

*This opinion is nonprecedential except as provided by  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  
A25-1954**

In the Matter of the Welfare of the Child(ren) of: L. B., Parent.

**Filed May 11, 2026  
Affirmed  
Beane, Judge**

Hennepin County District Court  
File No. 27-JV-25-923

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C.G.M.)

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Department)

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Considered and decided by Smith, Tracy M., Presiding Judge; Beane, Judge; and  
Smith, John, Judge.\*

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

## **NONPRECEDENTIAL OPINION**

**BEANE**, Judge

Appellant-mother L.B. challenges the district court's order transferring permanent legal and physical custody of mother's two children to respondent-father C.G.M. Mother argues that the district court abused its discretion by determining that the county made reasonable efforts to reunify the family. Because we discern no abuse of discretion, we affirm.

### **FACTS**

Mother and father have two young children. Mother and father lived together with the children for several years, but their relationship was tumultuous and mutually violent. Mother was also violent toward the children. During an incident in early January 2024, mother bit one of the children, hit him in the face, and threw him across the room, causing a black eye. Respondent Hennepin County Human Services Department (the county) received a report of the incident and investigated. Mother admitted to the early January incident and another incident later the same month in which she slapped the same child in the face. She also reported having several mental-health diagnoses, including borderline personality disorder, posttraumatic stress disorder (PTSD), anxiety, and depression.

In mid-February, the county filed a child in need of protection or services (CHIPS) petition. The district court issued an emergency hold and ordered that the children remain in father's care. After an emergency protective-care hearing, the district court found that the CHIPS petition made a prima facie showing that the children would be endangered if returned to mother's care and approved a voluntary case plan for mother. In relevant part,

the case plan called for mother to address her mental health and “learn to better regulate [her] emotions” so she can “safely parent” the children by (1) attending anger-management classes, engaging in individual therapy, and completing any other program “deemed necessary” to satisfy this objective; and (2) attending domestic-violence programming and following recommendations.

For the remainder of 2024, mother exhibited inconsistent compliance with her case plan. That April, mother obtained a diagnostic assessment, which indicated diagnoses of PTSD, borderline personality disorder, and mild recurrent major depressive disorder. But she did not consistently participate in mental-health and domestic-violence programming. She switched providers repeatedly and quit or rejected services offered to her by the county, saying only that they were “not a good fit.” She also repeatedly refused to sign releases of information to allow the county access to therapy records to confirm her engagement and progress.

A trial on the CHIPS petition occurred over five days between December 2024 and February 2025. In late February, the district court adjudicated the children CHIPS based on findings that mother physically abused the children and is unable to properly and safely care for the children because of her unmanaged mental-health challenges. In its CHIPS order, the district court modified mother’s case plan. Regarding her mental health, the court ordered:

Mother shall complete a psychological evaluation and follow the recommendations from that evaluation. The evaluation must include testing (including an MMPI and/or MCMI), a review of collateral information (e.g., medical and mental health records, [county] information), and be conducted

by a licensed PhD-level professional, trained and certified in the delivery and interpretation of such tests.

The district court also ordered mother to complete a certified dialectical behavioral therapy (DBT) program, take medication as prescribed, and work with the county to “address the level of information provided from the therapist to the [county].”

In April 2025, the county filed a petition to transfer permanent legal and physical custody to father. Around that time, mother signed releases of information to authorize the county social worker to access some of her therapy records, including the diagnostic assessment completed in April 2024. The social worker planned to use the diagnostic assessment and work with mother’s chosen therapist to ensure mother was receiving the mental-health services required by mother’s case plan. But while mother communicated regularly with the social worker and self-reported about her therapy, the social worker consistently encountered difficulty obtaining information from mother’s therapist to confirm mother’s engagement and progress. Meanwhile, mother continued to struggle with her mental health.

