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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0719**

In the Matter of the Welfare of the Children of:
M. H., Parent.

**Filed January 9, 2023
Affirmed
Bratvold, Judge**

Hennepin County District Court
File No. 27-JV-21-441

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Considered and decided by Larson, Presiding Judge; Bratvold, Judge; and Gaïtas, Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

On appeal from an order terminating his parental rights to two children, appellant-father challenges the district court's determinations that the county made reasonable efforts to reunify the family and that clear and convincing evidence supported terminating father's parental rights on three statutory grounds. We conclude that the district court did not abuse its discretion in determining that the county made reasonable efforts

and that at least one statutory ground supported termination of father's parental rights. Thus, we affirm.

FACTS

The following summarizes the relevant procedural history and facts and is based on the district court's written findings after a nine-day bench trial. When it helps our understanding of the issues on appeal, we also summarize the record evidence.

Respondent T.R.G. (mother) had two children: T.L.R.H. (child one), born December 2014, and T.S.-M.H. (child two), born September 2016. Mother was the sole legal custodian of both children. Appellant M.H. (father) was the "adjudicated father" of both children; he and mother signed a recognition-of-parentage form, which was filed with the Minnesota Department of Health. E.T. was a relative and foster parent of both children.

A. The county begins services in 2018 after a second report of domestic abuse.

In November 2017, respondent Hennepin County Human Services (the county) received a report that father "assaulted [mother] by choking her." Mother and father denied any domestic violence in the home. In October 2018, the county received another report that father assaulted mother. Both parents denied the assault when the county inquired. On the night of the reported assault, however, mother told hospital staff that father "punched and choked" her and that the "children were present during the assault."

In December 2018, mother and father began receiving services, and in May 2019, they signed a child-protective-services plan, agreeing to "complete a domestic abuse program." After the county received evidence of drug and alcohol use, mother and father

were placed on the “color code” and had to submit a urinalysis (UA) “six to seven times per month.”

B. The county files a CHIPS petition in June 2019 and amends the petition in February 2020, after which the children are placed in foster care with E.T.

In June 2019, the county filed a child-in-need-of-protection-or-services (CHIPS) petition, citing “two additional domestic violence incidents between [mother and father] requiring intervention by law enforcement,” mother’s and father’s chemical-dependency problems, and their “lack of compliance” with the child-protective-services plan. At the time, mother and father had separated and were not living together.

The county placed the children with father under terms of protective supervision. Father was to ensure the children’s needs were met, “including cooperating with transporting the children to visits” with mother; submit to “[r]andom UAs through the color code program”; complete domestic-abuse programming and follow recommendations; “[m]aintain safe and suitable housing”; have “[n]o contact” with mother; and cooperate with the county, including “regular in-home visits.”

On January 31, 2020, E.T. petitioned for a harassment restraining order (HRO) against father after he “came over uninvited drunk . . . wanting to fight” and “broke [E.T.’s] window screen and was trying to come through the window.” The district court granted the petition.

On February 7, the county moved for an ex parte emergency protective order to remove the children from father’s care and also amended the CHIPS petition. The amended CHIPS petition alleged that father was “violating the court-ordered terms of protective

supervision” by “not cooperat[ing] fully with transporting the children to supervised visitations with” mother, “attempting to contact” mother via social media, and “harassing” E.T., which led to an HRO. The amended petition also alleged (1) father, who was intoxicated, engaged in recent domestic violence with a family member, during which child two was “knocked into the doorframe”; (2) father, while working at a liquor store, left both children unsupervised “for hours”; and (3) father posted on social media, “I am so depressed I will kill all of us.”

On February 11, the district court held an emergency hearing and found that the county made “a prima facie showing that the children’s health, safety, or welfare would be immediately endangered if the children were released to the care of” mother or father. The district court ordered that the county “have interim legal custody of the children” and that the children be placed “in foster care.” A few days later, the district court held a hearing on the amended CHIPS petition. In a March 5 order, the district court found that the children “were exposed to domestic violence in the home,” and mother admitted “these issues” led to her children needing protection or services. The district court adjudicated the children “in need of protection or services,” and the children were placed with E.T. as a foster parent.

