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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0211**

In the Matter of the Welfare of the Children of:
A. R. and F. F., Parents.

**Filed August 4, 2025
Affirmed
Bond, Judge**

Ramsey County District Court
File No. 62-JV-24-421

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

John J. Choi, Ramsey County Attorney, Arason Parkman, Assistant County Attorney, St. Paul, Minnesota (for respondent Ramsey County Human Services)

Holli Thoemke, St. Paul, Minnesota (guardian ad litem)

Considered and decided by Bond, Presiding Judge; Slieter, Judge; and Ede, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

Appellant-father challenges the district court's order terminating his parental rights, arguing that the district court made an erroneous factual finding and its order is insufficient for appellate review. Appellant also contends that, even if the district court's findings are sufficient to permit appellate review, the district court abused its discretion when it determined that respondent-county made reasonable efforts to reunify the family. We affirm.

FACTS

Appellant F.F. (father) is the adjudicated noncustodial father of D.F. (child), born in 2020. At the time of child's birth, mother admitted to recent methamphetamine use, prompting the involvement of respondent Ramsey County Human Services (the county). Mother delegated parental authority to father, and the county closed the child-protection investigation.

In November 2022, the county investigated allegations of neglect based on mother's and father's failure to provide general care and necessary medical attention for child. In January 2023, the county filed a petition for children in need of protection or services (CHIPS) and child was adjudicated as in need of protection or services. Child was placed in emergency protective care and, in April 2023, removed to foster care. To effectuate child's return, the county developed a case plan. Father refused to participate in the plan's creation, and it was submitted to the district court without father's signature. The district court approved the case plan and ordered father to comply with its requirements.

On April 10, 2024, the county filed a petition to terminate father's parental rights to child. The termination of parental rights (TPR) petition set out the history of the case, the CHIPS proceeding, and alleged facts related to father's history of chemical dependency, domestic violence, inability to provide child with a safe home, and failure to participate in the case plan. Following father's appearance at an admit/deny hearing, the district court found that the summons and TPR petition were timely and personally served on father. Father was present for pretrial hearings on September 24 and November 5, 2024. At the

November 5 hearing, the district court scheduled a continued pretrial hearing for December 10.

Father did not appear at the pretrial hearing held on December 10. The county requested that the district court proceed by default pursuant to Minn. R. Juv. Prot. P. 18. Father's counsel was present and did not object to the county's request. The district court granted the county's request to proceed by default.

The county called two witnesses to testify. The child-protection worker testified that everything in the TPR petition is true and accurate. The child-protection worker further testified that father had not complied with the case plan, had not responded to the child-protection worker's attempts to contact father, and did not have safe or stable housing.¹ Child's guardian ad litem (GAL) testified about the two-year-old child-protection case, including that father did not sign his case plan and had made minimal to no progress to address the concerns that led to child being adjudicated in need of protection services. Both witnesses testified that child, who was in concurrent placement with a sibling, needed stability and permanency, and that terminating father's parental rights was in the best interests of child. Father's attorney did not cross-examine the child-protection worker or the GAL, and did not present any witnesses or evidence on father's behalf.

On December 12, 2024, the district court filed an order terminating father's parental rights. The district court found the testimony of the child-protection worker and the GAL credible and that "[t]he facts contained in the termination of parental rights petition have

¹ The child-protection worker also testified that father was aware of the December 10 hearing date and had not contacted her about the hearing.

been proven.” The district court determined that clear and convincing evidence supported four statutory bases for termination: neglect of parental duties under Minn. Stat. § 260C.301, subd. 1(b)(2) (2024);² failure to correct conditions leading to child’s out-of-home placement under Minn. Stat. § 260C.301, subd. 1(b)(4) (2024); mother was not married to father at time of child’s conception or birth and father is not entitled to notice of an adoption hearing under Minn. Stat. § 260C.301, subd. 1(b)(6) (2024); and child is neglected and in foster care under Minn. Stat. § 260C.301, subd. 1(b)(7) (2024). The court further determined that the county made reasonable efforts toward reunification and that termination of father’s parental rights is in child’s best interests.

Father appeals.

DECISION

Parental rights may only be terminated for “grave and weighty reasons.” *In re Welfare of Child of W.L.P.*, 678 N.W.2d 703, 709 (Minn. App. 2004). A district court may involuntarily terminate parental rights when “(1) at least one statutory ground for termination is supported by clear and convincing evidence, (2) the county made reasonable efforts to reunite the family [or those efforts are not required], and (3) termination is in the child’s best interests.” *In re Welfare of Child of J.H.*, 968 N.W.2d 593, 600 (Minn. App.

