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

**STATE OF MINNESOTA
IN COURT OF APPEALS**

A26-0163

A26-0226

In the Matter of the Welfare of the Child(ren) of: N. J. M. and W. A. W., Parents.

**Filed August 17, 2026
Affirmed in part and remanded
Wheelock, Judge**

Otter Tail County District Court
File No. 56-JV-25-2271

Anne M. Carlson, Anne M. Carlson Law Office, PLLC, St. Paul, Minnesota (for appellant father W.A.W.)

Mallory K. Stoll, Blahnik, Prchal & Stoll, PLLC, Prior Lake, Minnesota (for appellant mother N.J.M.)

Michelle Eldien, Otter Tail County Attorney, Kathleen J. Schur, Assistant County Attorney, Fergus Falls, Minnesota (for respondent Otter Tail County Department of Human Services)

Janice Amundson, Dalton, Minnesota (guardian ad litem)

Considered and decided by Wheelock, Presiding Judge; Harris, Judge; and Reilly, Judge.*

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

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

We consolidated the separate appeals of appellant mother and appellant father challenging the district court's termination of their parental rights to their joint child. On appeal, they each argue that the district court abused its discretion in determining that (1) the county made reasonable efforts to reunite their child with either parent and (2) termination of their parental rights was in the best interests of the child. Father also argues that the termination of his parental rights was not supported by the required statutory findings. We affirm in part and remand for specific and separate findings as to each parent regarding the best-interests factors.

FACTS

Appellant N.J.M. (mother) and appellant W.A.W. (father) are the parents of one joint child (child A). The following facts are drawn from the district court's January 2025 order terminating mother's and father's rights to child A, the petition for termination of parental rights (TPR) filed by respondent Otter Tail County Human Services (the county), and the TPR trial.

Around 11:00 p.m. on July 26, 2025, law enforcement observed a vehicle with a burned-out brake light crossing the road's center yellow line while passing parked vehicles. Law enforcement pulled the vehicle over and observed mother in the driver's seat with four minor children present. Mother's parental rights to two of the children in the vehicle had been terminated in previous proceedings, one child was not related to mother, and the fourth child was child A. Mother had sole legal and sole physical custody of child A. After

she failed a field sobriety test, law enforcement arrested mother. Mother eventually told officers that she had used methamphetamine earlier in the day and was charged with two counts of third-degree driving while impaired and one count of child endangerment.

The county made contact with mother while she was in custody. Mother told the county that she used methamphetamine the day of her arrest, that she relapsed that day due to her father's death, and that she was "happy she was caught" because she did not want to "spiral" after her relapse. Mother told the county that child A was with child A's two older half-siblings at the siblings' legal guardian's residence and that she had concerns with child A being placed with father because of his past chemical-use issues. Mother then told the county that child A was actually with father at mother's apartment. The county attempted to locate child A at mother's apartment but received no response. The county also attempted to contact father but discovered he did not have a permanent residence or a working phone number.

After mother was released from custody, the county contacted her to ascertain child A's whereabouts. Mother stated that she was unaware of child A's location. The county requested that mother submit to a urinalysis drug test (UA) on the day of her release. When mother arrived for her UA later that day, child A was with her. Mother's UA was positive for methamphetamine, amphetamine, and tetrahydrocannabinol (THC).

On July 30, 2025, the county filed a petition for a child in need of protection or services (CHIPS), requesting protective supervision of child A rather than custody because mother agreed to participate in services. Child A was the subject of a previous CHIPS casefile that resulted in child A being in out-of-home placement for approximately

300 days.¹ A case plan was also filed that day that included services and requirements for both parents. Each parent's plan included the requirement to obtain and maintain sobriety; complete a chemical-use assessment and follow all recommendations; comply with drug testing; remain law abiding; be in good and honest communication with the county; sign all necessary releases of information (ROI); provide a safe, sober, stable, and violence-free home for child A; and have the means to cover household expenses without risk of eviction. Mother's case plan also required her to comply with all the conditions of release for her criminal case, whereas father's case plan required him to complete a diagnostic assessment for mental health and follow all recommendations.

Following an admit/deny hearing in early August 2025, mother provided another UA that was positive for amphetamine. The district court ordered hair-follicle tests for both parents and child A. Mother's test was positive for methamphetamine, amphetamine, and THC, and child A's test was positive for methamphetamine and amphetamine. The levels found in child A's sample indicated "chronic exposure to controlled substances and that it was more than likely [child A] had accidentally ingested controlled substances."² Mother also admitted to the county that she actually relapsed in June 2024 and had been

¹ As of December 15, 2025, child A had been in out-of-home placement for 417 days, with 113 of those days occurring during the current case. Child A was four years old at the time of trial.