The county used the terms of protective supervision to prepare a case plan for father that was adopted in the district court’s March 5 order. Along with the previous terms, the case plan provided that father must “provide proof of [his] medical marijuana prescription”; “[c]omplete a psychological evaluation and follow recommendations”; and if he tested positive for chemical substances, “complete a Rule 25 [chemical-use

assessment] and follow recommendations.” The district court also ordered supervised visits between father and the children.

Father had supervised visitation with the children from February 2020 to May 2020. In February, father completed a 24-session domestic-abuse program with the Domestic Abuse Project. Father began the program while complying with the June 2019 protective-supervision terms.

C. Father violates the HRO protecting E.T., and the district court suspends supervised visitation.

On May 29, 2020, police arrested father for violating the HRO prohibiting contact with E.T. (May 2020 incident). The police report included E.T.’s statement that father “showed up” at her home, was “peering through her windows telling her to come out because he wanted to fight,” and “damaged her vehicle.” The children were inside the house during the incident and were “terrified.” About two months later, father was convicted of violating the HRO.

In June 2020, the county received a report alleging that father had sexually abused child one; law enforcement opened an investigation. The district court suspended father’s visits and prohibited father from having contact with the children “[p]ending the completion of the . . . child protection and law enforcement investigations.” A few months later, the state charged father with second-degree criminal sexual conduct under Minn. Stat. § 609.343, subd. 1(a) (2018), and the district court “continued its order for no contact with either child while the criminal case was pending.”

D. Father receives services, including programming and evaluations.

Father completed a one-day anger-awareness program and a chemical-use assessment, which recommended inpatient treatment. Father “did not comply” with the inpatient-treatment recommendation and instead obtained a second assessment, which recommended outpatient treatment. Father began chemical-dependency outpatient treatment in July 2020. From March to December 2020, all of father’s UAs “were positive for marijuana.” Father provided the county with his medical-marijuana prescription but “refused to sign a release for the dispensary he used.” Father also missed many UAs, which were “considered positive.”

Father also completed a psychological evaluation, which diagnosed him with intermittent explosive disorder, alcohol-use disorder, adjustment disorder, and post-traumatic epilepsy and ruled out personality disorder. Father has a personal history of traumatic brain injury. The evaluation noted that father had encounters as the perpetrator of partner violence and child neglect. The evaluation recommended, among other things, that father “engage in alcohol use treatment aftercare services,” “complete after care services for domestic violence and/or anger management,” participate in “[i]ndividual mental health therapy,” undergo “further cognitive testing,” and complete a “parenting evaluation including a parenting observation.”

Around January 2021, father began attending individual therapy though his attendance was “not consistent[,]” and he “did not see [his therapist] at all from early spring 2021 until June 2021.”

In February 2021, father completed seven months of parenting education at the Family Enhancement Center. The Family Enhancement Center recommended that father continue parent-education classes if he was reunified with his children, continue individual therapy, and engage in domestic-violence aftercare services.

E. The county petitions to transfer permanent custody to E.T. in February 2021.

Also in February 2021, the county petitioned to transfer permanent legal and physical custody of the children to their foster parent, E.T., based on mother's and father's failures to comply with various aspects of their case plans (February 2021 petition). E.T. signed a kinship-placement agreement stating that she would "accept a transfer of permanent legal and physical custody" for each of the children. Mother supported the transfer of custody to E.T.; father objected.

In March, father asked to be relieved of submitting UAs on the color code "as he was not having contact with the children." The next month, father completed his outpatient chemical-dependency treatment program though "his risk scores between admission and discharge remained identical and his progress towards goals was listed as 'unknown.'" Father also "eventually" completed cognitive testing more than one year after his psychological assessment recommended it. The updated assessment noted that while father would "benefit from continued therapy," father felt "he no longer need[ed] therapeutic services."

