

*This opinion is nonprecedential except as provided by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
A25-0436**

In the Matter of the Welfare of the Children of: K. R. D., Parent.

**Filed September 8, 2025
Affirmed
Bond, Judge**

Hennepin County District Court
File Nos. 27-JV-24-2362, 27-JV-24-2324

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Considered and decided by Ross, Presiding Judge; Larkin, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

On appeal from the district court's order transferring permanent legal and physical custody of appellant-mother's four children, appellant argues that the district court abused its discretion by determining that the county made reasonable efforts to reunify the family.

We affirm.

FACTS

Appellant K.R.D. is the biological mother of four children. In June 2023, respondent Hennepin County Human Services (the county) filed a children-in-need-of-protective-services (CHIPS) petition for all four children after the youngest tested positive for narcotics and experienced withdrawal symptoms upon birth. On June 30, pursuant to kinship placement agreements with the county, the two youngest children were placed with their noncustodial father and the two older children were placed with their maternal grandfather. The county established a voluntary interim case plan with mother's input and involvement. The case plan required mother to establish and maintain safe and suitable housing, complete rule 25 and mental-health assessments and follow all recommendations, provide urinalyses (UAs) to the county, complete parenting education, maintain contact with the county, and participate in supervised visits with the children.

In October 2023, the district court adjudicated the children as CHIPS and ordered mother to complete the case plan. In August 2024, the county filed two permanency petitions for transfer of permanent legal and physical custody of the four children to their respective placement caregivers. The district court held an admit/deny hearing at which mother denied the allegations in the petitions. The district court found that the county had established a prima facie case for both permanency petitions.

On December 12, 2024, the district court held a trial on the permanency petitions. At trial, the county social worker who had been working with mother testified about the

county's efforts to reunite mother with her children.¹ The social worker testified that mother had been included in the establishment of the case plan and had been notified of the only modification to it during the case, which was a change from requiring a baseline UA to requiring consistent UAs to demonstrate sobriety. The county submitted referrals for mother to various stable-housing programs, but the referrals were closed after mother did not respond to the programs. The social worker also referred mother to various inpatient treatment programs, which mother did not follow up on, causing those referrals to also be closed. Mother alternated between telling the county that she would follow up with treatment options and stating that she did not feel she needed treatment. The county provided mother financial assistance for telephone and gas expenses throughout the case.

The social worker testified that the only time mother provided the required UAs was at the monthly meetings when the social worker gave mother financial-assistance checks. The county referred mother to a service to provide her a sweat patch for drug testing, but the service determined that the patch they gave mother had been tampered with and could not provide adequate results. The social worker put in a referral for mother to obtain mental-health and chemical-dependency evaluations, but mother refused to participate in the evaluations. The county referred mother to two organizations for parenting education and supervised visits, but both organizations terminated services to mother based on mother's nonappearance or consistently late arrival for visits.

¹ In addition to the social worker, the district court received numerous exhibits and heard testimony from mother, the guardian ad litem, and the placement caregivers. Without objection from mother, one of the caregivers submitted testimony via a sworn affidavit.

In January 2025, following trial, mother submitted a written closing argument, in which she asserted that, leading up to trial, the county submitted various documents to the court late. Mother argued that the county's late filings "call[ed] into question whether [mother] was provided with reasonable efforts." In February, the district court issued an order granting both permanency petitions and transferring physical and legal custody of the children to their respective placement caregivers. As relevant here, the district court found the social worker's testimony credible and, based on the testimony and exhibits received at trial, determined that the county had proven by clear and convincing evidence that it made reasonable efforts to reunify the family.

The district court's order did not address mother's argument about the county's late filings. Mother filed a motion for a new trial or amended findings, again asserting the county's untimely filings amounted to a failure to make reasonable efforts toward reunification. The district court denied mother's motion, reasoning that its determination of reasonable efforts was based only on the testimony received at trial and exhibits in the record, and that the county's late filings "in no way impacted the Court's determination."

Mother appeals.

DECISION

When a child in court-ordered out-of-home placement cannot be reunified with their custodial parent, the district court may transfer permanent physical and legal custody to a "fit and willing relative." Minn. Stat. § 260C.515, subd. 4 (2024). On appeal from an order transferring permanent legal and physical custody of a child, we review the court's factual findings for clear error and its findings of a statutory basis for transferring custody

for an abuse of discretion. *See In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 321 (Minn. App. 2015), *rev. denied* (Minn. July 20, 2015). “A district court abuses its discretion if it makes findings of fact that lack evidentiary support, misapplies the law, or resolves discretionary matters in a manner contrary to logic and the facts on record.” *In re Welfare of Child of T.M.A.*, 11 N.W.3d 346, 355 (Minn. App. 2024). When reviewing a finding for clear error, appellate courts view the evidence in a light most favorable to the finding, do not reweigh the evidence, and defer to the district court’s credibility determinations. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-23 (Minn. 2021); *see also In re Welfare of Child of J.H.*, 968 N.W.2d 593, 601 n.6 (Minn. App. 2021) (applying *Kenney* to review findings of fact in a juvenile-protection order), *rev. denied* (Minn. Dec. 6, 2021).

A transfer-of-custody order must include detailed findings addressing four statutory requirements: the best interests of the child; the nature and extent of the county’s reasonable efforts to reunify the child with the parent, where reasonable efforts are required; the parent’s efforts to correct the conditions which led to the out-of-home placement; and whether the conditions which led to the out-of-home placement have been corrected so that the child can safely return home. Minn. Stat. § 260C.517(a)(1)-(4) (2024). “Each of these four statutory requirements must be proved by clear and convincing evidence.” *In re Welfare of Child. of J.C.L.*, 958 N.W.2d 653, 656 (Minn. App. 2021), *rev. denied* (Minn. May 12, 2021); *see also* Minn. R. Juv. Prot. P. 58.03, subd. 1 (providing that “[i]n a permanency matter other than a termination of parental rights matter, the standard of proof is clear and convincing evidence”).

