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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0582**

In the Matter of the Welfare of the Child of: T. L. H. and C. C., Parents.

**Filed September 9, 2024
Affirmed
Cochran, Judge**

Pine County District Court
File No. 58-JV-23-90

Brice M. Norton, Norton Law, St. Paul, Minnesota (for appellant T.L.H.)

Reese Frederickson, Pine County Attorney, Sydney Silko, Assistant County Attorney, Pine City, Minnesota (for respondent Pine County Health & Human Services)

Cathryn Middlebrook, Chief Appellate Public Defender, Elizabeth Maria Hiljus, Assistant Public Defender, St. Paul, Minnesota (for child)

Briana Blackhawk, Coon Rapids, Minnesota (guardian ad litem)

Considered and decided by Cochran, Presiding Judge; Connolly, Judge; and Frisch, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

On appeal from the termination of her parental rights, appellant-mother argues that the district court clearly erred by finding that the respondent-county made reasonable efforts to reunite mother and her child. Mother further argues that the district court abused its discretion by determining that the county proved multiple statutory grounds supporting termination and that termination is in the best interests of the child. We affirm.

FACTS

Appellant T.L.H. (mother) is the biological mother of a minor child born in 2008 (the child). The child's biological father is unknown despite multiple attempts by various agencies to identify the child's father. Mother also has two younger children born in 2015 and 2021 (sibling 1 and sibling 2) whose biological and adjudicated father is C.C.¹ Mother and C.C. have been in an "on-again, off-again" relationship since 2009.

Child-Protection Background

Prior to living in Pine County, mother lived in Cook County. Several incidents led to Cook County's involvement with mother and her children. Between 2014 and 2018, Cook County conducted three family assessments and an investigation due to controlled-substance and domestic-abuse issues in mother's home. In 2018, Cook County petitioned to open a child in need of protection or services (CHIPS) case for the child and sibling 1, requesting that they be placed outside of mother's home based on allegations that mother's and C.C.'s drug use and abusive relationship was affecting the welfare of the children. The district court granted temporary custody of the children to Cook County before returning custody to mother under Cook County's protective supervision. In 2019, Cook County requested that the district court close the CHIPS case because mother was moving to Pine County and had complied with her case plan. The district court returned custody of the child and sibling 1 to mother and terminated jurisdiction.

¹ Mother's parental rights to sibling 1 and sibling 2 are not at issue in this appeal. Although they were initially named in the petition to terminate mother's parental rights, they were dismissed from the petition after the district court determined that the Indian Child Welfare Act, 25 U.S.C. §§ 1901-63 (2018), applied to them.

While mother lived in Pine County, respondent Pine County Health and Human Services (the county) “received multiple reports of substance use, domestic violence, educational neglect, medical neglect, and physical abuse of [mother’s] children.” Between February 2019 and May 2020, the county opened three assessments of mother’s family. In January 2021, the county received a report that mother gave birth to a child, sibling 2, who tested positive for methamphetamine. In response, the county assigned a child-protection case manager to work with the family in March 2021.

The case manager created a case plan for mother and C.C., which they agreed to follow. The case plan included chemical-use assessments, weekly random controlled-substance testing, and therapy. To help them follow the plan, the case manager referred mother and C.C. to chemical-dependency resources and therapeutic services; discussed utilizing public health services; and provided bus passes, gas vouchers, assistance with house cleaning, phone cards, gift cards, and baby formula. Around that time, mother completed a chemical-use assessment and started outpatient therapy. Initially, mother “did very well” with attending therapy. But mother’s attendance fell off after she started working at a gas station. During the summer of 2021, mother was discharged from the program for lack of communication and poor attendance.

In September 2021, mother’s case manager transitioned to a different role with the county, and the county assigned a new social worker to the case. When the social worker got involved with the case, “there was still concern about [mother’s] substance use.” At the onset of her involvement, the social worker also identified that mother needed to

address her inconsistency with attending treatment. According to the social worker, mother often started treatment programs, but “would never finish.”

