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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-1508**

In the Matter of the Welfare of the Children of:
K. M. C., K. W. C. and T. J. K., Parents.

**Filed May 24, 2021
Affirmed
Frisch, Judge**

St. Louis County District Court
File No. 69DU-JV-19-925

Bill L. Thompson, Duluth, Minnesota (for appellant K.M.C.)

Mark S. Rubin, St. Louis County Attorney, Benjamin J. Ranallo, Assistant County Attorney, Duluth, Minnesota (for respondent St. Louis County Public Health and Human Services Department)

Kirsten Hambleton, Superior, Wisconsin (guardian ad litem)

Considered and decided by Ross, Presiding Judge; Cochran, Judge; and Frisch, Judge.

NONPRECEDENTIAL OPINION

FRISCH, Judge

Appellant mother challenges the involuntary termination of her parental rights, arguing that the county failed to make reasonable reunification efforts and that termination was not in the best interests of her children. We affirm.

FACTS

Appellant K.M.C. (mother) appeals the involuntary termination of her parental rights to four of her minor children: child 1, born in 2009; child 2, born in 2013; child 3, born in 2017; and child 4, born in 2019.¹ Following a three-day trial, the district court found three statutory grounds for termination, that termination was in the best interests of the children, and that the county made reasonable reunification efforts. Minn. Stat. § 260C.301, subds. 1(b)(2), (5), (8), 7, 8(1) (2020). We summarize the record as follows.

Reports to Social Services

On April 21, 2018, respondent St. Louis County Public Health and Human Services Department (the county) received a report that child 1 was truant. On May 4, upon returning from mother's home to discuss the initial report, the social worker learned of another report that child 1 and child 2 had been breaking windows in neighboring houses, that child 1 was not in school, and that child 3 was observed in a diaper heavy with urine and feces. The social worker was unable to reach mother to discuss the allegations until he found her at the children's grandmother's home on May 15, with all of her children, including the ones that should have been at school. On August 9, the county received a third report that child 1 and child 2 often roamed unsupervised in the neighborhood and had egged a house recently and that child 3 was crawling over the garbage that covered the floor of the children's home.

¹ The father of the children (K.W.C.) voluntarily terminated his parental rights and is not participating in this appeal.

On August 15, Becky Lonetto, a social worker assigned for a family assessment, met with mother to explain age-appropriate supervision for the children, to describe various resources available to assist mother, and to assist mother in accessing those resources. Upon learning mother was pregnant, Lonetto offered to connect mother with services to support her through a healthy pregnancy. Lonetto agreed to call mother the following week to further discuss her housing plans. Lonetto in fact called mother as scheduled, but mother's phone was disconnected.

On August 31, Lonetto learned that child 2 had received stitches after falling out of a second-floor window. Lonetto called mother to check on the family, offer continued support, and discuss mother's plans to secure housing. Mother did not respond. The county later learned that a bystander, not mother, had called 911 and that emergency responders became concerned when mother attempted to take child 2 back into a hotel room where the family was temporarily residing rather than seek emergency treatment for the child. On September 4, Lonetto again offered to connect mother with supportive services, including respite care.

On September 18, Lonetto conducted an unannounced home visit and discovered that the school-age children were not in school. Lonetto observed child 3 repeatedly eat old food off of the floor. Mother reported child 1 was sent home from school due to having head lice. Lonetto explained the importance of school for children and encouraged mother to work with Family Support Services to assist her in obtaining permanent housing.

Also in September 2018, mother transferred the school-age children to a school several towns away from where they were then residing. The county received additional

reports of the children's absenteeism in October and November. On November 14, Lonetto conducted another unannounced home visit, where mother continuously alluded to having suicidal thoughts but rejected all mental-health services offered to her. During the visit and in the presence of child 3, mother and her mother screamed at each other, and Lonetto made several attempts to separate the fighting adults. Mother also informed Lonetto that she did not bring the children in for their annual medical visits. Mother observed what she believed to be signs of autism in child 2 and ADHD in child 1, but she admitted that she did not seek medical care to address these concerns. Mother repeatedly refused services throughout the meeting while acknowledging that she was overwhelmed and struggling with suicidal thoughts.

