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

**STATE OF MINNESOTA
IN COURT OF APPEALS**

A23-0815

A23-0816

A23-0817

In the Matter of the Welfare of the Children of:
D. D. R., f/k/a D. D. N., X. M. B., and Any Unknown Father, Parents.

Filed January 29, 2024

Affirmed

Gaïtas, Judge

Stearns County District Court
File Nos. 73-JV-23-758, 73-JV-23-759, 73-JV-23-2321

Kimberly Stommes, Jeddeloh Snyder Stommes, St. Cloud, Minnesota (for appellant-mother D.D.R.)

Janelle P. Kendall, Stearns County Attorney, Elizabeth A. Lee, Assistant County Attorney, St. Cloud, Minnesota (for respondent Stearns County Human Services)

Lori Hanson, Albany, Minnesota (guardian ad litem)

Considered and decided by Schmidt, Presiding Judge; Ross, Judge; and Gaïtas, Judge.

NONPRECEDENTIAL OPINION

GAÏTAS, Judge

In these consolidated termination-of-parental-rights appeals, appellant-mother D.D.R. challenges the district court's default orders terminating her parental rights to her three children. Mother argues that the record does not support the district court's determinations that (1) there is a statutory basis for termination of mother's parental rights,

(2) respondent Stearns County Human Services (the county) made reasonable efforts toward reunification, and (3) termination of mother's parental rights is in the children's best interests. Additionally, mother argues that the district court abused its discretion by denying her motion to vacate the default orders and that her attorney provided ineffective assistance of counsel. Because we conclude that the district court did not abuse its discretion in terminating mother's parental rights or in denying her motion to vacate the default orders, and because mother has not established that she received ineffective assistance of counsel, we affirm.

FACTS

Mother and deceased father X.M.B.¹ are the parents of two minor children, aged 2 (child 1) and 1 (child 2), and mother is also the parent of a third child, aged 9 months (child 3). Following a default proceeding, the district court terminated mother's and father's rights to child 1 and child 2 and terminated mother's rights to child 3.² Mother challenges the termination of her parental rights to the three children.³ Before turning to mother's arguments, we briefly summarize the facts.

¹ X.M.B. passed away in August 2023, and his parental rights are not at issue in this appeal.

² The county was unable to identify the father of child 3 during the child-protection proceedings and characterized him as an unknown person.

³ The district court issued three separate orders in three different case files terminating mother's parental rights. Mother appealed the district court's orders in each file, and we consolidated the appeals. Appellate file A23-0815 is the appeal of the district court's order in district court file 73-JV-23-758 terminating mother's parental rights to child 2, appellate file A23-0816 is the appeal of the district court's order in district court file 73-JV-23-759 terminating mother's parental rights to child 1, and appellate file A23-0817 is the appeal of the district court's order in district court file 73-JV-23-2321 terminating mother's

Mother has an extensive history of involvement with child protection in North Carolina related to her substance abuse and other issues, including domestic violence. She has six children in North Carolina, mostly of unknown ages, and she has “signed away her parental rights” to these children.

In Minnesota, the county became involved with mother in March 2021 on the birth of her seventh child—child 1. Child 1’s cord blood tested positive for methamphetamine and amphetamine, and mother also tested positive for methamphetamine. Child 1 was placed in nonrelative foster care following an emergency protective-care hearing. The county soon petitioned the district court to adjudicate child 1 as being in need of protection or services (CHIPS). Child 1 was adjudicated CHIPS in April 2021. Mother was assigned a case manager, who developed a case plan that required mother to participate in chemical-dependency treatment, among other things. Although mother initially struggled to achieve sobriety, she completed inpatient treatment. Following a trial home visit, child 1 was returned to mother’s care in December 2021.

In March 2022, mother gave birth to child 2. Child 2’s cord blood tested positive for methamphetamine. When confronted with her positive toxicology test results, mother admitted to using methamphetamine approximately five days before child 2’s birth.

