

*This opinion is nonprecedential except as provided by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
A24-0823
A24-0824**

In the Matter of the Welfare of the Child of:
K. C. S. and N. G. L., Parents.

**Filed November 25, 2024
Affirmed
Florey, Judge***

Waseca County District Court
File No. 81-JV-24-118

Daniel T. Donnelly, Donnelly Law Office, Austin, Minnesota (for appellant K.C.S.)

Ashley K. Morelli, Blahnik, Prchal & Stoll, PLLC, Prior Lake, Minnesota (for appellant N.G.L.)

Rachel V. Cornelius, Waseca County Attorney, Waseca, Minnesota (for respondent Minnesota Prairie County Alliance)

Julie Nelson, Owatonna, Minnesota (guardian ad litem)

Considered and decided by Reyes, Presiding Judge; Frisch, Judge; and Florey,
Judge.

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

NONPRECEDENTIAL OPINION

FLOREY, Judge

Appellant-mother K.S. and appellant-father N.L. contest a district court decision to terminate their parental rights to their child. Because the district court properly determined that respondent Minnesota Prairie County Alliance (MNPrairie) made reasonable efforts toward reunification, at least one statutory basis supports termination, and termination is in the child's best interests, we affirm.

FACTS

In February 2024, MNPrairie filed a termination-of-parental rights petition against the mother and father. According to the petition, the child was born in March 2023. Both parents had difficulties with cognitive functioning and mental health. Prior to the child being born, the father had delusions “that demons [were] talking to him and telling him to harm [the] mom and baby.” When the child was born, the mother entered into a safety plan while in the hospital. However, in April 2023, MNPrairie and law enforcement found the mother and child at the father's home in violation of the safety plan. After an emergency-protective-care hearing, the child entered placement outside the parents' custody. Upon removal, the parents engaged in supervised visitation, and to varying degrees, undertook additional efforts toward reunification. The child remained out of the parents' custody until MNPrairie filed its termination-of-parental-rights petition several months later.

In its petition, MNPrairie concluded that, despite “opportunities to utilize services and make the necessary changes to provide a safe, consistent, and stable home for their child,” the parents were not “able to show a reduction in mental health symptoms or

appropriate parenting skills.” Therefore, MNPrairie concluded permanent removal was necessary to protect the child’s “safety and well-being.”

In April 2024, the parents’ case proceeded to trial. The district court heard testimony from multiple witnesses, including MNPrairie personnel, a public health worker with Waseca County, the child’s guardian ad litem (GAL), and both parents.

Two case aids with MNPrairie and the public health worker testified about supervised visits with the parents. Collectively, they recalled: (1) when the child was young, both parents often failed to support his head and neck while holding him; (2) both parents had difficulty recognizing and responding to cues from the child when he was hungry or tired; (3) both parents would get easily frustrated and agitated and struggled to regulate their emotions; (4) both parents had trouble maintaining sanitary conditions in their homes, especially due to the presence of multiple pets; (5) both parents did not always take steps to protect the child from falling, choking, or tipping something over; and (6) both parents pressured the child to walk or crawl before he was developmentally ready.

The first case aid testified that, throughout her interactions with the parents, she never believed unsupervised visits were appropriate. She thought the child’s best interests required a family that provided him with a developmental structure that set limits, which she did not think the parents could provide. The second case aid believed that termination was in the child’s best interests and did not think the parents would provide the child with a healthy and stable environment. The public health worker stated she had safety concerns about the mother and father parenting the child.

When the child's GAL testified, she stated that she would see the parents at least monthly during supervised visits and at case-planning conferences. She recalled that the parents were argumentative during visits and would try to engage in inappropriate conversations with her. The GAL stated that she was able to accomplish little at case-planning conferences because the father was uncooperative and confrontational. She also mentioned that the father seemed to be struggling with various health ailments and missed visits because he was sick. At one point, the father passed out on a sidewalk prior to a visit with the child. However, he would not disclose any medical information to the GAL to help her understand the nature of his illnesses. The mother also struggled with seizures. But neither parent would engage in safety planning around their illnesses. In addition, the GAL stated that "[t]he county offered gas cards to friends that could provide transportation" for additional weekend visits with the child, but the parents could not "identify any friends" to help with transportation.