On November 15, school staff contacted Lonetto to report concerns about child 1 and child 2. As to child 1, school staff reported that he had worn the same clothing four days in a row, that he had a significant itchy rash since starting school that was growing worse, and that he could no longer be in school until staff received documentation confirming that the rash was not contagious. As to child 2, school staff reported that they were unable to complete his kindergarten and individualized education plan (IEP) screenings due to his poor attendance and mother's failure to complete the required paperwork and that child 2 had failed his hearing and vision screenings. Staff also reported that both children continued to have problematic attendance.

That same day, Lonetto met with child 1 and child 2 at school, observed them in dirty clothes with disheveled hair, and saw that child 1 had open sores, scratches, and dried blood on his arms. She observed child 1 scratch his body to the point where his leg bled

and noticed consistent marks on his arms, legs, stomach, back, and hands, as well as dried blood under his fingernails. Child 1 reported feeling unsafe in the home and complained that the family was always fighting. Lonetto noted that child 2 had a severe speech impediment and was unable to follow the conversation.

On November 19 and 28, Lonetto conducted additional unannounced home visits and both times found that none of the children were in school. During the latter visit, mother reported that the children were not in school because she could not afford gas and that she often kept the children home to babysit each other. Mother claimed to have taken child 1 to a doctor for his rash and reported that his doctor advised her that the rash was fine and that she could continue treatment with cream. But she refused to show Lonetto documentation of the medical visit. Lonetto observed child 3 in a saggy and smelly diaper with a red rash across his cheeks. Lonetto advised mother that the county was going to pursue a petition for children in need of protection or services (CHIPS) due to the children's ongoing educational neglect, child 1's unmet medical needs, concerns about mother's mental health, and mother's refusal to engage in any voluntary services. Mother responded that the family would move out of the county before it could take any action.

On December 5, Lonetto received notice from the school that the school-age children continued to miss school, that child 2 needed speech services and an IEP but mother had failed to return the required paperwork and had missed a meeting scheduled to discuss these needs, and that mother had not provided any medical documentation relating to child 1's rash. On December 10, Lonetto conducted another unannounced home visit

and found the school-aged children were not in school and noted a strong odor of feces and cat urine in the home.

Removal of Child 1, Child 2, and Child 3 from the Home

The county filed a CHIPS petition, and on January 2, 2019, the district court ordered that child 1, child 2, and child 3 be placed in the temporary custody of the county. After the children were removed from the home, the county discovered the children had scabies and severe lice. The supervised visitation center would not accommodate visits until the entire household provided medical documentation showing the absence of scabies and lice, so the county arranged for supervised interim visits at the government-services building.

On January 29, mother signed a reunification plan, which required mother to (1) complete a diagnostic assessment, follow all recommendations, and demonstrate effective coping skills; (2) submit to urinalysis drug testing at the county's discretion; (3) complete a parenting class; (4) obtain and maintain safe and stable housing; (5) demonstrate the ability to meet the children's health, safety, educational, and supervision needs; (6) cooperate with social workers and sign any requested releases; (7) attend all scheduled parenting visits; and (8) provide the county with access to her home.

On March 20, Steven Moodie, a St. Louis County social worker, reported to the court that child 1 had been referred for individual therapy, child 2 had been referred to a food clinic, and child 3 had been referred for speech therapy and optometry services. Moodie also noted mother's opposition to the children receiving these services. He also reported that mother had failed to make any progress in her reunification plan, despite the

children being in out-of-home placement for 77 days. Specifically, mother had not started parenting classes, refused to sign a safety agreement and releases, and was not attending the children's appointments. Moodie had also learned of concerns regarding the lack of supervision of the children and cleanliness of the home when they lived out of state and that child 3 had tested positive for opiates at birth and missed his first two medical appointments following his release from the hospital. In light of this new information about mother's history of drug use, Moodie indicated he wanted her to begin random urinalysis drug testing. Moodie also reported that mother continued to focus primarily on her belief that the children were wrongfully removed from her care rather than addressing the issues that led to their removal.

