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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1161**

In the Matter of the Welfare of the Children of:
D. N. C., A. L., and S. A. G., Parents.

**Filed January 20, 2026
Affirmed
Worke, Judge**

Brown County District Court
File No. 08-JV-25-22

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Considered and decided by Bentley, Presiding Judge; Frisch, Chief Judge; and Worke, Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant-father challenges the district court's termination of parental rights (TPR) order, arguing that the record does not show that (1) father abandoned the child; (2) father

failed to satisfy parental duties; (3) father failed to correct the conditions leading to out-of-home placement; (4) the child is neglected and in foster care; (5) the county made reasonable reunification efforts; and (6) TPR is in the child's best interests. We affirm.

FACTS

In April 2024, respondent Brown County Human Services (the county) began working with respondent-mother D.N.C. (mother) and her three children. Mother was not married when the children were conceived nor when they were born and therefore had custody by operation of law. Respondent-father S.A.G. is the adjudicated father of the two younger children. Appellant-father A.L. (father) signed a recognition of parentage and is the adjudicated father of the eldest child (the child).

In June 2024, the county filed a petition alleging that the children were children in need of protection or services (CHIPS) and requesting out-of-home placement due to the unsanitary condition of the home, neglect, and mother's chemical-dependency and mental-health needs. On June 14, 2024, the district court ordered the children into out-of-home placement.

On March 19, 2025, the county filed a TPR petition. Shortly thereafter, mother consented to the transfer of permanent legal and physical custody of the children. Permanent legal and permanent physical custody of the two younger children was transferred to S.A.G. The proposed custodian for the child was a relative who maintained contact among the siblings.

The county proceeded with the TPR petition as it related to father and the child. The county alleged that TPR was in the child's best interests because (1) father abandoned the

child, (2) father neglected his parental duties, (3) father failed to correct the conditions leading to out-of-home placement despite the county's reasonable-assistance efforts, and (4) the child was neglected and in foster care. *See* Minn. Stat. § 260C.301, subd. 1(b)(1), (2), (4), (7) (2024).

The county claimed that father had had no contact with the child since the case opened and that he had made no progress toward establishing himself as a permanency option. The county claimed that it had attempted to create a case plan with father, but father neither appeared for meetings nor maintained contact with the county. Father's case-plan goals included becoming a part of the child's life, addressing legal issues, establishing consistent communication with the county, participating in parent education, abstaining from non-prescribed mood-altering substances, establishing appropriate housing, and addressing mental-health needs. The county had attempted to assist father by providing referrals for parenting education and sending him local career-force resources, county benefits and services, mental-health resources, and a resource to apply for a free government phone.

On April 23, 2025, the district court filed an order relieving the county of its duty to provide reunification efforts based on father's lack of participation or progress in his case plan and lack of visits with the child over the ten months the CHIPS matter had been opened. The district court stated that father could work his case plan on his own initiative.

On May 28, 2025, the district court held a trial. The county presented evidence showing its efforts to reunify father with the child. For example, the county provided a parenting education session to father. This session ended prematurely when father

apparently lost his electronic connection. The county attempted to reengage with father, but by the time of trial, father had not responded to the county or rescheduled parenting education. The county also provided evidence that the child identified S.A.G. as his dad and had briefly mentioned father only in stating that he had two dads.

Father testified that he lived with his father because he has no other place to go. Father testified that he saw the child regularly until the county placed the child in out-of-home placement. He testified that he is now employed and can utilize public transportation. Father testified that he also has family members available to help him.

Father admitted that he did not follow his case plan. He did not maintain contact with the county because “it’s kinda hard to get your life together [and] at the same time to talk with [the county].” He stated that it would not have been in the child’s best interests to be with him while he was getting his life together.

On June 20, 2025, the district court filed an order terminating father’s parental rights. The district court found that, before the child’s out-of-home placement, father exercised parenting time. S.A.G. had testified that, when he lived with mother, he took the child to visit father every other weekend for about five hours, but father would show up late or not at all. The district court found that the child called S.A.G. “dad,” and although he knows that he has another dad, the child does not mention father. The district court found that, when the county began working with the family, mother stated that father was “largely uninvolved” in the child’s life, and she did not even have his contact information.

