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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1671**

In the Matter of the Welfare of the Child(ren) of:
B.N. and R.H., Parents.

**Filed May 26, 2026
Affirmed
Reilly, Judge***

St. Louis County District Court
File No. 69DU-JV-25-118

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Considered and decided by Schmidt, Presiding Judge; Beane, Judge; and Reilly, Judge.

NONPRECEDENTIAL OPINION

REILLY, Judge

Appellant Brianna Nelson (mother) appeals the termination of parental rights to her minor child, K.W.N. She argues that the record does not support the district court's determinations that: (1) she is an unfit parent; (2) she failed to satisfy the duties of the

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

parent-child relationship; (3) the county made reasonable efforts to reunite the family; (4) it is in the child's best interests to terminate her parental rights; and (5) the child is neglected and in foster care. Mother also challenges the district court's denial of her motion to vacate the default termination of her parental rights. We affirm.

FACTS

The child was born in 2015 with a rare genetic condition and has significant medical needs.¹ The child's father does not have a relationship with the child. He pays child support, but otherwise has not participated in, and is not interested in participating in, the child's care. In 2016, mother was awarded sole physical and sole legal custody of the child. In 2016 and 2022, mother and the child received voluntary child-protection and case-management services to assist with the child's physical, speech, and occupational therapies and transportation. Mother often missed or at the last minute canceled the child's medical appointments, including needed surgeries. The child missed at least two months of school during the 2023 school year. The child's doctor expressed concerns about the child's medical care to the child's social worker, noting 19 missed or canceled high-priority appointments in 2023. And the doctor noted that the child had not been attending physical therapy and mother had reported that the child had been off all his prescribed medications for three to four months because no refills remained due to his missed appointments.

¹ We draw some of these background facts from the petition for termination of parental rights to provide more context beyond the district court's factual findings. To the extent that we do so, these facts are not disputed by the parties.

In October 2023, St. Louis County Public Health and Human Services Department (the department) filed a Child in Need of Protection (CHIPS) petition. Mother retained custody of the child, subject to protective supervision of the department. The social worker assigned to the case submitted regular reports to the juvenile court outlining the child's school attendance, mother's follow-through on medical appointments, and other relevant details. The child's school attendance improved, and he attended medical appointments more often, though some appointments were still canceled or missed. The social worker was concerned that mother had an active substance abuse problem that was not being addressed and mother refused to provide random urine analyses (UAs) for social services.

According to the petition for termination of parental rights, in early 2024, the child's social worker submitted a report that explained that mother was arrested on an outstanding warrant for failure to appear on domestic abuse charges. Additionally, the report noted that though mother had been getting the child to school and appointments "there were concerns that [mother] would not be doing so if the social worker and Guardian ad Litem were not in constant contact with [mother] to repeatedly remind her of appointments." The report stated that the social worker "observed [mother] to struggle with processing information, with things needing to be repeated for her several times and her still struggling to grasp what needed to be done."

At a pre-trial hearing, mother entered a limited admission to the petition, and the child was adjudicated in need of protection or services. Mother was ordered to comply with a plan that required her to:

(a) set up all recommended medical appointments for [the child]; (b) transport and attend all medical appointments for [the child]; (c) follow recommendations of all medical personnel regarding care for [the child]; (d) ensure [the child] gets to school every day when school is in session; (e) remain sober and free from any mood-altering chemicals and demonstrate this by submitting to requested UAs at either Bethel or Essentia Health; (f) if UAs are positive for substances other than what she is prescribed, she will submit to a comprehensive assessment and follow all recommendations; (g) follow the treatment plan from ClearPath; (h) participate in a diagnostic/psychological assessment if deemed necessary by providers and/or professionals; (i) follow all recommendations of diagnostic/psychological assessment; and, (j) cooperate with Social Services and the Guardian ad Litem by allowing them in the home when requested, signing releases when needed, and keeping them updated regarding any change in phone number or address.

In July, 2024, the social worker submitted a report noting concerns about mother's lack of communication, ability to meet the child's needs, failure to appear for criminal matters, and refusal to submit to UAs. Custody of the child was granted to the department for out-of-home placement. Subsequently, mother was discharged from several treatment facilities and aftercare programs because of being uncooperative in her treatment. She completed a couple of comprehensive evaluations but had minimal engagement with aftercare. Mother refused drug testing for social services, though she submitted UAs to her probation officer related to a DWI charge; and the previous five UAs had been clean. In the time that the department had custody of the child, mother had not attended approximately 90 percent of the child's appointments.

