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

**STATE OF MINNESOTA
IN COURT OF APPEALS**

A25-1081

A25-1089

In the Matter of the Welfare of the Child(ren) of:
B. L. and R. O. S. a/k/a R. O., and R. S., Parents.

Filed December 15, 2025

**Affirmed in part, reversed in part, and remanded; motion denied
Slieter, Judge**

Lincoln County District Court
File No. 41-JV-25-1

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Southwest Health and Human Services)

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Considered and decided by Slieter, Presiding Judge; Smith, Tracy M., Judge; and
Harris, Judge.

NONPRECEDENTIAL OPINION

SLIETER, Judge

These are consolidated appeals of a district court order terminating both a mother's
and father's parental rights. Both parents appeal and, collectively, raise five issues. The

mother claims that the district court abused its discretion when it (1) determined that the social services agency made reasonable efforts to reunite her with the family and (2) denied her alternative petition to transfer custody to the children's paternal grandmother. The father claims that the district court abused its discretion when it determined that (3) statutory grounds existed to terminate his parental rights, (4) the social services agency made reasonable efforts to reunite him with the children, and (5) termination was in the best interests of the children. Because we discern no error related to the termination of the mother's parental rights, we affirm the district court's termination of her parental rights. Because we conclude that the social services agency did not make reasonable efforts to reunite the father with his children, we reverse the district court's termination of his parental rights. The social services agency moved to strike portions of the mother's brief which, for reasons stated below, we deny. Therefore, we affirm in part, reverse in part, remand, and deny the social services agency's motion.

FACTS

Appellants B.L. (Mother) and R.O.S. (Father) are the parents of four children who are the subjects of this matter. The children's ages at the time of trial were as follows: Child 1 was 7 years old, Child 2 was 6 years old, Child 3 was 5 years old, and Child 4 was 3 years old.¹

¹ We identify the children as "Child 1-4" because all the children have the same first and last initial.

Previous CHIPS Proceeding

From April to November 2021, the three oldest children were placed in foster care as part of a Lyon County Children-in-Need-of-Protection-or-Services (CHIPS) proceeding.² This CHIPS proceeding arose from concerns about controlled-substance use by the parents, domestic violence between them while in the presence of their children, and periods of homelessness. The children were in out-of-home placement counting toward permanency for 328 days in that CHIPS proceeding. The three oldest children were returned to their parents' custody on a trial home visit in November 2021 and the CHIPS proceeding was dismissed in April 2022.

Current CHIPS Proceeding and Domestic-Abuse Incident

On September 13, 2024, respondent Southwest Health and Human Services (the County) received a report on the family which involved concerns of neglect, controlled-substance use in the home, and Mother posting on social media that she needed money for food. A social worker met with the three oldest children at school. The social worker described the children as “disheveled,” “unclean,” and “covered in bug bites.” Child 3 had bruises on her forehead.

Later that day, the social worker visited the family home with a law enforcement officer and made contact with the parents. The parents allowed them to enter and walk through the house. The social worker noted some concerns but did not observe circumstances that required removal of the children.

² Child 4 was not born when the first three children were removed from the home.

Later that night, law enforcement was called to the house in response to a domestic-violence incident involving a knife. The four children were present in the home and witnessed Father threaten and chase Mother with a knife. During the incident, Father placed the children in a car and drove around, at one point threatening to kill them. When Father was arrested, methamphetamine was located in the home. Mother admitted that both she and Father had been using methamphetamine before the incident. The children were placed out-of-home on a 72-hour hold. As a result of this incident, both Mother and Father were arrested and charged with crimes. Father was charged with second-degree assault with a dangerous weapon under Minn. Stat. § 609.222, subd. 1 (2024), to which he later pleaded guilty. Mother was charged with storing methamphetamine paraphernalia in proximity of a child under Minn. Stat. § 152.137, subd. 2(a)(4) (2024), to which she later pleaded guilty.

On September 26, 2024, and following an admission by the parents to a CHIPS petition filed by the County, the district court entered an adjudication of CHIPS. The County developed case plans for each child, which the district court approved, that required the parents to comply with certain goals, including: (1) address their chemical dependency; (2) address their mental health; (3) maintain a safe and appropriate home for the children by maintaining appropriate housing, completing parenting education, demonstrating financial stability, obtaining employment, and not allowing alcohol, drugs, or people using such substances to be in the home; (4) comply with conditions of a visitation plan as approved by the County and the *guardian ad litem* (GAL); and (5) not engage in domestic violence.