Mother had been doing “fairly well” for several months under the social worker’s case management. But, in January 2022, mother texted “help” to 911. Mother told responding police officers that C.C. had “put his forearm on [sibling 1’s] neck and rustled his hair.” Mother also said that she had been arguing with C.C. One officer noticed that mother’s “eyelids were half open and slightly fluttering,” her pupils were dilated, and she was responding slowly. The officers found the children in their room and observed that the children “appeared fine.” After discussing the matter, the officers instructed mother and C.C. “to stay civil with each other” and later reported the incident to the county.

In March 2022, when the child was 13 years old, the county learned that the child had either left or been “kicked out” of mother’s house after an incident. The social worker testified that she was “not sure entirely what happened,” but that “everything really seemed to go south” after the child left the house. Following the incident, the child was “in and out” of mother’s home, often residing with his maternal grandmother.

Around that time, the child’s school informed the county that the child had missed 15 consecutive days of school and was dropped from the school’s enrollment as a result. The social worker testified that the child’s attendance had gone “downhill” as the school year advanced. The child’s attendance record shows that he incurred 21 full-day unexcused absences during the 2021-2022 school year, occurring mostly in February and March 2022. Mother testified that she was using methamphetamine “on and off” around the time the child was dropped from the school’s enrollment. By the start of the 2022-2023 school year,

the child was not reenrolled in school, and he was only reenrolled after missing a week of classes. The social worker testified that grandmother and the child “were having issues getting [mother] to sign the [reenrollment] papers.”

In June 2022, mother and C.C. tested positive for methamphetamine. A week later, the county received a report that mother was claiming that C.C. was “hitting [or] choking out one of the kids.” The social worker asked mother to promptly complete a chemical-use assessment. Mother said that she would schedule the assessment, but the county did not hear back from mother for months. During June and July, the social worker “called, texted, or tried to drive by [the home], with no response from anybody” multiple times. In August or September, the social worker “finally got back in the house” and instructed mother that the county was updating her case plan and would be filing a CHIPS petition because of mother’s drug use, the “constant reports of domestic violence,” and the child’s educational neglect.

The CHIPS Petition

On September 30, 2022, the county filed a CHIPS petition regarding all three of mother’s children. In the petition, the county alleged that it had recently received reports that mother was using heroin, there were “dirty meth bubbles in the home,” and C.C. had been physically abusing all three of the children. In response to the petition, the district court filed an ex parte order for emergency protective care that placed the children in the custody of the county.

The district court held a pretrial hearing on December 16, 2022, where mother “voluntarily, knowingly, and freely admitted that the children are in need of protection or

services.” The district court adjudicated the children in need of protective services, transferred custody of the children to the county, and authorized the county to place the children out of the home. Because the child was residing with grandmother when the county filed the CHIPS petition, the county placed the child in foster care with grandmother.

At the county’s request, the district court adopted an out-of-home placement plan aimed at reunification that required mother to: (1) remain abstinent from non-prescribed controlled substances; (2) submit to random drug testing; (3) follow the recommendations of her chemical-use assessment; (4) successfully complete and follow all recommendations from substance-abuse treatment; (5) complete and follow all recommendations from a psychological evaluation; (6) participate in family-support services; (7) maintain safe, stable housing and a sober home environment; (8) consistently attend and participate in visits with the children; (9) maintain regular contact with the county; and (10) prohibit C.C. from residing in her home until he is actively participating in services and making progress on his case plan. Mother signed the plan prior to the pretrial hearing.

