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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0614**

In the Matter of the Welfare of the Children of: S. G. and A. E., Parents.

**Filed November 21, 2022
Affirmed
Reilly, Judge**

Kandiyohi County District Court
File No. 34-JV-22-10

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Considered and decided by Reilly, Presiding Judge; Cochran, Judge; and Rodenberg, Judge.*

NONPRECEDENTIAL OPINION

REILLY, Judge

Appellant-father challenges a district court order terminating his parental rights to his three minor children. Because the record supports the district court's determination that a statutory ground for termination exists, the county made reasonable efforts to reunify the family, and termination is in the children's best interests, we affirm.

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

FACTS

Appellant A.E. is the biological father of three children central to this proceeding: Child 1, born in January 2017; Child 2, born in January 2018; and Child 3, born in May 2019. The children's biological mother S.G. and father never married. Mother and father have a fourth child, born in December 2020, who is not subject to this matter.

In January 2018, Kandiyohi County Health and Human Services (the county) was notified that Child 2 tested positive for THC in his meconium at birth.¹ In October 2018, the county received further allegations that the children were exposed to marijuana use and unsanitary home conditions because of a flea infestation. In light of these reports, the county assessed the family and pursued case management.² The county offered mother and father voluntary services including drug testing, parent support outreach, drop-in visits, gas vouchers, transportation to medical appointments, and a referral to Nurse Family Partnership. Father participated in drug testing on only one occasion; he tested positive for THC. Father refused to submit to more drug testing claiming that he was already regularly testing to comply with the terms of his probation. But probation reported to the county that father had not submitted to drug testing for about one year.

¹ THC (tetrahydrocannabinol) is a compound obtained from cannabis that is the primary intoxicant in marijuana. *The American Heritage Dictionary of the English Language* 1803 (5th ed. 2018).

² The county's response to reports of abuse or neglect about the family gradually escalated. The county first conducted family assessments and case management with provision of voluntary services. When voluntary services failed, the county pursued a traditional investigation that prompted the filing of a petition alleging the children were in need of protection or services. The county ultimately petitioned to terminate parental rights. As of January 2022, the county had received 33 total reports of abuse or neglect about the family.

Children in Need of Protection or Services (CHIPS) Case

In May 2019, mother gave birth to Child 3 whose meconium also tested positive for THC. The county received additional reports of suspected drug use and neglect, prompting the county to pursue a traditional investigation. The county petitioned in district court alleging that the children were in need of protection or services. On September 17, 2019, the county removed the children from the home and placed them in foster care because of concerns about mother's and father's drug use, erratic behaviors, and conditions of the home. Upon health assessment, the county discovered that hair follicle testing on all the children tested positive for exposure to methamphetamine. A psychologist diagnosed Child 1 with post-traumatic stress disorder and a deprivation and maltreatment disorder. Child 2 was diagnosed with a deprivation and maltreatment disorder. At the time of the children's removal from the home, father was incarcerated following a conviction for driving while intoxicated. The county did not consider him a placement option. Father was later released.

The county provided services to mother and father. Particular to father, the county provided drug testing, a referral for a chemical use assessment, safety planning, and a referral to individual therapy. Father's safety plan specified that if he were to relapse and use drugs, he must go back to chemical dependency treatment. Father also participated in a parenting assessment conducted by a psychologist in March 2020 to identify psychological issues that would impact father's parenting. The psychologist diagnosed father with major depressive disorder, antisocial personality disorder, and a substance use disorder related to marijuana and alcohol. The psychologist recommended that father

maintain sobriety for a year, remain law abiding, submit to drug testing and chemical dependency treatment, pursue individual therapy, and participate in supervised visitation and parenting classes. Father attended sessions with a therapist to manage his anxiety and stress related to the CHIPS case until April 2021.

Over time, father and mother demonstrated sobriety, completed safety meetings, attended therapy appointments, and demonstrated in-home parenting skills. After a successful period of trial home visits, the children were reunited with father and mother and the district court closed the court file in June 2021.

Post-CHIPS Case

In November 2021, father's relationship with mother deteriorated and he left mother's home. Father later admitted to using methamphetamine on at least one occasion and did not seek treatment afterward, characterizing his drug use as a single "lapse." Despite not living with the family, father established a routine of stopping at mother's home to clean and check on the children.