Based on mother’s relapse, child 1 was returned to nonrelative foster care. And when child 2 was discharged from the hospital, child 2 was placed in foster care with

parental rights to child 3. Because the district court’s orders are identical in some respects, we occasionally refer to them collectively.

child 1. The county petitioned to adjudicate child 2 CHIPS. In May 2022, child 2 was adjudicated CHIPS.

The county offered mother various services to help her reunify with her children, including telephone, video, and in-person visitation, foster home visits, chemical-dependency treatment, urinalysis testing, transportation to treatment and testing, a bus pass, gas gift cards, Help Me Grow referrals for the children, Milestones application for day care, paternity testing, housing resources, and medical assistance. Additionally, the county offered mother a diagnostic mental-health assessment and therapy.

Mother sporadically participated in treatment and therapy in April and May 2022. During this time, she continued to test positive for methamphetamine when she appeared for scheduled tests. By June 2022, mother was not attending appointments for chemical-dependency treatment or therapy. She did not complete parenting education as the county had required. Mother also missed most visits with child 1 and child 2 throughout the summer and fall of 2022.

In December 2022, mother was admitted to an inpatient treatment program. But due to mother's failure to maintain sobriety and lack of participation in her case plan, the county, in January 2023, petitioned to terminate mother's parental rights to child 1 and child 2.

Mother completed inpatient treatment in March 2023. On March 10—two days after her discharge from treatment—mother gave birth to child 3. Child 3's cord blood tested positive for methamphetamine and amphetamine, and child 3 required intensive care. Mother completed an intake process for outpatient treatment but on March 14 again

tested positive for methamphetamine and amphetamine. On March 22, 2023, the county filed a petition to terminate mother's parental rights to child 3.

Mother failed to appear at a hearing scheduled for March 22, 2023. Although the county asked the district court to proceed by default in the cases involving child 1 and child 2, the district court denied the motion and set another hearing for April 3, 2023. Mother appeared at that hearing, and a pretrial hearing was scheduled for May 10, 2023.

Mother failed to appear at the pretrial hearing, and the county again requested to proceed by default. Over the objection of mother's attorney, the district court proceeded by default.

During the default proceeding, the county called mother's case manager and the children's guardian ad litem (GAL) as witnesses. The case manager opined that mother would not be able to parent the children in the reasonably foreseeable future due to her pattern of substance abuse, failure to achieve sobriety, and inability to provide a safe environment for the children or herself. She testified that termination would serve the best interests of the children due to "the extensive child protection involvement and case management, the multiple relapses, . . . the amount of time that [the children] spent out of home while [mother] . . . attempted to gain sobriety, but ultimately has not succeeded." The case manager testified that, as of the hearing date, child 1 had been out of the home for 677 days, child 2 had been out of the home for 427 days, and child 3 had been out of the home for 54 days. In addition, the case manager provided an affidavit, filed in the district court record, detailing mother's history and the efforts the county had made to reunify mother and the children.

The GAL testified that termination of mother's parental rights was in the best interests of the children because mother "continues to struggle being able to address her sobriety and her mental health and being able to show that she could safely and properly parent the three children." According to the GAL, the children's permanency is "very important."

The district court terminated mother's parental rights to all three children in orders filed on May 15, 2023.

On June 5, 2023, mother moved the district court to vacate the default orders and filed separate appeals from the terminations. We stayed the appeals pending the disposition of mother's motion to the district court.

At a hearing before the district court, mother made several arguments in support of her request to vacate the default orders. First, she asserted that she had a reasonable excuse for her failure to appear before the district court; she claimed that she had overslept after a late night of studying for school. Second, mother alleged that she had a reasonable defense to termination and the county would not be prejudiced if the default was vacated. Third, mother claimed that she had acted with due diligence after receiving notice of the entry of the default orders. Finally, mother alleged that she had not been "fully informed that [her] parental rights could be terminated by default if [she] failed to attend the hearing." The district court denied mother's motion to vacate the default orders. Mother then moved this court to consolidate the separate appeals. We consolidated the appeals and dissolved the stays.