Petition to Terminate Mother’s Parental Rights and Trial

In June 2023, the county filed a petition to terminate mother’s parental rights to the child. The county alleged that three statutory grounds supported termination: (1) neglect, (2) palpable unfitness to parent, and (3) reasonable efforts failed to correct conditions leading to the child’s out-of-home placement. *See* Minn. Stat. § 260C.301, subd. 1(b)(2), (4), (5) (2022). The district court held a two-day trial, which started on October 16, 2023, and finished on March 20, 2024. Several witnesses testified including mother, the case

manager, the social worker, and the child's guardian ad litem. The testimony addressed, among other topics, mother's circumstances, the child's circumstances, and visitation.

Mother's Circumstances

The district court heard extensive testimony about mother's chemical use and her mental health—the primary concerns that mother was to address under her case plan. Regarding her chemical use, mother testified that she had completed multiple comprehensive assessments, which provided treatment recommendations. For instance, one assessment recommended, among other measures, that mother attend outpatient treatment and abstain from mood-altering substances. Mother started attending outpatient treatment near the end of November 2022, but she did not complete the treatment and stopped attending sessions in January or February 2023. Mother similarly failed to follow through with the treatment recommendations from three other assessments she completed between May 2023 and January 2024. In February 2024, mother completed another comprehensive assessment, which recommended outpatient programming. By the second day of trial, mother had started outpatient programming but had not yet signed a treatment plan.

The evidence at trial also included mother's drug-testing results. Between September 30, 2022—the date of the CHIPS petition—and October 2023, mother tested positive for methamphetamine, amphetamines, or THC on 13 occasions. During that same span, mother tested negative six times.

At the second day of trial in March 2024, mother testified that her sobriety date for methamphetamine was November 25, 2023. But the social worker suspected that mother

had been using methamphetamine more recently. In the weeks following the first day of trial in October 2023, the social worker was unable to administer random drug testing to mother due to mother's delayed communication. The social worker suspected that mother was using controlled substances during this time because mother missed three visits with her other children, she was defensive, and the social worker observed on a video call that mother's face was broken out and she had "heavy-lidded eyes." The social worker applied a sweat patch to mother in February 2024 to test for controlled substances, but mother did not attend a scheduled visit to remove the patch. Several days later, the social worker was able to meet with mother, but mother had taken off the patch and put it "in a baggie" before the meeting. The social worker testified that the patch was not tested because mother's removal of the patch constituted "tampering."

In addition to hearing about mother's efforts to address her chemical use, the district court also heard about mother's efforts to engage with mental-health services. The social worker testified about the case plan's requirement that mother complete a psychological evaluation and follow all recommendations. The county helped schedule mother for an evaluation in March 2023. Mother rescheduled that evaluation, and then did not attend on the rescheduled date. The provider attempted to contact mother but was unsuccessful. The county then helped mother schedule another evaluation, and the social worker offered to transport mother to the evaluation. Mother completed the evaluation in November 2023.

As a result of the evaluation, mother was diagnosed with "Other Specified Trauma and Stressor-Related Disorder" and severe stimulant-use disorder. The evaluation recommended that mother engage in psychotherapy, such as cognitive behavior therapy,

and in “behavior modification and reinforcement strategies.” It also found that mother would benefit from “mental health services from a trauma-informed approach,” such as Eye Movement Desensitization and Reprocessing (EMDR), and from “psychoeducation, therapy, and skills training related to relationship stability.” Lastly, the evaluation recommended that mother follow recommendations for medication use and abstain from mood-altering substances. By the second day of trial, mother had attended one EMDR appointment. The social worker testified that, as far as she knew, mother had not “made progress on any of the other recommendations outlined in the psychological evaluation.”

Visitation with the Child

As part of mother’s case plan, the county arranged for weekly supervised visitation between mother, the child, and siblings 1 and 2. The county was willing to arrange transportation for the child if needed. But, according to the social worker, the child “maintained from day one” that he did not want to attend visitation with mother. Still, the child had impromptu unsupervised interactions with mother, including phone calls and one occasion in December 2022 when the child spent a night at mother’s house. The social worker testified that the county knew that mother was having some unsupervised contact with the child but decided it would not interfere with the visits. Instead, the social worker asked only that mother disclose the unsupervised contact to the county when it occurred.

