivision 3, to “pursue adoptive placement in another home.”

Because MNPrairie nevertheless had the duty to pursue adoptive placement with “another home,” and the consent-to-adopt agreements make clear that “family will be considered first for a proposed adoptive family” if the adoption is not finalized within six months, the district court erred by not analyzing whether MNPrairie acted unreasonably in its duty to pursue another adoptive placement with C.W. after six months or any time before the consent-to-adopt agreements were executed. Additionally, the district court misapplied the law when it applied the incorrect chapter, Minn. Stat. § 259 (2020), rather than interpreting and applying chapter 260C.

Because the district court’s determination that CW failed to make a prima facie case that MNPrairie acted unreasonably in denying her requested adoptive placement was based on its misapprehension of the law, we conclude that the district court abused its discretion.

And because the first two steps of our review are dispositive of whether an evidentiary hearing is warranted, we reverse and remand to the district court with instructions to hold an evidentiary hearing on C.W.’s motion for adoptive placement. Minn. Stat. § 260C.607, subd. 6(c) (“If the court determines a prima facie basis is made, the court shall set the matter for evidentiary hearing.”).⁴

II. The district court erred by concluding that C.W. failed to timely file the approved adoption home study with the motion for adoptive placement.

C.W. argues that the district court “abused its discretion” by concluding that her motion for adoptive placement failed to meet the procedural requirements under Minn. Stat. § 260C.607, subd. 6 (2020). We are persuaded that the district court erred.

As an initial matter, we note that the district court did not dismiss C.W.’s motion on this ground, but rather denied it on the merits. It nevertheless concluded that C.W. failed to meet the procedural requirements when she did not file the approved adoption home study *with* her motion. This presents a question of statutory interpretation.

Statutory interpretation is a question of law which we review de novo. *In re Application of J.M.M.*, 890 N.W.2d 750, 753 (Minn. App. 2017) (*J.M.M. I*). “The goal of statutory interpretation is to ascertain the intention of the legislature.” *Id.* We first ask “whether the statute’s language, on its face, is clear or ambiguous.” *In re Application of J.M.M.*, 937 N.W.2d 743, 747 (Minn. 2020) (*J.M.M. II*). When interpreting a statute, we give words and phrases their plain and ordinary meaning. *Id.*

⁴ We express no opinion on the merits or outcome of the evidentiary hearing.

Section 260C.607 allows an out-of-state relative to file a motion for an order for adoptive placement of the children “any time after the district court orders the child under the guardianship of the commissioner of human services, but not later than 30 days after receiving notice” that the agency has made an adoptive placement. Minn. Stat. § 260C.607, subd. 6(a). An out-of-state relative who “has an approved adoption home study . . . and the study is filed *with* the motion for adoptive placement” may move for adoptive placement of the children. Minn. Stat. § 260C.607, subd. 6(a)(2) (emphasis added).

C.W. argues that the plain meaning of the word “with” in section 260C.607, subdivision 6, does not require the adoption home study and motion be filed simultaneously or together. We are not persuaded. C.W. focuses on a dictionary definition which defines “with” as “used as a function word to indicate a close association in time.” *Merriam-Webster’s Collegiate Dictionary* 1438 (11th ed. 2014). That same source provides another definition: “used as a function word to indicate combination, accompaniment, presence, or addition,” for example, “went there with her.” *Id.* This last example is closest to the statute as it requires the relative to complete an action (file a motion) accompanied by another component (an approved adoption home study). *See also The American Heritage Dictionary of the English Language* 1989 (5th ed. 2011) (defining “with” as “accompanying”). The plain language of the statute, thus, unambiguously requires the approved adoption home study accompany the motion when filed.

C.W. contends next that the district court abused its discretion because courts must construe juvenile protection proceeding laws liberally to accomplish the enumerated purposes of chapter 260C. Although we disagree about the standard of review, we agree

with C.W.’s ultimate conclusion. We review the district court’s application of the law de novo. *M.A.H.*, 839 N.W.2d 730, 746. “The laws relating to the juvenile protection proceedings *shall* be liberally construed to carry out [the] purposes” of chapter 260C. Minn. Stat. § 260C.001, subd. 4 (2020) (emphasis added). “Adoption statutes are to be liberally construed to accomplish their purpose, and there need not be more than a substantial compliance with their requirements.” *In re Jordet*, 80 N.W.2d 642, 646 (1957) (interpreting similar liberal construction language in different adoption context). One of the enumerated purposes of chapter 260C is to “preserve and strengthen the child’s family ties whenever possible.” Minn. Stat. § 260C.001, subd. 2(b)(3).

The circumstances here show that (1) C.W. made every effort to timely submit the approved adoption home study; (2) the Virginia ICPC office completed the approved adoption home study on Sunday, August 2, 2020; (3) by August 4, the Virginia ICPC office confirmed with C.W. that it had sent the home study to the Minnesota ICPC office; (4) C.W. requested the home study from the Minnesota ICPC office on August 4; (5) when C.W. did not receive the home study by August 5, she filed her motion for adoptive placement with an affidavit and emails detailing these efforts; and (6) she received the home study from the Minnesota ICPC office the following morning and immediately filed it. Contrary to the guardian ad litem’s assertion, these circumstances are materially different from this court’s unpublished opinion in which no adoption home study had ever been received, approved, or even completed. *In re Welfare of Children of: D.K.*, No. A18-1195, 2018 WL 6596275 at *3 (Minn. App. Dec. 17, 2019), *review denied* (Minn. Jan. 16, 2019). Based on these circumstances, our requirement to construe the laws liberally to

“preserve and strengthen family ties whenever possible,” Minn. Stat. § 260C.001, subd. 2(b)(3), and the fact that MNPrairie and the children were not prejudiced by the mere hours delay, we cannot accept the district court’s conclusion as an alternative basis for dismissal. Accordingly, the district court erred by concluding that C.W. did not timely file her approved adoption home study with her motion for adoptive placement.

III. C.W.’s motion to strike parts of the guardian ad litem’s brief is denied as moot.

C.W. moved to strike portions of the guardian ad litem’s brief that included information outside of the record. C.W. is correct that we may not base our decision on the information outside the record that the guardian ad litem provided. Minn. R. Civ. App. P. 110.01 (stating that record on appeal is limited to “documents filed in the trial court, the exhibits, and the transcript of the proceedings, if any.”). Nevertheless, because we have decided this matter solely on the record properly before us, we deny C.W.’s motion as moot. *See Drewitz v. Motorwerks, Inc.*, 728 N.W.2d 231, 233 n.2 (Minn. 2007) (denying motion to strike as moot because supreme court did not rely on challenged material).

Reversed and remanded; motion denied.