DECISION

Mother challenges the district court's default orders terminating her parental rights to child 1, child 2, and child 3. Parental rights may be 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 parental rights if: (1) at least one of the statutory bases for terminating parental rights exists under Minnesota Statutes section 260C.301, subdivision 1(b); (2) reasonable efforts toward reunification were either made or were not required; and (3) the proposed termination is in the children's best interests. Minn. Stat. §§ 260C.301, subds. 1(b), 7, 8, .317, subd. 1 (2022); *see also In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008).

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

The county bears the burden of proving the existence of a statutory condition permitting the termination of parental rights, *In re Welfare of Child of H.G.D.*, 962 N.W.2d 861, 869-70 (Minn. 2021), and must do so by clear and convincing evidence, Minn. R. Juv. Prot. P. 58.03, subd. 2(a). A reviewing court will "closely inquire into the sufficiency of the evidence to determine whether it was clear and convincing." *S.E.P.*, 744 N.W.2d at 385. We "review the district court's findings of the underlying or basic facts for clear error, but 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). "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 Welfare of Child. of T.R.*, 750 N.W.2d 656, 660-61 (Minn. 2008) (quotation omitted). The clear error standard of review “is a review of the record to confirm that evidence exists to support the decision.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 222 (Minn. 2021); see *In re Welfare of Child of J.H.*, 968 N.W.2d 593, 601 n.6 (Minn. App. 2021) (applying *Kenney* on appeal from a juvenile-protection order), *rev. denied* (Minn. Dec. 6, 2021). “When the record reasonably supports the findings at issue on appeal, it is immaterial that the record might also provide a reasonable basis for inferences and findings to the contrary.” *Kenney*, 963 N.W.2d at 223 (quotation omitted). In applying the clear error standard of review, appellate courts (1) view the evidence in the light most favorable to the findings, (2) do not reweigh the evidence, (3) do not find their own facts, and (4) do not reconcile conflicting evidence. *Id.* at 221-22. Thus,

an appellate court need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court. Rather, because the factfinder has the primary responsibility of determining the fact issues and the advantage of observing the witnesses in view of all the circumstances surrounding the entire proceeding, an appellate court’s duty is fully performed after it has fairly considered all the evidence and has determined that the evidence reasonably supports the decision.

Id. at 222 (quotations and citation omitted); see *Vangness v. Vangness*, 607 N.W.2d 468, 472 (Minn. App. 2000) (discussing clear error standard of review).

Minnesota law permits termination of parental rights by default. See Minn. R. Juv. Prot. P. 18.01, .02; see also *In re Welfare of L.W.*, 644 N.W.2d 796, 797 (Minn. 2002) (affirming district court’s default order terminating parental rights after an evidentiary

hearing and noting that “[t]he district court’s decision to terminate parental rights was based on L.F.’s failure to correct the conditions leading to out-of-home placement and her neglect of [child] while [child] was in foster care, not on L.F.’s failure to appear”). Here, mother does not challenge the district court’s decision to conduct the proceeding in her absence.

Following the default proceeding, the district court determined that the county had proved by clear and convincing evidence four statutory bases for termination: (1) mother’s refusal or neglect to comply with her parental duties as to each of her three children, (2) mother’s palpable unfitness to parent child 3, (3) the failure of reasonable efforts to correct the conditions leading to the placement of child 1 and child 2, and (4) child 1 and child 2 were neglected and in foster care.⁴

Mother challenges the district court’s determinations regarding each of these statutory bases for termination. However, an appellate court may affirm the termination of parental rights based on just one “properly supported statutory ground.” *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 92 (Minn. App. 2012). We conclude that clear and convincing evidence in the record demonstrates that mother refused or neglected to comply with her parental duties as to each of her three children, which is a basis for termination of parental rights under Minnesota Statutes section 260C.301, subdivision 1(b)(2). Thus, we