While the district court’s order includes findings regarding progress that father made on his case plan, including that he told the county that he obtained employment, it also

included numerous findings regarding father’s failure to meet with the county or attend hearings, the county’s attempts to engage father in services, and father’s inability or disinterest in participating in services. The district court also found that father had gone almost an entire year without seeing the child—father had not seen the child from June 2024 through the date of trial. The district court concluded that the county proved the statutory bases to terminate father’s parental rights, and that it was in the child’s best interests to terminate father’s parental rights. This appeal followed.

DECISION

Father argues that the district court should not have terminated his parental rights. This court reviews a district court’s decision to terminate parental rights for an abuse of discretion. *In re Welfare of Child of J.H.*, 968 N.W.2d 593, 600 (Minn. App. 2021), *rev. denied* (Minn. Dec. 6, 2021).

In reviewing a district court’s TPR order, we review the district court’s factual findings for clear error. *In re Welfare of Child of J.R.B.*, 805 N.W.2d 895, 901 (Minn. App. 2011), *rev. denied* (Minn. Jan. 6, 2012). We review the district court’s determinations that the county made reasonable reunification efforts and that TPR is in the child’s best interests for an abuse of discretion. *In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 323 (Minn. App. 2015) (reasonable efforts), *rev. denied* (Minn. July 20, 2015); *J.R.B.*, 805 N.W.2d at 905-06 (best interests).

“Parental rights are terminated only for grave and weighty reasons.” *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990). A district court may terminate parental rights if at least one statutory ground for termination exists, the county made reasonable

efforts to reunite the family or efforts were not required, and TPR is in the best interests of the child. *In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008). The county must provide clear and convincing evidence showing that the conditions supporting TPR exist at the time of the hearing and will continue for a prolonged, indeterminate period. *In re Child. of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005); *J.R.B.*, 805 N.W.2d at 901-02.

Statutory Bases

Here, the district court determined that the county proved that statutory bases for TPR exist—father had abandoned the child, father neglected his parental duties, the conditions leading to the out-of-home placement were not corrected despite the county’s reasonable efforts to assist father, and the child was neglected and in foster care. While the record need only support the district court’s determination that at least one statutory basis for TPR exists, the record here supports the district court’s determination that four statutory bases support TPR. *See S.E.P.*, 744 N.W.2d at 385.

A statutory basis for TPR exists if “the parent has abandoned the child.” Minn. Stat. § 260C.301, subd. 1(b)(1). “Abandonment is presumed when . . . the parent has had no contact with the child on a regular basis and not demonstrated consistent interest in the child’s well-being for six months and the [county] has made reasonable efforts to facilitate contact.” *Id.*, subd. 2(a)(1) (2024).

Here, father claims that he had regular contact with the child before the county’s involvement. But he admitted that he did not have contact with the child for nearly one year before the trial. He also claims that the county failed to facilitate contact between him and the child. However, father testified that he was aware that the county was attempting

to reach him to engage him in services, but he found it too difficult to talk to the county and also get his life together. The record supports the determination that father abandoned the child.

A statutory basis for TPR exists if

the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and either reasonable efforts by the [county] have failed to correct the conditions that formed the basis of the petition or reasonable efforts would be futile and therefore unreasonable.

Id., subd. 1(b)(2).

Father argues that he did not neglect his parental duties because the child had the necessities when the child stayed with father and his financial hardship is not a basis to support the neglect determination. But the district court determined that father “made next to no progress on any of the aspects of the case plan.” Father admitted that he did not make progress on his case plan. He had not completed mental-health or chemical-dependency assessments, he did not have suitable housing, he had not completed parenting education, he failed to be involved in the child's therapy, and he was frequently out of contact with the county. The record supports the district court's determination that father substantially, continuously, or repeatedly refused or neglected to comply with his parental duties.

A statutory basis for TPR exists if reasonable efforts have failed to correct the conditions leading to the child's out-of-home placement. *Id.*, subd. 1(b)(4).