On June 10, Moodie reported that mother still had not started parenting classes, had not completed the required diagnostic assessments despite Moodie's multiple offers to assist with scheduling them, and had not submitted to any drug tests. Moodie further reported that mother's visits with the children had been chaotic, that mother would often arrive late or leave during the visits, that the visits focused on playing violent video games rather than direct interaction with the children, and that mother seemed "obsessive about getting candy into the kids," noting that the foster caregiver had collected 17 pounds of candy from the children after their visits. Additionally, mother refused to sign medical releases related to her pregnancy to enable the county to provide effective assistance in promoting a healthy pregnancy and birth for child 4.

On June 19, mother submitted to her first drug test, which came back positive. At the time she submitted to testing, mother told staff she was prescribed subutex. Moodie

scheduled a meeting to address mother's drug use, which mother failed to attend. Also on June 19, the district court ordered mother to complete a psychological evaluation and to sign all requested releases by June 21, which mother failed to do.

Removal of Child 4 from the Home

On August 5, Moodie was informed that mother had given birth to child 4, mother had tested positive for THC and suboxone at the time of birth, and child 4 was in the newborn intensive care unit (NICU) due to suffering withdrawal symptoms. On August 8, the county filed a CHIPS petition on behalf of child 4. At a hearing held on the petition that same day, the court learned that child 4 remained in the NICU and that mother had refused to name child 4 or complete her birth certificate. The court granted the county temporary custody of child 4.

On November 8, Dr. Megan Paris, a licensed clinical psychologist who conducted a specialized CHIPS psychological evaluation of mother, made several recommendations, including that mother abstain from illicit substances and that she complete (1) drug testing, (2) a Rule 25 Assessment if she continued to test positive for illicit substances, (3) a psychiatric-medication assessment, (4) individual therapy, and (5) "practical skill-based and hands-on [parenting] intervention to translate concepts and ideas into everyday action." The recommendation for an additional parenting intervention arose, in part, from Dr. Paris's opinion that mother was "dismissive" of the parenting class mother was taking and "possibly not taking away all of the concepts that might be needed." Mother was also scheduled to participate in cognitive testing but failed to attend the scheduled evaluation. Upon receipt of mother's psychological evaluation, Moodie amended mother's

reunification plan to incorporate Dr. Paris's recommendations and reviewed each recommendation with mother on multiple occasions. Mother stated the only recommendation she would follow was providing random drug tests and that she remained adamant that she did not need therapy.

On November 12, Moodie informed the court that mother was saying inappropriate things to child 1, child 2, and child 3. Moodie noted additional visits with just child 4 had been arranged to allow for bonding and which would include public-health nursing to assist mother with infant parenting skills. Mother consistently failed to show up for these visits and often did not respond to the county's attempts to schedule additional visits.

On December 16, Moodie informed the court that the visitation center had suspended mother's visits because mother refused to cooperate with the rules of the program or work with the parenting coach and that mother was inconsistent with drug testing. The district court appointed a guardian ad litem to assist mother in understanding the child-protection proceedings and conditioned mother's future visits with the children on her following the rules of the facility and accepting advice received from visit monitors and the parent coaches.

Petition to Terminate Mother's Parental Rights

On December 20, the county filed a petition to terminate mother's parental rights. On January 8, 2020, mother was found unconscious at a hotel and was administered Narcan to resuscitate her. On January 13, the district court held hearings on both CHIPS matters, which mother failed to attend, and Moodie reported that mother continued to refuse to

participate in her reunification plan, that she failed to submit drug tests, and that there were questions about her alleged suboxone prescription.

