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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0981**

In the Matter of the Welfare of the Child(ren) of:
J. L. C. R. and M. A. C. P., Parents.

**Filed December 15, 2025
Affirmed
Bond, Judge**

Otter Tail County District Court
File No. 56-JV-24-2989

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Considered and decided by Wheelock, Presiding Judge; Connolly, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

Appellant mother challenges the district court's order terminating her parental rights, arguing that the district court abused its discretion in determining that respondent county made reasonable efforts to reunite mother and her children, that a statutory basis

for termination was proven, and that termination is in the best interests of the children. Mother also argues that she received ineffective assistance of counsel. We affirm.

FACTS

Mother J. L. C. R. and father M. A. C. P. are parents of twins, baby boy and baby girl, born in February 2024. In May 2024, when the children were three months old, mother reported to police that she had been the victim of domestic abuse by father. Father admitted to police there had been an argument but explained that the argument happened because mother had shaken baby boy and left both children alone in the home with no plans to feed them. After investigating, law enforcement determined that father, who was actively caring for the children, was an appropriate caregiver and initiated a safety plan to prevent mother from contacting the children or returning home.

In response to this incident, a child-protection worker with respondent Otter Tail County Department of Human Services (the county) interviewed mother with the assistance of an interpreter.¹ When the child-protection worker asked mother about the shaking allegation, mother “smirked a bit,” claimed it was false, and abruptly changed the subject to accuse father of using drugs.

The child-protection worker also interviewed father, who reported that mother was generally rough with the babies and that they had argued previously about her treatment of them. Father stated that mother violently shook baby boy and threw him into his crib, shouting “shut the f-ck up.” When baby boy landed in the crib, he went momentarily silent,

¹ Mother does not speak English.

his eyes rolled back into his head, and then he began to cry. This version of events was separately corroborated by father's sister, who was present during the incident.

Because of the seriousness of the allegations, both children were taken to the hospital for a medical evaluation. Medical providers determined that baby boy had a “small acute [subdural hematoma],” “epidural fluid collection/hematoma posterior,” and “superficial abrasions to his face.” These injuries were indicative of “non accidental trauma.” In addition, the children's medical records revealed that neither parent had followed up on medical concerns noted at the children's birth.

On June 7, 2024, the children were placed in foster care. The county's investigation concluded that mother caused egregious harm to baby boy. *See* Minn. Stat. § 260C.007, subd. 14 (2024). Mother was subsequently arrested, jailed, and charged with first- and third-degree assault in violation of Minn. Stat. §§ 609.221, subd. 1, .223, subd. 3 (2022).² Mother remained in custody from her May 31 arrest until October 14, 2024, when the state dismissed the criminal charges without prejudice because father fled the jurisdiction.

In the meantime, on July 18, 2024, the children were adjudicated as children in need of protection or services (CHIPS) after a trial. The district court appointed a guardian ad litem (GAL) and approved out-of-home placement plans for the children. Because mother could not have contact with the children while she was in jail, the placement plan

² We cite the criminal statute in effect at the time of the events giving rise to the criminal charges. For all other statutes in this opinion, we cite the most recent version because the cited statutes have not been amended in relevant part. *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”).

required mother to “be in good and honest communication with the [county],” to cooperate with the social worker, and to engage in services while in jail.

Upon the dismissal of the criminal charges and mother’s release from custody, the county determined that it was not appropriate to place the children in mother’s care because of the egregious-harm determination. Mother continued to be subject to the conditions of the previous case plan.

In December 2024, the county filed a petition to terminate mother and father’s parental rights as to both children.³ The petition alleged three statutory bases for termination: (1) palpable unfitness, (2) failure to correct the conditions that led to the children’s out-of-home placement despite reasonable efforts by the county, and (3) egregious harm. *See* Minn. Stat. § 260C.301, subd. 1(b)(3), (4), (5) (2024). Mother denied the allegations in the petition at an admit/deny hearing in March 2025.

At the same time, the county revised the out-of-home placement plan to include 27 conditions to support the children’s safety. The conditions required mother to be honest and truthful with the county; engage in all recommended services; provide safe and stable housing for the children; follow all recommendations around safety, mental health, and chemical use; and ensure the children’s medical, dental, and emotional needs are met. The district court adopted the revised out-of-home placement plan.

