

*This opinion is nonprecedential except as provided by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
A24-0736**

In the Matter of the Welfare of the Child of:
M. R. M. and K. L. E., Parents.

**Filed November 4, 2024
Affirmed
Worke, Judge**

Rice County District Court
File No. 66-JV-23-2753

Anne Morris Carlson, Anne M. Carlson Law Office, PLLC, St. Paul, Minnesota (for appellant-mother M.R.M.)

Brian M. Mortenson, Rice County Attorney, Sean R. McCarthy, Assistant County Attorney, Faribault, Minnesota (for respondent Rice County Social Services)

Stacy Heusinkveld, New Richland, Minnesota (guardian ad litem)

Considered and decided by Worke, Presiding Judge; Slieter, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant-mother challenges the district court’s termination of parental rights (TPR) order, arguing that the record does not show that (1) mother neglected her parental duties; (2) mother failed to correct the conditions leading to the out-of-home placement; (3) the child is neglected and in foster care; (4) the county made reasonable efforts to reunify the family; and (5) TPR is in the child’s best interests. We affirm.

FACTS

Appellant-mother M.R.M. (mother) and father K.L.E. (father)¹ have one joint child (the child). Mother has two older children² who have a different father. Mother and father lived together with the three children.

On February 3, 2023, police officers were called to the family's home because father was allegedly threatening mother. Officers discovered that mother hid a bag of methamphetamine, and father admitted that he and mother had been using methamphetamine. Days later, a school social worker interviewed the two older children. The children stated that mother and father's fighting had escalated, father uses drugs with needles, and father and mother spend a lot of time in the basement.

On February 14, 2023, a petition was filed alleging that the children were children in need of protection or services (CHIPS) based on the controlled-substance use in the home. Case plans were created. Mother was required to not use or possess alcohol or controlled substances; submit to chemical testing; obtain a chemical-dependency evaluation and follow all recommendations; maintain safe and stable housing; engage in therapy and follow recommendations; engage in the Healthy Parents Healthy Families Program (HPHF) and follow all recommendations; complete a parental-capacity evaluation and follow recommendations; engage in the Hope Center for safety planning and provide

¹ Father consented to voluntarily terminate his parental rights.

² Mother's two older children are not the subjects of this appeal. Custody of the two children was transferred to their father (A24-0735).

a safety plan to respondent Rice County Social Services (the county); and cooperate with the county and sign all releases of information.

The county provided the following efforts to reunite the family: chemical-dependency evaluations; chemical-health treatment; chemical testing; HPFH; individual therapy; and case management. Mother's cooperation was limited, leading the county to petition for TPR. The county alleged that TPR was appropriate because the parents abandoned the child, neglected their duties, and are palpably unfit; reasonable efforts failed to correct the conditions leading to the out-of-home placement; and the child is neglected and in foster care. *See* Minn. Stat. § 260C.301, subd. 1(b)(1), (2), (4), (5), (8) (2022). The county asserted that the child had been in out-of-home placement for eight months and during that time mother had been unwilling or unable to utilize services to correct the conditions that led to the out-of-home placement.

On March 28, 2024, the district court held a hearing on the TPR petition. Mother did not appear. The county requested to proceed by default. The district court heard positions from each represented party before granting the county's request. The district court noted that mother failed to appear at the last hearing, failed to appear at this hearing, and was aware "that non-appearance could result in the court allowing the county to appear by default and that the court can make decisions even in the absence of the parent."

The district court received 16 exhibits, including the child's out-of-home placement plan, the case manager Christina Albers's reports in preparation for intermediate disposition hearings, and district court orders following five intermediate disposition hearings.

Albers testified that the child had been in out-of-home placement since February 2023. Mother refused to sign her case plan. And her limited progress on the case plan included two individual therapy sessions in late-March and one session in late-April 2023. When mother moved to another county, she requested that her therapy file be closed so that she could transfer services to a new therapist, but she never informed the county if she found a new therapist. Mother also attended only five sessions with HPHF, the last occurring in June 2023.