In December 2021, the county received reports that mother was using methamphetamine, marijuana, and pain medication. And in January 2022, law enforcement conducted a "trash pull" at mother's home and discovered methamphetamine paraphernalia. Officers executed a search warrant on the property and discovered drug paraphernalia, including a marijuana pipe in mother's bedroom near the youngest child and in plain view. At the time, father was inside mother's home sleeping on the couch with two of the children. The officers arrested mother and father and removed the children from

the home.³ Prior to foster care placement, the county again evaluated the children's health. Hair follicle testing again revealed that all three children tested positive for methamphetamine exposure; Child 3 was fighting pneumonia; Child 2 had an ear infection; and finally, Child 2 and Child 3 both had iron deficiencies.

Following his arrest, father submitted to a drug test that was positive for THC. While in jail, father reported to the county that he had last used methamphetamine six months before. The county asked father to submit to a hair follicle test to confirm his account.⁴ But father shaved his head, making it impossible for the county to complete the test. The county created an out-of-home placement plan for father with goals that included not possessing or using mood altering substances, complying with drug testing, completing a chemical use assessment, obtaining safe and stable housing, and obtaining or maintaining employment. The county provided father a chemical use assessment, drug testing, gas vouchers, and supervised visits with the children.

Petition to Terminate Parental Rights (TPR)

On January 18, 2022, the county petitioned the district court to involuntarily terminate the parental rights of mother and father to the children. The county alleged two statutory grounds to support termination: (1) palpable unfitness to parent; and (2) failure to correct the conditions that led to the children's out-of-home placement. *See* Minn. Stat.

³ The state later dismissed father's criminal charges for possession of drug paraphernalia from his arrest on January 13.

⁴ At trial, the county's social worker testified that a hair follicle test would reveal substance abuse within three months of testing. If father's report that he last used methamphetamine six months prior was accurate, the result of his test would have been negative.

§ 260C.301, subd. 1(b)(4), (5) (2020). In February 2022, mother voluntarily terminated her parental rights to the children.

TPR Trial and District Court Order Terminating Father's Parental Rights

In March 2022, the district court held a three-day court trial on the petition to terminate father's parental rights. The district court heard testimony from father, the county's social worker, the county's child protection specialist, the county's case manager, a clinical social worker, the officer that executed the January 13 search warrant on mother's home, a family therapist, the children's psychologist, father's former therapist, the psychologist who performed father's parenting assessment, two of father's drug and alcohol counselors at Divine Hope Counseling, the guardian ad litem (the GAL), and mother.

At trial, father testified that he considered himself a recovering addict, with alcohol and marijuana as his substances of choice. Before his arrest on January 13, father explained that he was at mother's home, checking on the children and the house, because mother told him that the county was involved with the children again and father knew mother had been using drugs. Father testified that when he spoke with mother on January 13, he did not see any drug paraphernalia. Father admitted that he shaved his head to avoid completing the county's hair follicle test because of his "lapse" in November 2021 when he used methamphetamine. He acknowledged that when the district court closed the first child protection case, he agreed to a safety plan which required him to attend chemical dependency treatment after drug use. But he explained that he did not go to treatment because it was a singular "lapse" or "slip," rather than a "relapse."

Father also testified that he considered himself homeless and without a permanent address. At the time of trial, father was residing with the children's grandmother but stated that he could not remain there. If the children were returned to him, father testified he planned to make an arrangement with mother's landlord to take over the lease on her home, but was having trouble determining if he qualified for the program that allowed mother to secure a rental subsidy voucher to afford the lease.⁵ Father stated the longest period of employment he held lasted one year and past criminal convictions made it difficult for him to find a job. Father was terminated from his employment following his arrest on January 13. Father testified that he obtained a part-time job two weeks before trial and planned to start another full-time job soon after trial. Father also detailed that he started seeing a therapist and had begun an outpatient alcohol and drug relapse prevention program one month before trial. He also reported he was taking parenting classes at Hope Pregnancy Center and communicating with his AA sponsor. Father stated he has never had full custody of the children and had trouble disciplining them but was working on improving.

