

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1638**

In the Matter of
the Welfare of the Children of: K.L.K., Parent.

**Filed April 6, 2026
Affirmed
Smith, John, Judge ***

Clay County District Court
File No. 14-JV-24-4267

Brian P. Toay, Wold Johnson, P.C., Fargo, North Dakota (for appellant-father J.A.)

Anne M. Carlson, Anne M. Carlson Law Office, PLLC, St. Paul, Minnesota (for appellant-mother K.L.K.)

Brian J. Melton, Clay County Attorney, James Lopez, Assistant County Attorney, Moorhead, Minnesota (for respondent Clay County Social Services)

Doug Carlson, Seventh District Public Defender, Michael Minard, Assistant Public Defender, Dilworth, Minnesota (for child)

Payton Brandenburg, Fargo, North Dakota (guardian ad litem)

Considered and decided by Bratvold, Presiding Judge; Ross, Judge; and Smith, John, Judge.

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

NONPRECEDENTIAL OPINION

SMITH, JOHN, Judge

We affirm the district court's termination of the parental rights of appellants' K.L.K. and J.A. because the law and the record support the district court's determination that the parents failed to correct the conditions leading to the children's foster placement and failed to comply with their case plans.

FACTS

The over-20-year relationship between K.L.K. (mother) and J.A. (father) involved recurrent periods of substance use, domestic violence, and homelessness. The couple, though never married, shared four joint minor children who endured this household instability, particularly during an August 2023 home eviction that forced the family into a homeless shelter. The children witnessed mother's dependency on alcohol intensify at the shelter, where, for the next two months, she often drank to the point of unconsciousness and left the children unsupervised. The family eventually moved into a shared condominium unit with mother's parents (grandparents) on the condition that the parents abstain from alcohol. But mother's substance use persisted, compelling grandparents to intervene with childcare. Mother also exhibited the telltale signs of domestic violence with injuries that she would attribute to inexplicable accidents. Grandparents tolerated the parents' conduct to maintain their access to the children, but household tensions culminated in an altercation in January 2024. Grandmother confronted the parents about their substance use, and father responded by threatening to assault her. Grandfather intervened, and both parents purportedly struck him—father punched him in the face, and mother

kicked him in the groin. Mother pleaded guilty to misdemeanor brawling from the altercation, but father was acquitted of his charges.

Clay County Social Services (the county) initiated a Child in Need of Protection or Services (CHIPS) case and petitioned the district court to place the children in grandparents' custody. The district court granted the order ex parte, and the county prepared case plans to establish standards for family reunification. The case plan required, among other things, that mother and father (1) obtain stable housing, (2) maintain an income to support the children's basic needs, (3) ensure a substance-free home environment, (4) submit to random drug screenings, (5) complete chemical-health assessments, and (6) participate in parental capacity evaluations (PCEs) and the programming recommended by the evaluator. The parents completed the chemical-health assessments, in which each denied substance use. But administering staff reported that mother appeared to be intoxicated and smelled of alcoholic beverages. Mother admitted to lying about her alcohol use and returned for a second assessment, at which the evaluator recommended intensive outpatient treatment.

For the next 6 months, the parents lived and worked itinerantly, coordinating with a social worker to complete their case plans. The social worker reported that father refused to complete his PCE and drug tests and that he frequently resorted to verbal threats and racial slurs. The social worker also recounted that father had once cornered her, prompting the intervention of another case worker. The county reassigned the case to a different social worker as the parents' compliance deteriorated.

Each parent struggled to complete the PCE. Mother attributed her delay to work conflicts, and father abruptly terminated his PCE when the evaluator inquired about the CHIPS case. “[The doctor was] lucky that wasn’t me 7 years ago,” father texted the second social worker, “I would have shoved her laptop down her throat.” The parents completed their PCEs with another evaluator in February 2025. The evaluator recommended that father participate in domestic-abuse-offender programming and continue anger-management therapy. The evaluator recommended that mother participate in domestic-abuse-victim programming and that any lapse in her sobriety halt family reunification.

In December 2024, the county petitioned the district court to permanently terminate the couple’s parental rights due to their inadequate compliance with the case plans. The county alleged that the children, if returned to their parents’ care, would risk exposure to mother’s unresolved alcoholism, to father’s domestic violence, and to neglect from a lack of basic care. The county requested termination on three statutory grounds: failure to prevent neglect under Minnesota Statutes section 260C.301, subdivision 1(b)(2) (2022), palpable unfitness to parent under subdivision 1(b)(4) (2022), and failure to correct conditions leading to foster placement under subdivision 1(b)(5) (2022).