Mother did not obtain a chemical-dependency evaluation, receive treatment, submit to chemical testing, cooperate with the county, or attend many meetings to discuss case planning and visitation. Albers stated: “There was not any understanding [with mother] in taking accountability for the actions that led to the out-of-home placement . . . and a lot of denial for the need of services.” Albers was not aware of any services in which mother engaged between the spring of 2023 and the date of trial in the spring of 2024.

Albers testified that the child was in foster placement with her paternal grandmother, who was a permanency option. Mother’s older children were living with their father and “all parties [were] willing to continue to ensure that the three children have ongoing sibling contact.” She testified that TPR was in the best interests of the child.

The guardian ad litem (GAL) testified that she agreed with Albers. The GAL did not believe that there were “any other services or tasks that could have been offered by [the county] to assist in reunification.” The GAL testified that the child’s permanency option was in the child’s best interests because “[t]hat is who was really her caregiver prior to [the county] being involved.”

On April 12, 2024, the district court filed an order terminating mother's parental rights. The district court found that the underlying CHIPS matter was opened regarding mother's controlled-substance use and not taking her prescribed mental-health medication, which impacted her ability to provide proper parental care. Mother was court-ordered to complete her case plan to be reunited with the child but was overall not compliant. The district court determined that the county made reasonable efforts to reunite the family and that TPR was in the child's best interests because mother failed to comply with her case plan, and the child's needs are met in her permanency option.

Regarding the statutory bases for TPR, the district court concluded that the county failed to show that mother abandoned the child or that she was palpably unfit. But the district court determined that the county proved that (1) mother refused to comply with her parental duties; (2) reasonable efforts failed to correct the conditions leading to the out-of-home placement, and the requirements of the out-of-home placement plan have not been met; and (3) because mother was unable to make changes and engage in services, the child is neglected and in foster care. *See* Minn. Stat. § 260C.301, subd. 1(b)(2), (5), (8). This appeal followed.

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 if (1) one statutory basis for TPR is supported by clear and convincing evidence, (2) the county made reasonable reunification efforts or those efforts are not required, and (3) TPR is in the child's best interests. *In re Welfare of Child of J.H.*, 968 N.W.2d 593,

600 (Minn. App. 2021), *rev. denied* (Minn. Dec. 6, 2021); *see* Minn. Stat. § 260.012(a) (2022). This court reviews a district court’s TPR decision for an abuse of discretion. *J.H.*, 968 N.W.2d at 600. “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). This court defers to a district court’s credibility determinations. *In re Welfare of L.A.F.*, 554 N.W.2d 393, 396 (Minn. 1996).

In a TPR proceeding, the county bears the burden of proof. *In re Welfare of Child. of J.R.B.*, 805 N.W.2d 895, 901 (Minn. App. 2011), *rev. denied* (Minn. Jan. 6, 2012). The evidence must be clear and convincing, *In re Welfare of Child. of D.F.*, 752 N.W.2d 88, 94 (Minn. App. 2008), address the conditions existing at the time of the hearing, and show that the existing conditions “will continue for a prolonged, indeterminate period.” *J.R.B.*, 805 N.W.2d at 901-02 (quotation omitted).

Mother’s main assertion in arguing that the district court abused its discretion in its TPR order is that the district court’s findings do not “adequately conform to the statutory criteria for termination.”

Statutory bases

A district court may terminate parental rights if, among other things, one statutory basis for TPR is supported by clear and convincing evidence. *J.H.*, 968 N.W.2d at 600. The district court determined that the county proved three statutory bases for TPR by clear and convincing evidence.

Parental duties

First, the district court determined that the county proved that “[t]hrough [m]other’s noncompliance and lack of ability to recognize where services may assist . . . she has demonstrated ongoing refusal to comply with the duties imposed upon a parent.” *See* Minn. Stat. § 260C.301, subd. 1(b)(2).

