

*This opinion is nonprecedential except as provided by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
A25-1917**

In the Matter of the Welfare of the Child(ren) of: D. M. D., Parent.

**Filed May 4, 2026
Affirmed
Reyes, Judge**

Hennepin County District Court
File No. 27-JV-25-730

Brooke Beskau Warg, Hennepin County Adult Representation Services, Minneapolis, Minnesota (for appellant mother D.M.D.)

Mary F. Moriarty, Hennepin County Attorney, Kyle Payne, Assistant County Attorney, Minneapolis, Minnesota (for respondent Hennepin County Human Services Department)

Andrew Small, Colich & Associates, Minneapolis, Minnesota (for respondent father J.E.W.)

Michelle Lee Overby Chalstrom, Hennepin County Public Defender's Office, Minneapolis, Minnesota (for Child 1)

Janell Trocke, Minneapolis, Minnesota (guardian ad litem)

Considered and decided by Bond, Presiding Judge; Reyes, Judge; and Harris, Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

Mother challenges the transfer of permanent physical and legal custody of her child, arguing that the district court abused its discretion by determining that the county made reasonable efforts to reunify mother and child with respect to (1) housing and (2) sobriety. We affirm.

FACTS

Appellant-mother D.M.D. is the sole custodial parent of a child born in 2010. Mother signed a recognition of parentage form with a person who is considered the adjudicated father of child. Only mother challenges the custody decision underlying this appeal.

March 2021 Child-Protection Action

A different child-protection action, beginning in March 2021, involved the same mother and the same child. Reports of mother's educational neglect and failure to provide food for child led to child's out-of-home placement with child's paternal aunt (aunt). Mother entered civil commitment and received mental-health treatment. By March 2022, mother was actively engaging in her case plan, maintaining her sobriety, and remaining compliant with her medications. Mother reunified with child that month, and the case was closed.

March 2024 Reports

In March 2024, mother and child lived with child's great-grandmother. On March 6, 2024, respondent Hennepin County Human Services (the county) received a report of mental injury of child by mother. The report explained that mother "had been going to [child's] school multiple times in the day to request [child] be pulled from class or pulling [child] from school for the rest of the day due to [mother's] belief that [child] is leaving the building, that someone is out to get their family, and that [child] is experiencing sexual abuse and sex trafficking by school staff."

On March 9, 2024, the county received a second report of mental injury of child by mother based on incidents that occurred the prior day. According to a police report, child called police after exiting the shower and discovering mother attempting to record a video of them. The report explained that child “does not feel safe staying with [mother] based on that behavior.” Police advised child that they could not remove mother from the home because she “was not an immediate danger to herself or others.” Child and great-grandmother left the home, but after mother reported child as a “runaway,” police returned child to mother’s care.

CHIPS Adjudication

On March 15, 2024, the county filed a petition alleging that child was in need of protection or services (CHIPS) under Minnesota Statutes section 260C.007, subdivision 6(3), (8), and (9) (2024). The petition alleged that mother’s behavior led to child missing “over 50 days of school” and only getting “two to three hours” of sleep every night.

Three days later, the district court removed child from mother’s care and placed child with aunt. The district court held a hearing and adjudicated child CHIPS in June 2024.

The district court ordered a case plan for mother. As relevant to this appeal, the case plan required mother to “complete a psychological evaluation . . . and follow all recommendations, including medication management,” “maintain her mental health and follow all recommendations from mental-health providers,” “maintain safe and suitable housing,” and “cooperate with the [county] and guardian ad litem, including . . . notifying

the [county] of any changes in residence.” The district court later added a sobriety component to the case plan, requiring that mother “compl[y] with random [urinalyses].”

Petition to Transfer Permanent Legal and Physical Custody

In March 2025, the county petitioned to transfer permanent legal and physical custody of child to aunt. The transfer petition explained: “Reasonable efforts were made by the [county] to facilitate reunification, but the parent failed to correct the conditions requiring out of home placement.”

The district court held a two-day court trial on the transfer petition, during which it heard testimony from mother, father, aunt, and child, as well as mother’s county social worker and child’s guardian ad litem. The district court thereafter filed an order transferring permanent legal and physical custody of child to aunt, as a fit and willing relative.

This appeal follows.

