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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1903**

In the Matter of the Welfare of the Child(ren) of:
K.A.S. and P.D.Y., Parents.

**Filed April 20, 2026
Affirmed
Smith, John, Judge ***

Stearns County District Court
File No. 73-JV-25-4622

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Considered and decided by Bentley, Presiding Judge; Beane, Judge; and Smith,
John, Judge.

NONPRECEDENTIAL OPINION

SMITH, JOHN, Judge

We affirm because the district court acted within its discretion (1) in ruling that
appellant failed to correct the conditions leading to out-of-home placement; (2) by

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

determining that termination was in the best interests of the child; and (3) by ruling that the county made reasonable efforts towards reunification.

FACTS

In October 2025, the district court filed an order terminating appellant-mother K.A.S.'s (mother) parental rights to the child, G.Y., born in 2020. The following stems from the district court's findings of fact in its order terminating mother's parental rights with the procedural history supplemented by the record as necessary to understand the issues on appeal.

In March 2024, respondent Stearns County Human Services (the county) first became involved with mother and child due to a report of child "being exposed to a meth-related environment" and alleged neglect. The county made several unsuccessful attempts to meet with mother and mother refused to submit to urinalysis (UA) testing. Because of this, the county filed a child-in-need-of-protection (CHIPS) petition in May 2024.

In June 2024, mother dropped child off with father. Mother "characterized the handoff as an agreement the parties had come to [and] that [father] would take care of the child so she could have a break after solo parenting for the six months [father] was incarcerated."

In July 2024, the county petitioned for an ex parte order for emergency protective care (EPC) of the child because the county suspected that mother was using a controlled substance and remained unresponsive to the county's and father's contact attempts. The same day that the county petitioned the district court, the court granted the order and

formally placed the child with father. Soon after, the district court granted father temporary custody and granted the county protective supervision.

In September 2024, the district court placed a CHIPS hold on the child because he had injuries that appeared infected. Following this hold, the district court held another EPC hearing in which the CHIPS hold was released and father was granted continued temporary custody.

On December 17, 2024, the county petitioned the court for EPC of the child because father had been intermittently compliant with UA testing, was intermittently responsive to his case worker, and had tested positive for amphetamines and methamphetamines on December 11, 2024.

The child was placed in foster care on December 24, 2024. Following this, the district court conducted another EPC hearing on December 26, 2024. At this hearing, the district court transferred custody of the child to the county.

In March 2025, the district court adjudicated the child as CHIPS. At this hearing, mother admitted to the CHIPS petition and the district court ordered disposition recommendations for mother. The district court ordered that mother:

- comply with mental health evaluation and follow recommendations;
- complete a chemical-dependency assessment;
- [complete] random [UA] testing;
- maintain regular communication with the county;
- cooperate with parenting education programs;
- attend appointments, evaluations and all other services for the child;
- [maintain] appropriate health and safe living conditions;
- [complete a] safety plan;

- [receive] approval of roommates or significant others residing in home; and
- be forthright, honest, cooperative and follow all recommendations of service providers.

In June 2025, the county petitioned the district court to terminate both mother's and father's parental rights to the child. The county asserted that the parents' rights should be terminated pursuant to Minnesota Statutes section 260C.301, subdivisions 1(b)(4), (7) (2024).

At a pretrial hearing in August 2025, the district court relieved the county of reasonable efforts of reunification towards mother and the child. This was due to reports that mother had not been in contact with the county since May 2025 and declined to inform the county where "she participated or was participating in chemical dependency treatment."

The district court held a two-day termination-of-parental-rights trial in September 2025, and heard testimony from several witnesses. Several exhibits, including an out-of-home-placement plan, were admitted into evidence; however, no written case plan for mother was admitted. Relevant here, mother, the social worker, and the guardian ad litem (GAL) provided testimony.

During mother's testimony, she stated: that she did not finish a chemical-dependency treatment program because she was told that the program did not meet her criteria for treatment; that she attended an in-patient treatment program but left against staff advice; and she denied that she tested positive for controlled substances when she was testing. The district court did not find mother's testimony credible because she failed to

take responsibility in adhering to her disposition recommendations, and because she denied her chemical use despite the record containing positive UAs for controlled substances.