A district court may terminate parental rights if it finds that 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.” *Id.* Parental duties include providing “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.” *Id.* The district court must determine that the parent is not presently able and willing to assume parental duties and that the condition will continue for the reasonably foreseeable future. *In re Welfare of J.K.*, 374 N.W.2d 463, 466-67 (Minn. App. 1985), *rev. denied* (Minn. Nov. 25, 1985).

The district court found that the child has been in out-of-home placement since February 16, 2023, because of mother’s controlled-substance use and failure to take her mental-health medication. Mother was court-ordered to complete services to be reunited with the child but was overall not compliant. The record supports the district court’s findings and determination that, because of her controlled-substance use and failure to comply with services to address her use, mother has refused or neglected to comply with her parental duties.

Failure to correct conditions

Second, the district court concluded that the county proved that reasonable efforts failed to correct the conditions leading to the out-of-home placement, and that the requirements of the out-of-home placement plan have not been met. *See* Minn. Stat. § 260C.301, subd. 1(b)(5).

“It is presumed that reasonable efforts . . . have failed upon a showing that:” (1) the child has been in out-of-home placement “for a cumulative period of 12 months within the preceding 22 months”; (2) the district court approved the case plan; (3) “conditions leading to the out-of-home placement have not been corrected”; and (4) reasonable rehabilitative efforts have been made by the county. *Id.* “[F]ailure to complete the case plan amounts to a failure to correct the conditions leading to out-of-home placement.” *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 89 (Minn. App. 2012).

Here, the child has been in out-of-home placement for over 12 months; the district court approved the case plan; the conditions leading to out-of-home placement, namely mother’s chemical use, have not been corrected; and the county made reasonable reunification efforts. Specifically, the county provided mother services to address her chemical use—she was required to have a chemical-dependency assessment and follow recommendations. She did not. The county provided mother services to address her mental health—she was required to attend individual therapy. She attended only three sessions.

Mother argues that the county’s efforts were not reasonable based on “withholding of visitation.” But the record shows that the county provided mother opportunities to submit to chemical testing and mother had to provide clean tests to have visitation. The

county had to cancel all in-person visitation until mother demonstrated some sobriety, which she failed to do. Mother was still allowed phone and video contact with the child. The record supports the district court's conclusion that reasonable efforts failed to correct the conditions leading to the out-of-home placement.

Neglected and in foster care

Finally, the district court concluded that the county proved that the child is neglected and in foster care. *See* Minn. Stat. § 260C.301, subd. 1(b)(8). “Neglected and in foster care” means a child:

- (1) who has been placed in foster care by court order;
and
- (2) whose parents' circumstances, condition, or conduct are such that the child cannot be returned to them; and
- (3) whose parents, despite the availability of needed rehabilitative services, have failed to make reasonable efforts to adjust their circumstances, condition or conduct, or have willfully failed to meet reasonable expectations with regard to visiting the child or providing financial support for the child.

Minn. Stat. § 260C.007, subd. 24 (Minn. 2022).

Here, the child was in court-ordered foster care. And the record shows that mother failed to put forth reasonable efforts to change her circumstances or conduct to allow for the child's safe return to her care. Mother had “limited contact” with the county, refusing to meet with Albers because she did not think there was any “point” to it. The county requested that mother submit to chemical testing. But mother did not submit to chemical testing, complete a chemical-health plan, or respond to Albers's attempts to meet to discuss the case plan. The county noted that it provided mother “ample opportunities to meet, engage, and cooperate with [the county] however those efforts have not been successful

due to [mother]’s unwillingness to appropriately communicate or cooperate with this agency’s efforts towards reunification.” The record supports the district court’s conclusion that the child is neglected and in foster care because mother was unable to make changes and engage in services to work toward reunification.

