

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A21-1419**

In the Matter of the Welfare of the Child of:
M. M. P., Parent.

**Filed March 28, 2022
Affirmed
Ross, Judge**

Hennepin County District Court
File No. 27-JV-20-4133

Anne M. Carlson, Anne M. Carlson Law Office, PLLC, St. Paul, Minnesota (for appellant M. M. P.)

Michael O. Freeman, Hennepin County Attorney, Kara Lillehaug, Assistant County Attorneys, Minneapolis, Minnesota (for respondent Hennepin County Human Services and Public Health Department)

Patricia J. Stotzheim, St. Paul, Minnesota (for guardian ad litem)

Considered and decided by Ross, Presiding Judge; Worke, Judge; and Kirk, Judge.*

NONPRECEDENTIAL OPINION

ROSS, Judge

Hennepin County Human Services and Public Health Department placed a newborn in foster care and later petitioned to terminate his mother's parental rights after the child was born with controlled substances in his system. The district court granted the petition after it found that the mother had failed to remedy the issues that caused the out-of-home

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

placement. Because we hold on appeal that the evidence supports the district court's determination that the county made reasonable efforts to reunite the family, we affirm.

FACTS

M.M.P. used drugs daily during her 2019 pregnancy and gave birth to her son A.A.P. in November, when both mother and child tested positive for amphetamines. The district court granted Hennepin County Human Services and Public Health Department's petition to find that the newborn needed protective services. The county placed him in foster care. It developed a case plan for M.M.P., which the district court adopted.

Soon after the child's first birthday, the county petitioned the district court to terminate M.M.P.'s parental rights alleging that she neglected her parental duties, she is a palpably unfit parent, she failed to correct the conditions leading to A.A.P.'s out-of-home placement, and A.A.P. is neglected and remained in foster care under Minnesota Statutes section 260C.301, subdivision 1(b)(2), (4), (5), and (8) (2020). The district court found clear and convincing evidence supporting all of those statutory bases, and it therefore granted the county's petition. M.M.P. appeals.

DECISION

M.M.P. challenges the district court's decision terminating her parental rights, arguing that the county did not make reasonable efforts to reunite her with A.A.P. The district court was not empowered to terminate M.M.P.'s parental rights unless the county made reasonable reunification efforts. Minn. Stat. § 260C.301, subd. 8 (2020). When the facts are disputed, we review for clear error the district court's findings on the services that the county offered, and we review for an abuse of discretion the district court's

determination of whether the efforts it found the county to have offered were, under the circumstances of the case, reasonable. *See In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 322–23 (Minn. App. 2015), *rev. denied* (Minn. July 20, 2015); *In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 387 (Minn. 2008). The underlying facts are not disputed, and we see no abuse of discretion in the district court’s reasonable-efforts conclusion.

The district court’s undisputed findings of fact support its conclusion that the department’s efforts were reasonable. Efforts are reasonable if they are relevant to the child’s safety, adequate to meet the family’s and the child’s needs, culturally appropriate, available and accessible, consistent and timely, and realistic under the circumstances. Minn. Stat. § 260.012(h) (2020). The district court credited the testimony of the department’s witnesses, who said they met with M.M.P. weekly to discuss her case plan and encourage her participation in it. The district court identified the elements of M.M.P.’s case plan, the steps the department took to help her complete it, and M.M.P.’s failure to comply and continued drug use. The record amply supports the district court’s finding that the county “exercised due diligence . . . to offer services that were timely, available, relevant and culturally appropriate for the child and family, to remedy the circumstances requiring the foster care placement and permit reunification.”

By contrast, the district court discredited M.M.P.’s competing testimony in which she asserted that the county failed to refer her for services identified in the case plan. The evidence warranted the district court’s multiple findings outlining M.M.P.’s failure to use the services offered. The district court considered but rejected M.M.P.’s claims to the

contrary, deeming them “to be not credible, not persuasive, and unreliable because of her erratic demeanor and inconsistent testimony.”

Substantial evidence supports the district court’s detailed findings of fact. And based on those findings, the department’s efforts to reunite M.M.P. and A.A.P. were reasonable under the circumstances. We therefore affirm the district court’s decision to terminate.

Affirmed.