

*This opinion is nonprecedential except as provided by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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0147**

In re the Guardianship of Humberto Mazariegos Rodriguez.

**Filed August 19, 2024
Affirmed
Kirk, Judge***

Murray County District Court
File No. 51-JV-23-3

Graham Ojala-Barbour, Ojala-Barbour Law Firm, PLLC, St. Paul, Minnesota (for appellant)

Considered and decided by Harris, Presiding Judge; Schmidt, Judge; and Kirk, Judge.

NONPRECEDENTIAL OPINION

KIRK, Judge

Appellant challenges the district court's denial of a petition for a guardianship for an at-risk juvenile, arguing that the district court erred when it failed to make certain required findings of fact pursuant to Minnesota Statutes section 257D.03, subdivision 2 (2022). Appellant also argues that the district court abused its discretion when it failed to grant relief nunc pro tunc. We affirm.

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

FACTS

Appellant Humberto Mazariegos Rodriguez was born on April 9, 2002, in Guatemala. Upon his arrival to the United States, Rodriguez began living with his mother and her husband H.M. H.M. recalled meeting Rodriguez in March 2012. Rodriguez's biological father's identity is unknown. Rodriguez was diagnosed with cancer in 2022.

In February 2023, Rodriguez, then 20 years old, petitioned the district court for guardianship of an at-risk juvenile. Rodriguez proposed that H.M. be appointed his guardian.

At a March 2023 hearing, Rodriguez and H.M. testified. H.M. testified that he assists Rodriguez with his medical care by taking Rodriguez to his medical appointments. Also, that based on Rodriguez's medical condition, it would be in Rodriguez's best interests for H.M. to be appointed as his guardian. The district court took the matter under advisement.

The district court denied the petition. In so doing, the district court determined that: (1) H.M. "appear[ed] capable"; (2) the relevant factors to be considered and evaluated for its best-interests-of-the-child analysis included Rodriguez's country of nationality, medical condition, current level of support, education, age, daily needs, and the possibility of future abandonment of Rodriguez by his mother; (3) both Rodriguez and H.M. agreed to the guardianship; (4) it could not "find that reunification with [Rodriguez]'s father is not viable due to abandonment . . . or a similar basis"; and that reunification of Rodriguez with his mother *is* viable; and (5) it was unclear whether Rodriguez's best interests supported his return to Guatemala as Rodriguez's mere "preference not to return to his country of

nationality [was] insufficient.” The district court also noted its concerns that “[t]he primary purpose of this [p]etition [was] likely to address immigration issues or assist [Rodriguez] in an immigration proceeding, rather than because [Rodriguez] actually require[d] a guardian—particularly when the duration of this guardianship would be for less than a month.”

In April 2023, Rodriguez petitioned for an emergency writ of mandamus requesting that this court compel the district court to grant the guardianship petition, or alternatively to grant the writ of mandamus nunc pro tunc. We denied the writ. Rodriguez appeals.

DECISION

Rodriguez argues that the district court erred when it made findings of fact that were not supported by the record. Rodriguez contends that the district court erred when it omitted certain facts, determined that he failed to present sufficient evidence showing that reunification with his biological father was not viable, assessed Rodriguez’s medical needs, determined that the primary purpose of the petition was for immigration purposes, and failed to find H.M. reputable as the proposed guardian.

We review a district court’s best-interests determination under Minn. Stat. § 257D.08, subd. 1 (2022), for an abuse of discretion. *See In re Welfare of Child of A.H.*, 879 N.W.2d 1, 7 (Minn. App. 2016) (reviewing district court’s best-interests determination under Minn. Stat. § 260C.511 for abuse of discretion). “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 purpose of a guardianship of an at-risk juvenile is to “provide an at-risk juvenile with guidance, assistance, financial and emotional support, and referrals to resources.” Minn. Stat. § 257D.02 (2022). This is to ensure that the at-risk juvenile’s needs are met, including “shelter, nutrition, and access to and receipt of psychiatric, psychological, medical, dental, educational, occupational, or other services,” or to “protect the at-risk juvenile from sex or labor trafficking or domestic or sexual violence.” *Id.*

Minnesota Statutes section 257D.03, subdivision 2, states that:

An at-risk juvenile may petition the juvenile court for the appointment of a guardian. The petition must state the name of the proposed guardian and allege that:

(1) the appointment of a guardian is in the best interests of the at-risk juvenile;

(2) the proposed guardian is capable and reputable;

(3) both the petitioner and the proposed guardian agree to the appointment of a guardianship under this chapter;

(4) reunification of the at-risk juvenile with one or both parents is not viable because of abandonment, abuse, neglect, or a similar basis that has an effect on the at-risk juvenile comparable to abandonment, abuse, or neglect under Minnesota law; and

(5) it is not in the best interests of the at-risk juvenile to be returned to the at-risk juvenile’s or at-risk juvenile’s parent’s previous country of nationality or last habitual residence.