The GAL testified that the problems present at the beginning of the case continued to persist; namely, the parents struggled with emotional regulation, cleanliness, and proper care for the child. She believed termination was in the best interests of the child because the parents' "words and [] conduct . . . are harmful" and that staying with the parents might hurt the child emotionally.

A social worker with MNPrairie's child-protection unit also testified. During her testimony, the social worker reviewed the parents' case plans. In addition to supervised visitation, the case plans required the parents to complete diagnostic and parenting assessments. According to the social worker, both parents completed diagnostic

assessments. The father's assessment determined that he needed "individual therapy but that he was not amenable to therapy because he was not willing to engage in the process." The mother received a recommendation to go to therapy, but her therapist discontinued the sessions because she was "not being open and not engaged in the process."

According to the social worker, the mother and father completed parenting assessments but did not follow through with many of the recommendations from those assessments. Both parents received recommendations for a medical evaluation, which neither completed. They also received a recommendation for couples therapy, but after several sessions, their therapist discharged them because they were not being truthful during the sessions. The father's assessment also recommended that he undertake cognitive behavioral therapy and anger management, neither of which he undertook. The mother's assessment recommended anger management as well, which she never sought out. Another recommendation was for the parents to engage in parenting education, which they delayed agreeing to do. Finally, the father was to maintain a safe living environment, but when visitation occurred at the father's apartment, the social worker recalled seeing "a lot of . . . flies in the home," dirt on the child's blanket, garbage that had not been taken out, and a foul odor from multiple pets.

More generally, the social worker testified that MNPrairie went "above and beyond" to make "reasonable efforts for [the] family," having organized more supervised visitation than with any family it had worked with before and having "provided an enormous amount of transportation." She stated that working with the parents was an ongoing struggle. The social worker testified that termination was in the child's best interests, emphasizing that

the child “needs parents that have stress management skills” and can “emotionally regulate themselves.” She did not think the child would be safe alone with the parents.

Both parents also testified. The father stated that he was bonded with the child and was able to pick up on his cues. He believed that, during visits, supervising personnel made him tense and prevented him from having a true opportunity to be a parent. The father stated that he had satisfied at least some of the requirements in his case plan and believed that his parental rights should not be terminated because he could be a good father to the child. The mother testified that, upon the child’s removal, she complied with the case plan and tried to meet MNPrairie’s standards as best she could. She said that she attended all her supervised visits with the child except for three due to conflicts with employment. According to the mother, during visits, supervising personnel watched more than helped and would not provide advice on improving. The mother testified that the child “is the joy of [her] life” and “an excellent baby.” She stated that, prior to removal, she was meeting the child’s needs, and that if she regained custody, she would provide “clothing, food, toys, [and] doctors appointments.”

After trial, the district court filed an order terminating the mother’s and father’s parental rights. The district court determined that MNPrairie made reasonable efforts toward reunification and that multiple statutory bases supported termination under Minn. Stat. § 260C.301, subd. 1(b) (2022). Moreover, the district court determined that termination was in the child’s best interests.

Each parent filed a separate appeal, and this court consolidated those appeals.

DECISION

On appeal, both parents argue that the district court abused its discretion by terminating their parental rights. They argue that the district court improperly determined that MNPrairie made reasonable efforts toward reunification, that at least one statutory basis supports termination, and that termination is in the child's best interests.

“[A]ll parents have a fundamental right to the ‘care, custody, and control’ of their children.” *In re Welfare of Child. of G.A.H.*, 998 N.W.2d 222, 231 (Minn. 2023) (quoting *Troxel v. Granville*, 530 U.S. 57, 65 (2000)). Consequently, parents have a “‘commanding’ constitutional interest in an accurate and just termination decision.” *G.A.H.*, 998 N.W.2d at 231 (quoting *Lassiter v. Dep’t of Soc. Servs.*, 452 U.S. 18, 27 (1981)). Only “grave and weighty reasons” can sustain a decision to terminate parental rights. *In re Welfare of Child of F.F.N.M.*, 999 N.W.2d 525, 534 (Minn. App. 2023) (quotation omitted), *rev. denied* (Minn. Jan. 5, 2024). In termination cases, petitioners bear the burden to rebut “the presumption that a natural parent is a fit and suitable person” to care for a child. *In re Welfare of Child. of J.R.B.*, 805 N.W.2d 895, 901 (Minn. App. 2011) (quotation omitted), *rev. denied* (Minn. Jan. 6, 2012). However, parental rights are not absolute, and district courts should not enforce them “to the detriment of the child’s welfare and happiness.” *Id.* at 902 (quotation omitted).