The county's child protection specialist testified that, in 2019, father told her he would "never stop doing marijuana." The county's case manager testified about father's chemical dependency treatment history. In 2016, father attended treatment, but left the program against staff advice. In 2017, father attempted treatment again and also left the program against staff advice. In 2020, father completed a thirty-day treatment and halfway

⁵ The case manager for the county testified that father is ineligible for the voucher because he does not yet qualify for the program. The GAL testified that she spoke with mother's landlord, and her resulting impression was that father would be unable to live in mother's home in the future.

house program, later followed by outpatient programming at Divine Hope Counseling Center. In June 2021, father attended Divine Hope's relapse prevention treatment. The case manager noted that during the CHIPS case in 2019, father admitted to marijuana use and failed to appear for drug tests. The case manager stated that father's recent visits with the children were described as chaotic because the children did not always listen to him. She also testified that, as of the last day of trial, the children had been placed outside the home for a total of 666 days.

The psychologist who conducted father's parenting assessment in March 2020 testified that he believed the evaluation was still valid, including the recommendation that father needed one year of sobriety, based on father's history of use and inability to provide for his children. The psychologist stated that if father had a "slip" or relapse, it would be appropriate to seek treatment to address it and remarked that father's antisocial behavior could lead to views about himself that were not realistic given the circumstances.

A drug and alcohol counselor at Divine Hope Counseling Center, who completed father's comprehensive substance use assessment in February 2022, testified that father told her he could not remember the last time that he used methamphetamine, so father and the counselor agreed on listing March or April 2021 as the date of last use. Another counselor at Divine Hope testified that father was participating in a treatment program at the time of trial and had a very good likelihood of success. The counselor stated that a "lapse" or "slip" and a relapse are the same thing but understanding a relapse as a "lapse" can help individuals move forward in recovery rather than give up. The counselor stated she believed that it would be possible for father to relapse and continue working toward

sobriety without going to treatment when there is a support network available, and he seeks the help he needs.

The GAL testified that the children expected to return to their father's care, but were too young to fully understand their safety, wishes, and trauma experiences. The GAL stated that the children have significant physical, mental health, and developmental needs that father could not meet and supported the county's petition to terminate father's parental rights. Mother testified that, after the CHIPS file was closed in June 2021, father took over most of the parenting duties for the children. After father moved out of mother's home in November 2021, he would return to see the children, bring food, and transport them to appointments or school.

Following the trial, the district court issued its written findings, conclusions of law and order, terminating father's parental rights to the children. The district court determined that the county proved the existence of both statutory grounds for termination by clear and convincing evidence and made reasonable efforts to reunify the family. The district court also found that termination of father's parental rights was in the best interests of all three children.

Father appeals.

DECISION

"Parental rights are terminated only for grave and weighty reasons." *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990). A district court may involuntarily terminate a parent's parental rights when clear and convincing evidence establishes: (1) at least one statutory basis for terminating parental rights under Minn. Stat. § 260C.301, subd.

1(b) (2020), exists; (2) the county made reasonable efforts to reunite the family; and (3) termination is in the child’s best interests. *In re Child. of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005). We review the district court’s determinations of whether a statutory ground for termination exists and whether termination is in the child’s best interests for an abuse of discretion. *In re Welfare of Child of J.H.*, 968 N.W.2d 593, 600 (Minn. App. 2021), *rev. denied* (Minn. Dec. 6, 2021).

We review underlying findings of fact for clear error. *Id.* This court gives “considerable deference” to the district court’s discretionary decision to terminate parental rights, but we “closely inquire into the sufficiency of the evidence to determine whether it was clear and convincing.” *In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008). A factual finding is clearly erroneous if it is “manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 87 (Minn. App. 2012). We will not conclude a factfinder clearly erred “unless, on the entire evidence, we are left with a definite and firm conviction that a mistake has been committed.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021).

I. The district court did not abuse its discretion by determining that at least one statutory ground existed to support termination of father’s parental rights.

Father argues that the district court abused its discretion when it terminated his parental rights on the bases that he was palpably unfit to parent and that reasonable efforts failed to correct the conditions that led to the children’s out-of-home placement. *See* Minn.

Stat. § 260C.301, subd. 1(b)(4), (5). A district court may terminate parental rights if clear and convincing evidence shows:

a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child.

Id., subd. 1(b)(4). Under this statutory basis, the county must prove a “consistent pattern of specific conduct or specific conditions existing at the time of the hearing that appear will continue for a prolonged, indefinite period and that are permanently detrimental to the welfare of the child.” *In re Child. of T.R.*, 750 N.W.2d 656, 661 (Minn. 2008) (quotation omitted).