It is presumed that reasonable efforts . . . have failed upon a showing that:

(i) a child has resided out of the parental home under court order for a cumulative period of 12 months within the preceding 22 months. In the case of a child under age eight at the time the [CHIPS] petition was filed . . . the presumption arises when the child 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;

(ii) the court has approved the out-of-home placement plan . . . ;

(iii) conditions leading to the out-of-home placement have not been corrected. It is presumed that conditions leading to a child's out-of-home placement have not been corrected upon a showing that the parent . . . [has] not substantially complied with the court's orders and a reasonable case plan; and

(iv) reasonable efforts have been made by the [county] to rehabilitate the parent and reunite the family.

Id.

Here, it is presumed that reasonable efforts have failed. The child is under eight years old and has been in out-of-home placement for more than six months. Father failed to maintain regular contact or comply with his case plan. Father argues that the conditions leading to the out-of-home placement were due to issues with mother—her unsanitary home and her chemical dependency—not issues with him. But father had a case plan, and he failed to comply with it. He claims that he complied as best as he could. But the record shows that father's efforts were minimal, and he did not prioritize reunifying with the child. The record supports the district court's determination that reasonable efforts failed to correct the conditions leading to the child's out-of-home placement.

A statutory basis for TPR exists when “the child is neglected and in foster care.”

Id., subd. 1(b)(7).

Father concedes that the child is in foster care. However, he claims that it is possible to return the child to him because the county failed to show that he failed to make reasonable efforts to adjust his circumstances. Father claims that he can financially support the child, he is employed, he has housing, and he took care of his outstanding warrant.

But the record shows that, at the time of trial, father had not made progress on his case plan, he had no contact with the child, and he had no contact with the county. There is nothing in the record showing that father took his case plan seriously. For example, at one point, he told the county that parenting education should be optional and that it was not necessary for him to complete. The record supports the district court's determination that father neglected the child while the child was in foster care.¹

Reasonable Efforts

Before terminating parental rights, a district court must find that the county made reasonable efforts to rehabilitate the parent and reunify the family or find that reasonable efforts are not statutorily required. *Id.*, subd. 8 (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). The efforts “must be aimed at alleviating the conditions

¹ Father appears to misunderstand the district court's TPR order as terminating his parental rights under section 260C.301, subdivision 1(b)(6), which provides “that in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing . . . and the person has not registered with the fathers' adoption registry.” The district court invoked this provision only to terminate rights to any *other* person, other than father. Because the district court did not terminate father's rights under this subdivision, there is nothing for us to review.

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).

Father argues that the county’s efforts were not reasonable because they focused on mother’s conditions that led to the out-of-home placement. But the case plan offered to father was aimed at the problems presented. First, father was a noncustodial parent. The county had to ensure that he had safe and stable housing for the child. But father failed to maintain contact with the county to show that he had a safe and stable environment. Second, father had to show that he could properly parent the child. Father was to take parenting-education courses, but he determined that the sessions were unnecessary. Third, he had to show that he had a stable environment by completing mental-health and chemical-dependency assessments. Father did not complete the assessments. Finally, father had to address legal issues. But he did not address an outstanding warrant until shortly before trial. The case plan was designed to address the issues relevant to father.

Best Interests

In considering the best interests of the child, 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 interest of the child.” *In re Welfare of R.T.B.*, 492 N.W.2d 1, 4 (Minn. App. 1992); *see* Minn. R. Juv. Prot. P. 58.04(c)(2)(ii) (listing these factors). A child’s competing interests include the need for a stable environment, their health, and their preferences. *R.T.B.*, 492 N.W.2d at 4. “During this balancing process, the interests of the parent and child are not necessarily given equal

weight.” *Id.* When the interests of parent and child conflict, “the interests of the child are paramount.” Minn. Stat. § 260C.301, subd. 7.

Father argues that it is not in the child’s best interests to terminate his parental rights because the child recognizes that he is his father. But as the county argues, the child had minimal contact with father. Testimony shows that the child mainly identified S.A.G. as his “dad.” And in considering the competing interest of the child’s need for a stable environment, the child is in a placement that is stable, living near S.A.G., and maintaining regular contact with his siblings. His current environment is stable in comparison to father testifying that, at the time of trial, he was essentially homeless. The district court did not abuse its discretion by determining that TPR is in the child’s best interests.

Affirmed.