In February 2024, the child asked to speak with mother after he was placed in a crisis-stabilization residence. To facilitate this request, the county worked to ensure mother was added to the child’s call and visitation list. Mother testified that she and the child shared two phone calls while he was residing at the crisis-stabilization residence.

The Child's Circumstances

There was also testimony at trial regarding the child and his struggles, including his need for treatment and for stability. Following the filing of the CHIPS petition in September 2022, the county placed the child in the care of grandmother. The child had been residing primarily with grandmother prior to the filing of the petition and expressed a desire to continue living with her.

The social worker testified that, during the 2022-2023 school year, the child struggled with attendance, as he had in the past. The county also became concerned with the child's chemical use after learning that the child was cited for impaired driving in November 2022. At the onset of the 2023-2024 school year, "[t]hings were going great" until November 2023, when the county learned that the child had been involved in another impaired-driving incident. The child was driving his grandmother's car at a high rate of speed, collided with another car, and had to be taken to the emergency room for his injuries. Because of the two impaired-driving incidents, grandmother received "two background disqualifiers on her record." According to the social worker, grandmother therefore would not "pass a background study," which was needed to be a permanent placement option in the event mother's parental rights were terminated.

Following the car accident, the child received multiple clinical assessments, from which he was diagnosed with several substance-use and mental-health disorders. The social worker testified that the child has failed to consistently participate in treatment recommendations, and that he struggles with boundaries and has "significant needs." The social worker testified that termination of mother's parental rights was in the child's best

interests because mother could not provide the stability and routines that the child needs to address his behavioral issues. And, according to the social worker, the child supports termination of his mother's parental rights because, even though he loves her, he has been "let down" by her.

The child's guardian ad litem also testified at the trial. Like the social worker, the guardian ad litem noted that the child wanted mother's parental rights to be terminated and that he had consistently maintained that position. The guardian ad litem did not opine on whether termination was in the child's best interests because she had "only been reassigned to this case for a few months." Still, she testified that mother was not equipped to care for the child and meet his needs, and that they were not in a position to be reunified at the time of trial.

The District Court Order Terminating Mother's Parental Rights

Following the trial, the district court issued a lengthy order terminating mother's parental rights to the child. Based on its findings of fact, the district court determined that the county made reasonable efforts at reunification, the county proved all three statutory bases for termination by clear and convincing evidence, and that termination was in the child's best interests.

Mother 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 terminate parental rights only if (1) the county has made reasonable efforts to reunite the parent and children

or such efforts were not statutorily required, (2) at least one statutory ground for termination is supported by clear and convincing evidence, and (3) termination is in the children’s best interests. Minn. Stat. §§ 260C.301, subds. 1(b), 7, 8, .317, subd. 1 (2022); *In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008).

We review a district court’s “ultimate decision whether to terminate parental rights 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). A district court abuses its discretion when it makes findings of fact that lack evidentiary support, misapplies the law, or resolves discretionary matters in a manner contrary to logic and facts on record. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022). We review a district court’s factual findings supporting a decision to terminate parental rights for clear error. *J.H.*, 968 N.W.2d at 600. Under a clear-error standard of review, we “view the evidence in a light favorable to the findings.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021). And we will not reweigh the evidence, engage in fact-finding, or reconcile conflicting evidence. *Id.* at 221-22. But we thoroughly review the sufficiency of the evidence “to determine whether it [is] clear and convincing.” *S.E.P.*, 744 N.W.2d at 385.

Mother challenges the district court’s decision to terminate her parental rights, raising arguments about the county’s reunification efforts, the statutory grounds for termination, and the child’s best interests. We conclude that none of the arguments warrant reversal.

I. The district court did not clearly err by finding that the county made reasonable efforts toward reunification and rehabilitation.

