

*This opinion is nonprecedential except as provided by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
A26-0041**

In the Matter of the Child(ren) of: D. L. S., Parent.

**Filed June 15, 2026
Affirmed
Johnson, Judge**

Stearns County District Court
File No. 73-JV-25-7193

Kimberly Stommes, Jeddeloh Snyder Stommes, St. Cloud, Minnesota (for appellant D.L.S.)

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Stephanie Schwegel, Sauk Rapids, Minnesota (guardian *ad litem*)

Considered and decided by Bond, Presiding Judge; Johnson, Judge; and Rasmusson, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

The district court adjudicated a child as a child in need of protection or services (CHIPS). The child's father appeals. We conclude that the district court did not err by finding that the county proved one statutory ground for a CHIPS adjudication or by finding that the disposition ordered is in the child's best interests. Therefore, we affirm.

FACTS

In 2025, the child at issue in this appeal, a then-12-year-old boy, lived with his father, D.L.S., in a three-bedroom townhome in the city of St. Cloud. D.L.S. has been the child's only parent since 2014, when the parental rights of the child's biological mother were involuntarily terminated. The evidence generally shows that D.L.S. and the child have a good relationship and that D.L.S. provides for and is supportive of the child.

Problems arose in June, when the department of motor vehicles suspended D.L.S.'s commercial driver's license based on information that he had experienced blackouts. As a result, D.L.S. was laid off from his job as a heavy machinery operator. A short time later, D.L.S.'s personal vehicle broke down twice in a three-week period. In addition, D.L.S. had been charged with two criminal offenses in 2024 and had an upcoming court hearing in the Benton County District Court.

On August 1, 2025, D.L.S.'s former brother-in-law, J.H., visited D.L.S. J.H. and D.L.S. watched pornography on a 65-inch television in the living room. While J.H. and D.L.S. were doing so, the child walked to the kitchen to get dinner, saw J.H. and D.L.S. watching pornography, and used his cellphone to take a short videorecording, which depicted the pornographic content that J.H. and D.L.S. were watching. The child sent social-media messages to friends stating that J.H. was at his home and that J.H. and D.L.S. were talking about using drugs. Later that day, J.H. and D.L.S. used methamphetamine on the back patio of the home, though there is no evidence that the child was aware of such use at the time.

Around the same time period, D.L.S. began exhibiting paranoid behavior that led the child and another relative to believe that he might be suicidal. On August 2, 2025, because of his emotional turmoil and the upcoming court hearing, D.L.S. arranged for the child to stay with the child's biological mother in the city of Brainerd.

On August 4, 2025, the Stearns County Human Services department received a report of maltreatment of the child. The county obtained the videorecording that the child had created. A county social worker made repeated attempts to contact D.L.S. and the child by calling, sending electronic messages, and visiting D.L.S.'s home. On August 6, 2025, the social worker spoke with D.L.S. outside his home. D.L.S. told the social worker that the child was staying with the child's biological mother in Brainerd. Later that day, D.L.S. missed the court hearing in his criminal case. A warrant was issued for his arrest. He was arrested and taken into custody on August 13, 2025.

On August 15, 2025, two county social workers interviewed D.L.S. in the Benton County jail. D.L.S. indicated that he knew that a county social worker earlier was attempting to contact him and that he intentionally avoided contact because he was under the influence of methamphetamine. D.L.S. admitted that the child had observed pornography but stated that D.L.S. did not intend for him to see it. D.L.S. also admitted that he used methamphetamine on his back porch on August 1, 2025. When a social worker asked about numerous bruises on his inner forearms, D.L.S. said that they were caused by injecting methamphetamine.

On August 19, 2025, the child's biological mother was arrested for breaking into D.L.S.'s home and attempting to steal his vehicle. Later that day, the child was the subject

of an emergency-protective-care hold by the Brainerd Police Department and was placed in foster care.

On August 22, 2025, Stearns County petitioned for a CHIPS adjudication. *See* Minn. Stat. § 260C.007, subd. 6 (2024). The county alleged two statutory grounds for a CHIPS adjudication. *See id.*, subd. 6(8), (9). Later that day, the district court conducted an emergency-protective-care hearing and temporarily transferred physical and legal custody of the child to Stearns County.

D.L.S. was convicted of first-degree aggravated robbery and, in November 2025, was sentenced to 41 months of imprisonment, with 112 days of custody credit.

