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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A26-0042**

In the Matter of the Welfare of the Child(ren) of:
A. A. E. R.-E., Parent.

**Filed June 29, 2026
Affirmed
Bond, Judge**

Hennepin County District Court
File No. 27-JV-25-881

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Considered and decided by Larson, Presiding Judge; Wheelock, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

In this juvenile-protection appeal, appellant-mother challenges the district court's adjudication of her child as a child in need of protection or services (CHIPS). Mother argues that the district court abused its discretion by (1) admitting inadmissible hearsay

evidence and (2) determining that adjudication was supported by sufficient evidence. We affirm.

FACTS

Appellant A.A.E.R.-E. (mother) and respondent A.L.W. (father) are parents to child A.W., born in 2019. Mother and father are not married, and child primarily lives with mother. Child has asthma. After child was hospitalized for asthma concerns in December 2023, doctors recommended that child have monthly medical appointments and use a prescribed inhaler every day.

In August 2024, respondent Hennepin County Human Services Department (the county) received a report of neglect based on mother's failure to bring child to his monthly medical appointments. A child-protection investigator interviewed mother, child's siblings, child's medical provider, and personnel at child's school. With the investigator's assistance, a medical appointment for child was scheduled for September 2024. Child attended that appointment, and a follow-up was scheduled for October 2024. The investigator told mother that if she brought child to that appointment, the county would consider dismissing the investigation. Child did not attend that appointment. Mother told the investigator that she did not bring child to the appointment because the child had COVID, but the investigator learned that child was present at school that day. The investigator discussed his concerns with mother and assisted mother in rescheduling the appointment. Mother told the investigator that she was struggling with her mental health and would benefit from the county's assistance. The investigator referred mother to case-management services, and a social worker was assigned to the case.

In April 2025, the county petitioned for an order adjudicating child as CHIPS, alleging three statutory grounds for adjudication. *See* Minn. Stat. § 260C.007, subd. 6(3), (8), (9) (2024). The petition alleged that mother failed to take child to necessary doctor appointments following a life-threatening asthma attack, neglected to schedule child's medical appointments throughout the fall of 2024 and winter of 2025, and did not pick up child's prescribed inhalers. The district court ordered that child remain with mother under protective supervision.

The conditions of protective supervision required mother to provide a urinary analysis (UA) sample, provide for child's basic needs, and cooperate with the county. As part of a case plan to which mother voluntarily agreed, the county outlined several steps necessary to achieve child's safety, including that mother be engaged to ensure child's "physical, developmental, mental, medical, dental, education, supervision and other basic needs are met." The county later requested that mother complete a chemical-health assessment and submit to random UA testing, requests which the district court granted. The county discussed these conditions with mother and mother agreed to submit five random UAs. As to the chemical-health assessment, the county assisted mother in locating a convenient agency and asked mother to schedule an appointment to undergo the assessment. As of one week before trial, mother had not submitted any random UAs and had not completed the court-ordered chemical-health assessment.

The matter proceeded to a court trial, which took place over two days in September and October 2025. The county submitted 16 proposed exhibits. Mother objected to nine of the exhibits, including prehearing reports, court notifications, and closing investigation

summaries. Mother argued that the challenged exhibits contained multiple layers of hearsay, including out-of-court statements that child's medical providers gave to the investigator. The district court admitted the county's exhibits, determining that, to the extent the exhibits were not offered for the truth of the matter asserted, they were not hearsay, and that the business-record exception applied to any hearsay statements.

Three witnesses testified at trial: the investigator, a social worker, and the child's guardian ad litem (GAL). The investigator testified as to the allegations in the CHIPS petition. The social worker testified that child had not received consistent medical care and needed vision and dental appointments. She also testified that she learned from child's doctor that "a cold could be dangerous for [child]." Child has an individualized education plan (IEP) for developmental and speech delays, but mother told the social worker that the IEP was solely for child's speech concerns, causing the social worker to become concerned that mother lacked understanding of child's other needs.

The social worker further testified that child's doctor stated that vision care was important for child as there was a concern about eye-crossing, which could result in permanent vision damage. Mother objected based on hearsay. The county argued that the social worker had personal knowledge of child's diagnosis by speaking to child's doctor. The district court overruled the objection, stating, "[f]rankly, the doctor's statements are going to what we call a catchall exception anyway, because [they are] talking to a treating physician about a child's health. So I'm going to overrule the objection." Mother did not object to any other part of the social worker's testimony described above.

The GAL, who interviewed both mother and child, testified that child has asthma that can be “life-threatening if not treated.” The GAL explained that mother generally agrees to schedule child’s appointments but then has “little to no follow through as soon as meetings end.” The GAL ultimately testified that adjudicating child as CHIPS was in child’s best interests. Mother did not object to the GAL’s testimony.