After about eleven months, the department filed a petition seeking termination of mother's parental rights (TPR). The district court held a pre-trial hearing, for which mother failed to appear,² and the department proceeded by default.

At the hearing, the social worker testified that the child had made progress since being placed in foster care. For example, his mobility had greatly increased, his liver enzymes had "drastically reduced," he had lost around 50 pounds, and had gotten glasses and was no longer "squinting all the time." The social worker also testified that, "we are realizing, even though he is nonverbal, how smart he actually is academically in school. He communicates through an iPad. He is not the kid I knew a year and a half ago. It is really very cool to see how well he is doing now." The social worker also described the efforts made to assist mother, including offers of transportation, phones, referrals for services, and coordination with probation and treatment providers, but stated that mother had not utilized those services. The social worker stated that she did not believe that mother had made the changes necessary to address the reasons that led to the child's out-of-home placement and she believed that the child would not be safe if returned to his mother, ultimately stating that she believed it is in the child's best interest for mother's parental rights to be terminated.

The child's Guardian ad Litem testified that the child was "extremely medically neglected" in his mother's care, "so much so that I don't think we realized it until he was placed in foster care and saw the vast improvement in [the child's] physical health and his

² Mother's attorney was present.

mental health and his emotional health.” The Guardian ad Litem stated that termination of mother’s parental rights is in the child’s best interests, noting that she believes that the child would be unsafe in mother’s care based on the child’s multiple medical appointments each week and his need for “a caregiver that’s paying attention to what’s going on with his health.”

The district court found that “[t]he conditions that led to the child’s placement have not been corrected” and that “mother has failed to establish sobriety, demonstrate stability, or demonstrate that she is able to meet the significant needs of her son.” The court further found that the department had made reasonable reunification efforts. The court concluded that the balance of the interests of the child and the parents “overwhelmingly favors termination.” The district court granted mother’s attorney’s request that the district court leave the record open for one day to allow mother to voluntarily terminate her parental rights. Mother did not appear the next day; and the court filed an order involuntarily terminating mother’s parental rights to the child and voluntarily terminating father’s parental rights.

Mother subsequently moved for an order vacating entry of default regarding termination of her parental rights with an accompanying affidavit. In the affidavit, mother stated that on the date of the hearing, she was:

very ill suffering from withdrawals of [her] prescribed medication gabapentin. [She] was not thinking clearly, regularly vomiting, and eventually went to the hospital. . . . As of September 10, [she] had been at a treatment facility, Fresh Start, for approximately 5 or 6 days, and there was an issue between pharmacies/doctors to refill [her] prescription for

gabapentin, which resulted in [her] suffering significant withdrawal symptoms.

The district court denied mother's motion to vacate the default termination of mother's parental rights. The district court noted that mother "failed to produce any evidence that she has a reasonable defense on the merits of the case, because her motion does not even discuss the allegations in the Petition." Additionally, in response to mother's explanation for her failure to appear at the hearing, the court noted:

[Mother] has not demonstrated that she had a reasonable excuse for her failure to appear at the September 10 hearing. She had actual notice of the hearing, and she was personally responsible for ensuring her appearance. [Mother]'s factual claims regarding the reason for her absence are completely unsupported by the record. But, even assuming [mother]'s factual claims are true, her failure to proactively communicate her absence with the Agency, the Staff at Fresh Start, and her attorney render her excuse unreasonable. . . . Finally, if the Court were to grant [mother]'s motion and vacate the termination order, the parties, especially [the child], would suffer substantial prejudice, because it would further delay permanency. This case was already well over statutory timelines when [mother]'s rights were terminated. Vacation of the final order would further delay permanency by preventing the Agency from searching for an adoptive home for [the child].

Mother appeals.