Father contends that the district court mainly based its conclusion that father was palpably unfit to parent on father’s inability to prove sobriety. We disagree. Before reaching its conclusion that father was palpably unfit, the district court found that father had not established (1) the long-term sobriety necessary to parent the children; (2) stability in housing or employment; and (3) any ability to independently parent his young children with significant special needs. Each of these findings is supported by the record.

a. Sobriety

Father argues the district court’s emphasis on long-term sobriety is misplaced and the only relevant question before the court was whether father’s substance abuse was under control at the time of the trial. Indeed, when reviewing a termination order, “we address

conditions at the time of the termination hearing and whether they are expected to continue for the foreseeable future.” *J.H.*, 968 N.W.2d at 603 (quoting *In re Welfare of Chosa*, 290 N.W.2d 766, 769 (Minn. 1980)). Even so, father mischaracterizes the scope of the district court’s examination.

The district court must discern whether a “consistent pattern of specific conduct” exists and may consider past patterns of behavior to determine whether they are likely to continue. *T.R.*, 750 N.W.2d at 661; *see also In re Welfare of J.D.L.*, 522 N.W.2d 364, 367 (Minn. App. 1994) (finding a specific pattern of inadequate parenting skills). We “rel[y] not primarily on past history, but to a great extent upon the projected permanency of the parent’s inability to care for his or her child.” *In re Welfare of A.D.*, 535 N.W.2d 643, 649 (Minn. 1995). A parent’s history on issues such as substance abuse or instability is not ignored because it helps explain whether a present condition or pattern exists that renders the parent unable to care for his children. *See J.H.*, 968 N.W.2d at 598-99 (terminating a father’s parental rights despite recent progress in chemical dependency treatment and examining past failed attempts at treatment, testing positive for controlled substances, and declining mental health services).

The district court’s finding that father had not shown long-term sobriety necessary to parent is well-supported by the record. The district court properly acknowledged father’s recent participation in outpatient treatment and favorable prognosis. The district court also noted it was father’s fifth treatment program in six years, consistent with the county’s summary of father’s treatment history at trial. In considering father’s characterization of his methamphetamine use as a “lapse,” the district court heard

testimony from father's drug and alcohol counselor and the psychologist who performed father's parenting assessment. The district court recognized father's drug and alcohol counselor's perspective that understanding a relapse to be a "lapse" may help avoid hopelessness in recovery. But the district court credited the psychologist's view that father's antisocial behavior can manifest as an unrealistic view of himself and concluded that father's refusal to acknowledge his relapse demonstrated he did not fully understand the seriousness of "even a one-time use."

The county presented clear and convincing evidence that father had a consistent pattern of noncompliance with drug testing, dishonesty about drug use, and inability to maintain sobriety. He refused to participate in drug testing in 2018 after falsely claiming he was undergoing drug testing for probation and failing to appear for testing in 2019. Father thwarted the county's request that he participate in a hair follicle test in January 2022 by shaving his head. Father gave inconsistent accounts as to when he last used methamphetamine. In January 2022, father reported to the county that he last used six months prior; in February 2022, he reported to his drug and alcohol counselor that he could not remember the last time he used the drug so they agreed on a date of March or April 2021. And at trial, he testified to a single "lapse" in November 2021.⁶ Despite father's existing parenting assessment recommendation to remain sober for a year and his safety plan that mandated that he remain sober and attend treatment if he used again, father

⁶ Notably, "six months prior" to January 2022 was during a period where father was residing in mother's home and caring for the children.

continued to use marijuana and methamphetamine. He did not seek treatment until one month before trial.

“[S]ubstance or alcohol use alone does not render a parent palpably unfit; rather, the county must demonstrate that the parent’s substance or alcohol use is of a nature or duration that renders the parent unable . . . to care appropriately for the child’s ongoing needs.” *T.R.*, 750 N.W.2d at 663. Citing *T.R.*, father challenges the district court’s determination that he is a palpably unfit parent, arguing that the district court did not find a causal connection between his substance abuse and his inability to care for his children. We reject this argument. First, the district court did not rely on father’s substance abuse alone to rule father to be a palpably unfit parent. Thus, even if father is correct, that fact would not undermine the district court’s determination. Second, the record overwhelmingly supports the district court’s findings that each parent abused chemicals. The district court credited the testimony of the children’s psychologist that chemical abuse impairs a parent’s capacity to provide a safe, stable, and loving home. Indeed, officers discovered drug paraphernalia in the home and the children tested positive for exposure to methamphetamine. Thus, this record supports the inference of the district court that father’s substance abuse impaired his ability to parent the children. Third, given the time father spent with the children at mother’s home, father’s substance abuse may have (a) caused direct damage to the children’s well-being; or (b) indirectly damaged their well-being by leaving the children in mother’s care when he knew she had relapsed. Neither option undermines the district court’s determination that father is a palpably unfit parent, especially when that determination was not explicitly based on father’s substance abuse.