The district court filed an order adjudicating child as CHIPS, finding that the county proved by clear and convincing evidence that child was without the necessary care and that child’s condition is dangerous to him absent protection and services. *See* Minn. Stat. § 260C.007, subd. 6(3), (9). Mother filed a combined motion for amended findings or a new trial, arguing that the district court’s adjudication relied on improperly admitted hearsay. The district court denied mother’s motion for a new trial and granted her motion for amended findings in part on matters unrelated to this appeal.

Mother appeals.

DECISION

“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 Child of M.E.P.*, 4 N.W.3d 152, 160 (Minn. App. 2024) (quotation omitted), *rev. denied* (Minn. Apr. 25, 2024). We review a district court’s CHIPS

determination using “a very deferential standard of review” and will not reverse absent “a clear abuse of discretion.” *In re Welfare of Child of S.S.W.*, 767 N.W.2d 723, 734 (Minn. App. 2009) (quotation omitted). “A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted).

Mother raises two arguments challenging the district court’s CHIPS adjudication. First, mother argues that the district court abused its discretion by admitting inadmissible hearsay evidence. Second, mother contends that, with or without the challenged hearsay evidence, the district court abused its discretion by determining that the county proved by clear and convincing evidence the statutory grounds for adjudicating child as CHIPS. We address each argument in turn.

I. Any alleged error by the district court admitting inadmissible hearsay evidence did not prejudice mother.

Mother argues that the district court abused its discretion by admitting inadmissible hearsay evidence and relying on the improperly admitted hearsay to adjudicate child as CHIPS. Specifically, mother challenges the district court’s admission of evidence under the residual-hearing exception, *see* Minn. R. Evid. 807, and identifies eight factual findings in the district court’s CHIPS order that she contends are based on improper hearsay evidence: (1) a cold can be life-threatening for child; (2) child has eye-crossing that, if left untreated, could cause permanent damage; (3) child has an IEP because of behavior concerns and a diagnosis of developmental delay and speech disorder; (4) mother failed to

pick up two inhalers from the pharmacy; (5) mother failed to complete a requested parenting assessment; (6) a school report indicated child had significant absences; (7) child missed a vision appointment in December 2024; and (8) child missed a pulmonology appointment in February 2025.¹

Except as otherwise provided by statute or the rules of juvenile protection procedure, “the court shall only admit evidence that would be admissible in a civil trial pursuant to the Minnesota Rules of Evidence.” Minn. R. Juv. Prot. P. 3.02, subd. 1. Hearsay is defined as “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Minn. R. Evid. 801(c). The use of hearsay evidence generally is prohibited during a trial unless one of several exceptions applies. Minn. R. Evid. 802. If a statement is not covered under a specific hearsay exemption or exception, it may nonetheless be admissible under the “residual exception” found in Minnesota Rule of Evidence 807. *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019). Rule 807 permits the admission of hearsay “not specifically covered by Rule[s] 803 or 804 but having equivalent circumstantial guarantees of trustworthiness.” Minn. R. Evid. 807.

We review a district court’s evidentiary rulings for an abuse of discretion. *In re Welfare of Child of J.K.T.*, 814 N.W.2d. 76, 93 (Minn. App. 2012). “A district court abuses its discretion if it improperly applies the law.” *Id.* We may grant a new trial “on the basis

¹ Mother’s argument focuses on the district court’s mid-trial ruling permitting the social worker to testify about the doctor’s statements under the “catchall” exception. Mother appears to contend that this ruling extends to each of the challenged findings, which the district court’s order noted were based upon “reliable hearsay.”

of an improper evidentiary ruling only if the appellant demonstrates prejudicial error.” *Id.* However, “[a]n evidentiary error is not prejudicial if the record contains other evidence that is sufficient to support the findings.” *Id.*

Here, the district court adjudicated child as CHIPS based on two statutory grounds, the first of which provides that a child is in need of protection or services if the child “is without necessary food, clothing, shelter, education, or other required care for the child’s physical or mental health or morals because the child’s parent, guardian, or custodian is unable or unwilling to provide that care.” Minn. Stat. § 260C.007, subd. 6(3). The district court found that mother has not consistently provided child necessary medical care, fails to appreciate child’s other needs, has not complied with her case plan, and that mother “cannot or will not take care of [child’s] needs without considerable outside ongoing support and assistance.” For the following reasons, we conclude that any alleged error by the district court in admitting hearsay evidence under rule 807’s residual exception did not prejudice mother because there is sufficient other evidence to support the district court’s determination that child is in need of protection or services based on mother’s failure to provide required care for child’s physical or mental health. *See id.*