DECISION

Mother argues that the district court abused its discretion by granting the transfer petition because the county failed to prove that it made reasonable efforts to assist mother with “obtaining safe and suitable housing” and “abstaining from alcohol and illicit substances.” We disagree.

In permanency proceedings, a district court may “order a transfer of permanent legal and physical custody to . . . a fit and willing relative.” Minn. Stat. § 260C.515, subd. 4(a)(2) (2024). Except under circumstances not applicable here, permanent placement of a child outside of a parent’s home may occur only if the county made reasonable efforts to

reunify the family. Minn. Stat. § 260.012(a) (2024). The county must prove that it made these efforts by clear and convincing evidence. Minn. R. Juv. Prot. P. 58.03, subd. 1 (providing that “[i]n a permanency matter other than a termination of parental rights matter, the standard of proof is clear and convincing evidence”); *see also In re Welfare of Child of J.C.L.*, 958 N.W.2d 653, 656 (Minn. App. 2021), *rev. denied* (Minn. May 12, 2021).

When evaluating the county’s reasonable efforts, the district court must consider whether services provided were:

- (1) selected in collaboration with the child’s family and, if appropriate, the child;
- (2) tailored to the individualized needs of the child and child’s family;
- (3) relevant to the safety, protection, and well-being of the child;
- (4) adequate to meet the individualized needs of the child and family;
- (5) culturally appropriate;
- (6) available and accessible;
- (7) consistent and timely; and
- (8) realistic under the circumstances.

Minn. Stat. § 260.012(h) (2024). Ultimately, “what constitutes ‘reasonable efforts’ depends on the facts of each case” and “the problem presented.” *In re Welfare of Child of J.H.*, 968 N.W.2d 593, 601 (Minn. App. 2021), *rev. denied* (Minn. Dec. 6, 2021); *In re Welfare of Child of T.R.*, 750 N.W.2d 656, 664 (Minn. 2008) (quotation omitted). In an order transferring permanent legal and physical custody, the district court must make detailed findings on “the nature and extent” of the county’s reasonable efforts “to reunify the child with the parent.” Minn. Stat. § 260C.517(a)(2) (2024).

I. Mother failed to preserve her arguments for appellate review because she did not raise them before the district court.

Mother's argument on appeal focuses on whether the county made reasonable reunification efforts related to her housing and sobriety.

Generally, a reviewing court may consider only those issues that were presented to and considered by the district court. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988); *see also Smith v. Kessen*, 996 N.W.2d 581, 590 (Minn. App. 2023) (applying this aspect of *Thiele* to family law case), *rev. denied* (Minn. Jan. 31, 2024). A party may not "obtain review by raising the same general issue litigated below but under a different theory." *Thiele*, 425 N.W.2d at 582.

Mother argued in district court that the county did not demonstrate reasonable reunification efforts sufficient to support the transfer petition. But she specifically contended that the county "missed dozens of scheduled meetings," did not initiate therapy for child, allowed visitation to be at child's discretion, and denied mother's requests for "family therapy and group counseling." Mother did not mention the county's efforts regarding housing or sobriety, let alone dispute their reasonableness.

Because mother did not present these arguments to the district court, she failed to preserve them for appellate review. *See id.* We nonetheless address the merits of mother's appeal because, even if she had preserved her arguments, we would still affirm.

II. The district court did not abuse its discretion by determining that the county made reasonable reunification efforts.

Mother contends that the district court abused its discretion by transferring custody because the county failed to make reasonable reunification efforts related to the housing and sobriety elements of her case plan. We are not persuaded.

We review a district court's determination that the county made reasonable reunification efforts for an abuse of discretion. *In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 321-22 (Minn. App. 2015), *rev. denied* (Minn. July 20, 2015). "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) (citing *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022)). We afford great deference to the district court's credibility determinations. *See In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 90 (Minn. App. 2012).

We review a district court's factual findings for clear error. *D.L.D.*, 865 N.W.2d at 321. A finding is clearly erroneous if it is "manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quoting *Tonka Tours, Inc. v. Chadima*, 372 N.W.2d 723, 726 (Minn. 1985)).

