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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0988**

In the Matter of the Welfare of the Child of: K. M. S. and J. J. S., Parents.

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

Chisago County District Court
File No. 13-JV-25-27

MacKenzie Guptil, Pine City, Minnesota (for appellant-father J.J.S.)

Janet Reiter, Chisago County Attorney, Aimee S. Cupelli, Assistant County Attorney,
Center City, Minnesota (for respondent Chisago County Health and Human Services)

Alfred S. Alliegro, Alliegro Law Office, LLC, Center City, Minnesota (for child)

Bethany Peterson, Stillwater, Minnesota (guardian ad litem)

Considered and decided by Schmidt, Presiding Judge; Bentley, Judge; and Segal,
Judge.*

NONPRECEDENTIAL OPINION

BENTLEY, Judge

On appeal from the termination of his parental rights, appellant-father J.J.S.
challenges the district court's determinations that the termination is supported by a

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

statutory basis, that respondent-county made reasonable efforts to reunite him with his child, and that termination is in the best interests of the child. We affirm.

FACTS

This case concerns the termination of father's parental rights to his 14-year-old child, born in 2011.¹ The following summarizes the district court's findings of fact in its order terminating parental rights (TPR), as well as the procedural history. We supplement from the record in the district court, including from trial transcripts and exhibits, as necessary to understand the issues on appeal.

Child and his parents have an extensive history with respondent Chisago County Health and Human Services (the county) and law enforcement. In the years leading up to the current proceedings, law enforcement was called to the family home seven times for domestic disputes between either mother and father or mother and child. On one such occasion in 2021, father was arrested for and convicted of domestic assault, with law enforcement reporting that father was heavily intoxicated at the time of the incident. Later the same month, child called law enforcement reporting that father was arguing with mother and being physical. Father was under an active domestic-abuse no-contact order (DANCO) at that time, and mother reported father was drinking, despite being on probation for the domestic-abuse conviction with a no-substance-use condition. When the police were called, typically one or both parents reportedly appeared intoxicated.

¹ Mother K.M.S.'s parental rights were also terminated. But mother has not challenged that determination and did not participate in this appeal.

Separately, the county received various reports about child from his school, many of which related to child's frequent absences. During the 2022-2023 school year, when child was in sixth grade, child "was only enrolled in school 111 of 186 total school days, and of those, he only attended 25 days." That year he failed nearly all his core classes. The following school year, child had more than 30 unexcused absences between September and January. In October 2023, child was adjudicated a child in need of protection or services (CHIPS) as a habitual truant. He was placed on probation and ordered to attend school, complete a residential evaluation program, and complete a mental-health assessment and follow all recommendations. His parents were ordered to participate in a parenting course. As of the TPR trial, neither parent had completed that course.

In early February 2024, the county was granted immediate custody of child because mother threatened to leave the state with child rather than agree to him entering the residential evaluation program as ordered, and because child had continued to miss school after his truancy adjudication. At a hearing, child was again adjudicated CHIPS, and the district court approved and adopted out-of-home placement plans.

Father's case plan required that he, among other things, (1) remain sober; (2) comply with drug testing; (3) "be able to verbally demonstrate insight into the effects addictive disorders/use has had on himself, his family, and his child"; (4) attend weekly individual therapy; (5) be able to "demonstrate behavioral changes and insight into the concerns which brought the family into the Child Protection System"; and (6) "demonstrate the ability to locate, secure, and/or maintain safe and stable housing for himself and his child, long-term."

As to the requirements relating to substance use, father completed an assessment and was diagnosed with moderate opiate use disorder, and it was recommended that he complete outpatient treatment. Father entered outpatient treatment at Care Crossings and attended three sessions per week. Additionally, father agreed to participate in various methods of substance testing. Throughout the CHIPS proceedings, father maintained that he was sober and had not consumed alcohol since the DANCO was in place in 2021. But father tested positive for oxycodone more than ten times between March 2024 and April 2025, and tested positive for alcohol on numerous separate occasions. There was also evidence that father repeatedly tampered with the testing devices or failed to comply with testing. When presented with positive tests, father denied use. Following positive tests, father entered sober housing in February 2025, but struggled to pay \$888 per month in “sober fees” that include rent and, in April, he was asked to leave. As of the time of trial, father had not yet graduated from Care Crossings’ outpatient program.