On February 10, Moodie reported that he had not had any contact with mother since the last hearing, she had not submitted any drug tests, and she had not attended any visits with the children since January 25. On February 26, Moodie reported that mother continued to refuse to work her reunification plan and claimed she did not need to change anything because her children were fine in her care. He also reported that mother had not submitted a drug test since the last hearing and would only attend visits with the older children after child 4 left. On May 15, Moodie informed the court that mother continued to refuse to work her reunification plan and would visit with only the older children and not her infant daughter, despite the court's previous order that mother would have visits with all of the children or none of the children and that she would not be allowed to "pick and choose which children she wants to visit." Specifically, mother requested virtual visits (due to the pandemic) with child 1, child 2, and child 3, but she stated that she "did not desire virtual visits with [child 4] as [child 4] does not know who [mother] is."

On August 12, Moodie reported at a pretrial hearing, which mother failed to attend, that mother's visits with the children had again been suspended due to her refusal to wear a face mask (required by the visitation center due to the pandemic), but that visits were reinstated when mother began wearing a mask. He also reported that mother declined to submit to a hair follicle test for drug-testing purposes and that she continued to make clear that she would not work her reunification plan. On September 9, Moodie reported at a

pretrial hearing, which mother failed to attend, that mother continued to refuse to work her reunification plan.

Trial on Petition to Terminate Mother's Parental Rights

Between August and October 2020, the district court held a three-day trial on the petition to terminate mother's parental rights. During the trial, mother blamed the county for her refusal to work her reunification plan and testified that she believed child 1 to be her only child in need of services and that his need for therapy arose because he was removed from her care. Mother admitted that she refused to comply with drug testing and that she used marijuana daily. When asked if she had smoked marijuana on that day she replied, "No, not yet, actually; I wish I did." She further admitted to having used suboxone without a prescription and then lying to her doctor to secure a prescription. She also testified she knowingly used suboxone while pregnant with child 4 and that she had done so while pregnant with a previous child with no ill effects. When asked about her supervised visits being suspended multiple times, she stated she "was expressing her civil rights at each visit." Mother also testified that she told child 2 that she was not going to attend visits because he had become a "St. Louis County robot," and agreed that this statement, along with her many missed visits with the children, could have a negative impact on the children.

Nicole Dickison, therapist to child 1 who also completed a diagnostic assessment of child 2, testified that she diagnosed child 1 with generalized anxiety disorder, other specified depressive disorders, and child neglect subsequent encounter, and diagnosed child 2 with oppositional defiant disorder and child neglect subsequent encounter. She

stated that she believed child 1's diagnoses were a product of his life experiences prior to being removed from mother's care and that he had been making great progress since beginning therapy in May 2019. Dickison referred child 2 for a complete psychological evaluation and recommended he work on individual skills until the evaluation is complete. She testified that the children need a home with structure, love, support, and patience, and which recognizes child 1's mental-health issues and will continue him in therapy.

Dr. Paris testified that she diagnosed mother with major depressive disorder recurrent to a moderate degree, cannabis-use disorder, and opioid-use disorder, and suspected that mother has other specified personality disorder with traits of antisocial, borderline, and dependency and that her opinion is that these conditions "were present prior to [s]ocial [s]ervices involvement." Dr. Paris described mother's insistence "that her children did not need services" and that the children "were doing well" prior to the county's involvement. Dr. Paris testified that mother was at high risk for "reversal of family roles" and "developmentally uninformed expectations," which indicated mother's "lacking developmental understanding of children" and could lead to her having "unreasonable or unrealistic expectations" and "emotional reliance on the children."

The respective foster caregivers for the children testified as to the issues the children exhibited upon arrival into their care and the progress they were making since being placed in foster care. The foster caregiver for child 1, child 2, and child 3 testified that child 3 came to her home using a bottle at nearly 18 months old, notably lacking verbal skills, and was often found digging through the garbage for food scraps. She explained that these issues had improved since he began occupational and speech therapy and learned there was

“always going to be enough food” for him while in her care. She further testified that child 1 experienced emotional outbursts that would result in him “throwing punches” at others in the home but that he had shown great improvement since beginning therapy. She testified that she had to teach the children about basic hygiene, such as how to use toilet paper and why that is important. She described child 2 as lacking the ability to label emotions and ask for help when he first entered her home, and she described how his emotional outbursts and frustrations had improved as she worked with him on finding the words to say how he is feeling. She also testified that child 2 was low on iron when he entered her care, causing restless-leg-syndrome-type symptoms that affected his sleep. She further testified that she brought child 2 to a food clinic and worked with him in her home and described him as now “eat[ing] a variety of foods and lik[ing] them.” She also testified that the children made nightly calls to mother and that at times mother would go weeks without answering. She also explained the negative emotional impact on the children when they were left waiting for mother at visits that she failed to attend.