⁴ The district court terminated mother’s parental rights to child 1 and child 2 under Minnesota Statutes section 260C.301, subdivision 1(b)(2), (5), and (8), and it terminated mother’s parental rights to child 3 under Minnesota Statutes section 260C.301, subdivision 1(b)(2) and (4).

need not address the remaining statutory bases for the district court's decision to terminate mother's parental rights. *Id.*

Under section 260C.301, subdivision 1(b)(2), a district court may terminate parental rights if a parent

has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and either reasonable efforts by the social services agency have failed to correct the conditions that formed the basis of the petition or reasonable efforts would be futile and therefore unreasonable.

Minn. Stat. § 260C.301, subd. 1(b)(2). To terminate parental rights on this statutory basis, the district court must find that, at the time of termination, the parent is not "presently able and willing to assume [her] responsibilities" and that the parent's neglect of these duties "will continue for a prolonged, indeterminate period." *In re Welfare of J.K.*, 374 N.W.2d 463, 466-67 (Minn. App. 1985) (quotation omitted), *rev. denied* (Minn. Nov. 25, 1985).

Mother argues that the county failed to establish by clear and convincing evidence that she substantially, continuously, or repeatedly refused to comply with her parental duties. She contends that "there was no failure on the part of [mother] to satisfy the requirements of a court-ordered case plan that would provide evidence of a parent's noncompliance with the duties and responsibilities." In support of this argument, mother points to the case manager's testimony at the default hearing that mother partially complied with the requirements of her case plan.

However, as noted, the standard of appellate review does not allow us to make our own factual findings, reweigh the evidence, or “reconcile conflicting evidence.” *Kenney*, 963 N.W.2d at 221-22 (quotation omitted). Our scope of review on appeal is “limited to determining whether the [district court’s] findings address the statutory criteria, whether those findings are supported by substantial evidence, and whether they are clearly erroneous.” *In re Welfare of D.D.G.*, 558 N.W.2d 481, 484 (Minn. 1997).

The district court found that, “despite numerous and consistent interventions,” mother “would be unable to parent in the foreseeable future due to her inability to stay sober long-term.” Both the case manager’s testimony and her detailed affidavit, which the district court “took judicial notice of,” amply support this finding. The record shows that each of mother’s three children tested positive for methamphetamine at birth. Mother admitted to using methamphetamine a week before giving birth to child 2 in March 2022. Routine drug tests—when mother complied with the testing requirement of her case plan—revealed that mother used methamphetamine in March, July, and December of 2021, and March, April, May, June, and July of 2022. Mother often skipped drug testing appointments, failing to appear 37 times. The county repeatedly made efforts to assist mother with her substance-abuse problem. Indeed, when child 3 tested positive for methamphetamine at birth, the county had been engaged with mother for a full two years. During this time, mother had been offered numerous chemical-health treatment opportunities, among other services such as therapy. Mother did not regularly engage with these services. And although the record shows that mother briefly maintained sobriety

while participating in inpatient treatment, she quickly relapsed upon her discharge from treatment, even while pregnant.

Substantial evidence supports the district court's finding that, despite the county's efforts to assist mother with achieving sobriety, mother will be unable to parent in the foreseeable future due to her significant and unrelenting substance-abuse problem. Accordingly, the district court did not abuse its discretion in determining that mother refused or neglected to comply with her parental duties as to each of her three children. This determination, which was properly supported, provided a statutory basis for terminating mother's parental rights to the three children.

II. The district court's implicit determination that the county made reasonable efforts to reunify the family was not an abuse of discretion.