As to the therapy requirement, father participated in individual therapy for approximately five sessions but stopped when he got behind in co-pays for the services. When his case manager became aware of the issue, she organized for the county to pay the outstanding co-pay balance, but father’s therapist was unwilling to reinstate services because of repeated no-call, no-show appointments.

After child was removed from the home, father consistently attended scheduled visitations and spoke with child on the phone. Visits were twice weekly until June 2024, when child’s therapist and other service providers determined that visits should occur through therapeutic coaching because of child’s increased anxiety after their contact.

Visitation was paused while that therapeutic coaching was organized. Father and child first participated in individual therapy sessions and then began joint sessions in November 2024. The joint sessions continued until January 2025, when they were paused again because child was having increased mental-health symptoms and began a day-treatment program. The therapeutic coaching provider attempted to restart sessions in March 2025, but visits were further delayed because of difficulty reaching father. Sessions between child and father restarted in early May 2025.

Finally, with respect to housing, father moved out of the family home in January 2025, after mother returned home following time spent in the hospital and a group home. Father testified that he moved out so that he could get child back. The county provided father with resources to locate affordable housing and housing assistance. Father stayed with a friend until he moved into the sober home. In March 2025, father told the case manager that he found an apartment, but then he kept representing to her that the move-in date was pushed back. In early April 2025, father told child about the apartment and said that child could live there with him. Child was very bonded with his cat, and father said that child could bring the cat to the apartment. Around that time, the case manager and father discussed a trial home visit at the apartment, but those discussions were discontinued when the case manager learned that father actually did not have an apartment and was living in his car after he had been asked to leave the sober home. At the TPR trial, father stated that the apartment “fell through.” He submitted into evidence a lease for a different apartment in St. Paul that began on the last day of trial. The lease listed the monthly rent as \$1,250, mentioned father as the only occupant, and prohibited pets. Father testified that

if child lived there with him, he would drive child to and from his current school and pay rent by picking up extra shifts and working overnight hours.

At the time of the TPR trial, child was 14. Child is diagnosed with autism spectrum disorder, attention deficit hyperactivity disorder, generalized anxiety disorder, and other specified trauma and stressor-related disorder. He had not attended therapy before the county's involvement but began participating in frequent, regular individual therapy in May 2024. A major concern reported by many of child's providers is parentification of child, which a therapist who testified described as "a dynamic within a family system where a child assumes the role that often is held for parents." After child was placed in foster care and reenrolled in school, he had only six absences, all of which were excused. By eighth grade, child was on the "A" honor roll.

In January 2025, the county petitioned to terminate both mother's and father's parental rights under Minnesota Statutes section 260C.301, subdivision 1(b)(2), (3), and (4) (2024), because of the parents' lack of progress on their case plans, the length of child's time out of the home, and child's need for permanency.

The district court held a three-day trial in May 2025 at which 12 witnesses testified, including: the child-protection case manager, child's individual therapist, child's school case manager, child's former guardian ad litem, child's current guardian ad litem, father's treatment counselor, the parenting therapist from the therapeutic coaching sessions, mother, and father. The district court also received into evidence over 100 exhibits. At trial, mother conceded she was unable to care for child and child's attorney expressed the child's desire to live with father.

The district court filed a 40-page order with findings of fact and conclusions of law. In the order, the district court determined that the county established three statutory bases for TPR under Minnesota Statutes section 260C.301, subdivision 1(b). Specifically, the county established that (1) parents substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed on them by the parent and child relationship; (2) parents are palpably unfit to be a party to the parent and child relationship; and (3) reasonable efforts under the direction of the court have failed to correct the conditions leading to child's out-of-home placement. *See* Minn. Stat. § 260C.301, subd. 1(b)(2)-(4). It further determined that the county made reasonable efforts to reunite the family and that termination was in child's best interests. Minn. Stat. § 260C.301, subds. 1(b)(7)-(8). The district court therefore granted the petition terminating both mother's and father's parental rights.

Father appeals.

DECISION

Parental rights may only be terminated for “grave and weighty reasons.” *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990). To terminate parental rights involuntarily, a district court must determine (1) that at least one statutory ground for TPR exists, (2) that the county has made reasonable efforts to rehabilitate the parent and reunify the family, unless those efforts are not required under the statute, and (3) that termination is in the child's best interests. Minn. Stat. §§ 260C.301, subds. 1(b), 7, 8, .317, subd. 1 (2024); *see also In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008).