The parents obtained housing in January 2025, but mother still tested positive for substance use three times and failed to complete the remaining tests in the nine months before trial. Mother then attempted her fourth chemical-health assessment, but she abruptly disconnected from the remote session when father interrupted it with an angry rant. The evaluator, concerned for mother’s safety, called her phone, and father answered, shouting: “Stop blowing up my phone, b-tch.” The evaluator contacted the Moorhead Police

Department to perform a welfare check, but responding officers observed no signs of an altercation between the parents. The case progressed to a bifurcated four-day court trial.

Mother testified first, explaining that she worked part-time as a cleaner while she focused on completing the case plan. Mother said that she misrepresented her alcohol use on four chemical-health assessments and, only on her fifth, did she candidly report it. Mother was then recommended intensive outpatient treatment. She acknowledged that sobriety was a critical factor for family reunification but admitted to consuming alcohol within two weeks of the trial. She also admitted to accidentally dropping one of the infant children and fracturing his skull, and that she was “probably” drinking alcohol at the time. Mother testified that she had never experienced domestic violence but participated in the evaluator’s recommended programming.

Father, in his testimony, explained that he worked as a union ironworker. He admitted to using methamphetamine “a night or two” during the CHIPS case and to drinking a “couple of beers every once in a while.” He admitted to having a contentious relationship with his case workers and to calling them racial and homophobic slurs. He acknowledged his delay in completing domestic-abuse-offender programming until a “couple days” before trial because he objected to the name of the provider, the Rape and Abuse Crisis Center, and viewed the programming as “another box to check.” Father lastly admitted to having unsupervised contact with the children.

The second social worker next testified about the parents’ compliance with the court-ordered case plans. He confirmed that the parents secured housing but expressed concern about father’s anger. He identified one voicemail in which father called him a

“coward” and another in which father attempted to intimidate him. He testified that he relocated family visits to the Clay County Courthouse because father’s behavior became a safety concern. He testified that mother tested positive for alcohol or narcotics or both in seven of her 12 screenings. He also said that father had recently not screened for any substances but that he continued to struggle with substance use and his outpatient treatment. He lastly agreed that the parents had substantially complied with their case plans.

The district court granted the petition to terminate mother’s and father’s parental rights on all three statutory bases. Mother appealed, and father filed a notice of related appeal, which we construed as making father a separate appellant in this appeal.

DECISION

I. The district court did not abuse its discretion in terminating father’s parental rights.

Father challenges the termination of his parental rights with two arguments. He argues first that the district court’s factual findings for each case-plan requirement are inadequately supported by the record. He argues second that the weight of these erroneous findings affected the district court’s determination to terminate his parental rights. We consider each issue in turn.

A. The record supports the district court’s factual findings.

We address father’s first contention that the record insufficiently supports fourteen factual findings that apply to critical factors in the case plan, particularly his employment, chemical-health treatment, and anger management. This court reviews these 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). A clearly erroneous finding is one that is “manifestly contrary to the weight of the evidence or not reasonably supported by” it. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021). This court reviews the evidence in the light most favorable to the factual findings and refrains from reweighing evidence, reconciling conflicting evidence, and engaging in fact-finding. *Id.* at 221-22. Factual findings in a termination order must also satisfy the clear-and-convincing standard of evidence, meaning that the truth of the facts asserted must be highly probable. Minn. Stat. § 260C.317, subd. 1 (2024); *In re Welfare of K.S.F.*, 823 N.W.2d 656, 665-67 (Minn. App. 2012). Our careful review of the record leads us to conclude that none of father’s challenges prevail.

Father challenges (first) the factual finding that he was employed “on and off” as a union ironworker. The record shows that his ironworking jobs were “slow” throughout 2024 and constrained his employment to day-labor positions. The record further demonstrates that his employment instability forced him into periods of homelessness, where he resided in his car and hotels. Because the intermittent nature of his ironworking jobs is supported by the record, the district court’s factual findings survive our review.

Father argues (second and fourteenth) that the district court erroneously found that he violated the case plan’s prohibition on substance use, pointing to his two negative screenings before trial. But the record shows that he continued to consume a “couple of beers every once in a while” throughout the underlying case and that he struggled to truthfully report his substance use during chemical-health assessments. Because the district

court explicitly weighed and resolved conflicting evidence about father's substance use, we do not disturb its factual findings.

Father contests (third) the district court's concern that domestic violence occurred in the household and served as a critical factor in the children's foster placement. Father contends that his acquittal from the January 2024 charges, coupled with the dismissal of other domestic violence cases, undercut the evidentiary support for these findings. The district court found relevant six reports involving domestic-abuse allegations against father. It also credited testimony about father striking grandfather in January 2024 and assaulting mother at varying times between 2023 and 2025. The district court concluded that, having weighed father's formal charging history against the volume of eyewitness testimony, domestic violence occurred in the household. Because the district court resolved conflicting evidence, we refrain from substituting its discretionary judgment for our own.