Mother argues that the district court abused its discretion by transferring custody of the children because it erroneously determined that the county made reasonable efforts toward reunification. Except under circumstances not applicable here, the social services agency must make “reasonable efforts” toward “rehabilitation and reunification” of the family. Minn. Stat. § 260.012(a) (2024). “[W]hat constitutes ‘reasonable efforts’ depends on the facts of each case.” *J.H.*, 968 N.W.2d at 601 (quoting *In re Welfare of Child of A.M.C.*, 920 N.W.2d 648, 657 (Minn. App. 2018)). In determining whether the county made reasonable efforts, the district court must consider whether the 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 determination about the reasonableness of the county’s efforts for an abuse of discretion and its underlying findings of fact for clear error. *D.L.D.*, 865 N.W.2d at 321-23.

Mother asserts that the district court erred in its reasonable-efforts determination because the county was late in filing various documents in the district court. Specifically, mother points to the untimely filing of a proposed order following the emergency-protective-care hearing and an affidavit from one of the proposed custodians, which the

county filed after the trial in lieu of in-person testimony.² Mother argues that the county’s “continued and repeated lack of timely participation in the judicial process” resulted in the county’s failure to fulfill its obligation to make reasonable efforts toward reunification.

We conclude that mother has failed to show that the district court abused its discretion by determining that the county established by clear and convincing evidence that it made reasonable reunification efforts. First, mother does not explain precisely how the county attorney’s late filings in court had any effect on the services provided by the social services agency. Mother argues that, because the district court was required to consider whether the reasonable efforts were “consistent and timely,” the county’s delayed court filings amount to a lack of reasonable efforts to reunify the family. Minn. Stat. § 260.012(h). But “reasonable efforts” generally refers to the case-planning and other “services” provided to the family by the “social services agency.” Minn. Stat. § 260.012(f) (2024). Mother does not identify, nor has our review of the record revealed, any evidence supporting her contention that the services provided to the family in this case were impacted by the county’s late court filings. *See id.* (“Reasonable efforts are made upon the exercise of due diligence by the responsible social services agency to use culturally

² Mother also contends that the county filed the kinship study and several prehearing reports late. The district court’s order does not reference these late submissions, nor do they appear elsewhere in the record. As the appellant, mother bears the burden to provide the record on appeal. *Mesenbourg v. Mesenbourg*, 538 N.W.2d 489, 494 (Minn. App. 1995). Because mother has not provided the record necessary to review her claims surrounding the late kinship study and prehearing reports, we do not consider mother’s arguments relating to those documents. *See* Minn. R. Civ. App. P. 110.01 (providing that the record on appeal consists of “documents filed in the trial court, the exhibits, and the transcript of the proceedings”).

appropriate and available services to meet the individualized needs of the child and the child's family."); *see also In re Welfare of Child of R.V.M.*, 8 N.W.3d 680, 695-96 (Minn. App. 2024) (rejecting parents' argument that the county's failure to timely file a written case plan as required by Minn. Stat. § 260C.212, subd. 1(b) (2022), impacted the county's reasonable efforts because there was no evidence parents were not informed, or did not understand, the conditions they had to satisfy to achieve reunification), *rev. denied* (Minn. July 19, 2024).

Second, in its order denying mother's motion for a new trial or amended findings, the district court clarified that its determination that the county made reasonable efforts to reunify the family was based on the evidence in the record and testimony given at trial; the court expressly stated that the county's late filings "in no way impacted" its reasonable-efforts determination. Mother broadly asserts that the county's late filings prejudiced her by adversely affecting her ability to present a defense at trial, but she does not explain how it did so. And, as we have noted, mother does not explain how the late filings affected the district court's reasonable-efforts determination that she challenges on appeal. Because mother's challenge to the district court's order is based only on the county's late filings, which the district court explicitly stated were not a basis for its decision, mother cannot show that the county's late filings caused her any prejudicial error warranting reversal. *See Midway Ctr. Assocs. v. Midway Ctr., Inc.*, 237 N.W.2d 76, 78 (Minn. 1975) ("[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."

(quotation omitted)); *see also In re Welfare of Child. of J.B.*, 698 N.W.2d 160, 171 (Minn. App. 2005) (citing *Midway* in a juvenile-protection case).

Finally, while mother does not argue that the services the county provided were inadequate, we have carefully reviewed the record and conclude that the record supports the district court's determination that the county made reasonable efforts toward reunification. At trial, the county social worker testified that she created the case plan with mother's input and involvement. The case plan was individualized to meet mother's and her children's needs surrounding mother's substance-use, mental-health, and housing issues, and included supervised visits with the children, parenting education, random UAs, mental-health evaluation, chemical-dependency evaluation, maintaining safe and suitable housing, and cooperating and maintaining contact with the county. The county maintained consistent contact with mother, provided multiple referrals for relevant services, and provided mother with financial assistance during her case plan. The county gave mother the opportunity to work the case plan for over ten months before filing permanency petitions seeking the custody transfers. The district court found the social worker's testimony credible and, on appeal, mother challenges neither the accuracy of the social worker's testimony nor the credibility determination of the district court. Accordingly, the district court did not abuse its discretion by determining that the county made reasonable efforts toward reunification. *See* Minn. Stat. § 260.012(h).

Affirmed.