When a child is removed from the home, the county must make “reasonable efforts” to rehabilitate the parent and reunify the family unless a statutory exception applies. Minn. Stat. §§ 260.012(a), 260C.301, subd. 8 (2022). In determining the reasonableness of a county’s efforts, district courts must consider whether the efforts were:

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

Minn. Stat. § 260.012(h) (2022). “Reasonable efforts at rehabilitation 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) (quotations omitted), *rev. denied* (Minn. Mar. 28, 2007). “The quality and quantity of efforts to rehabilitate and reunify the family impact the reasonableness of those efforts.” *Id.* We review the district court’s finding that the county made reasonable efforts toward reunification for clear error because “[w]hat constitutes reasonable efforts depends on the facts of each case.” *In re Welfare of Child of R.V.M.*, 8 N.W.3d 680, 695 (Minn. App. 2024) (quotations omitted), *rev. denied* (Minn. July 19, 2024).

Here, the district court found that the county provided the following services toward rehabilitation of mother and to reunify mother with the child:

(a) Face to face visits with Mother and the child;
(b) Phone and text communication with Mother;
(c) Consultation and communication with the Guardian ad Litem; (d) Attempted communication with Mille Lacs Band treatment provider; (e) Oral fluids testing; (f) Sweat patch testing; (g) Case management and case planning; (h) Referral and coordination for Mother's psychological evaluation; (i) Referrals for therapy; (j) Transportation services; (k) Gas cards and vouchers to assist with transportation; (l) Bus passes; (m) Phone cards; (n) Financial assistance with rent and a garbage bill; (o) Consultation and communication with schools; (p) Communication with [the child's] probation officer; (q) Attend IEP meeting[s]; (r) Consultation and communication with various services providers; (s) Communication with the Bad River Tribe; (t) Foster care services; and (u) Assistance with foster care licensing for Grandmother.^[2]

The district court further found the county's efforts were reasonable because they were made in consideration of the statutory factors from section 260.012(h).

Mother asserts that the district court's finding that the county's efforts at reunification were reasonable is clearly erroneous because she was not provided a "meaningful opportunity" to demonstrate her ability to parent the child. She contends that the child was "given carte blanche to decide" whether to attend supervised visitation with mother and decided not to attend. Mother notes that "[s]he respected his wishes, to her detriment." The county responds that its efforts were reasonable under the circumstances.

² Mother does not argue that any of these findings were clearly erroneous. Regardless, the social worker testified extensively on the efforts provided by the county, and the testimony supports the district court's findings.

In determining the reasonableness of the county's efforts, the legislature has identified factors that the district court "shall consider," as outlined above. Minn. Stat. § 260.012(h). Several of those factors provide that the county's efforts toward reunification of the family may be made with consideration of the child's own wishes. *See, e.g.,* Minn. Stat. § 260.012(h)(1) (concerning whether services were "selected in collaboration with the child's family *and, if appropriate, the child*" (emphasis added)), (2) (concerning whether services were "tailored to the individualized needs of *the child* and child's family (emphasis added)). Further, the county's efforts must also be "realistic under the circumstances." Minn. Stat. § 260.012(h)(8); *see also In re Welfare of S.Z.*, 547 N.W.2d 886, 892 (Minn. 1996) ("The nature of the services which constitute reasonable efforts depends on the problem presented.").

Mother's argument that she was denied a "meaningful opportunity to show her ability to parent" implies that the county's efforts toward reunification would have been reasonable only if the county forced the teenage child to attend visitation sessions. But the child, who was 14 years old when the CHIPS petition was filed and 15 years old by the time of trial, was at an age where it would not have been physically possible for the county to force the child to attend visitation. And the child was old enough for the county to consider his desires when making efforts toward reunification. *See In re Welfare of Child of J.R.R.*, 943 N.W.2d 661, 669 (Minn. App. 2020) ("The custodial wishes of a 15-year-old child are a relevant factor to be considered and evaluated.").