In December 2025, the district court conducted a one-day court trial on the county's CHIPS petition. The district court received five exhibits, including certified copies of the criminal complaint and the warrant of commitment in D.L.S.'s criminal case, the videorecording taken by the child showing pornographic content on D.L.S.'s television, and social-media messages sent and received by the child. Four persons testified: the child, D.L.S., a county social worker, and the child's guardian *ad litem*. The district court filed an order finding that the county had proved both of the alleged statutory grounds and adjudicating the child a child in need of protection or services. D.L.S. appeals.

DECISION

I. Statutory Grounds

D.L.S. first argues that the district court erred by finding that the county proved the alleged statutory grounds and by adjudicating the child a child in need of protection or services.

“To adjudicate a child in need of protection or services, the county must prove, by clear and convincing evidence, the existence of one of the statutory child-protection grounds under Minn. Stat. § 260C.007, subd. 6, and that the child needs protection or services as a result.” *In re Welfare of Child of H.G.D.*, 962 N.W.2d 861, 873 (Minn. 2021). On appeal from a CHIPS adjudication, this court considers “whether the district court’s findings address the statutory criteria, are supported by substantial evidence and are not clearly erroneous.” *In re Welfare of Child of M.E.P.*, 4 N.W.3d 152, 160 (Minn. App. 2024) (quotation omitted), *rev. denied* (Minn. Apr. 25, 2024). “A finding is clearly erroneous only if there is no reasonable evidence to support the finding or when an appellate court is left with the definite and firm conviction that a mistake occurred.” *In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 322 (Minn. App. 2015) (quotation omitted), *rev. denied* (Minn. July 20, 2015). This court applies a “very deferential standard of review” to a district court’s findings of fact in a child-protection proceeding. *In re Welfare of Child of S.S.W.*, 767 N.W.2d 723, 734 (Minn. App. 2009). We apply an abuse-of-discretion standard of review to a district court’s adjudication that a child is a child in need of protection or services. *See id.* (citing *In re Booth*, 91 N.W.2d 921, 924 (Minn. 1958)).

The term “child in need of protection or services” is defined by statute and may be proved in 18 different ways. *See* Minn. Stat. § 260C.007, subd. 6. In this case, the county alleged two of the 18 statutory grounds for a CHIPS adjudication, which are established if a child

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child’s parent, guardian, or other custodian . . . [or]

(9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home

Id., subd. 6(8), (9).

We begin by considering D.L.S.'s arguments challenging the district court's finding under subdivision 6(8). The district court found that the county proved the existence of the condition described in subdivision 6(8) for three reasons: "[D.L.S.'s] incarceration, his failure to make arrangements for the child prior to his incarceration, and [his] use of methamphetamine."

D.L.S. begins by challenging the district court's factual finding that he "was using methamphetamine with some regularity in approximately the month prior to his incarceration." He points to the child's testimony that D.L.S. had not used drugs in the past and the child's uncertainty whether D.L.S. had used drugs more recently. But D.L.S. himself testified that he ingested methamphetamine on his back patio while the child was at home. The county social worker testified that D.L.S. told her that he had intentionally avoided contact with her for a few days because he was high on methamphetamine. The social worker also testified that she observed numerous bruises on D.L.S.'s forearms, which D.L.S. admitted were caused by methamphetamine injections. Thus, the district court's finding concerning D.L.S.'s methamphetamine use is supported by the evidence.

D.L.S. also challenges the district court's reasoning that his methamphetamine use supports its finding under subdivision 6(8). A parent's substance abuse may contribute to

a CHIPS finding under subdivision 6(8). *See H.G.D.*, 962 N.W.2d at 873-74. In this case, the district court found that D.L.S. relapsed because he was overwhelmed by several stressful situations, including his pending criminal case, a vehicle breakdown, the loss of his commercial driver's license, and the loss of his job. In addition, the district court noted the child's testimony that D.L.S. was exhibiting paranoia and possibly suicidal behavior. Given the evidence, the district court's findings concerning D.L.S.'s methamphetamine use are capable of supporting a finding that the child "is without proper parental care because of [D.L.S.'s] emotional [or] mental . . . disability." *See Minn. Stat. § 260C.007, subd. 6(8).*

D.L.S. also challenges the district court's reasoning that his failure to make arrangements for the child's care supports the finding under subdivision 6(8). D.L.S. points to evidence that his best friend and relatives would be willing to care for the child. But D.L.S. testified that he did not make any formal arrangements to place the child in the care of other persons. It is undisputed that, in early August 2025, D.L.S. arranged for the child to stay with the child's biological mother, whose parental rights had been terminated on the ground that she is palpably unfit to be a parent. D.L.S.'s failure to make appropriate arrangements for the child's care before his incarceration supports the district court's finding concerning subdivision 6(8).