The district court found that mother did not consistently bring child to his required medical appointments or attend to his medical needs. These findings are supported by substantial evidence apart from the alleged hearsay evidence. The investigator testified that, according to a prior maltreatment report, child had an asthma attack in the past requiring hospitalization. The investigator further testified that, after the county opened its investigation in August 2024, the investigator assisted mother in scheduling a September

2024 appointment, and a follow-up appointment was scheduled for October 2024. Mother told the investigator that the last time she brought child to a doctor to be evaluated for his asthma was in May and that she was struggling with mental-health concerns and needed help. Although the investigator told mother that if child attended the October appointment, the county would consider closing its investigation, child did not attend that appointment even though child was present at school on the day of the appointment. Further communication with mother was difficult, necessitating unannounced home visits to ensure that mother was providing for child's basic and medical needs.

The social worker testified that child is behind on immunizations, in need of a vision assessment, and has never been to the dentist. The social worker also stated that, during a September 2025 home visit, she spoke with mother about doctors' concerns for child's ongoing needs, including that child must use a prescribed inhaler daily. On one occasion, mother did not have access to child's inhaler because it had been left in a towed vehicle. The social worker and investigator testified that, on several occasions, mother only scheduled medical appointments for child with the county's assistance or at the direction of a court order. The GAL, who met with mother several times, testified that mother acknowledged how important it is to schedule and attend child's medical appointments, but that mother "has little to no follow through as soon as meetings end."

The district court also found, and the evidence in the record supports, that mother has "failed to appreciate [child's] other needs." The social worker testified that child works with a special-education teacher and was struggling in school. According to the GAL, child is sometimes physically and verbally aggressive toward teachers and students.

Mother acknowledged to the social worker that child is on an IEP but stated that it was solely for speech concerns, causing the social worker to be concerned that mother lacks an understanding of child's other needs. The GAL testified that child has "several physical, mental, medical, and educational needs" that mother has "either minimized or refused to acknowledge." The district court found "the entirety of [the GAL's] testimony credible," and we defer to this determination. *See S.S.W.*, 767 N.W.2d at 733 (stating that "[c]onsiderable deference is due to the district court's decision because a district court is in a superior position to assess the credibility of witnesses" (quotation omitted)).

Lastly, the district court made detailed findings regarding mother's failure to engage in her case plan. Those findings are also supported by the record. As part of the case plan "designed to ensure [child's] . . . medical needs and wellbeing are being met," mother was asked to complete a chemical-health assessment and submit random UAs. The social worker testified that mother initially refused to engage in this plan, though later agreed to participate under certain conditions that the county accommodated. As of the week before trial, mother had not completed a chemical-health assessment or submitted any random UAs.

Based on this record, we conclude that any alleged error by the district court in admitting hearsay evidence under rule 807's residual exception did not prejudice mother because there is sufficient other evidence to support the district court's factual findings and its determination that child is in need of protection or services based on mother's failure to provide required care for child's physical or mental health. *See Minn. Stat. § 260C.007*, subd. 6(3); *J.K.T.*, 814 N.W.2d. at 93.

II. The district court did not abuse its discretion by adjudicating child as CHIPS.

Mother separately argues that, whether or not the challenged hearsay evidence is considered, the district court abused its discretion by adjudicating child as CHIPS under Minn. Stat. § 260C.007, subd. 6(3), (9). As previously noted, we review a district court's CHIPS determination using "a very deferential standard of review" and will not reverse absent "a clear abuse of discretion." *S.S.W.*, 767 N.W.2d at 734 (quotation omitted).

We have already concluded that, even without consideration of the alleged inadmissible hearsay evidence, sufficient evidence in the record supports the district court's CHIPS adjudication on the basis of failure to provide required care for child's physical or mental health. *See* Minn. Stat. § 260C.007, subd. 6(3) (defining a child as CHIPS if the child "is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care"). This conclusion resolves mother's claim of error. The district court's findings addressed the statutory criteria and are supported by substantial evidence apart from the challenged hearsay evidence, including the testimony of the investigator, social worker, and GAL that we described above. *See M.E.P.*, 4 N.W.3d at 160 (stating that, when reviewing a CHIPS adjudication, appellate courts review whether the district court's findings address the statutory criteria, are supported by substantial evidence, and are not clearly erroneous). Mother does not contend that the district court's factual findings related to these aspects of the witnesses' testimony are clearly erroneous. The district court therefore did not abuse its discretion by determining that Minn. Stat. § 260C.007, subd. 6(3), is met. Because we

affirm the district court's CHIPS adjudication on this ground, we need not address mother's argument regarding Minn. Stat. § 260C.007, subd. 6(9).

Affirmed.