Termination-of-Parental-Rights Proceedings

In February 2025, the County petitioned to terminate Mother and Father’s parental rights as to all four children. Shortly thereafter, the County moved to be relieved from further reunification efforts for each parent. The district court granted this motion.

In May 2025, the termination-of-parental-rights matter proceeded to trial. Over two days, eight witnesses testified and the parties submitted 64 exhibits. Based on the evidence presented, the district court concluded that three statutory bases for terminating the parents’ parental rights were met: (1) palpable unfitness to parent; (2) reasonable efforts failing to correct the conditions leading to the children’s placement; and (3) substantial, continuous, or repeated refusal or neglect to comply with the duties of the parent-child relationship. The district court also concluded that the County had made reasonable efforts to reunite the family and that termination was in the best interests of the children. In its order, the district court noted that at the time of trial, Children 1-3 had been in out-of-home placement for 595 days, and that Child 4 had been in out-of-home placement for 267 days. The district court also denied Mother’s petition for the transfer of permanent legal and physical custody to the children’s paternal grandmother.

Both Mother and Father appealed the district court’s decision. This court consolidated their appeals.

DECISION

Parental rights may be terminated only 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. 2021), *rev. denied* (Minn. Dec. 6, 2021); *see* Minn. Stat. § 260.012(a) (2024) (addressing circumstances when reasonable efforts are not required). The county bears the burden of proving grounds for termination and must do so by clear and convincing evidence. *In re Welfare of M.H.*, 595 N.W.2d 223, 227 (Minn. App. 1999); *see also* Minn. R. Juv. Prot. P. 58.03, subd. 2(a).

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 Children 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, 355, 359 (Minn. App. 2024) (applying this aspect of *Woolsey* in a juvenile-protection appeal).³

³ Before oral argument, Mother moved to supplement the appellate record, asking us to consider the entire record in the underlying CHIPS case. The County opposed Mother’s motion and moved to strike parts of Mother’s brief that rely on that record. Although we will “not consider matters outside the record on appeal and will strike references to such matters from the parties’ briefs,” *Stageberg v. Stageberg*, 695 N.W.2d 609, 613 (Minn. App. 2005), *rev. denied* (Minn. July 19, 2005), we deny the County’s motion to strike as unnecessary because the statements that the County challenges are not material to our decision.

We first address Mother's and Father's arguments that the district court abused its discretion when it determined that the County made reasonable efforts to rehabilitate the parents and reunite the family. Because we conclude that the district court acted within its discretion when it determined that the County made reasonable efforts to rehabilitate Mother and reunite her with the children, we address next her argument that the district court abused its discretion when it denied her alternative petition to transfer permanent legal and physical custody to the children's paternal grandmother, and we conclude that the district court did not abuse its discretion. As for Father, because we conclude that the district court abused its discretion when it determined that the County made reasonable efforts to rehabilitate Father and reunite him with the children, we reverse its decision to terminate his parental rights.

I. The district court acted within its discretion when it determined that the County made reasonable efforts to rehabilitate Mother and reunite her with the children, but it abused its discretion when it determined that the County made reasonable efforts to rehabilitate Father and reunite him with the children.

Mother and Father both argue that the district court abused its discretion by determining that the County made reasonable efforts to rehabilitate the parents and reunite the family. The district court must make "specific findings" in every termination proceeding that either "reasonable efforts to finalize the permanency plan to reunify the child and the parent were made including individualized and explicit findings regarding the nature and extent of efforts made by the social services agency to rehabilitate the parent and reunite the family" or "that reasonable efforts for reunification [were] not required." Minn. Stat. § 260C.301, subd. 8 (2024). When reasonable efforts are required, courts must consider whether the services provided to the parent and child 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 encompass more than just a case plan.” *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 88 (Minn. App. 2012). “Reasonable efforts are made upon the exercise of due diligence by the responsible social services agency to use culturally appropriate and available services to meet the individualized needs of the child and the child’s family.” Minn. Stat. § 260.012(f) (2024). These efforts must include services that offer “real, genuine assistance.” *In re Welfare of Children of S.W.*, 727 N.W.2d 144, 150 (Minn. App. 2007) (quotation omitted), *rev. denied* (Minn. Mar. 28, 2007). “The nature of the services which constitute ‘reasonable efforts’ depends on the problem presented.” *In re Welfare of S.Z.*, 547 N.W.2d 886, 892 (Minn. 1996).