² The cut-off amount for methamphetamine for a hair-follicle test is 100 mg, and child A's exposure resulted in a test result of 3,253 mg. A county worker testified at trial that this indicated chronic, severe exposure to methamphetamine. An employee from Drug Testing Solutions also testified to the level of amphetamine in child A's hair-follicle test and stated that the number indicated accidental ingestion.

using methamphetamine recreationally for over a year. Based on the hair-follicle test results, the county sought immediate custody of and placement out of the home for child A, which the district court granted.

The county attempted to contact father with details about the case plan and the court filings but was unable to schedule a time to meet with him as father initially avoided contact with the county and then delayed setting up a time to meet. About a week later, father agreed to meet with a county social worker in a public setting, where he was provided with a case plan and notice for the next court date. The district court adjudicated child A as CHIPS and adopted each parent's case plan at a hearing in August 2025.

Pursuant to the case plan, both parents were required to engage in drug testing with Drug Testing Solutions (DTS) and/or child protection. Mother participated in 12 drug tests with DTS between August and November, with all but one coming back positive for methamphetamine and either amphetamine or THC.³ In September 2025, mother completed a comprehensive use assessment and met the criteria for severe substance-abuse disorder. The assessor recommended that she complete intensive outpatient treatment and engage in mental-health counseling.

Later that month, the county filed a petition for TPR. In the petition, the county noted that mother continued to deny substance abuse even though her sweat patch tests were consistently positive for controlled substances, had not provided a copy of her

³ Many of mother's sweat patches between September and October showed signs of tampering. And on December 3, 2025, mother admitted to the county that she used substances three weeks earlier.

diagnostic assessment to the county, and had not followed through with the intake process for Parenting Time Center in order to have parenting time with child A. The county noted that this was the fourth assessment or investigation involving mother since 2019 and that she has a long-standing history of chemical abuse. At one point after the TPR petition was filed, a warrant was issued for mother in her criminal case for failing to comply with conditions of her release. She eventually turned herself in to police custody.

At the time the county filed the TPR petition, father also had not followed through with intake or scheduled visits with child A at Parenting Time Center, had not yet complied with a hair-follicle test, was unwilling to submit to drug testing, had not provided the county with an address where he was residing, and had not followed through with the comprehensive and diagnostic mental-health assessment. The county also noted father's "limited compliance" in the previous court case involving child A and that, when child A was reunified with mother in that case, father was incarcerated in Texas for possession of a controlled substance.

In the petition, the county requested that the parental rights of mother and father be terminated based on three separate statutory provisions—Minnesota Statutes section 260C.301, subdivision 1(b)(2) (neglect of duties required by parent-child relationship), (4) (failure to correct conditions leading to child placed out of home), and (7) (child is neglected and in foster care) (2024).

Father completed a hair-follicle test in September 2025 that was negative for all controlled substances. About a month later, father completed a chemical-use assessment and met the criteria for severe substance-abuse disorder. That same month, father

submitted to an oral-swab drug test that tested positive for methamphetamine and amphetamine and had a sweat patch applied the same day. Father initially signed an ROI with DTS for the county, but after his positive oral-swab test, he rescinded the ROI. Father never complied with DTS removing his sweat patch and consistently avoided contact from DTS.

Father eventually agreed to participate in inpatient treatment. He was scheduled to enter a treatment center in October, but because of a “reluctance to go,” he never appeared for admission. In November, he was admitted into a different treatment center in Fargo, North Dakota. Upon admission, father tested positive for methamphetamine and alcohol. After his release from treatment in early December 2025, father met with a county social worker, who testified that father did not demonstrate insight into any of his triggers or coping skills regarding his substance abuse.

In December 2025, both parents appeared for a two-day contested TPR trial. Multiple social workers testified for the county, as well as a DTS employee, a licensed alcohol and drug counselor who performed the chemical-use assessment for father, and the guardian ad litem (GAL). Mother and father each also testified on their own behalf.

The social workers testified that father was reluctant to work with the county and to engage in case planning, initially refused to participate in drug testing, was evasive and dishonest about his living situation and his drug use, and did not seem to gain any insight into his substance-abuse or mental-health issues after leaving treatment. One social worker expressed concern that father tested positive for methamphetamine the day he entered

treatment in November and that he tested positive for THC later that month while he was still in treatment.