² Section 260C.301, subdivision 1(b), was amended in 2024. 2024 Minn. Laws ch. 115, art. 18, § 38, at 1742-44. The amendment did not change the substance of the applicable subsections but removed a subsection that does not apply here and renumbered some of the subsections. Therefore, we cite the most recent version of the statute. *See Interstate Power Co. v. Nobles Cnty. Bd. of Comm’rs*, 617 N.W.2d 566, 575 (Minn. 2000) (stating that, generally, “appellate courts apply the law as it exists at the time they rule on a case”).

2021), *rev. denied* (Minn. Dec. 6, 2021); *see* Minn. Stat. § 260.012(a) (2024) (addressing circumstances when reasonable efforts are not required). On appeal, we review the district court’s findings of “underlying or basic facts” for clear error, and its determination of whether a statutory basis for termination exists for an abuse of discretion. *In re Welfare of Child. of J.R.B.*, 805 N.W.2d 895, 901 (Minn. App. 2011), *rev. denied* (Minn. Jan. 6, 2012). “A 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); *see In re Welfare of Child of T.M.A.*, 11 N.W.3d 346, 358 (Minn. App. 2024) (applying this aspect of *Woolsey* in a juvenile-protection appeal).

We give “considerable deference” to the district court’s ultimate decision to terminate parental rights 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). We will affirm a termination order 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 department made reasonable efforts to reunite the family if reasonable efforts were required. *In re Welfare of Child. of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005).

I. The district court’s finding that the facts alleged in the TPR petition were proven was not clearly erroneous.

Father argues that the district court clearly erred by finding that the facts alleged in the TPR petition had been proven. On appeal of termination of parental rights, our review of the district court’s factual findings is “limited to determining whether the findings

address the statutory criteria, whether those findings are supported by substantial evidence, and whether they are clearly erroneous.” *In re Welfare of D.D.G.*, 558 N.W.2d 481, 484 (Minn. 1997). A factual finding is clearly erroneous if it is “manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted).

Under the juvenile-protection rules, a district court may order termination of parental rights without the participation of the parent if the parent does not appear for trial after proper service. Minn. R. Juv. Prot. P. 18. But unlike the rules of civil procedure, “the juvenile protection rules do not allow for relief in a default proceeding based solely on the pleadings, and the [c]ounty must still prove the allegations of a petition by clear and convincing evidence.” *In re Child of H.G.D.*, 962 N.W.2d 861, 868, 870 (Minn. 2021) (quotation omitted); *see also* Minn. R. Juv. Prot. P. 18.02 (providing that a district court may enter an order terminating the parental rights of a parent who fails to appear for trial “[i]f the [termination] petition is proved by the applicable standard of proof”).

Father contends that, in finding that “[t]he facts contained in the termination of parental rights petition have been proven,” the district court misapplied the rules of juvenile-protection procedure. We disagree. Despite father’s absence from the December 10 trial, the district court received evidence in support of termination, as authorized by Minn. R. Juv. Prot. P. 18.01, in the form of testimony from the child-protection worker and the GAL. The child-protection worker and the GAL testified about the facts contained in the TPR petition and that termination of father’s parental rights is in the best interests of child. The child-protection worker further testified that the facts contained in the TPR

petition are true and correct. In its order terminating father's parental rights, the district court found the testimony of the child-protection worker and the GAL credible and determined, "based on clear and convincing evidence," that statutory bases for terminating father's parental rights had been proven, it was in the best interests of child for father's parental rights to be terminated, and the county made reasonable efforts to reunify the family. The proceedings from the trial and the district court's order establish that the district court did not terminate father's parental rights solely based on the pleadings.

Father contends that the district court's finding runs afoul of the Minnesota Supreme Court's decision in *H.G.D.* In *H.G.D.*, the county filed a CHIPS petition on behalf of a child. 962 N.W.2d at 866. Mother failed to appear at a pretrial hearing and, at the county's request, the hearing proceeded by default. *Id.* at 867. The county called two witnesses to testify, one of whom testified that the facts contained in the CHIPS petition were true and correct. *Id.* The district court concluded that the county proved the child was in need of protection or services by "clear and convincing and uncontroverted evidence." *Id.* at 867-68. Mother appealed, arguing that the district court could not consider the allegations in the CHIPS petition because the petition was not entered into evidence. *Id.* at 868. The supreme court rejected mother's argument, concluding that "the district court can consider the allegations [in the CHIPS] petition if evidence establishes the reliability of those allegations." *Id.* at 872. Because the petition was filed in the district court and "the un rebutted witness testimony presented at the hearing established that the allegations of the petition were true and correct," the district court was not precluded from considering

the allegations in the CHIPS petition when making a disposition on the petition. *See id.* at 872-73.