We review a district court’s findings identifying the efforts the county made to reunify a family for clear error. *In re Welfare of Children of J.C.L.*, 958 N.W.2d 653, 658 (Minn. App. 2021), *rev. denied* (Minn. May 12, 2021); *see also J.K.T.*, 814 N.W.2d at 87 (stating that we review the district court’s factual findings for clear error). But we review the district court’s determination whether those efforts were reasonable for an abuse of

discretion. *See In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 323 (Minn. App. 2015), *rev. denied* (Minn. July 20, 2015) (concluding that the district court’s “reasonable-efforts finding was not an abuse of discretion”). “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*, 975 N.W.2d at 506 (quotation omitted).

The district court, after hearing testimony from the social worker and the GAL, determined that “[r]easonable efforts were made by [the County] to prevent foster care placement and to return the children to the parent[s].” The district court found that the County “exercised due diligence to prevent foster care placement and to offer services” that met the eight considerations in Minn. Stat. § 260.012(h). The district court identified various services the County offered in an attempt to reunify the family, including the following:

child protection case management, foster care placement, home visits, jail visits, family respite, relative search, medical insurance, financial assistance, random drug testing, hair follicle testing for children, referral for chemical use assessment and updates, continued contact with service providers, referral for employment opportunities, coordination of supervised visitation, referral to Western Mental Health for the children, referral to Greater MN, referral to SEED, referral to Help Me Grow, WIC, scheduled medical appointments, hearing and vision screening for the children, audiology screening, dental appointments, transportation, referral to licensing for relatives, referral for substance use treatment, Western Mental Health referrals, school visits, and coordination of in-school services.

The district court identified Mother's "drug use" as a reason for the children's removal. The district court noted that "Mother has refused services, Mother lacks insight into the seriousness of her addiction and mental health needs and fails to take accountability for the choices she has made." The district court determined that "[d]espite services offered and provided to Mother, reunification was not possible nor is it possible in the reasonably foreseeable future."

The district court identified Father's "history of domestic violence and drug addiction" as another reason for the children's removal. Although the district court acknowledged that Father "has successfully completed [chemical dependency] treatment and is gainfully employed," it noted that "[t]here is no evidence Father has insight as to his need for mental health assistance to address the violence and domestic abuse." The district court determined that "[d]espite services offered and provided to Father, reunification was not possible nor is it possible in the reasonably foreseeable future."

A. The district court acted within its discretion when it determined that the County made reasonable efforts to rehabilitate Mother and reunify her with the children.

Mother advances two arguments supporting her claim that the district court abused its discretion when it made its reasonable-efforts determination. First, Mother contends that reasonable efforts were not expended because the County never intended to reunify the children with her. This argument relies on Mother's factual allegation that the social worker "told Mother she was not going to get her children back." We defer to the district court's credibility determinations on appeal. *In re Welfare of Child of T.D.*, 731 N.W.2d 548, 555 (Minn. App. 2007), *rev. denied* (Minn. July 17, 2007). Mother's argument would

require us to disregard the district court’s express credibility finding. During trial, the social worker denied ever making such statements, and the district court found her testimony credible and Mother’s testimony not credible. Accordingly, the district court did not abuse its discretion when it determined that the services the County provided were intended to reunify the family.