Appellate courts review a district court’s TPR decision “to determine whether the district court’s findings address the statutory criteria and whether the district court’s findings are supported by substantial evidence and are not clearly erroneous.” *S.E.P.*, 744 N.W.2d at 385. “A finding is clearly erroneous if it is either manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *In re Welfare of Child. of T.R.*, 750 N.W.2d 656, 660-61 (Minn. 2008) (quotation omitted). In reviewing the district court’s factual findings, appellate courts “view the evidence in a light favorable to the findings.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (addressing the clear-error standard of review); *In re Welfare of Child of J.H.*, 968 N.W.2d 593, 601 n.6 (Minn. App. 2021) (applying *Kenney* in a TPR appeal), *rev. denied* (Minn. Dec. 6, 2021). When reviewing the district court’s ultimate decision to terminate rights, “[appellate courts] give considerable deference to the district court’s decision.” *S.E.P.*, 744 N.W.2d at 385; *see also J.H.*, 968 N.W.2d at 600 (stating that appellate courts review district court’s ultimate TPR decision for an abuse of discretion).

Father challenges the district court’s determination on each of the statutory criteria for involuntary TPR: that the county made reasonable efforts to reunite him with child, that a statutory ground for termination exists, and that termination is in the child’s best interests. We address each argument in turn.

I

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

Minn. Stat. § 260.012(a) (2024); *T.R.*, 750 N.W.2d at 664. 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) (quotations omitted), *rev. denied* (Minn. Mar. 28, 2007). The efforts “must be aimed at alleviating the conditions that gave rise to out-of-home placement, and they must conform to the problems presented.” *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 88 (Minn. App. 2012).

In determining whether a county’s efforts were reasonable, the district court must consider whether the services offered 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). The district court also weighs “the length of the time the county was involved and the quality of effort given.” *In re Welfare of H.K.*, 455 N.W.2d 529, 532 (Minn. App. 1990), *rev. denied* (Minn. July 6, 1990). “[W]hat constitutes reasonable efforts depends on the facts of each case.” *J.H.*, 968 N.W.2d at 601 (quotation omitted). We review the district court’s determination about the reasonableness of the county’s efforts for an abuse of discretion and the 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).

Here, the district court determined that “[r]easonable efforts were made by the [county] to rehabilitate . . . Father, reunify the child with the parents, and finalize a permanency plan for the child.” The district court specifically found that the county provided 18 services to father, including: (1) referrals for mental-health and chemical-health services for mother and father; (2) referrals for services for child; (3) text, phone, and in-person contact with mother, father, child, and foster parents; (4) drug testing; (5) coordination of visitation; (6) housing resources; (7) supervision of phone/video visits; (8) payment of therapy co-pays for father; and (9) consultation and communication with service providers. The district court also found that the services were offered in collaboration with the family and child and tailored to the individualized needs of child and the family. The record supports these findings, and they do not amount to error.

Father argues that the county’s efforts to reunify him and child were unreasonable because of the limitations that the county placed on visitation and the delays in starting therapeutic intervention. Specifically, he argues that it was unreasonable for visits with child to be suspended in June 2024, during the transition to therapeutic coaching. As a result, father and child did not see each other in-person until November 2024, and early the next year, visitations were paused again and not restarted until months later. Father states that the limitations on visitation took an emotional toll on him and made it difficult for him to complete his other case-plan requirements.

We are mindful of father's genuine desire for more time with child and of the distress that having that time restricted may have caused him. And yet, the district court's finding that the county made reasonable efforts is supported by the record and based on more than the frequency of visitation. The district court found that the county provided assistance aimed at multiple elements of father's case plan, including providing options for mental-health and chemical-dependency treatment and housing resources. The district court also addressed father's argument about visitation in its order, stating that "the pace of visits and the transition to therapeutic visits were all in response to [child's] mental health needs and his requests." The district court noted, "There were times that more frequent visits were offered, and [child] requested that they be limited to every other week. Given [child's] age and mental health needs . . . it was necessary to be responsive to his needs as it related to visitation."