We see nothing in the district court's actions in this case that were inconsistent with *H.G.D.* As was the case with the CHIPS petition in *H.G.D.*, the TPR petition in this case was filed in district court and is part of the record. The child-protection worker testified that the allegations in the TPR petition are true and correct, and the child-protection worker and the GAL provided additional un rebutted testimony that was consistent with the allegations in the petition. The district court found both witnesses credible, applied the clear and convincing standard of proof, and determined that the allegations in the TPR petition had been proven. We conclude that the district court did not clearly err by finding that the facts contained in the TPR petition were proven.

II. The district court's order is sufficient to effectuate meaningful appellate review.

Father argues that the district court's termination order is insufficient to permit appellate review. Father's specific argument is that, because the district court's finding that the allegations contained in the TPR petition had been proven is clearly erroneous, the remaining findings do not permit meaningful appellate review and we should remand for additional findings. As we have explained, under the rules of juvenile protection procedure and *H.G.D.*, the district court could consider the allegations in the TPR petition and did not clearly err in finding that those allegations had been proven by clear and convincing evidence. We therefore reject father's argument.

More generally, father maintains that, even if the district court's finding that the facts in the TPR petition had been proven was not clearly erroneous, "the order does not contain sufficient factual findings to support the court's conclusion of law regarding statutory bases for termination." Father argues that we should remand for the district court to make additional findings.

To effectuate meaningful appellate review, the district court's factual findings must "address the statutory criteria." *T.A.A.*, 702 N.W.2d at 708. Here, father does not explain precisely how the district court's findings fail to sufficiently address the statutory bases for termination, nor does he argue how any error prejudiced him. "[O]n appeal error is never presumed. . . . [T]he burden of showing error rests upon the one who relies upon it. And we do not reverse unless there is error causing harm to the appealing party." *Midway Ctr. Assocs. v. Midway Ctr., Inc.*, 237 N.W.2d 76, 78 (Minn. 1975) (quotation omitted). Thus, to obtain relief on appeal, the party challenging termination of parental rights must prove both clear error and prejudicial harm. *See In re Welfare of Child. of J.B.*, 698 N.W.2d 160, 171 (Minn. App. 2005) (applying the rule from *Midway* in a termination-of-parental-rights case), *rev. dismissed* (Minn. May 3, 2005).

For effective appellate review, the district court's findings must provide insight into the facts that are most persuasive of the ultimate decision and demonstrate the district court's consideration of the statutory bases for termination. *See In re Welfare of M.M.*, 452 N.W.2d 236, 239 (Minn. 1990). In its order, the district court identified four statutory bases for termination. The district court's factual findings include that father was in default on the petition, the child-protection worker and the GAL provided credible testimony that

terminating father's parental rights was in the best interests of child, the facts in the TPR petition were true and correct, child was adjudicated in need of protection or services and reasonable efforts to correct the conditions leading to the adjudication had failed, father is unable to parent child, child is in need of a safe home and parental care that father cannot provide, and it is in the best interests of child to terminate father's parental rights. The district court further found that the county made "reasonable efforts to rehabilitate, reunite the family, and finalize and support a permanent plan for the child, as described in the petition, the associated CHIPS proceeding, and testimony." While the district court's factual findings could have been more robust, we conclude that they are sufficient to facilitate effective appellate review on the statutory criteria for termination.

Father does not specifically argue that, even if the district court's findings are sufficient for meaningful appellate review, the district court abused its discretion by determining the existence of statutory grounds to support termination of his parental rights. By not making any argument challenging the statutory bases for the district court's termination order, father has forfeited this challenge on appeal. *See McKenzie v. State*, 583 N.W.2d 744, 746 n.1 (Minn. 1998) (applying the rule that arguments not briefed are waived when the appellant "allude[d] to" issues but "fail[ed] to address them in the argument portion of his brief"). In the interest of completeness, however, we have carefully reviewed the record and conclude that the district court did not abuse its discretion by determining that at least one statutory ground for termination exists. *See J.H.*, 968 N.W.2d at 600.