The social worker testified that she offered mother several “resources for securing a diagnostic assessment, individual therapy, a chemical-dependency assessment, random UAs, transportation, and supervised visitation with the child.” The social worker recalled that mother had not completed any of the programing nor did mother comply with any of the other assistance provided to her.

The GAL testified that, when considering the ten best-interests factors, she believed that mother has failed to correct the conditions that led to the child’s out-of-home placement. The GAL reached this conclusion based on “both parents’ history of and continued drug and/or alcohol use, the improved behavioral changes noted in the child since his adjustment to the foster home, and her perception of the parents’ lack of compliance with their case plans.”

In October 2025, the district court filed an order and memorandum terminating mother’s and father’s parental rights. It concluded that the termination of mother’s parental rights was in the best interests of the child; that there was clear and convincing evidence supporting the termination of mother’s parental rights because reasonable efforts had failed to correct the conditions leading to the child’s out-of-home placement; and that the child was in foster care and neglected.

DECISION

Mother asserts that the district court abused its discretion: (1) in ruling that appellant failed to correct the conditions leading to out-of-home placement; (2) by

determining that termination was in the best interests of the child; and (3) by ruling that the county made reasonable efforts towards reunification. Below, each of mother's contentions will be addressed. Mother also contends that the district court improperly relieved the county of its duty to provide reasonable efforts to rehabilitate and reunite the family. This argument will be addressed in section III.

A district court may terminate parental rights when “(1) at least one statutory ground for termination is supported by clear and convincing evidence [or reasonable efforts are not required], (2) the county made reasonable efforts to reunite the family, 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 also* Minn. Stat. § 260.012(a) (2024). “[T]ermination of parental rights is always discretionary with the [district] court.” *In re Welfare of Child of R.D.L.*, 853 N.W.2d 127, 136 (Minn. 2014). “[W]e review the underlying findings of fact for clear error” and “the district court’s determinations of whether a statutory ground for termination exists and whether termination is in the child’s best interests for an abuse of discretion.” *J.H.*, 968 N.W.2d at 600; *see also In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008) (explaining that “[appellate courts] review the termination of parental rights to determine whether the district court’s findings address the statutory criteria and whether the district court’s findings are supported by substantial evidence and are not clearly erroneous”). “A finding is clearly erroneous if it is either manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *In re Welfare of Children of T.R.*, 750 N.W.2d 656, 660-61 (Minn. 2008) (quotation omitted). “A district court abuses its

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

Appellate courts “give considerable deference to the district court’s decision to terminate parental rights.” *S.E.P.*, 744 N.W.2d at 385. “In reviewing termination of parental rights, we determine whether the record contains substantial evidence to support the district court’s decision, given that the burden of proof in the district court is clear and convincing evidence.” *In re Welfare of D.T.J.*, 554 N.W.2d 104, 108 (Minn. App. 1996) (quotation omitted); *see also* Minn. R. Juv. Prot. P. 58.03, subd. 2(a) (“[I]n a termination of parental rights matter involving a non-Indian child, the standard of proof is clear and convincing evidence.”).

I. The district court acted within its discretion in ruling that mother failed to correct the conditions leading to out-of-home placement.

Mother maintains that the district court improperly terminated her parental rights because there are no statutory grounds for termination supported by clear and convincing evidence. Mother also asserts that the district court improperly terminated her parental rights because clear and convincing evidence does not support that the county made reasonable efforts to reunite her with her child on the basis that there was no case plan. Mother more specifically claims that this is because no case plan was ever filed with the district court. This argument will be addressed in section III due to the overlap in the issues asserted. The county contends that the district court properly terminated mother’s parental

rights and that a failure to file a case plan is not automatically fatal to termination of parental rights. We agree with the county.

Parental rights may be terminated when: “following the child’s placement out of the home, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the child’s placement.” Minn. Stat. § 260C.301, subd. 1(b)(4).