Father provides (in his arguments numbered four through eight, eleven, and twelve) the same concern that the factual findings about his anger-management issues derived from outdated evidence. Father insinuates that only evidence contemporaneous with his condition at trial is relevant to an anger-management determination. But the district court is not relegated to this narrow scope of review when it considers a party's palpable unfitness to parent, particularly the party's "consistent pattern of specific conduct." Minn. Stat. § 260C.301, subd. 1(b)(3) (2024). Because the termination petition alleges palpable unfitness, the district court properly considered father's pattern of anger issues. Father correctly maintains that he completed the technical requirements for an anger-management course, but the record shows that his subsequent conduct toward case workers

demonstrated his failure to “adequately apply the information[.]” The district court acted within its statutory discretion to consider father’s pattern of anger before trial and the effectiveness of his anger-management programming. We therefore discern no error in its factual findings.

Father next argues (ninth) that the record inadequately explains the county’s halt on home visits after he positively screened for substance use. He also argues (tenth) that only two incidents of misconduct during his visits are inadequate to conclude that there were “several” such incidents. The district court here found that “safety concerns” from father’s escalating behavior, coupled with his substance use, paused the county’s efforts to reunify the family. The record reflects that father attempted to intimidate and belittle case workers throughout this time, leading the second social worker to halt family-reunification efforts until trial. Father correctly contends that the record references only two misconduct reports, but the district court properly contextualized these occurrences in light of the “139 total documented visits scheduled with the family.” His challenges do not prevail.

Lastly, father argues (thirteenth) that the district court errantly found that the parents facilitated the children’s diagnoses for post-traumatic stress, anxiety, and developmental issues. Specifically, he points to grandfather’s chronic alcoholism as the cause of the children’s psychological issues throughout their 20-month placement. But the record includes multiple diagnostic reports concluding that father’s behavior contributed to these conditions. And a therapist shared by two of the children testified that household domestic violence, coupled with neglect and financial insecurity, contributed to their post-traumatic stress. She also observed the children reference their foster parents—grandparents—as

protective figures. While the record also contains evidence that grandfather had his own struggles with alcohol, the isolated snippets of testimony supporting this fact do not dwarf the evidence supporting the district court’s finding such that it would be clearly erroneous. *In re Kenney*, 963 N.W.2d at 221. The district court adequately supported its factual findings with record evidence, and we discern no error.

B. The evidence clearly and convincingly establishes a statutory basis for the termination of father’s parental rights.

Father next argues that the weight of these erroneous findings caused the district court to improperly terminate his parental rights. He contends that his completion of the “vast majority” of the case plan satisfied the threshold requirements for family reunification. A district court may terminate parental rights if (a) at least one statutory ground for termination is supported by clear and convincing evidence; (b) the termination is in the child’s best interests; and (c) the county either made reasonable efforts to reunite the parents and child, or those efforts were not required. *In re K.S.F.*, 823 N.W.2d at 665; Minn. Stat. § 260.012(a) (2024). Father does not articulate how the district court abused its discretion by applying these purportedly erroneous findings to any one of the three statutory bases for termination. Nor does he challenge the district court’s weighing of the children’s best-interests factors. We will nevertheless invoke our discretion to briefly consider whether the evidence is sufficient to clearly and convincingly establish a statutory basis for termination. *See* Minn. R. Civ. App. P. 103.04 (stating that appellate courts may address any question in the interest of justice). We discern no abuse of discretion from our careful review of the law and evidence.

We turn first to the three statutory bases from which the district court granted the termination order, particularly father’s failure to correct factors critical to the children’s foster placement. *See* Minn. Stat. § 260C.301, subd. 1(b)(4) (2024). A district court may terminate a party’s parental rights after the child’s out-of-home placement if reasonable efforts “fail[] to correct the conditions leading to the child’s placement.” *Id.* The district court presumes that the parent has not corrected these conditions if he fails to substantially comply with the case plan. *Id.*, subd. 1(b)(4)(iii). But substantial compliance may still be insufficient to avoid termination if the parent remains unable to assume childcare responsibilities. *In re Welfare of Maas*, 355 N.W.2d 480, 483 (Minn. App. 1984) (terminating parental rights despite substantial case-plan compliance due to an unlikely possibility of long-term improvement). The case plan here identified father’s “anger and violence” as critical factors leading to the children’s out-of-home placement. The PCE further recommended that father resolve his substance-use issues. But father manifested a pattern of anger toward case workers, and he admitted to his recreational alcohol use. Because father did not remedy these critical factors, we discern no abuse of discretion.