The foster caregiver for child 4 testified that child 4 suffered neonatal abstinence symptoms at birth but that those symptoms had greatly improved. She described her concerns for child 4 during visits with mother, including an incident where child 4 was extremely distressed when mother improperly strapped her into her car seat after a visit, an incident where child 4 returned from a visit with dried feces stuck to her body, and various incidents where she needed to pick child 4 up early because child 4 was inconsolable during the visit.

Moodie testified about his many efforts to engage mother in her reunification plan during the almost two years while the children were in foster care. He testified that he repeatedly explained to her the elements of her plan and the importance of completing each step in order to reunite with her children. He described his numerous attempts to engage mother in her plan, including a two-hour phone call in August 2020, and her repeated refusals to do so. When Moodie explained the ramifications of failing to comply with the recommendations, mother replied “that would not occur” and “indicated social media as a reason and that she was constructing letters and sending them to . . . all the judges in Minnesota.” Moodie testified that “this was somewhat of a common theme that [he] experienced with [mother] When [he] would attempt to engage [her] in conversations regarding reunification efforts with the children, she would . . . allude to a project that she was working on” or indicate “that she was contacting people at the state level and . . . it was going to be [through] that mechanism that she [would have] the children returned to her care.” Moodie testified “there were also incidents of visits . . . where [mother] told the children that everyone in Minnesota would know who they are and . . . would inform the children that she was working on a project that would . . . result in the kids being returned to her care.” Moodie stated he was concerned that mother seemed preoccupied with these schemes and perceived injustices rather than focusing on her reunification plan. Moodie testified that there was a small portion of time where mother seemed “somewhat engaged” in her reunification plan and would provide drug tests and maintain better contact with him, but he stated “that was a very small portion of this case and, even at that time, that was inconsistent.”

On November 6, 2020, the district court issued a 33-page order with detailed findings regarding mother’s neglect of the children, the unsuccessful efforts of the county to reunify the family, and the district court’s reasons for terminating mother’s parental rights. This appeal follows.

DECISION

“[T]ermination of parental rights is always discretionary with the juvenile court.” *In re Welfare of Child of R.D.L.*, 853 N.W.2d 127, 136 (Minn. 2014). A district court may order the involuntary termination of parental rights if it determines that (1) a statutory ground for termination exists by clear and convincing evidence, (2) termination is in the children’s best interests, and (3) the county either made reasonable reunification efforts or such efforts were not required. Minn. Stat. § 260C.301, subds. 1(b), 7, 8 (2020); *see also In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008). Mother makes two general arguments on appeal: that the district court erred in finding that the county made reasonable efforts to reunify the family and abused its discretion in determining that termination was in the best interests of the children.

We begin by emphasizing that Minn. R. Civ. App. P. 128.02, subd. 1(c), requires that in a formal brief, “[e]ach statement of a material fact shall be accompanied by a reference to the record.” “[M]aterial assertions of fact in a brief properly are to be supported by a cite to the record, and such cites are particularly important where . . . the record is extensive.” *Hecker v. Hecker*, 543 N.W.2d 678, 681 n.2 (Minn. App. 1996), *aff’d*, 568 N.W.2d 705 (Minn. 1997). “Parties before this court have an obligation under the rules of civil appellate procedure to cite to the specific part of the record that supports each

factual assertion.” *Regner v. Nw. Airlines, Inc.*, 652 N.W.2d 557, 563 (Minn. App. 2002). “Failure to cite to the record is a violation of Minn. R. Civ. App. P. 128.03.” *Brett v. Watts*, 601 N.W.2d 199, 202 (Minn. App. 1999), *review denied* (Minn. Nov. 17, 1999). A “flagrant violation” of the rule requiring citations to the record “may lead to non-consideration of an issue or dismissal of an appeal.” *Id.*