Reasonable efforts are presumed to have failed upon a showing that:

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 petition was filed alleging the child to be in need of protection or services, 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.

Id., subd. 1(b)(4)(i). “It is presumed that conditions leading to a child’s out-of-home placement have not been corrected upon a showing that the parent or parents have not substantially complied with the court’s orders and a reasonable case plan.” *Id.*, subd. 1(b)(4)(iii).

The district court, by clear and convincing evidence, found that the county established that a statutory basis exists to terminate mother’s parental rights under Minnesota Statutes section 260C.301, subdivision 1(b)(4). In particular, the district court pointed out that the county has the burden to establish that mother continued to struggle with chemical use at the time of trial and that the present conditions were likely to continue.

Clear and convincing evidence supports the fact that mother continued to struggle with chemical use at the time of trial and that the present condition was likely to continue

for the reasonably foreseeable future. The district court made a credibility determination as to the social worker's testimony and mother's testimony. Because the district court was in the best position to assess the witnesses' demeanor, we defer to its credibility determination. *See In re Welfare of L.A.F.*, 554 N.W.2d 393, 396 (Minn. 1996) (deferring to the district court's credibility determinations).

The district court's conclusion that mother failed to correct the conditions leading to the child's out-of-home placement is supported by its finding of fact, which, in turn are supported by the social worker's testimony: that mother has not complied with her previous diagnostic assessment; that mother never successfully completed chemical-dependency treatment; and that mother never resumed UA testing upon leaving treatment. Mother also knew that she was ordered to comply with random testing since July 2024, and the record established that mother had not completed chemical treatment successfully. The fact that mother began treatment multiple times but did not complete the program supports the fact that mother knew she was supposed to complete chemical-health treatment. Mother also consistently tested positive for amphetamines and methamphetamines since July of 2024, and regularly missed tests, which are presumptively positive results. In addition, the GAL testified that mother had not provided a negative UA test throughout the duration of the case.

The district court found that mother "to date has not complied with the disposition recommendations adopted by this court in its adjudication order from April 1, 2025. She has not followed the recommendations of her chemical-dependency assessment, diagnostic assessment or engaged in random urinary analysis testing."

Therefore, the district court did not clearly err in finding that clear and convincing evidence supports its finding that mother continued to struggle with chemical use at the time of trial and that the present conditions were likely to continue. And this means the district court did not abuse its discretion by ruling that mother failed to correct the conditions leading to the child's out-of-home placement.

II. The district court acted within its discretion by determining that termination was in the best interests of the child.

Mother challenges the district court determination that termination of her parental rights was not in the best interests of the child. Mother argues that the GAL never specifically stated termination was in the child's best interests; she was the child's primary parent until she dropped him off at father's home; she has a strong bond with the child; she has shown she can participate in chemical-dependency treatment; and she has stable housing and a stable network. We do not agree.

"If a district court determines that a statutory ground for termination exists, it must also determine that termination is in the child's best interest." *In re Welfare of Child of R.V.M.*, 8 N.W.3d 680, 696 (Minn. App. 2024), *rev. denied* (Minn. July 19, 2024); *see also In re Welfare of Children of K.S.F.*, 823 N.W.2d 656, 668 (Minn. App. 2012) ("Even if a statutory ground for termination exists, the district court must still find that termination of parental rights or of the parent-child relationship is in the best interests of the child." (citing *In re Welfare of Children of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005))). Indeed, "in any proceeding to terminate parental rights, the best interests of the child must be the paramount consideration." *In re Welfare of Child of P.T.*, 657 N.W.2d 577, 583 (Minn. App. 2003),

rev. denied (Minn. Apr. 15, 2003); *see also* Minn. Stat. § 260C.301, subd. 7 (2024). “[Appellate courts] review a district court’s conclusion that termination of parental rights is in a child’s best interests for an abuse of discretion.” *R.V.M.*, 8 N.W.3d at 696. And as such “[w]e give considerable deference to the district court’s findings because the analysis requires credibility determinations.” *Id.* (quotation omitted).