The social workers expressed similar concerns about mother regarding her dishonesty about her drug use, the extreme levels of controlled substances found in child A's system after living with mother, the number of CPS intakes mother had in the previous six years, and mother's consistently positive drug tests since the beginning of the case. The social worker stated that mother had not successfully completed intensive outpatient therapy, had not remained law abiding, and claimed to be compliant with seeing a therapist and medication management but did not provide the county any documentation to prove it, and that because of the circumstances surrounding the case, the county did not believe mother could provide safety and stability for child A due to mother's untreated chemical dependency and mental health.

When asked about child A's medical needs, one social worker testified that mother did not bring child A to the dentist, resulting in a bill of close to \$500 from "no-shows." Child A was also born with a birth defect in her wrist that required surgery at birth and for which ongoing physical therapy was recommended; however, mother never followed up with physical therapy for child A. While in foster care, child A began attending physical and occupational therapy to gain fine motor skills in their wrist and fingers. After a diagnostic assessment, child A was also diagnosed with emotional disturbance and an adjustment disorder. The social worker testified that mother had not rectified the conditions leading to child A's out-of-home placement, that she did not believe mother

would be able to do so within the reasonably foreseeable future, and that it was in the child's best interests to terminate mother's rights.

Father's licensed drug counselor testified that father initially reported that he was sober, but after he tested positive for methamphetamine and amphetamine, he admitted he was drinking throughout the day and using methamphetamine daily. The counselor stated that she believed father still lacked insight into this substance abuse and triggers. A DTS employee testified that father was reluctant to come in for drug testing, delayed receiving his first sweat-patch test, and did not appear for his sweat-patch to be tested between the time he left treatment and the morning of trial.

Mother testified that she never used controlled substances in front of child A, that she was forthcoming about her substance use with the county "on occasion," and that she wanted a higher level of treatment moving forward. Father testified that he was not initially honest about his substance use, that he was currently unemployed and had not looked into daycare options or providing clothing for child A, and that he did not have any mental-health needs to be addressed.

The GAL testified about the best interests of child A. The GAL stated that child A had been in out-of-home placement for over a quarter of child A's life, mother was consistently dishonest about her drug use, neither parent addressed child A's needs related to her birth defect, and there are concerns about the mental health of each parent. The GAL testified that it was in the child's best interests to terminate both parents' parental rights.

In January 2026, the district court issued an order terminating mother's and father's rights. The district court found that neither mother nor father utilized services provided to

correct the conditions that led to child A's out-of-home placement, that the requirements of the out-of-home placement plan were not met, and that it was not safe for child A to return home because neither parent substantially complied with the court's orders or the case plan. The district court found that the county made reasonable efforts to rehabilitate mother and father and reunify each parent with child A and that the services provided were "reasonable, appropriate, relevant to the safety and protection of the child, adequate to meet the needs of the child and family, culturally appropriate, and realistic under the circumstances as required by Minnesota Statutes section 260.012."

The district court determined that the county proved by clear and convincing evidence that three statutory bases existed to terminate the parental rights of mother and father under Minnesota Statutes section 260C.301, subdivision 1(b)(2), (4), and (7). Pursuant to subdivision 1(b)(2), the district court found that both mother and father substantially, continuously, or repeatedly refused or neglected to comply with the duties required by the parent and child relationship, that reasonable efforts failed to correct the conditions that led to out-of-home placement, and that mother failed to maintain sobriety. Pursuant to subdivision 1(b)(4), the district court found that child A has been placed out of the home for 417 days in the last five years and that the county made reasonable efforts to rehabilitate and reunite both parents with child A, but that the conditions leading to child A's placement out of the home have not been corrected because neither parent obtained or maintained sobriety when "[c]hemical dependency issues were the source of

and impetus for the CHIPS case in this matter and continue to the present time.”⁴ And finally, pursuant to subdivision 1(b)(7), the district court determined that child A is “neglected and in foster care” and that, at the time of the court’s order, child A had been in protective custody since August 28, 2025. Child A’s lifetime out-of-home placement days totaled 417 days at the time of trial, which was approximately “a quarter of [child A’s] life.” The district court determined that a termination of both mother’s and father’s rights was in child A’s best interests.

Mother and father appeal.