Moreover, although the child decided not to attend visitation, the record reflects that the county made efforts to facilitate visitation between mother and the child. The social

worker testified that the county referred mother and the child for supervised visits at Family Pathways. And the county would “have arranged transportation if needed,” but the child chose not to participate. In addition, the trial testimony also established that the county was aware of sporadic, unsupervised visits and phone calls occurring between mother and the child and that the county decided that it would not prohibit mother from having informal contact with the child, presumably because of the child’s resistance to supervised visits. Further, mother does not identify any specific steps that the county could have taken beyond those provided that would have addressed her concern, nor did mother petition the district court for additional assistance from the county in terms of facilitating supervised visits. Thus, mother’s lack of supervised visitation time with the child was not the result of the absence of reasonable efforts by the county. Rather, the record reflects that the county made efforts to facilitate visitation and those efforts were reasonable under the circumstances.

We are not persuaded otherwise by mother’s reliance on our decision in *In re Welfare of Child. of B.M.*, 845 N.W.2d 558 (Minn. App. 2014). In *B.M.*, the appellant argued that his case plan did not provide him with a “meaningful opportunity to parent” his child, and we agreed. *B.M.*, 845 N.W.2d at 565. But *B.M.* is factually distinguishable from the present case. In *B.M.*, the father was the noncustodial parent of an infant child. *Id.* at 560. And the county limited the father’s opportunities for parenting time under his case plan because the county had concerns about father’s “mental handicap.” *Id.* at 563, 565-66. In reversing, we noted that the district court “made no finding that reasonable efforts were undertaken by the county” and emphasized that father’s case plan lacked

meaningful parenting opportunities. *Id.* at 561, 564, 566. Here, by contrast, the child was 14 years old when the CHIPS proceeding commenced and the county undertook efforts to facilitate the type of visitation sought by mother, which the district court found to be reasonable under the circumstances. Consequently, the two situations are not comparable in terms of whether the county provided the parent with a “meaningful opportunity” to demonstrate their ability to parent. Mother’s reliance on *B.M.* is therefore misplaced.

Mother’s argument that the district court clearly erred when it found that the county made reasonable efforts also ignores the district court’s ample findings regarding the county’s efforts toward rehabilitating mother. Rehabilitation of the parent is an important part of a county’s reasonable efforts toward reunification. *See* Minn. Stat. § 260C.301, subd. 8(1) (providing that a district court’s reasonable-efforts findings must include “the nature and extent of efforts made by the [county] to *rehabilitate the parent* and reunite the family” (emphasis added)). Both the social worker and the guardian ad litem testified that mother and the child were not ready to be reunified at trial. And the social worker testified at length about the measures the county took to refer both mother and the child to therapeutic services and encourage their ongoing participation. In other words, the county reasonably tailored its efforts toward rehabilitating mother and the child until reunification was realistic.

In sum, we conclude that mother has not demonstrated that the district court clearly erred when it found that the county’s efforts to reunify mother and the child were reasonable under the circumstances.

II. The district court did not abuse its discretion by determining that at least one statutory ground supports termination.

Mother also challenges the district court's determination that three statutory grounds exist to terminate her parental rights: neglect, palpable unfitness, and a failure to correct the conditions that led to out-of-home placement. *See* Minn. Stat. § 260C.301, subd. 1(b)(2), (4), (5). "But we need only one properly supported statutory ground in order to affirm a termination order." *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 92 (Minn. App. 2012). Because we conclude below that the district court did not abuse its discretion in ruling that clear and convincing evidence demonstrates that mother failed to correct the conditions that led to out-of-home placement, we decline to address the other statutory grounds that the district court used to support its termination decision.

A district court may terminate parental rights when "reasonable efforts, under the direction of the court, have failed to correct the conditions leading to [out-of-home] placement." Minn. Stat. § 260C.301, subd. 1(b)(5). Reasonable efforts are presumed to have failed when (1) the child resided out of the parental home for 12 of the past 22 months; (2) the court has approved an out-of-home placement plan; (3) the conditions leading to out-of-home placement have not been corrected; and (4) the county has made reasonable efforts to rehabilitate the parent and reunite the family. *Id.*, subd. 1(b)(5)(i)-(iv).