As a result, the district court's finding that father had not shown long-term sobriety necessary to parent the children is not clearly erroneous. The county proved a "consistent pattern of specific conduct" related to father's drug use that "renders [father] unable . . . to care appropriately for the ongoing physical, mental, or emotional needs of the child[ren]." Minn. Stat. § 260C.301, subd. 1(b)(4).

b. Housing and Employment

The district court's finding that father did not establish housing stability is also supported by the record. At trial, father testified that he considered himself homeless, he could not stay in his current housing with the children's grandmother, and he did not know if he could secure a lease on mother's home. More testimony from the county and the GAL revealed that father may be ineligible for the program mother had used to obtain a housing voucher for the lease and that mother's landlord would not allow father to live in the home.

The record supports the district court's finding that father had not shown employment stability. In a separate factual finding, the district court determined that father was not currently employed, which is clearly erroneous given father's testimony that he obtained a part-time job two weeks before trial. Even so, the district court's ultimate finding on instability in father's employment is supported by father's testimony that the longest time he had maintained a job consistently was for one year, he lost his previous job following his arrest in January 2022, and that he had experienced difficulty throughout his life obtaining jobs because of his criminal record. The district court found that, by trial, father had been incarcerated for a total of 16 of his 44 years; more than one-third of his

life. That father was employed part-time at the time of the trial does not show he can maintain employment given his pattern of employment instability and criminal history.

c. Ability to Independently Parent

Finally, the record supports the district court's finding that father did not demonstrate an ability to independently parent his children. Though mother testified that father took on many parenting duties in June 2021 and continued to care for the children during visits to mother's home after the couple's relationship deteriorated, father never had sole custody of the children. Father testified that he had trouble disciplining the children and was working to improve that. The county case manager testified that father's recent supervised visits with the children were chaotic because the children did not always listen to him. When viewing the evidence in a light favorable to the district court's finding, we are not left with a "definite and firm conviction that a mistake has been committed." *Kenney*, 963 N.W.2d at 221.

In sum, given the record before us, the district court did not abuse its discretion ruling father to be a palpably unfit parent.⁷ The county showed by clear and convincing evidence a "consistent pattern of specific conduct" related to father's inability to maintain sobriety and "specific conditions existing at the time of the hearing" related to housing, employment, and parenting inability that "appear will continue for a prolonged, indefinite

⁷ Because we affirm the existence of this statutory ground to terminate parental rights, we need not address whether the district court abused its discretion by also concluding that another statutory basis to terminate parental rights existed under Minn. Stat. § 260C.301, subd. 1(b). *See S.E.P.*, 744 N.W.2d at 385 (holding at least one statutory basis must be proven to support termination of parental rights).

period” and are “permanently detrimental to the welfare of the child[ren].” *T.R.*, 750 N.W.2d at 661.

II. The district court did not abuse its discretion by determining that the county made reasonable efforts to reunify the family.

To terminate parental rights, the district court must analyze whether a county made reasonable efforts to reunite the parent with the child. *Id.* at 664. Reasonable efforts are “services that go beyond mere matters of form so as to include real genuine assistance.” *In re Welfare of Child. of S.W.*, 727 N.W.2d 144, 150 (Minn. App. 2007) (quotation omitted), *rev. denied* (Minn. Mar. 28, 2007). Appellate courts review a district court’s determination about whether a county’s efforts were reasonable for an abuse of discretion. *See In re Child. of A.D.B.*, 970 N.W.2d 725, 730 (Minn. App. 2022); *In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 322 (Minn. App. 2015), *rev. denied* (Minn. July 20, 2015); *see also In re Welfare of Child of A.M.C.*, 920 N.W.2d 648, 660 (Minn. App. 2018) (stating that “[w]hen statutes explicitly entrust the district court to determine what is appropriate, we review for an abuse of discretion”).