Mother next claims that the County did not make reasonable efforts by identifying additional services that it did not provide. For example, she notes that the County “[d]id not make referrals for parenting education,” or “[a]dvice the parents of medical appointments and did not arrange for them to participate.” None of the services Mother identifies relate to the primary reason the children were removed from the family home—Mother’s substance abuse. Importantly, many services the district court listed in its order did target Mother’s substance-use addiction. The district court found that “Mother refused to test” for substance use in October 2024. Mother’s comprehensive assessment recommended inpatient treatment. The County made multiple referrals to inpatient-treatment centers, but Mother did not report for treatment. We conclude that the record amply supports the district court’s determination that the County made reasonable efforts to reunify Mother with the children by providing services tailored to Mother’s individualized needs.⁴

⁴ Mother makes several arguments on behalf of Father regarding termination of his parental rights. Specifically, she argues that the County did not make reasonable efforts to reunite Father with the children and that he complied with his case plan. Mother also appears to argue that the district court prematurely ordered termination of reunification efforts. She bases this allegation on the fact that “Father was following the case plan and maintained sobriety.” We do not address these arguments because Mother lacks standing to bring

B. The district court abused its discretion when it determined that the County made reasonable efforts to rehabilitate Father and reunify him with the children.

Father argues that the district court’s reasonable-efforts determination was an abuse of discretion because, although the County provided services to the family, those services were not tailored to the individualized needs of the family. The district court identified the primary reasons for the children’s removal associated with Father as his “history of domestic violence and drug addiction.” Father contends that the County failed to require or provide anger-management programming or domestic-violence services tailored to his history of domestic abuse. Based on our review of the record, we agree.

The case plan imposed several requirements on Father. Among other requirements, Father was required to “[a]ddress [his] mental health by completing a diagnostic assessment and abid[ing] by all recommendations.” Father completed two diagnostic assessments—one in November 2024 and one in March 2025. The first assessment recommended that Father participate in individual therapy, with which the record indicates Father was compliant. However, the district court found that Father’s second diagnostic assessment included a “recommendation . . . for [F]ather to attend anger management but as of the date of the permanency trial Father had not enrolled.” In the second diagnostic assessment, there is a section entitled “Recommended Services.” This section includes a list of 27 possible services along with a box next to each service that a provider checks if

arguments on behalf of Father, who is a party on appeal. *See J.R.B.*, 805 N.W.2d at 906 (rejecting, in a termination-of-parental-rights appeal, a mother’s argument related to an alleged violation of the father’s due-process rights where the father, a party to that appeal, did not make that allegation on his own behalf).

they recommend the patient receive that service. One of the services in this list is “Anger Management.” On Father’s diagnostic assessment, the box for this service is not checked. Although elsewhere in a distinct section entitled “Clinical Impressions” the assessment states that Father “is agreeable to anger management group at this clinic” and that he “will be assigned to anger management group and is agreeable,” it makes no formal recommendation that Father participate in anger-management programming.

Similarly, the case plan required Father to “work with a domestic violence advocate.” And, in a distinct section of the case plan entitled “Services Provided to Parent or Custodian,” it states that “domestic violence services” is a “current need.” Although the district court highlighted the need for Father to complete “domestic abuse programming” several times throughout its order, our careful review of the record leads us to conclude that the County made no formal requirement that Father complete domestic-violence *programming*. Based on the record, the district court’s findings that Father was required to attend anger-management and domestic-violence programming are clearly erroneous. *See J.C.L.*, 958 N.W.2d at 658. Thus, the district court faulted Father for failing to attend programming he was not required to attend.

Although the case plan did not require Father to complete domestic-violence programming, it is undisputed that such services were necessary to address one of the reasons the children were removed from the home. Based on the record, it does not appear that the County made any effort to connect Father with domestic-violence programming. The diagnostic assessment did not recommend such services, the County did not refer Father to complete a specific domestic-violence assessment, nor did the County seek a

release of information from Father in relation to the individual therapy he was participating in to determine whether such services included domestic-violence counseling. Thus, the services the County provided did not constitute reasonable efforts to rehabilitate Father because they were not tailored to the individualized needs of the family. *See* Minn. Stat. § 260.012(h)(2).