The record in this case is voluminous, consisting of many thousands of pages and reflecting a case history that is long and complicated. The material facts set forth in mother’s brief are not supported by *any* citation to the record, and at oral argument, counsel was unable to identify *any* record support for the material factual assertions underlying mother’s arguments. Given that mother’s arguments on appeal hinge on her characterizations of the record, we find the failure to comply with Minn. R. Civ. App. P. 128.02, subd. 1(c), to be flagrant. Notwithstanding this flagrant violation of the rules, we address the two primary arguments she raises on appeal.

I. The district court did not abuse its discretion by finding the county made reasonable efforts to reunify mother with the children.

A district court may involuntarily terminate a parent’s parental rights if it finds that at least one of a number of statutorily delineated conditions exists and if reasonable reunification efforts were made or were not required. Minn. Stat. § 260C.301, subds. 1(b), 8. In this matter, the district court found termination to be justified under three statutory factors: (1) failure to satisfy parental duties, (2) failure to correct conditions leading to out-of-home placement, and (3) children neglected and in foster care. *Id.*,

subd. 1(b)(2), (5), (8). It also found that reasonable efforts were made to reunite the family but proved unsuccessful. *Id.*, subd. 8.

Failure to comply with parental duties may justify termination of parental rights if, in relevant part, “reasonable efforts by the social services agency have failed to correct the conditions that formed the basis of the petition or reasonable efforts would have been futile.” *Id.*, subd. 1(b)(2). Termination may also be warranted if “following the child[ren]’s placement out of the home, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the child[ren’s] placement.” *Id.*, subd. 1(b)(5). Further, termination may be warranted if children are “neglected and in foster care,” *id.*, subd. 1(b)(8), requiring the district court to consider, among other factors, “the nature of the efforts made by the responsible social services agency to rehabilitate and reunite the family and whether the efforts were reasonable,” Minn. Stat. § 260C.163, subd. 9(7) (2020).

When reviewing a district court’s decision to terminate parental rights, we review the district court’s factual findings for clear error but 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). “Considerable deference is due to the district court’s decision because

a district court is in a superior position to assess the credibility of witnesses.” *In re Welfare of L.A.F.*, 554 N.W.2d 393, 396 (Minn. 1996).

Mother argues that the district court abused its discretion in finding that the county engaged in reasonable efforts to reunify the family with respect to each of these statutory conditions. When a child is removed from the home, the county must make “reasonable efforts” to reunify the parent and child unless a statutory exception applies. Minn. Stat. § 260.012(a) (2020). In determining whether the county made reasonable efforts, the district court must consider whether the county offered services that were “(1) relevant to the safety and protection of the child; (2) adequate to meet the needs of the child and family; (3) culturally appropriate; (4) available and accessible; (5) consistent and timely; and (6) realistic under the circumstances.” Minn. Stat. § 260.012(h) (2020). “The county’s efforts must assist in alleviating the conditions that gave rise to the” out-of-home placement. *In re Welfare of H.K.*, 455 N.W.2d 529, 532 (Minn. App. 1990), *review denied* (Minn. July 6, 1990). “Whether the county has met its duty of reasonable efforts requires consideration of the length of the time the county was involved and the quality of effort given.” *Id.* We review a district court’s decision that the county made reasonable efforts to reunite the family for an abuse of discretion. *See In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 323 (Minn. App. 2015), *review denied* (Minn. July 20, 2015).

After recounting the extensive, lengthy case history and largely undisputed evidence submitted at trial, the district court found the county’s efforts to reunify the family to be reasonable. In so doing, the district court set forth with specificity those reasonable efforts, including, but not limited to:

educational assessments, IEP, family assessments, Family Support Services, mental health services, communication services, financial benefits, housing assistance, multiple referrals for supervised visitation, parenting coaching, diagnostic assessments and psychological evaluations, urinalysis testing and hair follicle testing, and therapeutic services for the children.