DECISION

I. The district court did not abuse its discretion by terminating mother's parental rights.

"On review of an order terminating parental rights, this court determines whether the trial court's findings address the statutory criteria, are supported by substantial evidence, and whether they are clearly erroneous." *In re Welfare of D.J.N.*, 568 N.W.2d

170, 176-77 (Minn. App. 1997). “We inquire into the sufficiency of the evidence to determine whether the evidence is clear and convincing.” *In re Welfare of W.L.P.*, 678 N.W.2d 703, 709 (Minn. App. 2004). “While we defer to the trial court’s findings, we are required to exercise great caution in proceedings to terminate parental rights. Indeed, parental rights may be terminated only for grave and weighty reasons.” *Id.* (citation omitted).

Minnesota Statutes section 260C.301, subdivision 1 (2024), outlines the criteria for termination of parental rights. A juvenile court may terminate all rights of a parent to a child if it finds that one or more of the eight conditions enumerated in the statute exist. Minn. Stat. § 260C.301, subd. 1(b). The conditions relevant here are:

(2) that 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 social services agency have failed to correct the conditions that formed the basis of the petition or reasonable efforts would be futile and therefore unreasonable;

(3) that a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. . . .

(4) 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.

. . . .

(5) that a child has experienced egregious harm in the parent’s care that is of a nature, duration, or chronicity that indicates a lack of regard for the child’s well-being, such that a reasonable person would believe it contrary to the best interests of the child or of any child to be in the parent’s care;

. . . .

(7) that the child is neglected and in foster care.

Id. We review the “determination of whether a particular statutory basis for involuntarily terminating parental rights is present 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). “In any proceeding under [section 260C.301], the best interests of the child must be the paramount consideration” Minn. Stat. § 260C.301, subd. 7 (2024).

Mother contends that she missed the pretrial hearing because of illness and chemical addiction issues, and that she engaged with the case “to the best of her ability” and “was prepared to proceed to Court Trial on the merits of the Petition to Terminate Parental Rights.” The department argues that mother’s pattern of failing to bring the child to medical appointments to meet his medical needs constitutes repeated medical neglect and that mother failed to demonstrate sobriety and successfully complete chemical dependency treatment. The department also contends that testimony from the social worker and Guardian ad Litem provided “ample support” to support the district court’s determination.

Mother’s first argument focuses on why she missed the pretrial hearing and does not argue that the district court abused its discretion when it determined that multiple statutory factors for termination of parental rights were met. The department’s brief accurately notes that mother “wholly fails to assert that she has demonstrated an ability to meet [the child’s] very high needs or that she complied with her court-ordered reunification plan.” But in other sections of her brief, mother advances arguments that are relevant to the section 260C.301, subdivision 1(b), considerations outlined above. These arguments include whether the department made reasonable efforts to reunite the family, whether the child was “neglected and in foster care,” and whether the child’s placement outside of her care is in his best interests. Because these arguments are all relevant to whether the district court abused its discretion by terminating mother’s parental rights, we address them in one section below. We also note that mother fails to cite the record to support her arguments.³

A. The department made reasonable efforts to reunify the family.

Minnesota Statutes section 260.012(h) (2024) provides that in proceedings under section 260C.301, the juvenile court “shall make findings and conclusions as to the provision of reasonable efforts.” In doing so, courts must consider

³ Indeed, Minnesota Rule of Civil Appellate Procedure 128.02, subdivision 1(c), requires that in formal briefs, “[e]ach statement of a material fact shall be accompanied by a reference to the record.” A failure to cite to the record violates rule 128.03 and “[a] flagrant violation of the rules to fail to provide citations to the record may lead to non-consideration of an issue or dismissal of an appeal.” *Brett v. Watts*, 601 N.W.2d 199, 202 (Minn. App. 1999) (quotation omitted), *rev. denied* (Minn. Nov. 17, 1999). Although we do not conclude that mother’s failures to cite to the record are flagrant, the failure to comply with the rules diminishes the persuasiveness of her brief. *See id.* (noting that a party’s failure to comply with procedural rules can “diminish a brief’s persuasiveness”).

whether services to the child and family 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).

“‘Reasonable efforts’ at rehabilitation are services that go beyond mere matters of form so as to include real, genuine assistance. The quality and quantity of efforts to rehabilitate and reunify the family impact the reasonableness of those efforts.” *In re Welfare of S.W.*, 727 N.W.2d 144, 150 (Minn. App. 2007) (quotation omitted), *rev. denied* (Mar. 28, 2007).