Minnesota law sets forth nine statutory grounds for involuntary termination of parental rights. Minn. Stat. § 260C.301, subd. 1(b). Nevertheless, even when a district court determines that a statutory ground applies, it must still determine that the social services agency made reasonable efforts toward reunification (or that reasonable efforts

were not required) and that termination is in the best interests of the child. *Id.*, subds. 7-8 (2022); *see* Minn. Stat. § 260.012(a) (2022).

We affirm a decision to terminate parental rights “if at least one statutory ground for termination is supported by clear and convincing evidence and termination is in the best interests of the child, so long as the [social services agency] made reasonable efforts to reunite the family” or those efforts were not required. *F.F.N.M.*, 999 N.W.2d at 535; *see* Minn. Stat. § 260.012(a). “[W]e review the underlying findings of fact for clear error” and “the district court’s determinations of whether a statutory ground for termination exists and whether termination is in the child’s best interests 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). Moreover, “we review the district court’s ultimate decision whether to terminate parental rights for an abuse of discretion.” *Id.* The district court is entitled to considerable deference because it is in the best position to assess witness credibility. *In re Welfare of L.A.F.*, 554 N.W.2d 393, 396 (Minn. 1996).

I.

On appeal, both parents argue that the district court improperly determined that MNPrairie made reasonable efforts toward reunification. In a termination case, a district court must make “specific findings” about whether “reasonable efforts to finalize the permanency plan to reunify the child and the parent were made including individualized and explicit findings regarding the nature and extent of efforts made by the social services agency to rehabilitate the parent and reunite the family.” Minn. Stat. § 260C.301, subd. 8(1). We review for clear error a district court’s findings of fact identifying the efforts an

agency made, and review for an abuse of discretion its ultimate conclusion about the reasonableness of those efforts. *See In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 387 (Minn. 2008) (reviewing for clear error a district court’s findings on the efforts made); *In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 323 (Minn. App. 2015) (reviewing for an abuse of discretion a district court’s determination that efforts were reasonable), *rev. denied* (Minn. July 20, 2015).

To determine whether a social services agency made reasonable efforts, a district court must consider whether the services to the family 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 “go beyond mere matters of form so as to include real, genuine assistance” and “[t]he quality and quantity of [those] efforts . . . impact the reasonableness of those efforts.” *In re Welfare of Child. of S.W.*, 727 N.W.2d 144, 150 (Minn. App. 2007), *rev. denied* (Minn. Mar. 28, 2007).

Here, the district court noted that various services were available to the parents to obtain “stability of their mental health, including referrals for diagnostic assessments, parenting capacity assessments, chemical health assessments, Dialectical Behavioral

Therapy, parenting educational classes, couples counseling, mental health services, Public Health Services, ARHMS services, supervised visitation with the Child, and transportation services.” The district court determined that “[t]he services provided by MNPrairie were relevant to the safety and protection of the [c]hild because [the parents] were repeatedly unable to safely parent the [c]hild when [the parents’] mental health was unstable.” The district court also determined that the services were “culturally appropriate for the family, available and accessible, consistent and timely, and realistic under the circumstances.” Finally, the district court stated that the services were specific to assist the parents “in managing their mental health and improve their ability to recognize the child’s developmental needs.”

On appeal, both parents argue that MNPrairie did not select the efforts in collaboration with the family. However, the district court made multiple factual findings referencing collaboration between MNPrairie and the parents, including that MNPrairie worked alongside the mother on a safety plan prior to the mother leaving the hospital, and that during supervised visits, MNPrairie would give “suggestions and feedback,” as opposed to orders or directions.

Both parents also argue that MNPrairie did not tailor its services to the particularized needs of the family. However, to the contrary, the record shows that the services MNPrairie offered were heavily focused on understanding the specific circumstances of the family, such as through parenting assessments, therapy, and supervised visits where they received suggestions particular to the areas where they needed to improve.