The matter proceeded to trial in April 2025. At the five-day trial, the district court received testimony from the child-protection worker, the child-protection case manager,

³ Because he had fled the jurisdiction and left the country, the district court granted the petition to terminate father’s parental rights at trial based on his failure to appear.

the GAL, mother, and father's sister, who had been acting as the children's foster parent. The district court received 37 exhibits into evidence, including medical records, child-protection assessments from the CHIPS proceeding, and mother's case plans. As of the first day of trial, the children had been in out-of-home placement for 308 days.

In May 2025, the district court filed an order terminating mother's parental rights to the children. The district court found credible the testimonies of the child-protection worker, the child-protection case manager, the GAL, and father's sister. Weighing mother's testimony against the exhibits and other testimony presented by the county, the district court found mother not credible. The district court determined that the county proved by clear and convincing evidence that the three statutory grounds for termination alleged in the petition existed, that the county made reasonable efforts to reunite the family, and that termination is in the children's best interests.

Mother 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). Termination of parental rights requires clear and convincing evidence that (1) at least one statutory ground for termination is present; (2) the county made reasonable efforts to reunite the family, if reasonable efforts were 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. 2021), *rev. denied* (Minn. Dec. 6, 2021); *In re Welfare of Child. of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005).

On appeal from an order terminating parental rights, we review the district court’s findings of “underlying or basic facts” for clear error, and its determination of whether the statutory requirements for termination have been met 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, 359 (Minn. App. 2024) (applying this aspect of *Woolsey* in a juvenile-protection appeal). When reviewing for clear error, we “view the evidence in the light most favorable to the findings, do not find [our] own facts, do not reweigh the evidence, [and] do not reconcile conflicting evidence.” *T.M.A.*, 11 N.W.3d at 355 (citing *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021)).

Mother challenges the district court’s determinations that the county made reasonable efforts, that the three statutory grounds for termination existed, and that termination is in the children’s best interests. Mother also argues that she received ineffective assistance of counsel. We address each argument in turn.

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

Before terminating parental rights, a district court must find that the county has made reasonable efforts to reunify the family or find that reasonable efforts are not statutorily required. Minn. Stat. § 260C.301, subd. 8 (2024); *see also* Minn. Stat.

§ 260.012(a) (2024); *In re Welfare of Child. of T.R.*, 750 N.W.2d 656, 664 (Minn. 2008).

In determining whether a county's efforts are reasonable, the district court must consider whether these 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) (2024). Reasonable efforts 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) (quotation omitted), *rev. denied* (Minn. Mar. 28, 2007). Whether the services constitute “reasonable efforts” depends on the nature of the problem presented, the duration of the county's involvement, and the quality of the county's effort. *In re Welfare of H.K.*, 455 N.W.2d 529, 532 (Minn. App. 1990), *rev. denied* (Minn. July 6, 1990). We review the district court's determination about the reasonableness of the county's efforts for an abuse of discretion and its related findings of fact for clear error. *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).

The district court found that the county made reasonable efforts by developing multiple case plans in collaboration with mother and providing a variety of services to

mother during the children's out-of-home placement "to address functional stability, parenting skills, mental health, and to provide visitation with the children." The district court's factual findings are supported by the record. The testimony of the witnesses, which the district court found credible, reflect the efforts undertaken by the county to reunify mother and the children. These efforts included transportation funds for supervised visits with the children and additional virtual visits at mother's option, referrals to the Parenting Time Center and Community Life Services for a parenting-skills assessment and parenting education, support from Someplace Safe for food assistance and English classes, and support from an advocate from Lutheran Social Services. In addition, the county supported mother's request for mental-health services by helping mother apply for Minnesota Care to receive medical and mental-health care.

Mother argues that these efforts were unreasonable because the county failed to provide other services after the parenting-skills assessment identified additional areas of recommended parental education. The record refutes mother's argument. The record reflects that the county recognized that mother needed a better understanding of nonphysical discipline techniques and a child's need to demonstrate independence, and that "these skills will be worked on during [supervised] parenting time sessions" at the Parenting Time Center. Furthermore, mother's assertion that the county should have provided her with other unspecified services does not render the county's efforts unreasonable. The county was required to make "reasonable efforts," not every possible effort. *See* Minn. Stat. § 260.012(a). The district court found that, despite the county's services, mother "continued to assert, even at trial, that neither of her children had suffered

any harm,” denied the accuracy of the children’s medical records and medical providers’ opinions, and “continued to be focused on herself and her own needs.”

Accordingly, we conclude that the district court did not abuse its discretion when it determined that the county’s efforts to rehabilitate mother and reunify the family were reasonable.

II. The district court did not abuse its discretion in determining that clear and convincing evidence supports at least one statutory basis to terminate mother’s parental rights.