Mother cites the definition for “reasonable efforts to finalize a permanent plan for the child” found in section 260.012(e)(2), but that definition is inapplicable here because the definition relevant to proceedings under section 260C.301 is described in section 260.012(h). Mother also cites an earlier version of the statute that does not include the first and second factors. *See* Minn. Stat. § 260.012(h) (2020).

Mother argues that social services “did not create a plan that was specific to the needs necessary for [her] to succeed,” and did not support her along the way. Mother argues that social services could and should have done more to ensure a treatment placement that fit her needs. Mother does not otherwise specify what those efforts should have been or identify how the plan was not specific enough to her needs, nor does she cite any relevant case law explaining how the efforts made here are not reasonable efforts.

The department responds that it offered “transportation, phones, numerous referrals for services, coordination with probation and various chemical dependency treatment providers, random drug testing, coordination for [the child’s] medical appointments and care, and [Community Access for Disability Inclusion] level foster care.” The department contends that these were “significant, numerous, tailored, and appropriate reasonable efforts.” The district court noted that:

[The department] and other providers have made reasonable reunification efforts through the provision or offer of services to the parents, and the parents had the ability to use the offered services. The services offered by the [department] have been selected in collaboration with the child’s family and, if appropriate, the child, tailored to the individualized needs of the child and child’s family; relevant to the safety, protection and well-being of the child adequate to meet the needs of the child and family, culturally appropriate, available, and accessible, consistent and timely, and realistic under the circumstances. Given the many rehabilitative efforts made by Social Services and ordered by the Juvenile Court, there are no additional services or programs which would likely enable either of the parents to assume custody of the child in the foreseeable future.

When reviewing a district court’s ruling regarding whether the county made reasonable efforts to rehabilitate a parent and reunite a family, we apply a clear-error standard of review to the district court’s findings of underlying facts related to what efforts the county made. *See In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 321-23 (Minn. App. 2015), *rev. denied* (Minn. July 20, 2015); *J.R.B.*, 805 N.W.2d at 899-902. But we review for an abuse of discretion the district court’s ruling regarding whether efforts it found the county to have made were, in a particular case, reasonable. *See D.L.D.*, 865 N.W.2d at 321-23 (citing *J.R.B.*, 805 N.W.2d at 900-01).

It is somewhat unclear from the record what support the department provided or attempted to provide *after* the child was placed in the county’s custody, however, mother does not identify a service that she needed that was excluded from her case plan or explain what was needed to further tailor the plan to her specific needs. Mother does not identify any of the statutory factors that she believes are deficient (under either the current or the 2020 version of the statute). The record supports that the department offered “real, genuine assistance” over an extended time. *See S.W.*, 727 N.W.2d at 150. Mother has not adequately identified any deficiencies in this assistance, and accordingly, the district court did not abuse its discretion by determining that the department made reasonable efforts to reunify the family.

B. The district court did not abuse its discretion by determining that the child was neglected and in foster care.

We now turn to mother’s argument that the child is not “neglected and in foster care.” Along with section 260C.301, two additional statutes are relevant to determine whether a child is “neglected and in foster care.” Minn. Stat. § 260C.301. Minnesota Statutes section 260C.007, subdivision 24 (2024), defines a child who is “neglected and in foster care” as a child:

- (1) who has been placed in foster care by court order;
- and
- (2) whose parents’ circumstances, condition, or conduct are such that the child cannot be returned to them; and
- (3) whose parents, despite the availability of needed rehabilitative services, have failed to make reasonable efforts to adjust their circumstances, condition or conduct, or have willfully failed to meet reasonable expectations with regard to visiting the child or providing financial support for the child.