The social worker also tried to support mother’s progress with DBT but had limited success. Mother told the social worker at the end of April 2025 that she wanted to complete DBT intake “herself.” But the following month, mother reported that the DBT provider was “not a good fit” so she would just continue therapy with her existing provider. The social worker offered a referral to a different DBT provider, but mother declined. At the end of July, mother told the social worker that she completed an intake for DBT, to begin the following month. Mother reported that it “was a good connection” and signed a release

for the social worker to contact the provider, but again the provider did not respond to the social worker's request for information.

In August, mother's mental health started to deteriorate, which negatively affected her visits with the children. Late that month, at the social worker's request, the district court suspended mother's visitation with the children and ordered her to complete an updated mental-health assessment. The social worker tried to work with mother to facilitate the assessment but was unable to contact mother or her therapist. Mother later reported that she would obtain an updated mental-health assessment from her current therapist but could not get an appointment before the end of September.

Trial on the custody-transfer petition took place over two days in late September. In opposing the petition, mother emphasized that the county never provided her a referral for the psychological evaluation required under her case plan and argued that this omission shows that the county failed to make reasonable efforts to address the key reason for the children's out-of-home placement—her mental-health challenges. The district court rejected this argument, explaining that various factors made it reasonable for the county not to provide a referral for a psychological evaluation. The district court also found that mother had failed to use the services provided to correct the conditions that led to the children's out-of-home placement and that transferring custody is in their best interests. Based on those findings, the district court ordered the transfer of permanent legal and physical custody to father.

Mother appeals.

## DECISION

On appeal from an order permanently transferring custody of a child, we review the district court's "factual findings for clear error and its finding of a statutory basis for the order for abuse of discretion." *In re Welfare of Child of T.M.A.*, 11 N.W.3d 346, 354 (Minn. App. 2024). "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." *Id.* at 355.

As a permanency disposition when a child is not returned home, a district court may order a transfer of "permanent legal and physical custody" to a parent or "a fit and willing relative." Minn. Stat. § 260C.515, subds. 1, 4(a) (2024). In doing so, the district court must make detailed findings about:

- (1) how the child's best interests are served by the order;
- (2) the nature and extent of the responsible social service agency's reasonable efforts . . . to reunify the child with the parent or guardian where reasonable efforts are required;
- (3) the parent's or parents' efforts and ability to use services to correct the conditions which led to the out-of-home placement; and
- (4) that the conditions which led to the out-of-home placement have not been corrected so that the child can safely return home.

Minn. Stat. § 260C.517(a) (2024). When evaluating the reasonableness of reunification efforts, a district court must consider various factors, including whether provided services are relevant, adequate, consistent, and realistic. Minn. Stat. § 260.012(h) (2024). "[W]hat constitutes 'reasonable efforts' depends on the facts of each case." *In re Welfare of Child*

of *J.H.*, 968 N.W.2d 593, 601 (Minn. App. 2021) (addressing reasonable efforts before termination of parental rights), *rev. denied* (Minn. Dec. 6, 2021).

Mother contends the district court abused its discretion by determining that the county made reasonable efforts because the county undisputedly failed to provide a referral for a psychological evaluation. She contends this omission precludes a determination that the county's reunification efforts were reasonable because the evaluation was required under her 2025 case plan and the county could not unilaterally decide not to provide the referral because "[t]he requirement that the parties follow the case plan is a two-way street." *See In re Child. of T.R.*, 750 N.W.2d 656, 665-66 (Minn. 2008). We are not persuaded that the district court abused its discretion by concluding that the county's reunification efforts were reasonable under the circumstances presented here.

Mother does not dispute that the county's reunification efforts were reasonable in all other respects,<sup>1</sup> and she identifies no authority for the proposition that reunification efforts that are otherwise reasonable are rendered unreasonable if the county fails to provide a single service, even if the service is required under the case plan. To the contrary, the reasonableness of reunification efforts depends on the facts of the case. *J.H.*, 968 N.W.2d at 601. And a parent's input and engagement necessarily influence which efforts

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<sup>1</sup> The district court recounted the county's reunification efforts that it concluded were reasonable in the context of this case. Those efforts included the social worker's regular communication with mother to discuss her case plan, meeting with father, visits with the children, and repeated (if unsuccessful) attempts to contact mother's therapist regarding mother's mental-health needs. The county also provided housing resources, parenting-education resources, transportation assistance, referrals to multiple supervised visitation providers, and offers of referrals to mental-health providers (which mother repeatedly rebuffed).

are reasonable because the county must provide services that are “selected in collaboration with” the family and “realistic under the circumstances.” Minn. Stat. § 260.012(h)(1), (8).