The parties do not dispute that the child had been in out-of-home placement for more than 12 months, nor do they dispute that the district court approved the out-of-home placement plan. And, as set out above, the district court did not clearly err by finding that the county made reasonable efforts toward rehabilitating mother and reunifying her with

the child. Thus, the only issue to resolve is mother's contention that the conditions leading to out-of-home placement were corrected at the time of trial. It is presumed that the conditions leading to out-of-home placement have not been corrected "upon a showing that the parent . . . ha[s] not substantially complied with the court's orders and a reasonable case plan." *Id.*, subd. 1(b)(5)(iii).

The district court determined that the county proved "by clear and convincing evidence that reasonable efforts under the direction of the court have failed to correct the conditions leading to the [child's] placement." To support its determination, the district court found that mother "failed to follow through with the treatment recommendations of her multiple chemical use assessments," "delayed obtaining a psychological evaluation until November 2023 and has since failed to follow through with the recommendations," and "has continued to use methamphetamine."

The district court's findings are supported by the record. For instance, mother herself testified that her progress on her case plan was "minimal." And both mother and the social worker testified that mother underwent four comprehensive assessments for her substance abuse yet had never completed the resulting treatment recommendations. There was similar testimony regarding mother's delay in attending a psychological evaluation and her failure to participate in the treatment recommendations. Lastly, mother testified that she used methamphetamine over the course of several years, including during the pendency of the CHIPS proceeding. And the social worker testified that she suspected, based on mother's conduct and physical appearance in December 2023, that mother had been using methamphetamine at that time. The social worker also testified that mother

tampered with a sweat-patch test applied to her arm in February 2024 and, as a result, the patch could not be tested for controlled substances. This evidence supports the district court's determination that the conditions leading to out-of-home placement had not been corrected.

To convince us otherwise, mother contends that other evidence in the record establishes that, at the time of trial, she was addressing her substance-abuse and mental-health concerns. Mother points to the social worker's testimony that mother was participating in outpatient treatment and therapy by the second day of trial, March 20, 2024. But, as the district court found, there was "[n]o information" about "how many sessions [m]other has attended or her progress." The record demonstrates that mother began outpatient treatment for substance abuse shortly before the second day of trial, and mother testified that she had not "signed a treatment plan yet." Similarly, the record reflects that mother first completed an EMDR mental-health therapy session two days before the second day of trial and had not made any other progress on the recommendations from her November 2023 psychological evaluation.

Mother also relies on her testimony that she has abstained from methamphetamine since November 2023. But the district court credited the social worker's testimony that mother was likely using methamphetamine in December 2023. We defer to the district court's credibility determination because the district court "is in a superior position to assess the credibility of witnesses." *In re Welfare of L.A.F.*, 554 N.W.2d 393, 396 (Minn. 1996).

In sum, clear and convincing evidence supports the district court's determination that the conditions that led to the out-of-home placement have not been corrected. The district court acknowledged that mother had recently participated in some treatment and therapy recommendations from her substance-abuse and mental-health assessments, but also found that mother failed to comply with the remaining recommendations from those assessments. We commend mother for beginning to address her substance-use and mental-health issues prior to trial, but we agree that those steps are not sufficient to demonstrate substantial compliance with her case plan. On this record, the district court did not abuse its discretion in determining that the county proved by clear and convincing evidence that the termination was supported on the statutory basis that mother failed to correct the conditions that led to the child being placed out of mother's home.

III. The district court did not abuse its discretion by determining that termination was in the child's best interests.

Lastly, mother argues that the district court abused its discretion by determining that termination of her parental rights was in the child's best interests. We disagree.