Minnesota Statutes section 260C.163, subdivision 9 (2024), provides factors that courts must consider, “among other factors,” to determine whether a child is neglected and in foster care:

- (1) the length of time the child has been in foster care;
- (2) the effort the parent has made to adjust circumstances, conduct, or conditions that necessitate the removal of the child to make it in the child’s best interests to be returned to the parent’s home in the foreseeable future, including the use of rehabilitative services offered to the parent;
- (3) whether the parent has visited the child within the three months preceding the filing of the petition, unless extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from visiting the child or it was not in the best interests of the child to be visited by the parent;
- (4) the maintenance of regular contact or communication with the agency or person temporarily responsible for the child;
- (5) the appropriateness and adequacy of services provided or offered to the parent to facilitate a reunion;
- (6) whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time, whether the services have been offered to the parent, or, if services were not offered, the reasons they were not offered; and
- (7) the nature of the efforts made by the responsible social services agency to rehabilitate and reunite the family and whether the efforts were reasonable.

The district court considered these factors. First, the district court found that the child was in foster care for over 430 days, from July 2024 to September 2025, when mother’s parental rights were terminated. Second, although the district court acknowledged

that though mother had made some efforts, such as attempting treatment, it determined that mother had not sufficiently addressed the conditions that led to out-of-home placement and noted that mother “has not demonstrated sobriety, stability, or the ability to meet the child’s significant needs.” Third, the court noted that mother had attended some visits with the child but had also missed visits and did not attend most of the child’s medical appointments after the child was in the county’s custody. Some of these missed visits may be for good cause given her participation in treatment programs; however, mother does not argue or otherwise provide evidence about why she missed these visits. Fourth, the department concedes that mother maintained some contact with the agency throughout the proceedings. Fifth, the district court found that “[r]easonable efforts have been made to reunify the family, and those efforts have proved unsuccessful.” The record supports that the department made reasonable efforts to provide services for mother including attempting to facilitate her participation in treatment programs. Sixth, it is unclear what additional services could address the issues that led to the child’s removal from mother’s care, and mother does not identify any with specificity. Seventh, the record supports the district court’s conclusion that the department sought to rehabilitate the family by providing extensive support to mother in her care for the child over almost a year-long period while the child was still in mother’s custody. Subsequently, the department attempted to connect mother with treatment and tried to make it more convenient for mother to provide required UA samples.

Thus, the district court did not abuse its discretion by determining that the child is “neglected and in foster care” under Minnesota Statutes section 260C.007, subdivision 24,

because the record supports the district court’s findings that the child had: (1) been placed in foster care by court order; (2) his mother’s circumstances, condition, and conduct are such that the child cannot be returned to her; and (3) mother, despite the availability of rehabilitative services, has “failed to make reasonable efforts to adjust [her] circumstances, condition or conduct, or ha[s] willfully failed to meet reasonable expectations with regard to visiting the child or providing financial support for the child.”

C. The district court did not abuse its discretion by determining that it was in the child’s best interests to terminate mother’s parental rights.

“In any proceeding under [section 260C.301], the best interests of the child must be the paramount consideration” Minn. Stat. § 260C.301, subd. 7. “Considering a child’s best interests is particularly important in a TPR proceeding because a child’s best interests may preclude terminating parental rights even when a statutory basis for termination exists.” *In re Welfare of D.L.D.*, 771 N.W.2d 538, 545 (Minn. App. 2009) (quotation omitted). “[T]he district court must consider the child’s best interests and explain why termination is in the best interests of the child.” *Id.*; see also *In re Tanghe*, 672 N.W.2d 623, 626 (Minn. App. 2003) (stating that failure to make a specific finding on the best interests of the children is reversible error). Minnesota Rule of Juvenile Protection Procedure 58.04(c)(2) provides that before ordering a termination of parental rights, a court must analyze: “(1) the child’s interests in preserving the parent-child relationship; (2) the parent’s interests in preserving the parent-child relationship; and (3) any competing interests of the child.” We review a district court’s determination of “whether termination

is in the child's best interests 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).

Mother argues that the district court abused its discretion by determining that it was in the child's best interests to terminate her parental rights because she has made significant progress in addressing the issues that resulted in initiation of termination of her parental rights.⁴ The department responds that terminating mother's parental rights was in the child's best interests because his health had improved significantly in foster care, including gaining the ability to walk with assistance where he was previously wheelchair bound. Additionally, the child's diabetes and liver tests vastly improved and he lost about fifty pounds. He now attends school regularly and multiple medical appointments each week.