In April 2021, E.T. petitioned for another HRO against father, this time on behalf of the children.¹ In support of the petition, E.T. alleged the sexual abuse of child one, the May 2020 incident, and father's threats toward E.T. and the children on social media. The district court issued a temporary ex parte HRO protecting the children.

In May, father petitioned to transfer permanent legal and physical custody of the children to himself. Father claimed that transferring custody to E.T. was "not in the best interests of the children" because they "benefit from ongoing contact with their father, half siblings, and paternal relatives," and "[s]uch contact has been limited" by the county and the district court.

The next month, a jury found father not guilty of the alleged criminal sexual conduct. Following his acquittal, father asked to resume supervised visitation with the children. The county and mother objected, arguing that "the children are fearful of him." The guardian ad litem (GAL) also objected, stating that father "has not maintained therapeutic treatment" and "remains a safety risk as he has not learned to handle triggers."

The district court denied father's visitation request and ordered that father "fully comply with random UAs through the color code" and "reengage with mental health therapy" to be eligible for visits with the children. The district court also requested that child one's therapist "provide a recommendation as to whether contact [with father] is appropriate." Child one's therapist submitted a letter stating that she did "not recommend

¹ E.T. had tried to add the children to her HRO previously, but "the paperwork was incorrect."

starting visitation” with father because it would “be best” for child one to complete the trauma-focused-therapy process before “experiencing any significant changes in her life.”

F. Mother receives an order for protection against father, and father threatens E.T.

In August 2021, mother petitioned for an order for protection (OFP) against father, averring that he “showed up at [her] job” three times and that she felt “extremely scared of [him].” The district court granted mother’s OFP.

Around this time, father stopped submitting UAs; he also stopped individual therapy because his therapist became unavailable. Father’s therapist had recommended that father engage in drug and alcohol therapy, dialectical behavioral therapy, cognitive behavioral therapy (CBT), and eye-movement desensitization and reprocessing therapy (EMDR).

In October 2021, father posted a video on Facebook Live threatening E.T. and stating that “he can’t wait till his niece scrapes” E.T. The district court’s posttrial findings note that “scrape[]” means “assault[].”

G. The county amends its transfer-of-custody petition to request termination of father’s parental rights.

On October 29, 2021, at a pretrial hearing six days before the scheduled start of the permanency trial, the county orally amended its February 2021 petition to request termination of father’s parental rights. Father did not object to the amendment but requested a continuance of the trial. The district court granted father’s request to continue the trial. The county amended the petition and sought termination of father’s parental rights based on neglect of parental duties, palpable unfitness to parent, and failure to correct the

conditions leading to the children’s out-of-home placement under Minn. Stat. § 260C.301, subd. 1(b)(2), (4)-(5) (2022).

H. Trial begins.

The trial on the county’s and father’s petitions began in December 2021 and lasted nine days; due to scheduling conflicts, the trial continued over four months. The district court received testimony from mother, a county social worker, child one’s therapist, child one, E.T., the GAL, father, and K.H.—father’s oldest daughter and the children’s half-sister.

On the first day of trial, the district court heard limited testimony from mother, who “agreed to a voluntary transfer of permanent legal and physical custody of the children” to E.T., provided that the district court denied father’s motion to transfer custody to him. The district court agreed that if it were to consider father an appropriate custodian for the children, mother would “be allowed to argue for the dismissal of the permanency petitions and reunification of the children with her.” Mother supported the termination of father’s parental rights.

A county social worker assigned to this case in December 2019 testified that father had not “addressed the issues which led the children to being removed from his care” because he failed to demonstrate his ability “to provide for the children in a safe way, that he could control his anger, . . . address his mental health, and maintain his sobriety.” The social worker acknowledged that father “completed different components of his case plan,” such as a chemical-use assessment, a psychological evaluation, and domestic-violence

programming. She also acknowledged that father had “some compliance” with the recommendations of his psychological evaluation and “intermittent attendance” in therapy.