The record supports the district court's findings. Many of child's providers testified that the frequency and nature of child's visits with father were set based on child's preferences and accounted for fluctuations in his mental health. Moreover, in determining whether the county made reasonable efforts, the statute requires the district court to consider whether the efforts were tailored to child's individualized needs, whether the county collaborated with child, and whether services were relevant to the safety, protection, and well-being of child. Minn. Stat. § 260.012(h). The record supports that the district court considered those factors and, in turn, did not abuse its discretion in determining that the visitation efforts were reasonable.

Father also disputes the district court's finding that father's conduct contributed to delays in therapeutic services. Testimony established that, when switching from regular visits to therapeutic visits, father did not timely respond to the case manager's attempts to contact him about establishing services. And, after child was ready to resume therapeutic visits after a pause, father did not respond to calls from the provider until the following month. The district court did not clearly err in finding that father's actions contributed to the delay in therapeutic meetings between him and child.

Because the district court's findings are supported by the record and consistent with the statute, we conclude that the district court did not abuse its discretion in concluding that the county made reasonable efforts to rehabilitate father and reunify him with child.

II

To terminate parental rights, the district court must determine that the county established one or more of the statutory grounds for termination by clear and convincing evidence. *J.H.*, 968 N.W.2d at 600. When reviewing the statutory basis for the TPR, we assess whether the district court's findings (1) address the statutory criteria and (2) are supported by substantial evidence. *S.E.P.*, 744 N.W.2d at 385. We must "closely inquire into the sufficiency of the evidence to determine whether it was clear and convincing." *In re Welfare of J.M.*, 574 N.W.2d 717, 724 (Minn. 1998). We review the factual findings for clear error and the statutory basis 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 if it makes findings of fact that lack evidentiary support,

misapplies the law, or resolves discretionary matters in a manner contrary to logic and facts on record.” *In re Welfare of Child of T.M.A.*, 11 N.W.3d 346, 355 (Minn. App. 2024).

We limit our analysis to the third statutory ground found by the district court, Minn. Stat. § 260C.301, subd. 1(b)(4), because the record reflects that there is clear and convincing evidence to support termination on that ground. *J.H.*, 968 N.W.2d at 600. Because at least one of the statutory grounds found by the district court is supported by the record, we need not address the remaining statutory grounds for termination. *See J.K.T.*, 814 N.W.2d at 92 (recognizing that appellate courts “need only one properly supported statutory ground in order to affirm a termination order”).

Under subdivision 1(b)(4), a district court may terminate a parent’s rights upon a finding “that 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)(4). This provision presumes that reasonable efforts have failed upon a showing that: (1) “a child has resided out of the parental home under court order for a cumulative period of 12 months within the preceding 22 months,” (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” as shown by the parent “not substantially compl[ying] 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).

Throughout its order, the district court made findings on each of the four elements required to establish the presumption that reasonable efforts have failed. First, the district

court found that child had been out of the home for 471 days as of the last day of trial.² That finding is reflected in the record. Second, the district court found, consistent with the record, that “[t]he Out-of-Home-Placement Plans were approved by the Court and adopted.” Third, the district court found that father’s progress on the case plan was not meaningful and did not correct the conditions leading to child’s placement. For example, the record demonstrates that he participated minimally in individual therapy, and although father presented a lease for an apartment with a move-in date on the last day of trial, he did not show that he can maintain it. The record also indicates that father did not abstain from all nonprescribed, mood-altering substances, and has not demonstrated “insight into the effects addictive disorders/use has had on himself, his family, and his child.” Fourth, as discussed above, the district court determined that the county made reasonable efforts toward rehabilitation and reunification, and we see no basis to conclude that this finding was clear error.

The district court summarized father’s progress on the case plan as follows:

While Father worked many of the tasks associated with the case plan, his progress was not meaningful and did not correct the conditions that led to the out-of-home placement. Father has not graduated from outpatient treatment programming, only participated in a few individual therapy sessions, and has not demonstrated safe, stable housing. . . . Father continues to lack insight into his own chemical health and mental health, his relationship with Mother, and his part in creating an unhealthy parent-child relationship with

² We note that there appears to be a typo in the district court’s order on this point. The district court stated, “[child] has been in out-of-home placement since February 2, 2025, 471 days as of the last date of trial.” Elsewhere in its order the district court acknowledges that the county filed for custody on February 2, 2024. We understand the 471-day period to begin on February 2, 2024, not February 2, 2025.