To terminate parental rights, a district court must conclude that the county made reasonable efforts to reunify the family. *T.R.*, 750 N.W.2d at 664; Minn. Stat. § 260.012(a) (2022). Reasonable efforts include providing services to a family “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) (quotations omitted), *rev. denied* (Minn. Mar. 28, 2007). Those services should “assist in alleviating the conditions that gave rise to the dependency adjudication.” *In re Welfare of H.K.*, 455 N.W.2d 529, 532 (Minn. App. 1990), *rev. denied* (Minn. July 6, 1990). In determining whether a county's efforts to reunify were reasonable, a district court considers whether the services offered were selected in collaboration with the child's family, tailored to the individualized needs of the child and child's family, relevant to the safety and protection of the child, adequate to meet

the needs of the child and family, culturally appropriate, available and accessible, consistent and timely, and realistic under the circumstances. Minn. Stat. § 260.012(h) (2022). The district court must also consider “the length of the time the county was involved and the quality of effort given.” *H.K.*, 455 N.W.2d at 532.

Mother points out that the district court’s orders terminating her parental rights do not specifically address the county’s efforts to reunify the family. Additionally, she argues that the county’s efforts toward reunification were not reasonable.

We agree that the district court did not make an express determination that the county offered reasonable efforts toward reunification. However, the district court’s orders make clear that it implicitly ruled that reasonable efforts were made. The district court found that the county had offered mother “numerous and consistent interventions” to address her substance-abuse problem, which was the primary cause of mother’s inability to parent the children. Moreover, the district court’s orders state that it “took judicial notice of” the case manager’s affidavit, which the county submitted to the district court as part of the default proceeding. The case manager’s affidavit provides more detail regarding the county’s efforts to help mother achieve sobriety and the other services provided to the family. It states:

The following reasonable efforts have been provided to the family: Child Protection Assessments, Child Protection Case Management; foster care; relative searches; telephone and video visitations; supervised face to face visitation; gas gift cards; urinalysis testing for [mother]; offers for Tri-Cap transportation services for [mother] to urinalysis testing; Tri-Cap transportation for [mother] to chemical dependency treatment; St. Cloud Metro bus pass; substance use assessment for [mother]; substance use treatments for [mother]; Help Me

Grow referrals for the children; Milestones application for day care; genetic testing to determine paternity of [child 2]; housing resources for [mother]; and medical assistance.

Mother does not challenge the district court's reliance on the case manager's affidavit. Assuming that the district court erred by not making an explicit ruling regarding the reasonableness of the county's reunification efforts, its orders contain sufficient information from which we can infer that it implicitly made the necessary determination. Therefore, any error in not explicitly addressing the point is harmless, and relief is not warranted. *See In re Welfare of D.J.N.*, 568 N.W.2d 170, 176 (Minn. App. 1997) (declining to reverse termination of parental rights for harmless error).

We also reject mother's argument that the record does not establish that the county's efforts toward reunification were, in fact, reasonable. As discussed, the record shows that the county offered mother numerous chemical-health treatment opportunities and other services to address her chemical dependency over a two-year period. Moreover, the case manager's testimony and her affidavit detailed the many additional services provided to help mother parent the children, including visitation with the children and housing assistance. Given these many services that were specifically designed to serve the family's needs, the district court did not abuse its discretion in determining that the county made reasonable efforts toward reunification.

III. The district court did not abuse its discretion in determining that termination of mother's parental rights was in the best interests of the children.

A district court may only terminate parental rights if the termination is in the best interests of the child. *S.E.P.*, 744 N.W.2d at 385. To evaluate the best interests of a child

in a proceeding to terminate parental rights, a district court must consider (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). “Competing interests include health considerations, a stable environment, and the child’s preference.” *J.K.T.*, 814 N.W.2d at 92.