As the Minnesota Supreme Court has recognized, a county's expectation that a parent address the cause of a child's removal without providing relevant services to support that effort is "especially daunting." *See In Welfare of re Children of T.R.*, 750 N.W.2d 656, 665 (Minn. 2008) (quotation omitted). The County's expectation that Father would address his "history of domestic violence" without providing relevant services is, indeed, especially daunting and unreasonable. Accordingly, we conclude that the district court abused its discretion when it determined that the County made reasonable efforts to rehabilitate Father and reunite the family because those efforts were not tailored to Father's needs. *See* Minn. Stat. § 260C.301, subd. 8; Minn. Stat. § 260.012(h)(2). It therefore erred by terminating his parental rights. *See J.H.*, 968 N.W.2d at 600.⁵

⁵ Father also argues that we should reverse the district court's decision terminating his parental rights because none of the statutory grounds found by the district court are supported by the record. He also disputes the district court's conclusion about the best-interests factors as applied to his parental rights. Because we grant relief to Father on other grounds, we express no opinion about the district court's determination as to those issues.

II. The district court acted within its discretion when it denied Mother's alternative petition.

Mother also claims that the district court abused its discretion by denying her petition to transfer custody of the children to their paternal grandmother. “In a permanency proceeding under sections 260C.503 to 260C.521 of the Minnesota Statutes, a district court may order any one of six dispositions.” *J.C.L.*, 958 N.W.2d at 655. “One of the possible dispositions is a transfer of permanent legal and physical custody ‘to a fit and willing relative.’” *Id.* (quoting Minn. Stat. § 260C.515, subd. 4 (2020)). A district court may transfer custody to a relative only if it “has reviewed the suitability of the prospective legal and physical custodian” and “finds the permanency disposition to be in the child’s best interests.” Minn. Stat. § 260C.515, subd. 4(b) (2024). In addition, the district court must find that the prospective custodian understands that the transfer “includes permanent, ongoing responsibility for the protection, education, care, and control of the child and decision making on behalf of the child until adulthood” and that the custodian “shall not return a child to the permanent care of a parent from whom the court removed custody without the court’s approval and without notice to the responsible social services agency.” *Id.*, subd. 4(b)(1)(i)-(ii). We review a district court’s decision regarding whether to transfer legal custody for an abuse of discretion. *See In re Welfare of Children of A.I.*, 779 N.W.2d 886, 895 (Minn. App. 2010) (explaining that a district court does not abuse its discretion by ruling on a termination petition when reviewing the suitability of the proposed alternative placement would have delayed the proceedings), *petition for rev. dismissed* (Minn. Apr. 20, 2010); *see also Lewis-Miller v. Ross*, 710 N.W.2d 565, 568 (Minn. 2006)

(“Appellate review of custody determinations is generally limited to determining whether the district court has abused its discretion.”).

The district court denied Mother’s alternative petition to transfer permanent legal and physical custody to the paternal grandmother. The district court made various findings in support of this conclusion, noting that the County “does not recommend placing the children with” their grandmother and the GAL “did not specifically endorse placing the children with” their grandmother. The district court also made various findings about the grandmother’s ability to care for the children. At the time of trial, the grandmother was in the process of getting licensed as a foster-care provider but had not yet obtained a license. She would be “the sole caregiver of the children” while also acting as “a caregiver for her husband,” who is disabled. The district court also noted that the grandmother was convicted of willful cruelty to a child in California. Prior to 2022, the grandmother lived in California and did not have a close relationship with the children.

We understand Mother’s initial argument as disputing how the district court weighed the evidence presented at trial. Mother highlights that the grandmother is 44 years old and she has “needed background clearance for [previous] positions.” But we “defer to the district court’s determinations of witness credibility and the weight to be given to the evidence.” *T.D.*, 731 N.W.2d at 555. Mother’s argument would require us to reweigh the evidence against the district court’s express credibility finding that the grandmother’s testimony “lacks credibility as to her ability to care for all four children in light of how her testimony conflicted with that of her” spouse. We will not disturb the district court’s

credibility findings, *id.* at 555, and thus, we determine it did not abuse its discretion on these grounds.

Mother next argues that the district court abused its discretion because it relied on the fact that the grandmother was not licensed as a foster-care provider at the time of the trial. She contends that this fact is irrelevant and that the grandmother's failure to obtain a license was not her fault. Even assuming Mother's contentions are true, the grandmother's lack of licensing played a relatively small role in the district court's decision, and it made several other findings sufficient to support its decision to deny the alternative petition.

In sum, the district court acted within its discretion when it denied Mother's alternative petition to transfer legal and physical custody to the grandmother.

Affirmed in part, reversed in part, and remanded; motion denied.