In addition, the parents argue that MNPrairie's efforts lacked relevance to the child's safety and protection. However, multiple witnesses testified repeatedly about the threat the parents' inability to manage their emotions could pose to the child's safety and well-being, and the services MNPrairie proposed were relevant to addressing those concerns.

The parents also assert that MNPrairie's efforts were insensitive to the culture of individuals with disabilities, including for the parents. However, again, MNPrairie proposed multiple services designed to address the parents' specific needs, helping them to manage "their mental health and improve their ability to recognize the child's developmental needs."

Moreover, the father argues that MNPrairie's efforts were not available, accessible, and realistic under the circumstances because he did not have reliable transportation. However, at trial, a MNPrairie social worker testified that MNPrairie had provided the family with "an enormous amount of transportation," despite other testimony about the parents having difficulty taking advantage of gas cards for additional visits with the child during weekends.

We conclude that the district court's factual findings about MNPrairie's efforts were not clearly erroneous, and that the district court did not abuse its discretion by determining that those efforts were reasonable.

II.

Both parents also argue that the district court improperly determined that at least one statutory basis supported termination under Minn. Stat. § 260C.301, subd. 1(b). When a district court concludes that a provision under subdivision 1(b) justifies termination, it

“must make clear and specific findings conforming to the statutory requirements, and the evidence must address conditions that exist at the time of the hearing.” *In re Welfare of J.K.T.*, 814 N.W.2d 76, 90 (Minn. App. 2012) (quotation omitted). We review the district court’s determination under subdivision 1(b) for an abuse of discretion. *J.H.*, 968 N.W.2d at 600.

Here, the district court determined that termination was justified under Minn. Stat. § 260C.301, subd. 1(b)(5). That provision supports termination if “following the child’s placement out of the home, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the child’s placement.” Minn. Stat. § 260C.301, subd. 1(b)(5). Under subdivision 1(b)(5), there is a presumption that reasonable efforts failed if: “(i) a child has resided out of the parental home under court order for a cumulative period of 12 months within the preceding 22 months”; “(ii) the court has approved the out-of-home placement plan required under section 260C.212”; “(iii) conditions leading to the out-of-home placement have not been corrected”; and “(iv) reasonable efforts have been made by the social services agency to rehabilitate the parent and reunite the family.” *Id.*, subd. 1(b)(5)(i)-(iv).

Here, the parents do not contest the first two requirements to the presumption. Regarding requirement (iv), to determine whether a social services agency made reasonable efforts toward reunification, we consider the reasonable-effort factors under Minn. Stat. § 260.012(h). *See S.W.*, 727 N.W.2d at 149-50. Because we already determined that the district court properly determined that MNPrairie made reasonable efforts under section 260.012(h), we determine that the fourth requirement is met.

Regarding requirement (iii), noncompliance “with a reasonable case plan” creates a presumption that a parent has not corrected the conditions that led to removal. *J.K.T.*, 814 N.W.2d at 87. Here, the district court determined that both parents

failed to comply with the provisions of the case plan by failing to address their mental health through individual therapy, failure to continue to attend couples therapy, failure to complete a [dialectical behavioral therapy] skills program, failure to complete an anger management course, and failure to cooperate with MNPrairie and the GAL to achieve the goals of the case plan.

The mother argues that the district court abused its discretion by determining that subdivision 1(b)(5) justified termination because she satisfied the child’s basic needs. However, the two key factors under the subdivision 1(b)(5) presumption are whether the conditions that led to out-of-home placement remain uncorrected and whether the social services agency made reasonable efforts toward reunification. Here, the district court enumerated multiple areas in which the mother failed to comply with the case plan. And as we already concluded, the district court properly determined that MNPrairie made reasonable efforts toward reunification.

Moreover, the father argues that termination under subdivision 1(b)(5) was not warranted because there was no evidence about “how the vast majority of the case plan recommendations [would] assist the parents in correcting the conditions that led to the out-of-home placement.” However, MNPrairie organized the case plan largely around improving the father’s ability to regulate his emotions—a condition that led to the out-of-home placement—with an emphasis on services like therapy, parenting education, and

anger management. The father's failure to take advantage of those services demonstrated noncompliance with the case plan.