Housing

The district court found that the county "provided [mother] with case-management services . . . so [mother] could work toward reunification." These case-management

services included weekly phone calls in the summer of 2024. Mother's county social worker worked on this case from its beginning in March 2024. The district court credited the county social worker's testimony that mother refused to tell the county where she lived for months. Eventually, mother disclosed to the county that she was staying at a Minneapolis shelter, a location where child could not reside. The district court found that mother "never established housing safe or suitable for [child]."

According to the record, mother moved twice after child's removal: first she moved out of great-grandmother's home and in with someone she identified as a "mother figure," and then she moved into a shelter in December 2024. In January 2025, mother refused to share her new address with the county, claiming that she was "safe harboring" and not comfortable sharing her location. The county indicated that it could provide mother "with housing resources, if needed." In March 2025, when filing the transfer petition, the county still did not know where mother lived. In a virtual meeting later that month, mother told the county that she "had not left where she is staying or the floor [she was] on in 35 days." The county reported that it "was unable to ask follow up questions."

Mother refused to share the location of her residence with the county for approximately five months. By May 2025, the county learned that mother was staying in a shelter, and it noted that "this is not a location that [child] could reunify with [mother]."

At trial, mother testified that she had moved to the shelter before the transfer petition and continued to reside there through trial. She conceded that she never reached out to the county for housing assistance. Mother testified that she joined a housing list with the help of shelter staff, and she expressed confidence that she would find alternative housing "in

the reasonably foreseeable future.” We conclude that the record reasonably supports the district court’s findings regarding housing.

Sobriety

The district court found that the county “scheduled appointments for [mother], offered transportation assistance, . . . and made referrals to . . . sobriety . . . service providers so [mother] could work toward reunification.” The district court found that mother “rarely demonstrated sobriety.” It found that mother’s “first sweat patch was positive for methamphetamine,” her “second [sweat] patch was tampered with and could not be tested,” and her third sweat patch “was never removed from [her] arm and was not tested.” The district court also found that mother “refused offers for transport . . . to get patches removed and have new patches put on” and “missed appointments [the county] set up for a new patch to be placed.”

The record reflects that mother initially requested that her sobriety testing not involve urinalysis. The county worked with mother to set up substance-use testing via a breathalyzer and sweat patches. After beginning testing in October 2024, mother never returned a positive test on the breathalyzer. Although some tests were missed or inconclusive, the county decided that mother no longer needed to demonstrate sobriety from alcohol and ended breathalyzer testing in March 2025.

In October 2024, mother received her first sweat patch. Upon its removal for testing a few weeks later, the patch tested positive for methamphetamine. Mother told the county that the test result was inaccurate, and the suggestion that she would use methamphetamine was “offensive.” Mother received a second patch but, when she returned for its removal,

monitoring staff discovered that it had detached slightly and become “compromised.” Monitoring staff did not test it and instead placed a third patch. Mother missed two appointments to have the third patch removed for testing and then failed to schedule a subsequent appointment.

The county met with mother several times to discuss the sweat-patch testing and confirm that mother had the information she needed to continue testing. The county offered to assist mother with scheduling and transportation. Mother consistently denied having any substance-use problems or need for testing. In March 2025, pursuant to a court order, mother submitted to a urinalysis that tested negative for all substances.

The county noted in April 2025 that mother “has not been receptive” to its substance-use concerns and, to its knowledge, “has not obtained a comprehensive [substance-use] assessment.” The county explained that it would “continue to encourage” mother to engage in testing and explore a comprehensive assessment. The county reiterated these notes in its May, August, and September 2025 prehearing reports. The county worked to set up urinalysis with a local hospital and, in July 2025, mother agreed to submit to the testing. Mother failed to provide a photo to complete the urinalysis referral until late August 2025. Mother then submitted to a urinalysis in early September 2025, but the results were not in the record at trial.

The county social worker testified that mother has a history of substance use and has not maintained sobriety through the current child-protection action. The district court found the social worker’s testimony credible. We conclude that the record reasonably supports the district court’s findings regarding sobriety.

Finally, we note that the district court determined that mother’s “primary problem was her mental health.” Mother does not dispute this finding on appeal. We view the question of whether the county made reasonable reunification efforts in the context of this primary problem. *See J.H.*, 968 N.W.2d at 601; *T.R.*, 750 N.W.2d at 664. We have carefully reviewed the record, and we conclude that it reasonably supports the district court’s determination that the county made reasonable efforts to reunify mother and child.

Affirmed.