Consistent with these principles, the district court identified various facts supporting its conclusion that the county’s failure to provide a referral for a psychological evaluation did not render its reunification efforts unreasonable: (1) mother demonstrated she was unwilling to accept the county’s mental-health referrals; (2) mother previously completed a diagnostic assessment and, before trial, neither mother nor the county objected to the assessment or “argued that it was insufficient”; (3) the purpose of a psychological evaluation is to provide a diagnosis and recommended treatment, but mother’s diagnoses are well documented and not disputed; and (4) even without the psychological evaluation, the county tried to coordinate with mother’s therapist to support her in therapy and encouraged mother to engage in DBT. The district court found that the county did not need to “make a referral” for a psychological evaluation “in view of these facts,” and “accept[ed]” the diagnostic assessment as satisfying that case-plan requirement.

Mother contends it was improper for the district court to treat the diagnostic assessment as a substitute for the more rigorous psychological evaluation. In doing so, she relies on the county social worker’s testimony that a diagnostic assessment is only a sufficient tool for providing appropriate mental-health support services when the county can work directly with the parent’s therapist, which did not occur here. Mother also argues that the county should have recognized that a more rigorous psychological evaluation and additional mental-health support were required because her mental health deteriorated as the case went on. Although mother’s mental health did not improve during the pendency

of this case and it is possible that additional mental-health support could have helped her, we are not persuaded that the district court abused its discretion by concluding that the county's efforts to provide mental-health services to mother were reasonable. The district court considered its objectives in ordering a psychological evaluation—obtaining a diagnosis and treatment recommendations—and determined that those objectives were satisfied by the diagnostic assessment. The district court observed that mother's mental-health diagnoses are not in dispute and that she participated in therapy throughout the case to address those diagnoses. The district court also explained that the county made persistent, even if not always successful, efforts to support mother's access to mental-health services, including referrals for court-ordered DBT. These conclusions by the district court are supported by logic and evidence in the record and therefore are not an abuse of discretion.

Mother also challenges the district court's finding that she likely would not have complied with a referral for a psychological evaluation because she refused to comply with other mental-health referrals from the county. She asserts that this finding lacks support in the evidentiary record and amounts to an improper posttrial determination that reasonable efforts would be futile. This argument is unavailing in both respects.

First, the record supports the district court's findings as to mother's unwillingness to accept referrals. The CHIPS order recounts mother's resistance to referrals and other offers of services throughout 2024, and the social worker's testimony and reports describe similar resistance in 2025. For example, mother declined a May 2025 referral for a DBT provider even though her initial effort to find one on her own proved unsuccessful and her

case plan required DBT. And after the district court ordered mother to complete an updated mental-health assessment in August 2025, she declined the social worker's offers to facilitate that process even though working with her chosen therapist meant she was unable to get the assessment before the September 2025 custody-transfer trial. The district court did not clearly err by finding that mother refused mental-health referrals.

Second, mother mischaracterizes the district court's finding about referral resistance as an improper posttrial determination that reasonable efforts would be futile. She is correct that the county could not unilaterally decide that reunification efforts would be futile and that the district court could not retroactively approve an abdication of reunification efforts based on futility. *In re Welfare of Child. of A.D.B.*, 970 N.W.2d 725, 732 (Minn. App. 2022) (citing *T.R.*, 750 N.W.2d at 664). But that is not what happened here. Instead, the district court determined that the county's efforts to reunify mother with her children were reasonable and that its failure to provide one service—a referral for a psychological evaluation—did not undermine the reasonableness of the county's efforts, considering all the circumstances. Mother has not demonstrated that the district court made unsupported factual findings, misapplied the law, or otherwise abused its discretion in reaching that conclusion.

**Affirmed.**