Because this analysis requires credibility determinations, a reviewing court gives “considerable deference to the district court’s findings.” *Id.* “[D]etermination of a child’s best interests is generally not susceptible to an appellate court’s global review of a record, and . . . an appellate court’s combing through the record to determine best interests is inappropriate because it involves credibility determinations.” *In re Welfare of Child of D.L.D.*, 771 N.W.2d 538, 546 (Minn. App. 2009) (quotation omitted). We review a district court’s best-interests determination for an abuse of discretion. *In re Welfare of Child of J.R.R.*, 943 N.W.2d 661, 669 (Minn. App. 2020).

Mother raises two challenges to the district court’s determination that termination of her parental rights was in the children’s best interests. First, she argues that the record does not support the determination because she “[did] fine” at a supervised visit, she successfully completed inpatient treatment, and she “can provide a safe, stable, and secure home for her three children.” Because the record amply supports the district court’s ruling, we disagree. The case manager testified that termination was in the children’s best interests due to mother’s unremitting drug use—including mother’s multiple relapses following treatment—which had caused the children to remain in foster care for a significant portion of their young lives. Moreover, the GAL testified that she believed termination was in the

children's best interests because mother was unable to maintain sobriety, struggled with her mental health, and failed to demonstrate that she could "safely and properly parent the three children." Given this testimony, the district court's determination that termination was in the children's best interests is well founded in the record.

Second, mother contends that the district court did not "adequately analyze" the best-interests factors because it "did not specifically make findings regarding the children's interest in preserving the parent-child relationship, the parent's interest in preserving the parent-child relationship, and any competing interest of the children." Mother cites no authority to support her argument that the district court must make specific findings regarding these considerations. Indeed, the rule only requires the district court to make "a specific finding that termination is in the best interests of the child," and to "analyze" the considerations. Minn. R. Juv. Prot. P. 58.04(c)(2)(ii). Moreover, the district court *did* specifically rule that termination was in the children's best interests, and we cannot conclude that the district court failed to analyze the relevant considerations. The district court stated that termination was in the children's best interests, "taking into consideration the findings [of fact] . . . , the length of time th[e] child[ren] ha[ve] been in placement and the child[ren]'s need for permanency, as well as the child[ren]'s need for stability, nurturing and attachment." We discern no abuse of discretion in the district court's ruling that termination of mother's parental rights was in the best interests of the children.

IV. The district court did not abuse its discretion in denying mother’s request to vacate the default orders terminating her parental rights.

Under the Minnesota Rules of Juvenile Protection Procedure, the district court may relieve a party from a default order and grant a new trial for any of the following reasons:

- (a) mistake, inadvertence, surprise, or excusable neglect;
- (b) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial;
- (c) fraud (whether denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
- (d) the judgment is void; or
- (e) any other reason justifying relief from the operation of the order.

Minn. R. Juv. Prot. P. 22.02. Following the district court’s default orders terminating her parental rights, mother moved to vacate the orders under rule 22.02(e)—“any other reason justifying relief from the operation of the order.” For a district court to grant relief under this provision, a party must demonstrate that (1) she has a reasonable defense on the merits, (2) she has a reasonable excuse for the failure to act, (3) she exercised due diligence after receiving notice of the entry of the default order, and (4) the opposing party will suffer no substantial prejudice if the default order is vacated. *In re Welfare of Child. of Coats*, 633 N.W.2d 505, 510 (Minn. 2001) (applying Minnesota Rule of Civil Procedure 60.02—which was effective before the predecessor of the current rule 22.02 was promulgated—to consider a mother’s motion to vacate a default order terminating her parental rights). To obtain relief, the party must establish all four factors. *Id.* In reviewing a district court’s denial of a motion to vacate a default order, the appellate court considers whether the district court abused its discretion. *Id.*

Mother challenges the district court's decision denying her motion to vacate the default orders on two grounds. First, mother argues that because the county and the GAL did not respond to her motion to vacate the default orders in writing, the district court "should have . . . treated [mother's] motion as uncontested" and refused to consider the oral arguments of the county and the GAL. In support of this argument, mother cites rule 14.02, subdivision 3, of the Minnesota Rules of Juvenile Protection Procedure, which provides that "[a]ny written motion . . . shall be served at least five days before it is to be heard, unless the court for good cause shown permits a motion to be made and served less than five days before it is to be heard." We reject mother's argument because the rule she relies on does not support it. Mother fails to show that the district court abused its discretion by allowing the county and the GAL to orally respond to mother's motion.