[child]. Despite providing Father with services that could address these issues, Father's continued insistence on Mother's alcohol use or [child's] truancy being the reason for removal has hindered any real progress.

The district court determined that the county proved by clear and convincing evidence "that reasonable efforts under the direction of the court have failed to correct the conditions leading to the child's placement."

Father argues that the district court clearly erred in its determination that he did not substantially comply with the case plan. He maintains that the district court did not properly consider the difficulty of securing housing. He points out that he is no longer living with mother. And he challenges the district court's findings about his sobriety and indicates that he is still in treatment.

Again here, the record supports the district court's determination. The finding that father made some effort toward his case plan but that his progress was "not meaningful" is reflected in the record evidence relating to father's housing and substance-use issues. As to housing, the district court acknowledged that father presented a lease at trial but made adverse credibility findings about father's ability to maintain stable and safe housing, stating that father's housing situation and his plans for child were "misleading and unrealistic." Specifically, the district court found:

Father testified that he would be able to get flexibility from his employer to leave work to transport [child] to school. Father's testimony demonstrates that he has an unrealistic and unreasonable expectation of his ability to manage [child's] educational needs. Father works in St. Paul from 6:00 a.m. until 6:00 p.m. and will reportedly be living in St. Paul. [Child's school] is in Lindstrom, 38 miles and an approximately 1-hour drive from St. Paul. Transporting [child]

to and from school each day would take at least 4 hours out of Father's workday. Father testified that one of the reasons he had difficulty paying the sober fees at the sober house was because of reduced work hours due to participating in services.

Given these findings, we defer to the district court's credibility determination with respect to father's ability to maintain stable housing. *See In re Civ. Commitment of Ince*, 847 N.W.2d 13, 24 (Minn. 2014) (stating that a fact-finder is in the best position to "weigh the evidence and assess credibility").

As to father's testimony that he is sober, the district court found that "Father's testimony regarding his alcohol and substance use is not credible," and it credited the results of father's various substance tests that indicate he was not sober. The district court acknowledged that father's treatment counselor testified that she believed he was sober, but the district court nevertheless found based on the record that he was not. We decline to reweigh evidence and disturb the district court's credibility findings. *Id.*; *see also Kenney*, 963 N.W.2d at 221-23.

Even if father's actions did constitute substantial compliance with his case plan, the district court still may terminate his parental rights if the record contains clear and convincing evidence supporting termination. *See In re Welfare of Maas*, 355 N.W.2d 480, 483 (Minn. App. 1984) (affirming that mother's substantial compliance with court-ordered parenting sessions, psychological treatment, and sobriety were insufficient to avoid termination given her poor prognosis for long-term improvement). The critical issue is not whether the parent formally complied with the case plan, but whether the parent is presently able to assume the responsibilities of caring for the child. *In re Welfare of J.L.L.*, 396

N.W.2d 647, 651 (Minn. App. 1986). Based on its detailed findings, the district court determined that father is not capable of parenting child now or in the foreseeable future. The district court’s findings are not clearly erroneous; they are supported by multiple days of testimony and over 100 exhibits. The district court also properly applied the law and made findings and conclusions on each of the necessary statutory elements. For these reasons, we conclude that the district court did not abuse its discretion by determining that the county proved this statutory ground by clear and convincing evidence.

III

The child’s best interests are the “paramount consideration” in a termination proceeding. Minn. Stat. § 260C.301, subd. 7; *see also* Minn. Stat. § 260C.001, subd. 2(a) (2024). Even if a statutory basis for termination is present and the county has made reasonable efforts, a district court may not terminate parental rights if it is not in the best interests of the child. *In re Welfare of the Child of D.L.D.*, 771 N.W.2d 538, 545 (Minn. App. 2009). In considering the child’s best interests, the district court balances three factors: (1) the child’s interest in preserving the parent-child relationship, (2) the parent’s interest in preserving the parent-child relationship, and (3) any competing interests of the child. Minn. R. Juv. Prot. P. 58.04(c)(2)(ii). “Competing interests [of the child] include such things as a stable environment, health considerations and the child’s preferences.” *J.R.B.*, 805 N.W.2d at 905 (quotation omitted). We review a district court’s best-interests determination for an abuse of discretion. *Id.*

