

*This opinion is nonprecedential except as provided by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
A25-2004**

In the Matter of the Welfare of the Child of: L. C. J., Parent, C. M. L., Parent.

**Filed August 17, 2026
Reversed
Bentley, Judge**

Carver County District Court
File No. 10-JV-25-186

C.M.L., Minneapolis, Minnesota (self-represented appellant-father)

Shawn C. Reinke, Victoria M.B. Taylor, Reinke Taylor, PLLC, St. Paul, Minnesota (for respondent-mother L.C.J.)

Mark Metz, Carver County Attorney, Chaska, Minnesota (for respondent Carver County Health and Human Services)

Considered and decided by Johnson, Presiding Judge; Smith, Tracy M., Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

Appellant-father challenges a district court order granting a petition to terminate his parental rights to his child with respondent-mother. Father argues that the district court improperly ordered service by publication, depriving him of notice of the proceedings. Because we conclude that the district court lacked personal jurisdiction over father because of ineffective service of process, we reverse.

FACTS

In July 2025, respondent-mother L.C.J. filed a petition with the district court to terminate the parental rights of appellant-father C.M.L. to their joint child. In the petition, mother alleged grounds of abandonment and stated that, even though father was allotted supervised parenting time with the child, father “has made no attempt at contact, and has had no contact, with the minor child since 2014.” Mother stated that she tried to contact father to reunite him with the child in 2014, 2021 and 2024, but she alleged that father “cannot be located” and that he appeared to be “indifferent or uninterested in pursuing a relationship with the minor child.” Mother therefore argued that it was in the child’s best interests to terminate father’s parental rights. Mother also filed an affidavit of service affirming that the petition was mailed to father’s two last-known addresses.¹

The district court held a hearing on the allegations in the petition in September. Father did not appear. The district court acknowledged that mother attempted to serve father notice by mail at “a couple addresses,” but that it did “not have [an] affidavit or a confirmation of service.” The district court also stated that “there was some indication that maybe [father] tried to reach out, but we have not heard from him.” The district court ordered mother to serve father by publication and scheduled another hearing for late October.

¹ The Carver County Health and Human Services Department was informed of the petition as “the responsible social services agency” under Minnesota Rule of Juvenile Protection Procedure 32.01, subdivision 3(c), but it declined to intervene in the proceedings.

Prior to the October hearing, mother's attorney filed an affidavit of publication confirming that a public notice was published in a newspaper on September 25, October 2, and October 9, 2025. The notice named father, provided the date and time for the next hearing, and stated that failure to attend the hearing may result in the court "permanently severing the parent's rights to the [child] pursuant to a termination of parental rights petition."

At the October hearing, the district court noted that mother facilitated public notice and that father still failed to appear. The district court stated that it would therefore grant the petition "by default." Mother then briefly testified, affirming that the petition allegations were accurate, that father had not responded to her inquiries, and that her last contact with him was in 2020.

The district court filed its order on October 31, 2025, and found that mother's allegations in the petition were true. The district court also determined that "[p]roper service according to the law has been made upon all parties," including by mailing the petition to father's last-known addresses and by publication. The district court concluded that these facts satisfied the conditions to terminate father's parental rights under Minnesota Statutes section 260C.301, subdivision 1(b)(1)-(3) (2024), and that "termination of Father's parental rights is for good cause and is in the best interests of the child." The district court ordered that father's rights be terminated.

Father appeals.

DECISION

Father argues that the district court terminated his parental rights without proper notice. We construe his argument as a challenge to the sufficiency of service of process. *See Patterson v. Wu Family Corp.*, 608 N.W.2d 863, 867 (Minn. 2000) (stating that service of process “serves the important function of actual, formal notice to the defendant”). Because he did not file any posttrial motions asserting this argument, we may review the substantive legal questions raised during trial and consider “whether the evidence sustains the [district] court’s findings of fact and whether such findings sustain the conclusions of law and the judgment.” *In re Welfare of Child of S.S.W.*, 767 N.W.2d 723, 733 (Minn. App. 2009).