DECISION

A district court may terminate parental rights only for “grave and weighty reasons.” *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990). A district court may involuntarily terminate parental rights if (1) reasonable efforts toward reunification were either made or not required; (2) at least one of the statutory bases for terminating parental rights pursuant to Minn. Stat. § 260C.301, subd. 1(b) (2024),⁵ exists; and (3) the proposed termination is in the child’s best interests. Minn. Stat. §§ 260C.301, subsd. 1(b), 7-8, .317, subd. 1 (2024); *In re Welfare of Child of F.F.N.M.*, 999 N.W.2d 525, 535 (Minn. App. 2023), *rev. denied* (Minn. Jan. 5, 2024). The county bears the burden of proving grounds

⁴ The district court noted that mother and father’s previous CHIPS case also involved chemical dependency and that neither parent would be an appropriate placement for child A “in the reasonably foreseeable future due to their chemical dependency issues and that they have not obtained or maintained sobriety.”

⁵ Section 260C.301, subdivision 1(b), was amended in 2024. 2024 Minn. Laws ch. 115, art. 18, § 38, at 1742-44. The amendment did not change the substance of the applicable subsections but renumbered some of the subsections.

for termination, *In re Welfare of Child of H.G.D.*, 962 N.W.2d 861, 870 (Minn. 2021), and must do so by clear and convincing evidence, Minn. R. Juv. Prot. P. 58.03, subd. 2(a).

We review a district court's decision to terminate parental rights for an abuse of discretion. *In re Welfare of Child of R.D.L.*, 853 N.W.2d 127, 136-37 (Minn. 2014). In reviewing that decision, "[w]e give considerable deference to the district court[]." *In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008). We "review the termination of parental rights to determine whether the district court's findings address the statutory criteria and whether the district court's findings are supported by substantial evidence and are not clearly erroneous." *Id.* "A finding is clearly erroneous if it is either manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *In re Welfare of Child. of T.R.*, 750 N.W.2d 656, 660-61 (Minn. 2008) (quotation omitted). "Our limited scope of review does not allow us to engage in additional fact-finding or to remand for different factual findings supporting different conclusions." *In re Welfare of Child of S.S.W.*, 767 N.W.2d 723, 733-34 (Minn. App. 2009).

Mother and father both challenge the district court's determinations that the county made reasonable efforts to reunify the family and that a TPR is in the child's best interests. Father also challenges the district court's determination that the county established each of the statutory criteria upon which it relied to involuntarily terminate his parental rights, and he argues that the district court made multiple clearly erroneous findings. We address each argument, but we reorder the arguments presented as follows for ease of analysis:

(1) clearly erroneous findings, (2) the county’s reasonable efforts, (3) statutory basis for TPR, and (4) child A’s best interests.

I. The district court’s factual findings were not clearly erroneous.

Father challenges many of the factual findings presented in the district court’s order. We review the district court’s factual findings for clear error, meaning that we (1) view the evidence in a light favorable to the findings; (2) do not reweigh the evidence; (3) do not find our own facts; and (4) do not reconcile conflicting evidence. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021); *see also In re Welfare of Child of J.H.*, 968 N.W.2d 593, 601 n.6 (Minn. App. 2021) (applying *Kenney* in a TPR appeal), *rev. denied* (Minn. Dec. 6, 2021). “When the record reasonably supports the findings at issue on appeal, it is immaterial that the record might also provide a reasonable basis for inferences and findings to the contrary.” *Kenney*, 963 N.W.2d at 223 (quotation omitted).

Our duty is performed when we consider all the evidence, as we have done here, and determine that it reasonably supports the findings. *See Wilson v. Moline*, 47 N.W.2d 865, 870 (Minn. 1951). “[A]n appellate court need not ‘go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the trial court.’” *Kenney*, 963 N.W.2d at 222 (quoting *Meiners v. Kennedy*, 20 N.W.2d 539, 540 (Minn. 1945)); *see also Wilson*, 47 N.W.2d at 870 (stating that the function of an appellate court “does not require [it] to discuss and review in detail the evidence for the purpose of demonstrating that it supports the trial court’s findings”).