But the social worker also testified that in May 2020, she “observed [father] intoxicated trying to go into the foster home,” after which “all contact [with the children] was suspended,” and that father violated his no-contact order with mother “[m]ultiple times.” The social worker observed that father had “the ability to attend the classes [and] take in information,” but “his behavior consistently has remained a safety issue.”

Child one’s therapist testified and relayed child one’s statements that father “would whoop [her] with a stick,” “wouldn’t feed” her when she was “bad,” “touched [her] down there a lot in the bathroom,” and “choke[d] her mom and drag[ged] her [mom] outside.” The therapist also testified that child one “reported that she was scared that [father] would try to take her and her sister again” and that father was “not a part of her family anymore.” The therapist stated that when asked about father, child one would “respond[] with the blank stare or the quiet voice, scared expression, hands over face.” At the time of the trial, the therapist did not believe it was appropriate for father to have contact with child one.

Child one testified “in an informal manner” by appearing via video conference; the GAL was present with child one, who responded to “questions submitted by the parties” and posed by the district court.² Child one testified that she liked living with E.T. and felt safe with her. Child one could not remember father’s name and called him “[b]ad man.” Child one stated that she did not want to live with father because “he did bad stuff to [her]

² Father requested that child one testify, which the district court granted. The parties’ attorneys participated in the video conference but kept their cameras turned off.

and [her] mom,” and she saw him “dragging [her] mom and choking her and punching her.” Child one also stated that she did not “feel safe” when she lived with father, that he would not make her food “when [she] was being bad,” that he would “spank[her] with a stick,” and that she did not love father.

E.T. testified that she has known the children “[a]ll their life” and that when they were younger and before she became their foster parent, she would “babysit” them “[e]very weekend.” E.T. testified about the January 2020 HRO against father and how in May 2020, despite the HRO, father “show[ed] up at [her] house, making threats and had damaged [her] car.” E.T. testified that before the May 2020 incident and during the three months that father “was having visits” with the children, the children did not tell her that they were afraid to see father. E.T. indicated that she is “afraid of” father and that “it’s in the children’s best interest for [father]’s parental rights to be terminated.”

The GAL testified that when she became involved in the case, child two, then three years old, “had no speech and made no sounds,” which was “concerning” because a child of her age “would typically have a significant vocabulary” and “be able to communicate conversationally.” The GAL testified that child two was “nonverbal when she was placed with” E.T., who then “consistently devoted several hours per day teaching and practicing speech” with child two such that child two’s “verbal skills have significantly developed.” The GAL also stated that after father’s acquittal of the criminal-sexual-conduct charges, child one “continues to need therapy to address the trauma around what she believes really happened to her” and that her “trauma extends beyond the alleged sexual abuse.”

The GAL testified that while father “engaged in some” of the recommended services in his case plan, he “consistently failed to commit to his court order and approved case plan.” Despite having “completed domestic violence programming,” father “continued to engage in threatening behaviors.” The GAL also testified that father appeared to be “going through the motions of complying with parts of his case plan instead of committing to real behavior change or internalizing the skills he was being taught.” Finally, the GAL testified that it was in the children’s “best interest to terminate [father]’s parental rights.”

Father testified that he and mother had a “chaotic” relationship, and they stopped living together and “broke up” in May 2019. He acknowledged that around June 2019, “there were certain conditions that were ordered for [him] to have [the] children in [his] care” and that his case plan was updated in February 2020, around the time of the CHIPS adjudication. Father testified that during the period the children were with him, the district court “removed [him] from taking UAs” because they were “clean from alcohol.” Father acknowledged that after the CHIPS adjudication, he was asked to submit UAs again. Father testified that he could not recall the last time he took a UA; he stated that he “feel[s] why continue to take the UAs when [he] can’t have no contact with” the children, specifically stating that he “stop[ped] taking UAs when [he] got served with Termination of Parenting Rights.”