To determine whether efforts were reasonable, the district court must consider whether the services provided to the family 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 district court must also evaluate how long the county was involved with the family and the quality of

effort given. *In re Welfare of H.K.*, 455 N.W.2d 529, 532 (Minn. App. 1990), *rev. denied* (Minn. July 6, 1990).

The district court determined that the services offered by the county were “reasonable, appropriate, and relevant to the safety and protection of the children, adequate to meet the needs of the children and the family, culturally appropriate, and realistic under the circumstances.” Though the district court did not specifically state that the county’s services were consistent and timely, the district court did find that the county had been working with the family since October 2018. The district court noted the county investigated or provided services for that entire time, interrupted only by the brief period between the close of the CHIPS case in June 2021 and the TPR petition’s filing in January 2022.

The district court found the county’s services to reunify the family during the CHIPS case included: chemical dependency and child welfare case management, family assessment, referral to Nurse Family Partnership, transportation, gas vouchers, safety meetings, daycare assistance, drug testing, mental health screening for the children, WIC appointments, individual therapy, in-home parenting skills training, diagnostic assessments, chemical dependency treatment, family assessment, mental health services, and connection to a public health nurse. After January 2022, the county’s services included: child protection investigation, referral to Help Me Grow, hair follicle testing for the children, drug testing for father, and supervised visitation.

Father argues that the county’s efforts were mainly targeted toward efforts to reunify mother with the children because she was the custodial parent and father was never viewed

as a permanency option for the children. Mother was the custodial parent at the time of removal and the county concedes that many services were directed at mother. That said, the record supports the district court's reasonable effort findings. Testimony at trial from the county's case manager showed that father received services directly related to his needs as a self-described recovering addict during the duration of the CHIPS case because he engaged in chemical dependency treatment, individual therapy, drug testing, transportation assistance, and safety planning meetings. Relevant to father's needs to maintain sobriety and show independent parenting skills, the county also provided father drug testing, a chemical assessment, and supervised visitation starting in January 2022.

Taken together, clear and convincing evidence in the record supports the district court's findings on what services were provided to father, and father has not shown that the district court abused its discretion by ruling the county made reasonable efforts to reunite father with the children.

III. The district court did not abuse its discretion by determining that it is in the best interests of the children to terminate parental rights.

Even when a statutory basis for termination exists, the best interests of the children are the "paramount consideration" in a termination of parental rights proceeding. Minn. Stat. § 260C.301, subd. 7 (2020); *see also* Minn. Stat. § 260C.001, subd. 2(a) (2020). The district court must make specific findings that evaluate (1) the child's interests in preserving the parent-child relationship; (2) the parent's interests in preserving the parent-child relationship; and (3) any competing interests of the child. Minn. R. Juv. Prot. P. 58.04(c)(2)(ii) (requiring findings on these factors when a district court terminates rights

to a non-Indian child); *see also In re Welfare of Child. of J.R.B.*, 805 N.W.2d 895, 905 (Minn. App. 2011), *rev. denied* (Minn. Jan. 6, 2012). We review a district court’s best-interests determination for an abuse of discretion. *J.H.*, 968 N.W.2d at 600.

The district court made specific findings on each of the best-interest factors. The district court observed that father and the children have significant parent-child bonds, finding that the children love and care for father while he similarly loves and cares for them. The district court noted that the children expressed a wish to return to father’s care, but it determined the children were too young to make an informed decision on their long-term permanency. The district court also found the children have a “strong competing interest” to be in the care of a safe, stable, and sober caregiver.

Father argues that the district court failed to point to any specific evidence that father was not safe, stable, or sober while caring for his children. We disagree with father; the record supports this finding. The children’s psychologist testified that chemical use impairs a parent’s functional capacity to provide a safe, loving, and stable home. At the time of trial, father could not establish long-term sobriety, based on his treatment history, noncompliance with drug testing, and conflicting reports about drug use. The district court acknowledged that father’s characterization of his November 2021 methamphetamine use as a “lapse” could be a coping strategy to avoid hopelessness in recovery, but it also demonstrated he did not appreciate the seriousness of using methamphetamine. He also did not show stability in employment or housing to provide for the children’s safety and care. As a result, the district court did not abuse its discretion when it determined termination of father’s parental rights was in the children’s best interests.

Because we affirm the district court's conclusion that father is palpably unfit to be a party to the parent-child relationship based on clear and convincing evidence, the county made reasonable efforts to reunify the family, and termination is in the children's best interests, we affirm the district court's order terminating father's parental rights.

Affirmed.