The father also argues that he corrected the conditions that led to the out-of-home placement because removal occurred as a result of his threats against the mother and the child, and he had not made any threats since that time. However, the conditions that led to removal were not simply the threats against the mother and child, but rather a broader history of mental-health concerns that precluded him from being a capable parent.

We conclude that the district court did not abuse its discretion by determining that subdivision 1(b)(5) supported termination of parental rights for both the mother and father.¹

III.

Finally, both parents argue that the district court improperly determined that termination was in the best interests of the child. In a termination proceeding in which the district court has ruled that a statutory basis to terminate parental rights exists, “the best interests of the child must be the paramount consideration” and when “the interests of

¹ The district court also determined that subdivision 1(b)(2) supported termination. That provision supports termination when “the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship,” and reasonable efforts “to correct the conditions” that led to separation failed or would be futile. Minn. Stat. § 260C.301, subd. 1(b)(2). Here, the district court determined that the parents (1) did not “consistently follow the prompts and recommendations” from child protection to provide care “and a safe environment for the [c]hild”; (2) continuously exhibited an “inability to regulate their emotions in the presence of the [c]hild”; and (3) did not utilize available services “to correct the conditions” that led to removal. The record supports the district court's findings of fact on these matters, and those findings support a determination that subdivision 1(b)(2) was satisfied. Therefore, we conclude the district court also did not abuse its discretion by determining subdivision 1(b)(2) supported termination.

parent and child conflict, the interests of the child are paramount.” Minn. Stat. § 260C.301, subd. 7 (2022). “Even when statutory grounds for termination are met, the district court must separately find that termination is in the child’s best interests.” *J.K.T.*, 814 N.W.2d at 92. We review the district court’s best-interests determination for an abuse of discretion. *J.H.*, 968 N.W.2d at 600.

In deciding whether termination is in a child’s best interests, a district court must analyze: “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).

Here, the district court determined that termination was in the best interests of the child because:

The evidence in this case overwhelmingly supports the findings that the parents are unable to provide a safe home for their child based on the parents’ inability to regulate their emotional outbursts and anger issues, inability to pick up on cues from the child to meet the child’s physical and emotional developmental needs, and inability to provide a home free of safety hazards for the child without continuous prompting. Mother and [f]ather have demonstrated they cannot independently provide for the [c]hild’s physical, emotional and developmental needs.

On appeal, both parents argue that the district court abused its discretion by failing to consider all three best-interest factors. They argue the best-interest factors weigh in their favor and demonstrate that the best interests of the child do not support termination.

The parents are correct that the district court did not explicitly weigh all three best-interest factors. Nevertheless, we have previously upheld a district court’s best-interests

determination when its analysis did not explicitly address each individual factor. *See In re Welfare of Child. of A.L.S.*, No. A21-0791, 2021 WL 5550096, at *3-4 (Minn. App. Nov. 29, 2021) (determining the district court implicitly addressed all the best-interests factors when reviewing the court’s order “in its entirety”).²

Here, elsewhere in the order, the district court describes testimony from the parents in which they express the belief that the family’s interests in the parent-child relationship outweigh the child’s competing interests in termination. For instance, the district court mentioned the mother testifying that she “always provided for the needs of the [c]hild,” that “the [c]hild was never unsafe in her care,” and that she “desires to have custody of her [c]hild.” Moreover, the district court mentioned testimony from the father that “he believes termination of parental rights is not in the best interests of the [c]hild” because “he can be a good father to the [c]hild, and he deserves a chance to show it.” Nevertheless, the district court opted to conclude that the child’s competing interests favored termination, reasoning that the parents were unable to regulate their emotions, “pick up on cues from the child,” and “provide a home free of safety hazards for the child without continuous prompting.” We conclude the district court implicitly considered the first two factors in its analysis, only to find, with strong support in the record, that the child’s competing interests under the third factor were strong enough to support termination. We conclude the district court did not abuse its discretion by determining that termination was in the child’s best interests.

² We note this opinion is nonprecedential and, therefore, not binding. We cite nonprecedential opinions as persuasive authority only. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

Because the district court properly determined that MNPrairie made reasonable efforts toward reunification, that at least one statutory basis supported termination, and that termination was in the child's best interests, we conclude that the district court did not abuse its discretion by terminating the mother's and father's parental rights.

Affirmed.