Father testified to completing some of his case plan, such as “a drug treatment program” recommended by his chemical-use assessment, “individual therapy,” a “domestic abuse program,” and a “psychological evaluation.” He acknowledged that he

has not “received any mental health services” since “August or September” 2021, when his therapist became unavailable.

Father indicated that he was “willing to implement the things that [he] learned into [his] parenting” and that he expressed to the social worker “numerous times” that he wanted to have contact with the children and was “frustrated” that he was always told “no, no, no, some excuse.” Father also testified that “it has been one excuse after another with [the county]” about visitation with the children. He admitted to going to E.T.’s home “intoxicated” in May 2020 because he was “frustrated” about “not having contact with [his] kids.” Father also admitted to “making comments about” E.T. in the Facebook Live video because he was “extremely pissed off and frustrated” by the “[n]umerous” restraining orders. When asked more specific questions on cross-examination about whether he “threaten[ed]” E.T. in the Facebook Live video, father “plead[ed] the fifth.”³

Father’s oldest daughter and the children’s half-sister, K.H., testified on father’s behalf. She testified that “[f]or about three to four years,” she has been spending “every weekend or every other weekend” with father. K.H. stated that father was “a good father,” that he never “presented a danger” to her, and that she believes “he can provide for [the children’s] daily needs.” K.H. testified that the allegations father “touched on” child one were false, but she has not spoken with child one about the allegations. K.H. also

³ In its written findings after trial, the district court recognized that while “there may be legitimate and legal reasons” for father to assert his right against self-incrimination under the Fifth Amendment, the court “may and d[id] draw an adverse inference against [father] from the specific questions he voluntarily chose not to answer” about whether he threatened E.T., citing *In re Welfare of J.W.*, 391 N.W.2d 791, 793-94 (Minn. 1986).

acknowledged that she has not spoken with child one “about how [child one] feels about seeing” father.

I. The district court terminates father’s parental rights and transfers custody to E.T.

In a May 4, 2022 order, the district court determined that the county “engaged in reasonable efforts to prevent foster care placement and to return the children to” father, father’s “parental rights should be terminated” based on “clear and convincing evidence,” and “it is in the best interest of the children” that father’s parental rights be terminated. The district court concluded that the evidence showed three statutory grounds for termination of father’s parental rights: refusing or neglecting to “comply with the duties imposed upon the parent by the parent and child relationship”; being “palpably unfit to be a party to the parent and child relationship”; and “following the children’s placement out of the home, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the placement.” Minn. Stat. § 260C.301, subd. 1(b)(2), (4)-(5). The district court concluded that it is not “in the best interests of the children that permanent legal and physical custody be transferred to” father and determined that “the children shall remain in the permanent care and custody of” E.T.

Father appeals.

DECISION

Parental rights should be terminated only “for grave and weighty reasons.” *In re Welfare of HGB*, 306 N.W.2d 821, 825 (Minn. 1981). Appellate courts review an order terminating parental rights “to determine whether the district court’s findings address the

statutory criteria and whether those findings are supported by substantial evidence and are not clearly erroneous.” *In re Child. of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005) (quotation omitted).

“[F]indings are clearly erroneous when they are manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). Appellate courts “view the evidence in a light favorable to the findings.” *Id.* We look closely at the “sufficiency of the evidence to determine whether the evidence is clear and convincing” and give “[c]onsiderable deference” to the district court’s decision to terminate parental rights due to the district court’s “superior position to assess the credibility of witnesses.” *In re Welfare of Child of S.S.W.*, 767 N.W.2d 723, 733 (Minn. App. 2009) (quotation omitted).