In its determination, the district court recognized child’s expressed desire to live with his father but found that “the interest in preserving the parent-child relationship is

outweighed here by [child's] interest in achieving permanency, hav[ing] a safe and stable home, and having a caregiver who can meet his physical, emotional, and educational needs.” More specifically, the district court found:

[Child] loves both of his parents, and has a relationship with his two adult half-siblings. [Child] also expressed through his attorney at trial that he would like to return home and live with Father. The Court has given some weight to [child's] expressed desire, but considers it in the light of the testimony of both of the mental health professionals who have worked with [child] in recent months. Both [professionals] testified credibly that, as a result of the enmeshment and parentification in the relationship between [child] and his parents, [child] is likely to feel that he needs to advocate for or stick up for his parents. While a termination of parental rights will undoubtedly cause trauma to [child], the need to provide him with safety, stability, and security outweighs the benefit of preserving the parent-child relationship.

The district court also found that “it is unlikely that [child] would receive the treatment he needs for his mental health if he were returned to [parents'] care,” “[b]ased on [their] inability to participate consistently in their own services.” And it credited testimony of the guardian ad litem that she believes TPR is in child's best interests.

Father makes three arguments challenging the district court's best-interests determination. First, he argues that the district court improperly relied on information and testimony from a former guardian ad litem who did not speak with either of child's parents during the seven months she was in that role. At trial, both the current guardian ad litem and a former guardian ad litem testified. The current guardian testified that she thought it was in child's best interest for parental rights to be terminated but the former guardian did not address that question directly. Father takes issue with a different part of the testimony,

citing the former guardian's admission that she never spoke with father or mother, which the current guardian acknowledged was improper. Even if we assume that the prior guardian should have spoken with the parents, the district court did not rely solely or even largely on that testimony. Rather, in its order, the district court found that "[t]he Guardian ad Litem testified that she believes a termination of parental rights is in [child's] best interests." Given the contents of each guardians' testimony, and that the district court did not reference the *former* guardian, this was likely a reference to the current guardian's testimony. She, unlike the prior guardian, testified that she had spoken with father. The district court also made numerous additional, more detailed findings to reach its best-interests-of-the-child determination. As such, its guardian ad litem finding would not amount to an abuse of discretion upon which to reverse the district court's decision.

Second, father again argues that the district court did not appropriately consider the county's delay in visitation services and erroneously found father responsible for delay. We refer to our discussion of this issue in section one. The visitation schedule was adapted in response to child's requests and professional advice. In other words, the schedule was made in consideration of child's best interests. For that reason, any delays or gaps in visitation are not grounds for disturbing the district court's best-interests findings.

Third, father takes issue with the district court's determination that is contrary to the child's expressed desire to live with father. We recognize, and the record makes clear, that there is mutual love and affection between father and child. We have no doubt that the interest of each party in maintaining their relationship is significant and that it is likely very difficult to have the district court rule contrary to child's stated desires. Even so, we

conclude that the district court did not abuse its discretion when it deviated from child's stated preference. That is one factor that the district court needs to consider in terminating parental rights, but the district court is not bound to follow it. *See In re Welfare of Child of J.R.R.*, 943 N.W.2d 661, 669 (Minn. App. 2020) ("The custodial wishes of a 15-year-old child are *a* relevant factor to be considered and evaluated." (emphasis added)). As the district court correctly pointed out, caselaw establishes that, when analyzing a child's best interests, stability receives high priority. *See In re Welfare of K.T.*, 327 N.W.2d 13, 18 (Minn. 1982). The district court found that termination would better serve child's need for stability, noting that routine, structure, and support have led to "remarkable improvement" for child academically. The record supports those findings. And, despite recognizing child's preference to live with father, the district court found that child's preference should be considered within the context of the unhealthy relationship between child and his parents, and that he "is likely to feel that he needs to advocate for or stick up for his parents." The record also supports that finding.

The district court's consideration of child's wishes was consistent with the law and the record. Thus, the district court did not abuse its discretion in determining that child's competing interests outweighed his interest in preserving the parent-child relationship and that termination of father's parental rights was in child's best interests.

Because the district court's findings address the statutory criteria, are supported by the record, and are not clearly erroneous, we discern no abuse of discretion in the district court's order.

Affirmed.