The district court made explicit findings about the best interests of the child under *Tanghe* and rule 58.04. The court noted that mother "has not demonstrated sobriety, stability, or the ability to meet the child's significant needs." The court also noted that "any interest in preserving the relationship is minimal and would come at significant risk to the child." The district court made the required findings relevant to the child's best interests and its findings are supported by the record, especially given the child's extensive medical needs. Accordingly, the district court did not abuse its discretion by determining that it was in the child's best interests to terminate mother's parental rights.

⁴ Mother does not cite Minnesota Rule of Juvenile Protection Procedure 58.04 or otherwise explicitly discuss the best-interests factors outlined there.

D. Other factors

Mother cites to section 260C.301, subsection 1(b)(3)⁵ and 1(b)(2), seemingly asserting that the trial court erred by terminating mother's parental rights on the bases of mother being unfit to be a party to the parent and child relationship or because mother has "substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon the parent by the parent/child relationship." That said, mother does not make any argument that connects her actions to these cited subsections, nor does she explain why the district court abused its discretion in determining that they applied. Regardless, the evidence presented at the hearing supports the criteria outlined in section 260C.301, subsection 1(b)(2) and 1(b)(3). The social worker testified that mother missed 90% of the child's medical appointments when the child was in the county's custody, was discharged from several treatment facilities for lack of cooperation and did not provide UAs to social services (though she later complied with probationary UAs). Both the social worker and the child's Guardian ad Litem testified that the child would be unsafe in mother's care and that his health conditions had improved drastically in foster care. This testimony provides substantial evidence to support that mother "has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship" by failing to care for the child's physical health. Minn. Stat. § 260C.301, subd. 1(b)(2). And this testimony provides substantial evidence that mother is "unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental,

⁵ Mother cites to Minnesota Statutes section 260C.301, subdivision 1(b)(4) but quotes subdivision 1(b)(3).

or emotional needs” of the child, given her consistent inability to follow through with his medical care. *Id.*, subd. 1(b)(3). Mother does not advance any arguments that she can support the child’s medical needs. Any one of these conditions on its own is enough to support the district court’s determination, and together, this evidence substantially supports the district court’s determination. Accordingly, the district court did not abuse its discretion by determining that several of the statutory criteria for termination of mother’s parental rights were met.

II. Whether the district court abused its discretion by denying appellant’s motion to vacate the default termination of parental rights is not properly before us.

Mother appealed from the September 17 order terminating her parental rights. Mother’s appeal was filed on October 7, 2025. The district court’s order on mother’s motion to vacate was not filed until after mother’s appeal. If litigation continues in district court after the appeal was initiated, the record for an appeal is limited to the documents and exhibits that were before the district court when it made the ruling(s) at issue on appeal and any transcript of proceedings. *See* Minn. R. Civ. App. P. 110.01 (defining the record on appeal); *see In re Nelson*, 495 N.W.2d 200, 202, 204 (Minn. 1993) (ruling we should not have considered a letter sent to district court after that court made the ruling at issue on appeal). Appellate courts do not base decisions “on matters outside the record on appeal and may not consider matters not produced and received in evidence below.” *Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1988). Because the appeal was initiated

before the district court's ruling on the motion to vacate, that issue and the record related to it is not properly before us.⁶

Affirmed.

⁶ But even if the argument were properly before us, it fails. Minnesota Rule of Juvenile Protection Procedure 22.02 permits courts, upon motion, to “relieve a party or the party’s legal representatives from” a final order, including default order, due to mistake, inadvertence, surprise, excusable neglect, and other reasons justifying relief from the judgment. Minn. R. Juv. Prot. P. 22.02(a), (e). Mother argues that the finding of default is “indicative of Social Services support and belief in [mother] that she can do better and ultimately be in a position to raise her child.” As the department notes, mother’s arguments do not fully explain her failure to act. Though she alleges that she was withdrawing from medication on the day of the hearing, the district court noted that besides mother’s affidavit, there was “no indication in the record that [mother] reported feeling ill to her probation officer, to her attorney, or to the Agency until after she was discharged from Fresh Start.” In fact, the social worker’s affidavit directly contradicts mother’s affidavit. Mother has not shown that she has a reasonable defense on the merits of the case or a reasonable excuse for her failure to act. Accordingly, if the argument were properly before, we would likely find that the district court did not abuse its discretion by denying mother’s motion to vacate.