Appellate courts will affirm the district court’s decision to terminate parental rights when (1) “at least one statutory ground for termination is supported by clear and convincing evidence,” (2) “the county has made reasonable efforts to reunite the family,” and (3) “termination is in the best interests of the child.” *In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008). Though we “review the district court’s findings of the underlying or basic facts for clear error, we review its determination of whether a particular statutory basis for involuntarily terminating parental rights is present for an abuse of discretion.” *In re Welfare of Child. of J.R.B.*, 805 N.W.2d 895, 901 (Minn. App. 2011), *rev. denied* (Minn. Jan. 6, 2012).

Father does not challenge the district court's determination that "it is in the best interest of the children" that father's parental rights be terminated.⁴ Father challenges the district court's determinations that (1) the county "engaged in reasonable efforts to prevent foster care placement and to return the children to" father, and (2) statutory grounds supported termination of father's parental rights. We address these issues in turn.

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

The county must provide reasonable efforts "to prevent placement or to eliminate the need for removal and to reunite the child with the child's family at the earliest possible time." Minn. Stat. § 260.012(a) (2022). For a county's efforts to be reasonable, the services offered must be

- (1) selected in collaboration with the child's family and, if appropriate, the child;
- (2) tailored to the individualized needs of the child and child's family;
- (3) relevant to the safety, protection, and well-being of the child;
- (4) adequate to meet the individualized needs of the child and family;
- (5) culturally appropriate;
- (6) available and accessible;

⁴ Although father does not challenge the best-interests determination on appeal, we note that the district court found termination of father's parental rights was in the children's best interests based on the following: father's "violent and threatening behavior [has] caused trauma to the children"; father's "poor case plan compliance" contradicts his stated desire for the children to be returned to his care; child one's testimony suggests her strong preference to remain in E.T.'s care and that she and child two lacked safety and stability in father's care; and father's "failure to demonstrate sobriety or engage in mental health services" as well as his continued "struggle[s] with anger management" show he "will not be able to appropriately care for the children for the reasonably foreseeable future."

- (7) consistent and timely; and
- (8) realistic under the circumstances.

Minn. Stat. § 260.012(h) (2022). “The county’s efforts must be aimed at alleviating the conditions that gave rise to out-of-home placement, and they must conform to the problems presented.” *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 88 (Minn. App. 2012). We review the district court’s determination about the reasonableness of the county’s efforts for an abuse of discretion and the related findings of fact for clear error. *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).

The district court found that the county’s case plan for father was “appropriately tailored to address his issues with chemical dependency and domestic violence” and was amended as “additional issues arose” to address “his mental health and parenting as well.” The district court also found that father was “fully aware of the requirements of his case plan.”

The district court determined that the county’s referrals for “UAs, Rule 25 assessments, psychological evaluations, domestic violence programming and aftercare, individual therapy services and supervised visitation services . . . provided [father] a meaningful opportunity to address the issues relevant to the foster care placement.” The county also provided a parenting-education referral. The district court concluded that the county referred father to “timely, available, relevant, and culturally appropriate” services. The district court acknowledged that father engaged in some aspects of his case plan, such as completing a psychological evaluation, outpatient chemical-dependency treatment,

domestic-abuse programming, and parenting education. The district court also found, however, that father “failed to follow through” on recommendations from these providers, “namely domestic violence and anger management aftercare programming and consistent individual therapy.”

Father makes four arguments in support of his position that the county “did not make reasonable efforts to reunify the family.” We also note that father’s brief to this court generally proposes alternative actions that the county could have taken. That other efforts may have been reasonable does not establish that the district court abused its discretion by ruling that the county’s actions were reasonable.