Father asserts clear error as to several findings, including the court-ordered hair-follicle test, the conditions that led to child A’s out-of-home placement, and his

cooperation and compliance with his case plan. We have reviewed the record to confirm that each of these findings that father deems erroneous was supported, and we are satisfied that the challenged findings were properly based on testimony and exhibits admitted at trial, including testimony from the county social workers, the DTS employee, father's licensed drug counselor, and mother and father themselves. Father's argument that the district court should have made different findings is not persuasive because, "[w]hen the record reasonably supports the findings at issue on appeal, it is immaterial that the record might also provide a reasonable basis for inferences and findings to the contrary." *Kenney*, 963 N.W.2d at 223 (quotation omitted). And we defer to the district court's credibility findings. *See In re Welfare of L.A.F.*, 554 N.W.2d 393, 396 (Minn. 1996) ("Considerable deference is due to the district court's decision because a district court is in a superior position to assess the credibility of witnesses.").

After considering the evidence before the district court, we conclude that the record contains ample evidence to support all of the findings that father challenges on appeal, we are not left "with a definite and firm conviction that a mistake has been committed," *Kenney*, 963 N.W.2d at 221 (quotation omitted), and thus, we conclude that the challenged factual findings are not clearly erroneous.

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

We next address mother's and father's arguments that the district court abused its discretion by finding that the county made reasonable efforts to reunify child A with either of them.

Before terminating parental rights, a district court must find that the county made reasonable efforts to rehabilitate the parent and reunify the family, that reasonable efforts are not statutorily required, or that the county was otherwise absolved from having to make reasonable efforts. Minn. Stat. § 260C.301, subd. 8 (identifying when a court may absolve a county from making reunification efforts); *see also* Minn. Stat. § 260.012(a), (h) (2024) (listing factors the district court must consider when deciding whether any efforts made are reasonable). The efforts “must be aimed at alleviating the conditions that gave rise to out-of-home placement, and they must conform to the problems presented.” *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 88 (Minn. App. 2012).

In determining whether a county’s efforts were reasonable, the district court must consider whether the services offered 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). “[W]hat constitutes reasonable efforts depends on the facts of each case.” *J.H.*, 968 N.W.2d at 601 (quotation omitted).

When reviewing a district court’s ruling regarding whether the county made reasonable efforts to rehabilitate a parent and reunite a family, we apply a clear-error

standard of review to the district court’s findings as to what efforts the county made. *See 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); *In re Welfare of Child. of J.R.B.*, 805 N.W.2d 895, 899-902 (Minn. App. 2011), *rev. denied* (Minn. Jan. 6, 2012). But we review for an abuse of discretion the district court’s ruling regarding whether the efforts it found the county to have made were, in a particular case, reasonable. *See D.L.D.*, 865 N.W.2d at 321-22 (citing *J.R.B.*, 805 N.W.2d at 900-01).

Here, the record supports the district court’s determination that the county made reasonable efforts. The county developed case plans with each parent to address the issues that prevented child A from being placed with that parent, and the county attempted to communicate with both parents multiple times throughout the proceeding about what steps were required to make progress in addressing the issues identified in their individual case plans. In addition, the county initially allowed mother to retain custody of child A because she agreed to participate in services—until the hair-follicle test revealed that child A was being chronically and dangerously exposed to controlled substances.

The district court expressly determined that the county made “reasonable efforts to rehabilitate the parents and reunify the child with the parents” and that the “services . . . provided were reasonable, appropriate, relevant to the safety and protection of the child, adequate to meet the needs of the child and family, culturally appropriate, and realistic under the circumstances as required by Minnesota Statutes section 260.012.” The district court found the testimony of the county social workers, the licensed drug counselor,

the DTS employee, and the GAL credible. We separately address each parent's challenges to the reasonable-efforts determinations.

Father

Father argues that his case plan was not individualized to his needs or realistic under the circumstances and that, therefore, the county did not make reasonable efforts to assess father or provide him with necessary services. However, in his case plan, the county identified the barriers to having child A live with father, which included his prior substance abuse and a previous CHIPS case involving both parents and child A that was opened due to both parents' chemical-dependency issues. Father argues that his case plan was a "copy and paste" of mother's plan, yet the facts found by the district court show that he, individually, struggled to obtain and maintain sobriety, comply with drug testing and ROIs, and be honest and communicative with the county throughout the proceedings.

Father cites *In re Welfare of Children of A.R.B.*, 906 N.W.2d 894 (Minn. App. 2018), and *In re Welfare of Children of B.M.*, 845 N.W.2d 558 (Minn. App. 2014), to support his assertion that the district court's TPR order should be reversed because he was not given a statutorily required case plan. He argues that, because he was given a case plan after the TPR petition was filed, 70 days before trial, the case plan was not adequate.