“In considering the child’s best interests, the district court must balance the preservation of the parent-child relationship against any competing interests of the child. Competing interests include such things as a stable environment, health considerations and the child’s preferences.” *K.S.F.*, 823 N.W.2d at 668 (citation and quotations omitted); *see also* Minn. R. Juv. Prot. P. 58.04(c)(2)(ii) (providing that, before a district court may order termination of parental rights, the court must “make a specific finding that termination is in the best interests of the child” and must address: (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”). When “the interests of parent and child conflict, the interests of the child are paramount” if a statutory basis to terminate parental rights exists. Minn. Stat. § 260C.301, subd. 7.

The district court concluded that “clear and convincing evidence exist[ed] [that established] it is in the best interest of the child . . . to involuntarily terminate the parental rights of [mother].” Additionally, the district court concluded that “[t]he child has an interest in maintaining the parent-child relationship with both of his parents” but “[t]he child also has an interest in having his basic needs met, in being raised in a safe and sober

environment, and in being raised in an environment free from the influence of controlled substances on his caretakers.”

There is substantial evidence that mother’s inability to demonstrate her sobriety and to attend treatment directly conflicts with the child’s needs and best interests. Regarding mother and her chemical health, mother has failed to “maintain sobriety for any real length of time” and failed to “complete chemical dependency treatment.” The district court also reasoned that mother’s “choice to not complete parenting education, complete chemical dependency treatment, engage in individual therapy, or demonstrate a length of sobriety through the random UA testing conducted during the life of this case is notable.”

Moreover, the district court’s best interests findings were supported by the record and by testimony provided by mother, the social worker, and the GAL.

The testimony from mother, the social worker, and the GAL establish that mother cannot maintain sobriety and that she cannot complete chemical-health programing. While she may have parented the child for the first years of his life, the district court weighed the importance of the bond, but because of mother’s struggle with chemical health, it appropriately found that termination of mother’s parental rights was in the best interest of the child. And mother may have also testified that she has stable housing and a stable network, but she still has not established her ability to maintain sobriety. Therefore, these facts support the district court’s discretionary ruling that the child’s best interests is “in being raised in a safe and sober environment, and in being raised in an environment free from the influence of controlled substances on his caretakers.”

III. The district court acted within its discretion by ruling that the county made reasonable efforts towards reunification.

Mother also asserts that the district court improperly terminated her parental rights because clear and convincing evidence does not support that the county made reasonable efforts to reunite her with her child on the basis that there was no case plan. We do not agree.

We apply a clear-error standard of review to a district court's findings of underlying facts about whether a county has made reasonable efforts to reunify a parent with a child. *See S.E.P.*, 744 N.W.2d at 387; *see also 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); *In re Welfare of Children of J.R.B.*, 805 N.W.2d 895, 899-902 (Minn. App. 2011), *rev. denied* (Minn. Jan. 6, 2012). In reviewing a district court's ultimate reasonable-efforts determination of whether the reunification-related facts it found show that the county's efforts were reasonable, we apply an abuse-of-discretion standard. *See D.L.D.*, 865 N.W.2d at 321-23 (citing *J.R.B.*, 805 N.W.2d at 900-01).

What reasonable efforts are required of a county depends on the individual facts of a particular case. *See T.A.A.*, 702 N.W.2d at 709; *see also In re Welfare of Child of A.M.C.*, 920 N.W.2d 648, 663 (Minn. App. 2018). In proceedings under section 260C.301, the district court "shall make findings and conclusions as to the provision of reasonable efforts." Minn. Stat. § 260.012(h) (2024). "The district court must also consider how long the county was involved and the quality of its efforts." *J.H.*, 968 N.W.2d at 601. "Reasonable efforts at rehabilitation are services that go beyond mere matters of form so

as to include 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).