First, father claims the county should have “provid[ed] him visitation” and, specifically, “facilitated contact” between father and child two. We begin by noting that the county must give priority to the children’s best interests. *See* Minn. Stat. § 260C.001, subd. 2(a) (2022) (“The paramount consideration in all juvenile protection proceedings is the health, safety, and best interests of the child.”). The record shows that in February 2020, when the children were removed from father’s care, he began supervised visits. All contact with the children “was suspended,” however, after the state charged father with criminal sexual conduct regarding child one and father violated E.T.’s HRO and “terrified” the children by showing up at E.T.’s home intoxicated and making threats. After father was acquitted on the criminal-sexual-conduct charges and requested reinstated visitation, the district court denied the request based on the recommendation of child one’s therapist, who advised that child one complete therapy before starting visits with father. The district court also relied on submissions by the county and mother, who contended the children were

“fearful” of father. We discern no abuse of discretion in the district court’s decision to suspend and then decline to reinstate supervised visitation with father.

Second, father claims that the county did not help him understand child one’s trauma. In his brief to this court, father does not specify the services that would have helped him “in understanding [c]hild one’s trauma.” Based on our review, the record does not support his claim. The county social worker testified that she “provided [father] a few referrals” for therapists and that she gave him “those referrals on more than one occasion.” Her testimony is corroborated by other record evidence showing that the county “text[ed] him referral information for” therapists specializing in “addiction, anger management/domestic violence, trauma, [and] dysregulated personality” and on a separate occasion, provided father with information for “an individual therapist specializing in domestic violence” and an “anger management group.” The county also made a referral for parenting education at the Family Enhancement Center.

Although father blames the county for his inability to understand child one’s trauma, we are not persuaded. The record supports the district court’s findings that (1) father “did not consistently attend” individual therapy, and (2) even after completing a parenting-education program and some therapy, father failed to “appreciate the significant mental health needs” of the children. For example, father testified that child one’s therapist’s recommendation against visitation was “just some type of excuse.” Because the record supports the district court’s finding that the county made referrals for services that provided “a meaningful opportunity to address the issues relevant to the foster care placement,” father’s argument is unavailing.

Father's third argument, that the county failed to assess the anger-management skills he learned, is also unconvincing. Father completed "domestic violence programming at the Domestic Abuse Pro[ject]" in February 2020 and then in June 2020, "took a one-day course" in "anger awareness." The county social worker testified that although she did not ask father about "specific things" he learned from the programming, father's "behavior demonstrates that" he "hasn't corrected the conditions that led to the out-of-home placement relating to anger" because "[t]here has been no sustained period of time where he has not been aggressive, threatening towards others." The May 2020 incident and father's October 2021 Facebook Live video threatening E.T. support the social worker's statements about father's continued aggressive behavior. Also, in his brief to this court, father concedes his "compliance was at times lacking" with mother's OFP. Thus, the record supports the district court's finding that the county "engaged in reasonable efforts," but father "has not corrected the conditions" that led to the children's foster-care placement.

Fourth, father claims that the county did not help him locate an EMDR or CBT provider. This claim is not supported by the record. In response to father's email asking for an EMDR provider, the county recommended that father first speak with his therapist about whether he should "start EMDR," and if so, whether the therapist had a provider "in mind." The county stated that it did not "want to step on [the therapist's] toes" but would "be happy to connect" father with "several awesome EMDR therapists" if his therapist did not have recommendations, and it offered to talk to his therapist "about the EMDR component" if father wanted. The record does not show father followed up with the county. At trial, father testified that he did not recall his therapist recommending EMDR. As for CBT, the

county social worker testified that she gave father a list of CBT providers “on more than one occasion.” The record thus supports the district court’s finding that the county made “many attempts” to “engage [father] in recommended services.”

In sum, the district court neither clearly erred in its findings on the services the county made available to father nor abused its discretion by concluding that those services were “reasonable efforts to prevent foster care placement” and “return the children” to father.

II. The district court did not abuse its discretion by determining that at least one statutory ground for termination was supported by clear and convincing evidence.