However, *A.R.B.* and *B.M.* are distinguishable. In *A.R.B.*, we reversed the district court's TPR because the county never prepared a case plan for the father. 906 N.W.2d at 895. We also determined that the county made "no effort to assist [the father] in identifying any potentially suitable programming available to him while he was in prison that may have facilitated his opportunity to reunify with the child." *Id.* In *B.M.*, we reversed the

district court's termination of the father's rights because the district court "made no finding that reasonable efforts were undertaken by the county or that such efforts were unnecessary." 845 N.W.2d at 566. We determined there that, because the father was not provided the opportunity to parent his child overnight or without supervision but otherwise completed his case plan, reasonable efforts were not made. *Id.*

In contrast, here, the issue presented is father's inability to obtain and maintain sobriety and address his mental-health concerns, along with his dishonesty. Father was provided a case plan that focused on these issues, and while it was similar to mother's case plan, given that some of father's parenting deficits were similar to mother's, it addressed concerns the county identified that were specific to father and that he needed to correct to be able to provide a safe, stable, and sober environment in which child A could live. Father did not follow the case plan and did not demonstrate consistent sobriety or compliance.

Father also argues that living with his father and lacking employment should not have been "used against him" by the district court in the TPR order because these facts were not noted in his case plan. This is a mischaracterization of the district court's order, which made these observations but did not rely on them as a basis for the TPR. The primary concern the district court mentions in the order is father's inability to obtain or maintain sobriety. In addition, the GAL testified about her concerns about father's functional stability because of his living situation and that "it doesn't sound like it's a permanent solution. It doesn't seem that that's somewhere he can or wants to stay permanently." The GAL stated that, when she spoke with father in the past about his living situation, it seemed like "[i]t wasn't some place he could stay for a long time."

In his principal brief, father also asserts that he was provided only six supervised visits with child A, “with no opportunity for expansion”; however, when he was asked at trial if he requested any more visits with child A, father replied, “No. I don’t believe so.” In addition, the district court found the county witness testimony credible that father was not able to become an appropriate legal or physical custodian of child A in the reasonably foreseeable future. We conclude that the district court did not abuse its discretion in determining that the county made reasonable efforts to reunify child A with father.

Mother

Mother argues that the district court did not make sufficient and specific findings regarding the county’s reasonable efforts. She argues that only findings of fact #60 and #64 address the county’s reasonable efforts towards reunification and that the district court’s order lacks the specificity required by Minn. Stat. § 260C.301, subd. 8. Mother also argues that the district court improperly shifted the burden to her to present evidence that she was compliant with terms of the case plan rather than determining whether the county made reasonable efforts to confirm her participation in services and that the court’s order relied on her failure to provide evidence to verify her participation in her case plan. Finally, mother asserts that her case plan was not sufficient because it recommended only outpatient treatment instead of requiring inpatient substance-use treatment.

The district court found that, from the start of the case, mother was not forthcoming with the county about her substance abuse. Although she initially claimed that her arrest for driving under the influence with children in the car involved a recent relapse and she only used once, she later disclosed that she had used methamphetamine for over a year.

Throughout the proceedings, mother was not honest about her use and did not indicate a need for inpatient treatment to facilitate sobriety. A parent's input and engagement necessarily influence the type of efforts that 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). Here, the county provided reasonable services based on what mother communicated at the time.

Mother cites *In re Welfare of Child of M.A.C.*, No. A23-1149, 2024 WL 323335 (Minn. App. Jan. 29, 2024), and *T.R.*, 750 N.W.2d at 665, to assert that merely providing drug testing is inadequate to satisfy the reasonable-efforts standard. However, *M.A.C.* and *T.R.* are distinguishable.⁶

In *M.A.C.*, the district court's order stated that the mother would submit to drug testing and, upon a positive test or "any other indication of chemical use," she would need to complete a chemical-health assessment and follow all recommendations. 2024 WL 323335, at *4. The record in *M.A.C.* showed that there were "numerous" indications of chemical use on which the county relied to support termination; however, the county never made a referral for a chemical-health assessment as the district court ordered. *Id.* Because the county only tested for substance abuse "without more," the district court in *M.A.C.* determined that reasonable efforts were not made. *Id.* at *5.