The district court specifically found the services offered by the county “were relevant to the safety and protection of the child[ren], adequate to meet the needs of the child[ren] and family, culturally appropriate, available and accessible, consistent and timely, and realistic under the circumstances” and that “mother had the ability to use the offered services” and failed to do so. The district court found “[g]iven the many rehabilitative efforts made by [the county] and ordered by [the district court], there are no additional services or programs which would likely enable the mother to assume custody of the children in the foreseeable future” and that mother “provided no evidence or testimony to rebut the presumption that reasonable efforts failed to correct the conditions leading to the child’s placement.” These findings are well-supported by the record.

Mother argues generally that the county’s efforts were not reasonable because the plan was not individually tailored and the county should have offered other, unspecified services to her. Mother claims that “[t]here was nothing specific in the plan that would have provided [mother] with the services she needed” and that the county failed to make special accommodations for mother’s poverty and cognitive ability. At oral argument, mother specifically faulted the county for not providing adequate services to assist her in obtaining stable housing and not tailoring a reunification plan to her individual needs.

These general assertions are belied by a record replete with well-detailed examples of the county's repeated, exhaustive efforts to engage mother in her reunification plan and the county's adjustments of the plan to attempt to address her specific needs. The record demonstrates the county periodically updated mother's case plan to address her specific needs as it discovered new information or challenges. For example, the county modified mother's case plan when it was alerted to potential drug issues and again when it received Dr. Paris's recommendations following mother's psychological evaluation. Mother's refusal to cooperate with the county affirmatively impeded the county's ability to gather the information which would have allowed it to further individualize the plan to fit mother's needs.

In addition, mother's argument that the county should have provided her with additional, unspecified services does not render the county's efforts unreasonable in light of the district court's findings that mother either outright refused or otherwise failed to accept the services that the county *did* provide to her. By way of example and not limitation, the county provided exhaustive housing assistance, arranged for drug testing, attempted to address mother's mental-health issues and substance-abuse difficulties, and endeavored to provide the children with necessary services. In turn, mother refused housing-assistance resources. She refused to address or even acknowledge her mental-health issues, substance-abuse issues, or the harm she was causing her children while they were in her care. Mother also affirmatively demeaned and undermined the efforts by the county to promote reunification. She mocked child 1 for attending demonstrably needed therapy and called child 2 a "St. Louis County robot." The record supports the district

court's findings that the county made a multitude of services available to mother and repeatedly attempted to engage her in the reunification plan throughout the approximately 22 months the children were in foster care,² nearly all of which she refused.

Accordingly, the district court's determination that the county made reasonable efforts to correct the conditions that led to the placement of the children and promote reunification is well-supported by the record and does not amount to an abuse of discretion.

II. The district court properly exercised its discretion in finding that termination of mother's parental rights is in the best interests of the children.

"Even when statutory grounds for termination are met, the district court must separately find that termination is in the child[ren]'s best interests." *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 92 (Minn. App. 2012). "The 'best interests of the child' means all relevant factors to be considered and evaluated." Minn. Stat. § 260C.511(a) (2020). The district court "must consider the interests of both the parent and child[ren] in preserving their relationship as well as any competing interests of the child[ren]." *J.K.T.*, 814 N.W.2d at 92. "Competing interests include health considerations, a stable environment, and the child's preference." *Id.* "If the interests of parent and child conflict, the interests of the child are paramount." *Id.* (quotation omitted). A failure to demonstrate the requisite parenting skills weighs directly on the question of a child's best interests. *In re Welfare of A.J.C.*, 556 N.W.2d 616, 620 (Minn. App. 1996), *review denied* (Minn. Mar.

² Child 1, child 2, and child 3 were placed in the temporary custody of the county almost exactly 22 months prior to the first day of trial. Child 4 spent nearly the entirety of her approximately 14 months of life in the custody of the county as the county was granted temporary custody of child 4 while she remained in the NICU after birth.