We next observe that termination of father’s parental rights aligned with the children’s best interests. *See* Minn. Stat. § 260C.301, subd. 7 (2024). A district court considers a child’s best interests by analyzing three elements: the child’s “interests in preserving the parent-child relationship”; “the parent’s interests in preserving the parent-child relationship”; and “any competing interests of the child.” Minn. R. Juv. Prot. P. 58.04(c)(2)(ii). The competing-interest factor accounts for the child’s stability in their current environment, health considerations, and care-taking preferences.

In re Welfare of R.T.B., 492 N.W.2d 1, 4 (Minn. App. 1992). The children experienced a permanent home environment during their 21 consecutive months in foster placement. The children’s expressions of post-traumatic stress, anxiety, and developmental issues waned in severity. Although father is “very bonded” to the children, their observable growth in the out-of-home placement counterbalances their prospective exposure to the critical factors that father has still not remediated. We therefore observe no error in the district court’s best-interests calculus.

II. The district court did not abuse its discretion by terminating mother’s parental rights.

Mother advances four arguments to challenge the termination order. She asserts first that the legislature’s renumbering of the palpable-unfitness and failure-to-correct statutes were not reflected in the termination order, depriving her of notice. She argues second that the district court’s factual findings were insufficient to prove that she neglected her parental duties and that, third, the county did not exercise reasonable reunification efforts. She argues fourth that the district court inadequately considered whether the children’s best interests were served by termination.

We turn first to mother’s argument that the district court violated her due-process right to notice by referencing outdated subdivision numbers in the termination order. A district court’s reference to pre-amendment statute numbers amounts to a citation error when the court still considers the proper statutory criteria. *See In re Welfare of V.H.*, 412 N.W.2d 389, 391 (Minn. App. 1987). The legislature here, across two bills, renumbered the palpable-unfitness and failure-to-correct paragraphs by single digits and made technical

changes to then-paragraph 4’s language, but it did not change the substance of these grounds for termination. *See* 2024 Minn. Laws ch. 115, art. 18, § 38, at 190; 2024 Minn. Laws ch. 80, art. 8, § 27, at 203-04. The district court referenced the same statutory language and criteria as set forth in the correctly numbered subdivisions, so we construe the citation issue as harmless error.

We now turn to mother’s second argument that the district court abused its discretion by finding that she neglected her parental duties. *See* Minn. Stat. § 260C.301, subd. 1(b)(2) (2024). A district court may terminate parental rights if a parent has “substantially, continuously, or repeatedly refused or neglected to comply” with her parental duties. *Id.* Parental duties, if the parent is physically and financially able, include providing the child with food, clothing, shelter, education, and other care necessary for the child’s physical, mental, and emotional health. *Id.* A parent’s history is relevant to whether her current stability will be maintained. *See In re Welfare of J.H.*, 968 N.W.2d 593, 603-04 (Minn. App. 2021), *rev. denied* (Minn. Dec. 6, 2021); *see also In re Welfare of J.L.L.*, 396 N.W.2d 647, 652 (Minn. App. 1986) (noting that a parent’s minimal improvement may not overcome the conclusion that “past problems” make “future performance” uncertain). Mother argues that the district court focused only on her past failures to provide the children with housing. Yet mother’s sobriety also was a critical factor for family reunification as her substance use precluded her physical performance of parental duties. And she used alcohol two weeks before trial and failed to complete her chemical-dependency treatment. Because the law and record support the district court’s

determination that mother was presently unable to satisfy her parental duties because of her continued alcohol use, we discern no abuse of discretion.

We next address mother's argument that the county did not comply with its statutory obligation to tailor its family-reunification efforts to the family's needs. *See* Minn. Stat. § 260C.301, subd. 8 (2024); Minn. Stat. § 260.012(h) (2024). Mother points to her securing housing in January 2025 as demonstrating her compliance with her case plan. But she articulates no argument as to how the county failed to accommodate the needs of the children or the family. *See* Minn. Stat. § 260.012(h)(2). Because mother provides no argument or evidence to support this bare assertion, we decline to reach it.

We lastly address mother's argument that the district court failed to adequately explain how it weighed the best-interest factors in coming to its decision. Before terminating parental rights, district courts must specifically find that termination is in the best interest of the child and "shall analyze" the child's and parent's interests in preserving the parent-child relationship and any competing interests of the child. Minn. R. Juv. Prot. P. 58.04(c)(2)(ii). But we have not required district courts to "go into great detail" in their analyses of these factors. *In re Welfare of W.L.P.*, 678 N.W.2d 703, 711 (Minn. App. 2004). Mother asserts that the district court failed to consider that one of the children testified that she would prefer to live with her parents rather than her grandparents. But the district court noted in its findings that all the children "are very bonded" to mother and father and concluded nonetheless, as we have already addressed, that maintaining the safety and

stability their foster-care environment provides is in their best interest. Upon this record, we are satisfied with the district court's explanation.

Affirmed.