Mother argues that the district court abused its discretion by terminating her parental rights because none of the three statutory grounds found by the district court are supported by the record. A reviewing court “needs 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). The district court determined that the county proved by clear and convincing evidence that each of the three alleged statutory grounds supported termination of mother’s parental rights: (1) palpable unfitness to parent, (2) failure to correct the conditions that led to the children’s out-of-home placement despite reasonable efforts by the county, and (3) egregious harm. *See* Minn. Stat. § 260C.301, subd. 1(b)(3), (4), (5). We limit our analysis to the second statutory ground identified by the district court because the record reflects that there is clear and convincing evidence to support termination on that basis. *See id.*, subd. 1(b)(4).

A district court may terminate a parent’s rights 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.” *Id.* It is presumed that reasonable efforts

have failed if: (1) a child under the age of eight “has resided out of the parental home under court order for six months unless the parent has maintained regular contact with the child and the parent is complying with the out-of-home placement plan”; (2) “the court has approved the out-of-home placement plan”; (3) the “conditions leading to the out-of-home placement have not been corrected,” which is presumed by the parent’s failure to “substantially compl[y] with the court’s orders and a reasonable case plan”; and (4) “reasonable efforts have been made by the social services agency to rehabilitate the parent and reunite the family.” *Id.*, subd. 1(b)(4)(i)-(iv).

Here, the district court made factual findings as to each requirement. Mother does not dispute that the children are under age eight, and she concedes both that the children had been in out-of-home placement for over six months and that the district court adopted the out-of-home placement plans. But she challenges the district court’s findings on the third and fourth factors, arguing that she was in substantial compliance with her case plan and that the county failed to make reasonable efforts to reunite the family. As we explained in the previous section, the district court did not clearly err or abuse its discretion by determining that clear and convincing evidence establishes that the county made reasonable efforts. We thus need consider only mother’s challenge to the district court’s finding on the third factor—that mother had not substantially complied with the court-ordered case plan.

The district court found that mother

was offered services to address functional stability, parenting skills, mental health, and to provide visitation with the children. Despite these services, [mother] has not corrected the

conditions leading to out-of-home placement. She continued to assert, even at trial, that neither of her children had suffered any harm other than the allegations she had made against [father]. She continued denying the medical records' accuracy and declined to accept the medical provider's opinion. Even at trial, it appeared [mother] continued to be focused on herself and her own needs, blaming [father] for the situation she found herself in. Without recognizing the substantial harm experienced by baby [boy], the Court cannot acknowledge that the reasons for out-of-home placement have been remedied.

Based on our careful review of the record, we conclude that the district court's findings are supported by substantial evidence, including the testimonies of the child-protection worker, the child-protection case manager, the GAL, and mother herself.

Mother argues that the record establishes that she was "in near perfect compliance" with her case plans. Again, the record refutes mother's argument. Mother's case plans required her to "be in good and honest communication with the [county]." The child-protection case manager testified that mother "appeared to be dishonest and change[d] stories throughout the entirety of the case" and that mother lied to the county about her communications with father. The case plan further required mother to "maintain adequate funds to meet the children's needs" and to "demonstrate the ability to maintain a stable, safe and sober home for the[] children." The GAL testified that mother reported sending money she made selling food to her to family outside the United States, rather than using it to support the children. Consequently, mother lacked "functional stability," as required by the case plan, because she was "relying solely on the organizations she's working with for help with rent, food, [and] transportation." The GAL additionally testified that mother refused to take accountability for baby boy's injuries and demonstrated that she lacked

insight into “non-physical discipline techniques.” The district court found the testimony of these witnesses credible, and, on appeal, we defer to those credibility determinations and do not re-weigh the evidence. *T.M.A.*, 11 N.W.3d at 355. While we acknowledge that mother engaged in several services recommended by the county, on this record, we discern no clear error in the district court’s finding that mother was not in substantial compliance with her case plan.

Accordingly, the district court did not abuse its discretion in ruling that mother failed to correct the conditions that led to the children’s out-of-home placement following reasonable efforts by the county as required by Minn. Stat. § 260C.301, subd. 1(b)(4).

III. The district court did not abuse its discretion in determining that termination was in the children’s best interests.