18, 1997). “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.” *J.K.T.*, 814 N.W.2d at 92 (quotation omitted).

Mother argues termination of her parental rights is not in the best interests of the children because “two of the children offered heartbreaking testimony about wanting to see their parents and each other” and “there is no guarantee that all four of the youngest children will be adopted by the same family.”

The district court acknowledged familial connections and permanency options but set forth the basis for its finding that termination is in the best interests of the children in great detail:

[Mother] has failed to substantially comply with her reasonable case plan. The conditions that led to the children’s placement have not been corrected. [Child 1, child 2, and child 3] have been in out-of-home placement over 680 days [Child 4] has resided out of the parental home under court order for over 450 days. The mother’s mental health is not stable, she has not addressed her chemical use, nor has she maintained safe and stable housing. She has acted erratically and indignantly towards her case plan, refusing to work it for [the] vast majority of this matter and in doing so has failed to rectify the conditions that led to her children being placed in the custody of the [c]ounty. All children need structure and care to be healthy. This supersedes the bond between a child and a parent. Without necessary care children are neglected [and] they suffer hunger, lack of education, and unnecessary health issues. The children in this case have thrived outside the home of [mother] and she has not corrected the conditions that led to their neglect despite the [c]ounty’s continued efforts.

. . . .

In this case, the balance [of interests] overwhelmingly favors termination. The [c]ourt does not deny that there is a familial connection between the older boys and their mother; however, the mother has not complied with a reunification plan created to rectify the conditions that led the children to be placed in out of home placement. This includes but is not limited to refusing to comply with the recommendations of mental health professionals despite great concerns for her mental health, chemical dependency, and cognitive abilities; complying with drug screening, attending visits with consistency, or securing safe and stable housing. In addition, [mother] has continuously put herself before her children in attempts to reject the aid of the [c]ounty in engaging in her plan for reunification. The fact that she has not visited with [child 4] since December of 2019, that [child 4] was born with NAS, which [mother] denies, that [mother] continuously denied that her children needed services when the full weight of the evidence supports the contrary only bolsters this contention. This makes any interest in preserving the relationship nominal. By contrast, the children are in safe, stable, and loving homes. The family where [child 4] is placed is committed to adopting the child. The family caring for [child 1], [child 2], and [child 3] is not currently a permanency resource but the children are receiving love, care, and necessary structure for their needs in that placement.

Notably, mother does not claim that the district court made erroneous factual findings or that the district court deviated from governing law in its analysis of the best interests of the children. Regardless, the district court expressly considered the needs and stated wishes of the children, the permanency resources, and the care the children were receiving at the time of the hearing, among other factors, and balanced those considerations against the preservation of the relationship of the children *with mother*. And the district court's decision to terminate mother's parental rights is consistent with the credited evidence presented at trial, including the testimony of (1) the guardian ad litem, who indicated that termination was in the best interests of the children; (2) the clinical

psychologist, who opined that mother was unlikely to sustain meaningful change over time if she did not follow the recommendations from her psychological evaluation; and (3) the assigned social worker, who detailed how mother consistently rebuffed efforts to engage her in the reunification plan, insisted the children were fine in her care, and was fixated on alternative schemes to get the children back rather than complying with the court-ordered plan. In light of the district court's well-supported findings that mother "continuously put herself before her children in attempts to reject the aid of the [c]ounty" and refused all efforts to engage in her plan for reunification, we see no abuse of discretion by the district court in balancing the relevant factors to find that termination of mother's parental rights was in the best interests of the children.

Finally, we emphasize that the 33-page order issued by the district court contains extensive, well-explained, well-supported, and thorough findings of fact and conclusions of law. We also emphasize that mother did not specifically challenge any finding of fact in the 117 enumerated paragraphs as clearly erroneous or particularize any legal error under Minnesota law. Our review of the record shows that the district court carefully considered and accurately depicted the lengthy history of these termination proceedings and properly applied the governing law in determining that terminating mother's parental rights was in the best interests of these children. We therefore affirm.

Affirmed.