No such case plan for mother was admitted into evidence for the district court to consider, but “a lack of a filed case plan is not dispositive.” *R.V.M.*, 8 N.W.3d at 696. “A failure to provide a timely written plan is reversible error however, if parents have not been informed of, or do not understand, the conditions they must satisfy to achieve reunification.” *Id.* Because there was no case plan for the district court to review, the district court’s determination of whether reasonable efforts were provided had to be based on testimony and the exhibits provided in the record.¹ *See In re Welfare of Child of M.E.P.*, 4 N.W.3d 152, 161 n.2 (Minn. App. 2024) (“As a general rule, an appellate court will consider and resolve ‘only those issues that the record shows were presented and considered by the trial court in deciding the matter before it.’” (quoting *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988))).

Here, mother’s testimony establishes that she was informed of the case plan. She was “enrolled in and went to in-patient treatment . . . on April 30, 2025,” but “[s]he left against staff advice on May 6, 2025, and was discharged unsuccessfully.” In addition, mother “agreed she was ordered to comply with random testing since July 2024, and stated

¹ The county did not file a case plan with the district court, but we are mindful that when an agency has petitioned the court, such “agency shall file with the court and provide to the parties and foster parent a case plan or out-of-home placement plan for the child and the parents or legal custodians, as appropriate.” Minn. R. Juv. Prot. P. 26.01; *see also* Minn. Stat. § 645.44, subd. 16 (2024) (stating that “[s]hall” is mandatory”). Case plans are required to “be prepared according to the requirements of Minn. Stat. § 245.4871, subd. 19 or 21; § 245.492, subd. 16; § 256B.092; or § 260C.212, subd. 1.” Minn. R. Juv. Prot. P. 26.01.

that upon leaving . . . treatment on or about May 6, 2025, she [had not submitted a UA] at Minnesota Monitoring since.” Certified copies of records from Minnesota Monitoring indicate that, since July 2024, mother regularly tested positive for amphetamines and methamphetamines. The records from Minnesota Monitoring also indicated that she regularly missed tests, which are, therefore, presumptively considered positive.

The social worker also testified that she offered mother “resources for securing a diagnostic assessment, individual therapy, a chemical-dependency assessment, random UAs, transportation, and supervised visitation with the child.” The social worker also testified about mother’s noncompliance with the case plan and explained that mother did not: communicate with the social worker on a regular basis or engage in individual therapy; complete her chemical-dependency treatment; comply with UA testing; complete parenting classes; or regularly engage in visitation with the child. In conclusion, based on mother’s knowledge about the case plan, the district court’s credibility determinations, and the social worker’s testimony about the case plan, the district court did not abuse its discretion when it found that clear and convincing evidence supports that the county made reasonable efforts to reunite mother and child.

In addition, mother did not raise this issue with the district court. *R.V.M.*, 8 N.W.3d at 696 (stating that appellate courts generally address only those questions previously presented to and considered by the district court) (citing *Thiele*, 425 N.W.2d at 582)).

In conclusion, based on the record, the district court’s findings of fact regarding the efforts made by the county are not clearly erroneous. Relatedly, its associated discretionary ruling that the efforts the county made were, in circumstances of this case, reasonable, was not an abuse of its discretion. Nor, on this record, did the county’s failure to file the case plan require reversal.²

Affirmed.

² Mother asserts that the district court erred in relieving the county of the duty to provide reasonable efforts to rehabilitate and reunite the family. This occurred at a pretrial hearing held on August 18, 2025. Because no such transcript was provided, our review of this issue is limited. *See Fischer v. Simon*, 980 N.W.2d 142, 144 (Minn. 2022) (“It is elementary that a party seeking review has a duty to see that the appellate court is presented with a record which is sufficient to show the alleged errors and all matters necessary to consider the questions presented.” (quotation omitted)); *Custom Farm Servs., Inc. v. Collins*, 238 N.W.2d 608, 609 (Minn. 1976) (“An appellant has the burden of providing an adequate record for appeal.”). Without a fully developed record, “we are limited to determining whether the trial court’s findings of fact support its conclusions of law.” *Am. Family Life Ins. Co. v. Noruk*, 528 N.W.2d 921, 925 (Minn. App. 1995), *rev. denied* (Minn. Apr. 27, 1995).