Second, mother argues that the district court abused its discretion in denying her motion to vacate the default orders because she satisfied the four factors for obtaining relief from a default order. The district court denied mother's motion after determining that mother had failed to establish three of the four factors. It rejected mother's conclusory and unsupported claim that she had a reasonable defense on the merits. It found that oversleeping was not a reasonable excuse for failing to appear at the court hearing. And it found that the parties, including the children, would suffer substantial prejudice if the termination orders were vacated because permanency planning was already underway.

"A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record." *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022)

(quotation omitted). The district court’s decision to deny mother’s motion to vacate the default orders is supported by the law and the record. Thus, the district court did not abuse its discretion.

V. Mother fails to show that her trial counsel provided ineffective assistance of counsel.

A parent has a right to “effective assistance of counsel in connection with a proceeding in juvenile court.” Minn. Stat. § 260C.163, subd. 3(a) (2022). To prevail on a claim of ineffective assistance of counsel, an appellant must demonstrate that (1) her counsel’s performance fell below an objective standard of reasonableness and (2) she was prejudiced by the deficient performance. *See State v. Lahue*, 585 N.W.2d 785, 789 (Minn. 1998) (citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984)); *Beaulieu v. Minn. Dep’t of Hum. Servs.*, 798 N.W.2d 542, 550 (Minn. App. 2011) (“If a person claims that he was denied [a] statutory right to counsel, this court analyzes the claim by borrowing the [*Strickland*] analytical framework ordinarily used in criminal cases when applying the Sixth Amendment right to counsel.”); *see also In re Welfare of L.B.*, 404 N.W.2d 341, 345 (Minn. App. 1987) (applying *Strickland* standard in juvenile delinquency context).

In her motion to vacate the default orders, mother asserted that, because she did not understand the term “default,” she was deprived of her constitutional right to due process. The district court rejected this argument, finding that, over the course of the termination proceedings, mother received four notices from the district court that explained the consequences for failing to appear at hearings. Those notices, which are included in the record on appeal, state:

IF YOU FAIL TO APPEAR AT THE HEARING:

- The court may conduct the hearing without you; and
- The court may find that the factual allegations and statutory grounds set forth in the petition have been proved; and
- The court may enter an order granting the relief requested in the petition, which may include:
 - removing the child(ren) from the home of the parent or legal custodian and placing the child(ren) in foster care;
 - permanently severing the parent's rights to the child(ren) pursuant to a termination of parental rights petition;
 - permanently transferring the child(ren)'s legal and physical custody to a relative; or
 - an order for other permanent placement of the child(ren).

On appeal, mother again asserts that she did not understand that her parental rights could be terminated in a default proceeding. But she now argues that her lack of understanding was due to the ineffective assistance of her trial counsel. According to mother's brief to this court, her trial counsel failed to inform her of the meaning of the term "default" and failed to advise her that her parental rights could be terminated by default if she missed a hearing.

An appellant alleging ineffective assistance of counsel bears the burden of proof on the claim. *Lahue*, 585 N.W.2d at 789. And "[t]here is a strong presumption that a counsel's performance falls within a wide range of reasonable assistance." *State v. Reek*, 942 N.W.2d 148, 166 (Minn. 2020).

We are not persuaded by mother's assertions that her trial counsel failed to explain the risks of failing to appear at hearings. Moreover, as noted by the district court, mother was repeatedly advised in writing of the consequences of failing to appear. Thus, mother

has not established that her trial counsel's performance was deficient or that she was prejudiced by that performance. Accordingly, we reject her claim of ineffective assistance of counsel.

Affirmed.