Even if a statutory basis for termination is present, the child’s best interests are the “paramount consideration” in a termination proceeding. Minn. Stat. § 260C.301, subd. 7 (2024); *see also* Minn. Stat. § 260C.001, subd. 2(a) (2024). The district court balances three factors when considering a child’s best interests: (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); *see also J.R.B.*, 805 N.W.2d at 905 (“Competing interests [of the child] include such things as a stable environment, health considerations and the child’s preferences.” (quotation omitted)). We review a district court’s best-interests determination for an abuse of discretion. *J.R.B.*, 805 N.W.2d at 905.

The district court determined that it is in the best interests of the children to terminate mother's parental rights, finding that the children were "thriving in their current placement" and the children's "competing need for safety and stability outweighs any interest in maintaining the parent-child relationship with [mother]." The district court credited the testimony of the GAL, who testified that mother "lacks functional stability"; "cannot currently offer the children the safe, stable environment they require"; and consistently puts her own needs above those of the children. The district court further credited the GAL's testimony that termination was in the children's best interests and that mother's "anger and neglect of the children are a serious and continuous threat to them."

Mother neither challenges any of the district court's factual findings as clearly erroneous nor argues that the district court misapplied the legal standard. Instead, mother argues that the district court's findings fall short of the clear and convincing standard required to terminate her parental rights because the court improperly focused "mostly on the children's need for safety and stability without any reasoning as to how Mother cannot provide that."

We have recognized that "determination of a child's best interests is generally not susceptible to an appellate court's global review of a record, and . . . an appellate court's combing through the record to determine best interests is inappropriate because it involves credibility determinations." *In re Welfare of Child of D.L.D.*, 771 N.W.2d 538, 546 (Minn. App. 2009) (quotations omitted). The district court thoroughly evaluated the best-interests factors, made findings of fact, and determined that mother's interest in the parent-child relationship did not outweigh the children's need for safety. We conclude that mother has

not shown that the district court abused its discretion in determining that the children's best interests supported termination of mother's parental rights.

IV. Mother fails to establish that she received ineffective assistance of counsel.

A parent has a right to “effective assistance of counsel in connection with a proceeding in juvenile court.” Minn. Stat. § 260C.163, subd. 3(a) (2024). To prevail on an ineffective-assistance-of-counsel claim, mother must demonstrate that (1) her counsel's performance fell below an objective standard of reasonableness and (2) there is a “reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” *In re Welfare of L.B.*, 404 N.W.2d 341, 345 (Minn. App. 1987) (quoting *Strickland v. Washington*, 466 U.S. 668, 694 (1984)). A “reasonable probability” means “a probability sufficient to undermine confidence in the outcome” of the case. *Strickland*, 466 U.S. at 694; *see also State v. Rhodes*, 657 N.W.2d 823, 842 (Minn. 2003) (explaining that, under *Strickland*'s prejudice prong, a party “must show that counsel's errors actually had an adverse effect in that but for the errors the result of the proceeding probably would have been different” (quotation omitted)). We “need not address both the performance and prejudice prongs if one is determinative.” *Rhodes*, 657 N.W.2d at 842. Ineffective-assistance-of-counsel claims raise mixed questions of law and fact that an appellate court reviews de novo. *Id.*

Mother argues that her trial lawyer's failure to submit a written closing argument reflects objectively unreasonable conduct and that, but for this error, the district court would not have terminated her parental rights. The record reflects that mother's counsel and the county's counsel gave closing arguments on the record. Mother's counsel indicated

that he intended to submit a written closing argument as well. The district court ordered that any written closing arguments must be submitted within two weeks. Mother's counsel did not submit a written closing argument. We need not decide whether counsel's conduct was objectively unreasonable because we conclude there is no "reasonable probability" that the result of the proceeding would have been different had mother's counsel submitted a written closing argument. *See id.*

Pointing to her other claims of error on appeal, mother argues that, had counsel submitted a written closing argument, the district court would not have terminated mother's parental rights. Mother also argues that a written closing argument would have apprised the district court of the "applicable law." Significantly, mother does not argue that counsel's on-the-record summation was deficient. And we discern no error of law in the district court's termination order. In its termination order, the district court set out the appropriate legal standards and, applying those standards, made findings of fact—supported by clear and convincing evidence—that address the concerns relevant to whether the county made reasonable efforts to reunite the family, whether termination was supported by at least one statutory basis, and whether termination was in the best interests of the children. As we concluded above, those findings of fact support the district court's discretionary determinations that the county did make reasonable efforts to reunite the family, that at least one statutory basis to terminate parental rights is present in this case, and that termination of mother's parental rights was in the best interests of the children. On this record, mother has not established a reasonable probability that, but for her

counsel's failure to submit a written closing argument, the result of the proceeding would have been different.

Affirmed.