Reasonable efforts

A district court may terminate parental rights if, among other things, the county made reasonable reunification efforts. *J.H.*, 968 N.W.2d at 600.

Appellate courts review a district court’s determination that reunification efforts were reasonable for an abuse of discretion. *See 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). This court reviews a district court’s factual findings on reasonable efforts for clear error. *Id.* at 321-22. Findings are clearly erroneous if they are “manifestly contrary to the weight of the evidence” or “not reasonably supported by the evidence as a whole.” *In re Welfare of Child of J.R.R.*, 943 N.W.2d 661, 667 (Minn. App. 2020).

“[W]hat constitutes ‘reasonable efforts’ depends on the facts of each case.” *J.H.*, 968 N.W.2d at 601. In determining whether efforts were reasonable, a district court considers, among other things, whether the services were tailored to the family’s needs, adequate to meet those needs, and relevant to the child’s safety, protection, and well-being. Minn. Stat. § 260.012(h) (2022).

The services offered to mother included: a chemical-dependency evaluation, individual therapy, HPHF, a parental-capacity evaluation, services through the Hope Center for safety planning, and regular and ongoing contact to connect her with services.

These services were tailored to the family's needs, adequate to meet the needs, and relevant to the child's safety. The matter was initiated because of mother's chemical dependency and unaddressed mental-health issues. The district court concluded that mother denied that she needed services, failed to address her chemical and mental-health issues that led to the out-of-home placement, and was unable to complete her case plan.

Mother argues that the county's efforts were not reasonable because it "unreasonably withheld visitation." But the record shows that the county provided mother opportunities to submit to chemical testing and mother had to provide clean tests to have visitation. The county cancelled in-person visitation when mother failed to demonstrate some sobriety. The record shows that the county did not "unreasonably" withhold visitation because mother was allowed contact; the contact was not in-person because mother was unable to demonstrate sobriety. The district court did not abuse its discretion by concluding that the county made reasonable efforts to reunify the family.

Best interests

A district court may terminate parental rights if, among other things, it is in the best interests of the child. *J.H.*, 968 N.W.2d at 600. This court reviews a district court's determination that TPR is in the best interests of the child for an abuse of discretion. *Id.*

In TPR proceedings, "the best interests of the child are the paramount consideration, and conflicts between the rights of the child and rights of the parents are resolved in favor of the child." *J.R.R.*, 943 N.W.2d at 668 (quotation omitted); *see* Minn. Stat. § 260C.301, subd. 7 (2022). A district court must balance "(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 W.L.P.*, 678 N.W.2d 703, 711 (Minn. App. 2004) (quotation omitted); *see* Minn. R. Juv. Prot. P. 58.04(c)(2)(ii). Competing interests include health considerations, a stable environment, and the child’s preferences. *J.R.B.*, 805 N.W.2d at 905. A district court need not “go into great detail” in its best-interests analysis. *W.L.P.*, 678 N.W.2d at 711.

The district court concluded that TPR was in the child’s best interests because mother failed to comply with her case plan, and the child’s needs are met in her foster home. The district court concluded: “The child deserves permanency and stability in her life. The child’s interests and needs outweigh any interest [m]other and the child may have in preserving the parent-child relationship.”

Mother argues that the district court failed to weigh the three factors, and instead, relied on mother’s failure to comply with her case plan to support its best-interests decision. The district court did not go into “great detail,” but it was not required to. *See id.* The district court considered mother’s interest and the child’s interest in preserving their relationship but determined that any interest was outweighed by the child’s conflicting interests in permanency and a stable environment. *See J.R.B.*, 805 N.W.2d at 905. The district court also noted that the child’s needs were met in her foster home. The GAL testified that the child’s foster home placement, with her paternal grandmother, was “really her caregiver prior to [the county] being involved.” The child’s interests are paramount and in conflict with mother’s interest. The district court did not abuse its discretion by concluding that TPR was in the child’s best interests.

Affirmed.