The district court found that the county proved by clear and convincing evidence that three statutory grounds supported terminating father’s parental rights: (1) father substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed on him by the parent-child relationship; (2) father is palpably unfit to be a party to the parent-child relationship; and (3) following the children’s placement out of the home, reasonable efforts under the direction of the court failed to correct the conditions leading to the children’s placement. *See* Minn. Stat. § 260C.301, subd. 1(b)(2), (4)-(5). On appeal, we need uphold only one statutory ground by clear and convincing evidence to affirm the district court’s termination of father’s parental rights. *See* Minn. Stat. § 260C.301, subd. 1(b) (2022); *In re Welfare of Child. of R.W.*, 678 N.W.2d 49, 55 (Minn. 2004). As noted above, we review the district court’s factual findings for clear error and its determination of a particular statutory basis for terminating parental rights for an abuse of discretion.

J.R.B., 805 N.W.2d at 901. We first consider whether reasonable efforts failed to correct the conditions leading to the children’s out-of-home placement.

A district court may terminate parental rights if it rules “that following the child’s placement out of the home, reasonable efforts . . . have failed to correct the conditions leading to the child’s placement.” Minn. Stat. § 260C.301, subd. 1(b)(5). It is presumed that reasonable efforts have failed if (1) the child has resided out of the home under court order for 12 months within the preceding 22 months;⁵ (2) the court has approved the out-of-home placement plan; (3) conditions leading to the out-of-home placement have not been corrected; and (4) social services made reasonable efforts to rehabilitate the parent and reunite the family. *Id.* In his brief to this court, father concedes that the statutory presumption applies but then blames the county for refusing to assist him in “reunifying with his children” despite his “request[s].” Father also argues that he “completed the tasks that were requested of him” in his case plan.

The district court made findings on each of the four statutory elements necessary to support a presumption that reasonable efforts failed to correct the conditions leading to out-of-home placement and implicitly determined that father did not rebut the presumption. First, the district court found the children “have been in out-of-home placement since

⁵ We note that “[i]n the case of a child under age eight at the time the petition was filed alleging the child to be in need of protection or services, the presumption arises when the child has resided out of the parental home under court order for six months unless the parent has maintained regular contact with the child and the parent is complying with the out-of-home placement plan.” Minn. Stat. § 260C.301, subd. 1(b)(5)(i). Although both children were under age eight when the county filed the June 2019 CHIPS petition, the district court’s termination order does not address whether this shorter timeframe applies.

February 2020, a period of over two years.” Second, the district court found father “had a court-ordered case plan.” Third, the district court found father “failed to substantially comply with the key components of his case plan.” For example, the district court found that father “did not consistently engage in mental health services,” “has not seen an individual therapist” in “more than seven months,” stopped submitting random UAs as “required to demonstrate sobriety,” did not engage in domestic-violence aftercare programming despite recommendations by “no less than three providers,” and has “continued to exhibit violence and aggressive behavior.” And fourth, the district court found the county’s “efforts to reunite the family and rehabilitate [father] were reasonable.”

The district court’s findings on the statutory presumption are fully supported by record evidence. For example, father testified that he “stop[ped] taking UAs” and receiving “any mental health services.” As to domestic-violence aftercare programming, the county informed father that the Domestic Abuse Project “recommended working with an individual therapist specializing in domestic violence . . . for after care” and gave him referrals. Father testified that the county never responded to his email discussing the aftercare programs he contacted and asking for further instructions. But the record contains a response from the county providing father with updated contact information for aftercare providers and offering to “help with getting things set up.” Also, despite engaging in some domestic-violence programming and therapy, father admitted to violating E.T.’s HRO, violating mother’s OFP, and posting the Facebook Live video. Although father “plead[ed] the fifth” about whether he threatened E.T. in the Facebook Live video, the video is in the record and shows father threatening E.T.

In sum, the record supports the district court's application of the statutory presumption that reasonable efforts failed to correct the conditions leading to the children's out-of-home placement. The record also supports the district court's implicit determination that father failed to rebut the presumption. Because we need only uphold one statutory ground to affirm the district court's decision to terminate father's parental rights, we do not review the other statutory grounds for termination considered by the district court. *See R.W.*, 678 N.W.2d at 55.

Affirmed.