Even when the district court determines that the county has made reasonable efforts toward reunification and a statutory ground for termination is established, "the district court must separately find that termination is in the child's best interests." *J.K.T.*, 814 N.W.2d at 92; *see also* Minn. Stat. § 260C.301, subd. 7. The best interests of the child are the paramount consideration in all juvenile protection proceedings. Minn. Stat. § 260C.001, subd. 2(a) (2022). "In analyzing a child's best interests, the [district] court must balance three factors: (1) the child's interest in preserving the parent-child relationship; (2) the

parent's interest in preserving the parent-child relationship; and (3) any competing interest of the child." *In re Welfare of Child. of J.R.B.*, 805 N.W.2d 895, 905 (Minn. App. 2011) (quotation omitted), *rev. denied* (Minn. Jan. 6, 2012); *see also* Minn. R. Juv. Prot. P. 58.04(c)(2)(ii). "Competing interests include such things as a stable environment, health considerations[,] and the child's preferences." *J.R.B.*, 805 N.W.2d at 905 (quotation omitted). "Where the interests of parent and child conflict, the interests of the child are paramount." Minn. Stat. § 260C.301, subd. 7. We review a district court's determination that termination is in a child's best interests for an abuse of discretion. *J.R.B.*, 805 N.W.2d at 905.

The district court determined that termination of mother's parental rights was in the child's best interests. The district court based its determination on several findings. First, the district court found that the child had been in out-of-home placement "since September 30, 2022, well over 365 days." The district court also found that mother's relationship with the child was "fractured by years of [m]other's chemical dependency, the instability and abuse in her relationship with [C.C.], and the neglect of her parental responsibilities toward [the child]." And the district court credited the guardian ad litem's testimony that neither the child nor mother "were in a place where reunification is possible." The district court also recognized that the child "has consistently expressed his desire for [m]other's parental rights to be terminated." Thus, the district court determined that the child's "interest in achieving permanency and having the support to give him the consistent services and structure he needs to address his chemical dependency and mental health" outweighed mother's interest in preserving the parent-child relationship.

The record supports these findings. The social worker testified extensively about the child's needs, including his need for a stable environment where he could participate in treatment for his substance-abuse and mental-health issues. Both the social worker and the guardian ad litem testified that mother was not able to provide for the child's needs at the time of trial. Further, there was testimony from several witnesses that the child did not want to participate in visitation with mother and instead wanted her parental rights terminated. These facts are sufficient evidence of the child's disinterest in preserving the parent-child relationship, as well as his interest in a stable, healthy environment. *See J.R.B.*, 805 N.W.2d at 905. We therefore conclude that the district court did not abuse its discretion by determining that mother's interest in preserving the parent-child relationship was outweighed by the child's interests.

Mother argues that the district court relied too heavily on the child's "ongoing and continuing lack of interest in visits with his mother" in determining the best interests of the child. Mother infers that the child's desire for termination was only because there were "no rules" when he lived with his grandmother, and that he would not have wished for termination had he realized that grandmother was not a permanency option due to the "disqualifiers" on her foster-care record based on the child's impaired-driving charges while under her care. But, beyond her own speculation, mother points to no evidence supporting this inference. On the contrary, the trial testimony establishes that the child preferred termination, even after he was informed that placement with grandmother was not a guaranteed permanency option.

Because the district court acted within its discretion when it determined that mother's interests in preserving the parent-child relationship were outweighed by the child's interests in terminating the relationship and need for a stable living environment, and that determination is supported by the record, we discern no abuse of discretion in its analysis of the child's best interests.

Conclusion

We do not question mother's love for her child, and we encourage mother to continue her path toward rehabilitation. Nonetheless, based on the record before the district court, we conclude that the court did not abuse its discretion by determining that clear and convincing evidence showed that the county's reasonable efforts toward reunification failed to correct the conditions that led to the child's out-of-home placement and that termination is in the child's best interests. We therefore affirm the district court's termination of mother's parental rights.

Affirmed.