As an initial matter, mother contends that father’s service argument is not properly before this court because father did not present it to the district court and did not adequately brief it. Even so, we may reach any matter “when the issue is plainly decisive of the entire controversy on its merits, is raised prominently in the briefing, does not prejudice either party, or involves a question of law not dependent on new or controverted facts.” *Miller v. Soo Line R.R. Co.*, 925 N.W.2d 642, 653 (Minn. App. 2019) (quotations omitted); *see also* Minn. R. Civ. App. P. 103.04 (stating that this court may still review any matter “as the interest of justice may require”). The parties prominently raised this issue in their briefing. Moreover, “[t]he parent-child relationship is among the fundamental rights protected by the constitutional guarantees of due process.” *In re Welfare of Child. of D.F.*, 752 N.W.2d 88, 97 (Minn. App. 2008). Appellate courts accordingly “exercise[] great caution” in reviewing such matters. *In re Welfare of S.Z.*, 547 N.W.2d 886, 893 (Minn. 1996). Given

the sensitive nature of this matter and because error is obvious on inspection, as we discuss below, we reach father’s service argument in the interest of justice.

We review de novo whether service of process was effective. *In re Welfare of T.D.*, 631 N.W.2d 806, 808 (Minn. App. 2001). “A judgment is void if the district court lacked personal jurisdiction over the parties through a failure of service[.]” *Id.* “Service by publication is sufficient to confer personal jurisdiction where it is not reasonably possible or practicable to give more adequate warning.” *Id.* at 809 (quotation omitted).

To be effective, service “must accord strictly with statutory requirements.” *Id.* at 810 (quotation omitted). Under Minnesota Statutes section 260C.152, subdivision 1 (2024), service of a termination of parental rights (TPR) petition must be performed in accordance with the Minnesota Rules of Juvenile Protection Procedure. *See also* Minn. Stat. § 260C.307, subd. 3 (2024) (stating that service of notice in TPR proceedings follows Minn. Stat. § 260C.152). With respect to service by publication, the rules provide that district courts “shall authorize service by publication only if the petitioner has filed a written statement or affidavit describing diligent efforts to locate the person to be served.” Minn. R. Juv. Prot. P. 16.02, subd. 3.

We are unconvinced that service by publication was appropriately ordered here because mother did not file “a written statement or affidavit” describing her “diligent efforts to locate” father. *Id.* The record contains only a few general statements relevant to service. Mother’s attorney filed an affidavit of service by mail indicating the two addresses where they attempted to serve father the petition. And in mother’s petition, she stated that she made attempts to contact father in 2014, 2021, and 2024. But there is no document in

the record that specifically describes mother's diligent efforts to locate father in connection with this petition, and the district court did not make any findings about those efforts.

Under the unique circumstances of this case, we are particularly concerned about the efforts undertaken to contact father because father appeared to be reachable to some extent during the petition proceedings. The district court stated at the initial hearing that "there was some indication that maybe [father] tried to reach out." The record does not illuminate how father attempted to reach out or to whom.² If father was reachable, it is unclear why he could not have been contacted for an accurate address or personally served notice of the petition.

Because service by publication may be ordered "only if" a written statement or affidavit is filed with the court, Minn. R. Juv. Prot. P. 16.02, subd. 3, we conclude that service by publication was not ordered strictly in accordance with statutory requirements, *see T.D.*, 631 N.W.2d at 810, and therefore was ineffective. And because father did not receive notice of the petition through effective service of process, we further conclude that the district court lacked personal jurisdiction over him. *See T.D.*, 631 N.W.2d at 808. Accordingly, we reverse the order terminating father's parental rights. *See id.* at 810 (reversing where service by publication on a party was deficient and the district court therefore lacked personal jurisdiction).

Reversed.

² Father argues on appeal that he reached out to mother multiple times over text message, and he includes screenshots of the messages in his appellate brief. However, this evidence was not part of the district court record. This court "may not consider matters not produced and received in evidence below." *Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1988).