In *T.R.*, the county did not provide further services to the noncustodial father because he was not sober and the county decided that further efforts for his reunification

⁶ Nonprecedential cases are not binding authority on this court but may be cited for their persuasive value. Minn. R. Civ. App. P. 136.01, subd. 1(c).

with the child were futile. 750 N.W.2d at 665-66. The supreme court concluded that, until the district court determines that reasonable efforts are no longer required, the county is required to continue providing services. *Id.* at 666. The county never offered services to the noncustodial father to address his lack of verbal skills and his acknowledged difficulty with understanding the proceedings. *Id.* Therefore, the supreme court concluded that the district court abused its discretion in determining the county made reasonable efforts at reunification. *Id.*

Here, the county provided services to mother that went beyond testing for substance abuse. The county provided mother with chemical-use assessments, visitation options, mental-health services including a diagnostic assessment, and medication management. Though it appears that mother needed a heightened level of treatment for the severity of her substance abuse, she was dishonest with the county about her level of use throughout the proceedings, which affected the type of services the county recommended. The county could not provide services to mother that it was unaware she needed when she was dishonest about her use.

Although mother argues that the county did not make reasonable efforts because the services were inadequate, she does not otherwise challenge the district court's specific findings or consideration of the relevant factors. We conclude that the district court did not abuse its discretion in determining that the county made reasonable efforts.⁷

⁷ Although we ultimately affirm the district court's determination that the county provided reasonable efforts, we acknowledge the parties' concerns regarding the brevity of the district court's order and encourage the district court, on remand, to make additional findings as to each parent regarding the reasonableness of the county's efforts.

III. The district court did not abuse its discretion by determining that a statutory basis exists for termination of father's parental rights.

Father argues that the district court abused its discretion by determining that the county proved a statutory basis for termination of his parental rights. To involuntarily terminate parental rights, a district court must find that at least one statutory ground exists. Minn. Stat. § 260C.301, subd. 1(b) (listing statutory bases to involuntarily terminate parental rights).

When reviewing a district court's determination that the county has established one or more statutory grounds, we "review the district court's findings of the underlying or basic facts for clear error, but we review its determination of whether a particular statutory basis for involuntarily terminating parental rights is present for an abuse of discretion." *J.R.B.*, 805 N.W.2d at 901. If we affirm the district court's decision that one statutory ground to involuntarily terminate parental rights is present, we need not address whether the record supports its findings on other statutory grounds. *See J.K.T.*, 814 N.W.2d at 92 (recognizing that appellate courts "need only one properly supported statutory ground in order to affirm a termination order").

Although father challenges the district court's determinations as to all three separate statutory bases on which the court relied to grant the TPR, we address only the second statutory basis and determine that there is sufficient evidence to support that "following the child's placement out of the home, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the child's placement." Minn. Stat. § 260C.301, subd. 1(b)(4).

It is presumed that reasonable efforts have failed upon a showing that (1) a child under the age of eight “has resided out of the parental home under court order for six months unless the parent has maintained regular contact with the child and the parent is complying with the [case] plan”; (2) “the court has approved the [case] plan”; (3) the “conditions leading to the out-of-home placement have not been corrected,” which is presumed when the parent has “not substantially complied with the court’s orders and a reasonable case plan”; and (4) “reasonable efforts have been made by the [county] to rehabilitate the parent and reunite the family.” *Id.*, subd. 1(b)(4)(i)-(iv).

The presumption that reasonable efforts have failed applies here because child A is under eight years old and has been in out-of-home placement for more than six months. In addition, father failed to comply with his case plan. Father argues that the conditions leading to the out-of-home placement were due to issues with mother—her chemical dependency—and not issues with him. But when child A needed to be placed out of mother’s home, child A could not be placed with father due to his substance use and other issues. The county created a case plan to address those issues, and father failed to substantially comply with it.

The record supports the district court’s determination that reasonable efforts failed to correct the conditions leading to child A’s out-of-home placement and finding that clear and convincing evidence supports that father continued to struggle with chemical use at the time of trial and that his substance use was likely to continue for the reasonably foreseeable future. The district court determined that the social workers’ testimonies were credible. Because the district court was in the best position to assess the witnesses’ demeanor, we

defer to its credibility determination. *See L.A.F.*, 554 N.W.2d at 396. The social workers testified that father tested positive for controlled substances a few weeks before trial, that father is not in a position to provide a safe and stable home for child A, that father has not been honest with the county or the court, and that father is unable to provide stable housing or for the other needs of child A. Father delayed submitting to a hair-follicle test, lied to the county about his drug use, tested positive for methamphetamine and amphetamine in October 2025 and positive for methamphetamine and alcohol in November 2025, revoked his ROI after his first positive drug test, delayed entering a treatment program, did not develop necessary insight during the treatment program he completed, tested positive for THC while in treatment, and further delayed setting up drug testing until the Monday before trial began.