A district court “must” grant a guardianship for these purposes if it finds that:

(1) “the proposed guardian is capable and reputable”; (2) “the guardianship is in the best interests of the at-risk juvenile”; (3) the at-risk juvenile and proposed guardian agree to the guardianship; (4) “reunification of the at-risk juvenile with one or both parents is not viable because of abandonment, abuse, neglect,” or a comparable basis; and (5) “it is not in the best interests of the at-risk juvenile” to return to their country of nationality or last habitual

residence of the juvenile or their parents. Minn. Stat. § 257D.08, subd. 1; *see* Minn. Stat. § 645.44, subd. 15a (2022) (“‘Must’ is mandatory.”).

In determining the best interests of at-risk juveniles under this chapter, a district court must consider and evaluate “all relevant factors.” Minn. Stat. §§ 257D.01, subd. 5 (defining “[b]est interests” as having meaning given in section 260C.511(a)); 260C.511(a) (2022) (requiring that district court consider and evaluate “all relevant factors” in its best-interests determination). In making findings of fact to support its determination whether to grant a petition under section 257D.03, subdivision 2, a district court applies a preponderance-of-the-evidence standard of proof. *In re Guardianship of Corpeno*, 2 N.W.3d 595, 599 n.3 (Minn. App. 2024).

The district court determined that the guardianship petition failed to satisfy the five-part test under section 257D.08, subdivision 1, requiring the court to “issue an order awarding a guardianship.” The district court noted that Rodriguez proved subparts (1) and (3), by a preponderance of the evidence in that H.M. “appear[ed] capable” for the purposes of a guardianship and both H.M. and Rodriguez agreed to the guardianship. *See* Minn. Stat. § 257D.08, subd. 1(1), (3). The district court’s order included its best-interests analysis under section 260C.511(a), by listing the factors relevant for the guardianship as: Rodriguez’s country of nationality, medical condition, current level of support, education, age, daily needs, and the possibility of future abandonment of Rodriguez by his mother.¹

¹ We note that although the district court’s order included factors that are not considered relevant for a guardianship determination, specifically when it noted its concerns about Rodriguez’s “primary purpose” for and duration of the proposed guardianship, these factors were not outcome determinative.

The district court noted that “there [wa]s no evidence [Rodriguez]’s father knows of [Rodriguez]’s existence,” and that it could not make a finding “that reunification with [Rodriguez]’s father [wa]s not viable due to abandonment, abuse, neglect, or a similar basis because [the identity of Rodriguez]’s father [wa]s unknown.” The district court also noted that, “[t]here is no indication that [Rodriguez] needs assistance in meeting his needs or that [H.M.] or [Rodriguez]’s mother would abandon him absent the requested guardianship.” *See id.*, subd. 1(4) (requiring district courts issue an order awarding a guardianship if it finds that reunification “with one or both parents is not viable because of abandonment”). The record supports these findings.

The district court also noted its concerns associated with H.M.’s guardianship, including that: (1) “there is no evidence that [H.M.’s] willingness to [support and assist in Rodriguez’s medical treatment] would change for any reason”; (2) “[t]here is no indication that [Rodriguez] needs assistance in meeting his needs or that [H.M.] or [Rodriguez]’s mother would abandon him absent the requested guardianship”; and (3) “there is no evidence that [Rodriguez] is incapable of self-support or requires extraordinary assistance to meet his daily needs.” Further, the district court expressed that it was “unclear whether it would be in [Rodriguez]’s best interests to return” to Guatemala.

Here, the record shows that the factors relevant to H.M.’s guardianship include whether, absent the guardianship: (1) Rodriguez’s medical needs would continue to be met, and (2) reunification of Rodriguez with his mother is not viable because of abandonment. As the district court noted, H.M. has been meeting Rodriguez’s medical needs by taking him to appointments and that alternative transportation for Rodriguez was possible.

Transportation to medical appointments is not the type of medical services that would require a guardianship under the statute. *See* Minn. Stat. § 257D.02.

The district court's order considered "all relevant factors" in its best-interests analysis. Also, the record supports the district court's findings that Rodriguez failed to prove by a preponderance of the evidence that reunification with one or both parents is not viable because of abandonment. *See* Minn. Stat. § 257D.08, subd. 1(4). Therefore, the district court did not abuse its discretion when it denied the guardianship petition.²

Affirmed.

² Because we affirm on this ground, we need not decide whether the district court abused its discretion when it failed to grant relief *nunc pro tunc*.