D.L.S. also challenges the district court's reasoning that his incarceration supports the finding under subdivision 6(8). As D.L.S. concedes, the district court did not rely solely on his incarceration. The district court stated that, "although the mere status of being an incarcerated parent in and of itself is not necessarily sufficient to support a finding that a child is in need of protection or services, the statutory requirement is met in this case for

the reasons stated above.” D.L.S. cites no authority for the proposition that a parent’s incarceration may not be considered in a CHIPS adjudication. In a case concerning termination of parental rights, this court reasoned that incarceration was relevant because “it plainly creates challenges and necessarily decreases an incarcerated person’s capacity to provide for [a child’s] day-to-day needs.” *In re Welfare of Child. of A.I.*, 779 N.W.2d 886, 892 (Minn. App. 2010). In the circumstances of this case, D.L.S.’s incarceration had unavoidable negative consequences for the child because the child’s biological mother no longer has parental rights. Accordingly, D.L.S.’s incarceration supports the district court’s finding under subdivision 6(8).

D.L.S. last argues that the district court erred by finding that the child needs protection or services as a result of the conditions described in subdivision 6(8). A child meets the statutory definition of “a child in need of protection or services” only if “one of the enumerated child-protection grounds exists *and the child needs protection or services as a result.*” *S.S.W.*, 767 N.W.2d at 732 (emphasis added); *see also H.G.D.*, 962 N.W.2d at 873. The district court’s order sufficiently explains that the child needs protection or services because of the three reasons that caused the district court to find that the county had proved its allegation based on subdivision 6(8).

Thus, the district court did not err by finding that the child is a child in need of protection or services under subdivision 6(8). Because only one statutory basis is necessary to support a CHIPS adjudication, *see H.G.D.*, 962 N.W.2d at 873, we need not consider D.L.S.’s argument that the district court erred by finding that the county also proved the conditions in subdivision 6(9).

II. Best Interests

D.L.S. also argues that the district court erred by finding that a CHIPS adjudication is in the child's best interests.

If a district court finds that a child is a child in need of protection or services and orders a disposition authorized by statute, the court must file an order with "written findings of fact to support the disposition . . . and shall also set forth in writing . . . why the best interests and safety of the child are served by the disposition and case plan ordered." Minn. Stat. § 260C.201, subd. 2(a), (a)(1) (Supp. 2025).

D.L.S. initially contends that the district court did not comply with the statutory requirement of a written statement explaining why the child's best interests are served by a CHIPS adjudication. He contends that the district court did not "adequately address [the child's] best interests." The district court acknowledged the statutory requirement of a written explanation why a disposition serves a child's best interests. The district court made numerous factual findings, which collectively explain why the child's best interests are served by the CHIPS adjudication. The district court specifically mentioned that both the county social worker and the guardian *ad litem* testified that a CHIPS adjudication is in the child's best interests. The district court explained that the evidence establishes that D.L.S. is unable "to provide appropriate parental care to the child even if he was not in custody." We are unaware of any precedential caselaw requiring more specific or more extensive explanations of the reasons why a CHIPS disposition serves a child's best interests. Thus, the district court adequately explained the reasons why the CHIPS adjudication supports the child's best interests.

D.L.S. also contends that the district court's best-interests determination is contrary to the evidence. D.L.S. points to evidence of his positive and supportive relationship with the child. It is true that the child testified that he has a good relationship with D.L.S. and that D.L.S. generally has provided for his needs. But that evidence was juxtaposed with evidence that D.L.S. had started using methamphetamine, was about to be incarcerated, and had made arrangements for the child to be placed in the care of a person who had been deemed palpably unfit to be a parent. D.L.S. contends that the district court could have placed the child in the care of his best friend or his oldest daughter. But the guardian *ad litem* testified that she investigated alternative placements suggested by D.L.S. and had difficulty finding a person willing and able to care for the child. Furthermore, the guardian *ad litem* testified that none of the alternative placements would be in the child's best interests.

Thus, the district court did not err by finding that the CHIPS adjudication is in the child's best interests.

Affirmed.