Father argues that, because mother's conduct was the reason for child A's removal, termination of his rights is improper; however, the supreme court has upheld a TPR when a child's removal was based on one parent's conduct and neither parent complied with the case plan. *S.E.P.*, 744 N.W.2d at 389. In *S.E.P.*, the children were removed from the mother and father's home after the father was charged with malicious punishment of one of the children. *Id.* After the children's removal, the mother was also provided a case plan by the county but failed to comply with the district court's order. *Id.* at 382-83. The district court granted a TPR as to both parents after it found that the county had proved by clear and convincing evidence that reasonable efforts had failed to correct the conditions leading to the children's out-of-home placement pursuant to Minn. Stat. § 260C.301,

subd. 1(b)(4),⁸ and that the children were neglected and in foster care pursuant to Minn. Stat. § 260C.301, subd. 1(b)(7).⁹ *Id.* at 385. In *S.E.P.*, this court upheld the termination of the father’s parental rights but reversed as to the mother because substantial evidence did not support the district court’s determination that the mother “failed to correct conditions or permitted the children to remain in foster care when her conduct is not at issue.” *Id.* The supreme court reversed, affirming the district court’s termination of the mother’s rights. *Id.* at 386-87. The supreme court held that the district court’s findings satisfied the criteria for TPR provided by subdivision 1(b)(4) because the county provided substantial evidence that the mother did not comply with her case plan and the district court’s findings were not clearly erroneous. *Id.* *S.E.P.* applies here, and we conclude that, even if father’s conduct was not the cause of the initial CHIPS petition or the removal of child A from her home, his lack of compliance with the case plan supports the district court’s determination that a basis exists for a TPR under subdivision 1(b)(4).

The district court here did not err in finding that clear and convincing evidence supports that father continued to struggle with chemical use at the time of trial, that those conditions were likely to continue, and that father did not comply with his case plan. Therefore, the district court did not abuse its discretion by determining that father failed to

⁸ Prior to the 2024 amendment to section 260C.301, subdivision 1(b), this provision was cited as subdivision 1(b)(5); however, it has since been renumbered to subdivision 1(b)(4), which is one of the statutory bases for this TPR. We cite the amended version.

⁹ Prior to the 2024 amendment to section 260C.301, subdivision 1(b), this provision was cited as subdivision 1(b)(8); however, it has since been renumbered to subdivision 1(b)(7), which is one of the statutory bases for this TPR. We cite the amended version.

correct the conditions leading to child A's out-of-home placement and that this statutory basis supported its decision to terminate father's rights.

IV. The district court did not make sufficient findings to support its best-interests determination.

Finally, mother and father both argue that the district court abused its discretion in determining that termination of parental rights was in the best interests of child A. Each parent asserts, and the state agrees, that the district court did not make sufficient findings on the best-interests factors.

To terminate parental rights, in addition to finding that a statutory basis for termination is present and the county has made reasonable efforts, the district court must determine that the child's best interests—which are the “paramount consideration” in a termination proceeding—support termination. Minn. Stat. § 260C.301, subd. 7. A district court considers three factors relevant to a child's best interests: “(1) the child's interests in preserving the parent-child relationship; (2) the parent's interests in preserving the parent-child relationship; and (3) any competing interests of the child.” Minn. R. Juv. Prot. P. 58.04(c)(2)(ii). We review a district court's best-interests determination for an abuse of discretion and its findings of fact underlying that determination for clear error. *J.R.B.*, 805 N.W.2d at 905.

The remedy for insufficient findings is not reversal and a new trial, but rather remand for additional findings. *See, e.g., In re Termination of Parental Rts. of Tanghe*, 672 N.W.2d 623, 626 (Minn. App. 2003) (remanding due to an absence of district court findings on the best interests of the children in a TPR case).

Here, the district court determined that it was in child A's "best interests for [mother's] and [father's] parental rights to be terminated because the conditions which led to [child A's] out-of-home placement have not been corrected so [child A] is not able to return home safely." However, the district court did not make sufficient findings in its order as to child A's or the parents' interests in preserving the parent-child relationship or any competing interests of child A, and it did not balance these factors. Because we agree with the parties that the best-interests findings are insufficient, we remand for further findings by the district court regarding the best-interests factors.¹⁰

Affirmed in part and remanded.

¹⁰ On remand, the district court shall not reopen the record but shall make specific and separate best-interests findings as to each parent.