The district court terminated father's parental rights under Minn. Stat. § 260C.301, subd. 1(b)(4), which permits termination if a child is removed to out-of-home placement

and, since that time, reasonable efforts directed by the district court have failed to correct the conditions leading to the out-of-home placement. Minn. Stat. § 260C.301, subd. 1(b)(4). Reasonable efforts are presumed to have failed if the parent has not substantially complied with a reasonable case plan and the county has made reasonable efforts at reunification. *Id.* The district court found that, “since the determination of the [child] in need of protection or services adjudication on 4/17/2023, reasonable efforts under the direction of the Court have failed to correct the conditions that led to the [child] in need of protection or services adjudication.” The district court’s finding is supported by the allegations in the TPR petition and the witnesses’ testimony at trial that father failed to substantially comply with his case plan and that the county made reasonable efforts at reunification. The district court did not abuse its discretion in determining that at least one statutory ground for terminating father’s parental rights was supported by clear and convincing evidence. *See id.*

III. The district court did not abuse its discretion by determining that the county made reasonable efforts to reunite the family.

Lastly, father argues that the district court abused its discretion by determining that the county made reasonable efforts to rehabilitate and reunify the family.

If, as here, reunification efforts are required before terminating parental rights, the district court must determine whether the county made reasonable efforts to reunify the parent with the child. *In re Welfare of Child. of T.R.*, 750 N.W.2d 656, 664 (Minn. 2008). These efforts must include services that offer “real, genuine assistance.” *In re Welfare of*

Child. of S.W., 727 N.W.2d 144, 150 (Minn. App. 2007) (quotation omitted), *rev. denied* (Minn. Mar. 28, 2007). The district court must consider whether these services 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) (2024). We review the district court’s reasonable-efforts determination for an abuse of discretion. *In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 321-23 (Minn. App. 2015), *rev. denied* (Minn. July 20, 2015).

The district court, after hearing testimony from the child-protection worker and the GAL, found that the county made “reasonable efforts to rehabilitate, reunite the family, and finalize and support a permanent plan for the child as described in the petition, [the record], and testimony.” The district court further found that those efforts were “adequate to meet the needs of the child and family, culturally appropriate, available and accessible, consistent and timely, and realistic under the circumstances.”

The district court’s factual findings are supported by the record. The testimony of the witnesses, which the district court found credible, and the TPR petition reflect the efforts undertaken by the county to reunify the family. These efforts included offering father county child-protection case-management services, providing referrals to Minnesota

Families United for supervised visitation and parenting education for father, referrals for urinary analysis at Averhealth, and giving father bus cards and gas cards so father could attend child's educational and medical appointments. Father refused to sign his case plan or cooperate in its development, missed supervised visits, and did not attend child's medical and education appointments. The child-protection worker testified that father "didn't make much progress on any of his case plan" that required him to "address parenting, address his long history of chemical health/substance issues, [and] to participate in his child's well-being."

Father contends that the district court was prevented from considering the facts alleged in the TPR petition because the petition was not introduced at trial and, without the petition, the testimony from the child-protection worker and GAL does not sufficiently support the district court's reasonable-efforts determination. We have already concluded that, under *H.G.D.*, the district court could consider the allegations in the TPR petition once it received unrefuted testimony from the child-protection worker and the GAL that the allegations were true and correct and the additional testimony from those witnesses was consistent with the allegations in the petition. *See H.G.D.*, 962 N.W.2d at 872.

Father also argues that the district court's reasonable-efforts determination is clearly erroneous because the county failed to make reasonable efforts solely toward him. The record does not support father's argument. The county offered father case-management services, parenting education, supervised visits, referrals for urinary analysis, and bus and gas cards. The child-protection worker testified that the county attempted to contact father numerous times after the TPR petition was served, but that father never responded. While

the TPR petition describes several chemical-dependency and mental-health treatments that were referred to mother but not father, the child-protection worker testified that the county was unable to determine father's needs because father refused to submit the required urinary analysis sample or provide results from a mental-health diagnostic assessment. A county's reasonable efforts may be viewed in light of a parent's historical noncompliance. *See In re Welfare of Child of A.M.C.*, 920 N.W.2d 648, 663 (Minn. App. 2018) (holding that a county's efforts were reasonable when viewed in the context of father's "lack of effort to take advantage of services").

Finally, father argues that the district court abused its discretion by failing to explicitly find that services were selected in collaboration with him. While Minn. Stat. § 260.012(h) provides that a district court "shall consider" this factor in its reasonable-efforts determination, the statute does not require a district court, as part of its findings terminating parental rights, to explicitly recite every statutory factor under section 260.012(h). Further, the record reflects that the district court did consider this factor. The district court found that the county made reasonable efforts "as described in the petition . . . and testimony." Both the TPR petition and witness testimony include descriptions of the county's attempts to collaborate with father and father's unwillingness to participate in his case plan or respond to the county's provision of services. We conclude that the district court did not abuse its discretion by determining that the county made reasonable efforts to reunify father and child.

Affirmed.