

*This opinion is nonprecedential except as provided by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
A26-0256**

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

**Filed August 24, 2026
Affirmed
Ross, Judge**

Carver County District Court
File Nos. 10-JV-25-177, 10-JV-25-242

L.J.W., Howard Lake, Minnesota (self-represented appellant mother)

Mark Metz, Carver County Attorney, Jennifer L. Christensen, Assistant County Attorney,
Chaska, Minnesota (for respondent Carver County Health and Human Services)

G.R.M., Bell City, Missouri (self-represented respondent father)

Peggy Reimers, Rosemount, Minnesota (guardian ad litem)

Considered and decided by Ross, Presiding Judge; Larson, Judge; and Beane, Judge.

NONPRECEDENTIAL OPINION

ROSS, Judge

The district court ordered the involuntary termination of LJW's parental rights to her seven-year-old son after a termination trial that LJW failed to attend and at which the district court received evidence that she consistently exposed the child to amphetamines and methamphetamine, failed to visit him during more than a year of out-of-home placement, actively tried to prevent him from obtaining necessary medical care, and failed to engage with child-protection workers to develop a case plan to correct her parenting

deficiencies. We reject as unconvincing LJW's arguments challenging the termination, and we affirm.

FACTS

Carver County Health and Human Services social workers responded to a child-maltreatment report in July 2025 concerning LJW and her seven-year-old son. LJW had reportedly lost track of the child at a methadone clinic while her boyfriend rambled incoherently. The county petitioned the district court to deem the child in need of protection or services (CHIPS) and asked the court *ex parte* to order the child's out-of-home placement. The district court granted the placement request and scheduled an emergency-protective-care hearing.

LJW failed to appear at the emergency hearing, and the district court scheduled a hearing on the county's CHIPS petition. LJW denied the maltreatment allegations in the CHIPS petition, but she failed to appear for the CHIPS hearing. The district court there received the county's documentary and testimonial evidence about the child's condition, LJW's chronic drug use and her refusal to participate in drug screening, and the unsafe condition of her home. It learned that drug particulate emanated "through the vents in [LJW's] apartment building" and that a hair-follicle test of the child confirmed his substantial exposure to amphetamines and methamphetamine. After a hearing where the district court allowed LJW to explain her absence, the district court granted the county's CHIPS petition, highlighting the child's exposure to drugs, unresolved health issues, educational delays, and general neglect. It ordered LJW to cooperate with the county's case plan and notified her that she could apply for court-appointed legal counsel.

The county petitioned to terminate LJW's parental rights soon after the CHIPS adjudication, citing five statutory grounds in support. It alleged that LJW had abandoned the child, neglected him, demonstrated her palpable unfitness to parent, failed to correct the conditions leading to his out-of-home placement, and neglected him while he was in foster care. *See* Minn. Stat. § 260C.301, subd. 1(b)(1)-(4), (7) (2024). LJW applied for, and the district court granted her, a court-appointed attorney to oppose the termination petition.

LJW failed to appear at the scheduled termination trial, purportedly because of transportation difficulties. The county had provided her a \$100 gift card for transportation costs, but she said that the amount was insufficient. Her attorney stated that LJW maintained that the county's maltreatment report contained hearsay and that, therefore, no evidence proved that she continued to abuse drugs. The attorney reported that "[LJW's] wishes are very clear, that she does not want to engage in any settlement discussion" or "any case planning or services or reasonable efforts."

The trial proceeded in LJW's absence, and the district court received without objection the county's documentary and testimonial evidence supporting the termination petition. The district court learned about the child's consistent exposure to drugs. It heard about LJW's refusal to release medical information about the child's heart condition because she believed that a medical emergency would allow her to "get her child back faster" and to "sue the County." It heard about the child's need for significant dental work and about his pain when eating. It learned that he had not been attending school before his out-of-home placement and that he had been in foster care for almost 580 days. A case worker told the court that LJW refused to schedule any case-plan meetings with the county

and scheduled only one visit with her son but did not attend the visit. And witnesses testified that LJW refused to accept county services for treatment, to establish a child-safety plan, or to comply with her own case plan toward reunifying with the child.

The district court ordered the termination of LJW's parental rights. She appeals.

DECISION

LJW advances two challenges on appeal. She argues that the district court improperly relied on hearsay to grant the county's CHIPS petition and that the record does not support the district court's determination that she is palpably unfit to parent. The arguments fail.

LJW unpersuasively contends that the county's maltreatment report that the district court received into evidence and relied on contained hearsay that should not have supported the CHIPS determination. She refers here to statements of methadone-clinic staff, which led to the county's investigation, which led to the county's CHIPS petition, which led to the CHIPS adjudication and, ultimately, to the termination trial and the termination itself. The argument is groundless for many reasons. We offer two. First, it is untimely. A parent may appeal from the district court's final order that affects her substantial rights relating to her child. Minn. R. Juv. Prot. P. 23.02, subd. 1. But she must notice her appeal within 20 days. *Id.*, subd. 2; *see also In re Welfare of Child of T.M.A.*, 11 N.W.3d 346, 360 (Minn. App. 2024) (refusing to consider a father's collateral challenge to a CHIPS petition through a termination-of-parental-rights appeal). The district court adjudicated the CHIPS petition on August 28, 2025, transferring the child's physical and legal custody to the county for foster-care placement and substantially affecting LJW's parental rights. But LJW did not

appeal the adjudication within 20 days of the order's entry. And second, even if it were timely, the argument lacks apparent facial merit. The district court may admit reliable hearsay at an emergency-protective-care hearing. Minn. R. Juv. Prot. P. 42.06. And the reliability of the maltreatment was established by contemporary evidence of LJW's treatment of the child. The hearsay challenge is unavailing.

LJW also unconvincingly argues that we should reverse because the evidence does not support the district court's determination that she is palpably unfit to parent. This argument is particularly unconvincing because we may affirm the district court termination decision on any of the statutory grounds it relied on, *In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008), and palpable unfitness is only one of the four grounds underlying the district court's termination order. Because the district court based the termination not only on LJW's palpable unfitness but also on her having "substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship" (Minn. Stat. § 260C.301, subd. 1(b)(2)), "failed to correct the conditions leading to the child's placement" (Minn. Stat. § 260C.301, subd. 1(b)(4)), and "[neglected] the child . . . in foster care" (Minn. Stat. § 260C.301, subd. 1(b)(7)), we would not reverse the termination decision even if we agreed that it erroneously concluded that she is palpably unfit to parent.

We add that LJW's argument challenging the palpable-unfitness determination lacks substantive force. She specifically contends that the district court found her palpably unfit to parent based "solely" on her history of substance use rather than on any recent drug screening that might demonstrate a pattern of conduct rendering her unable to care for the

child. Palpable unfitness is demonstrated by a “consistent pattern of specific conduct before the child” or “specific conditions” directly bearing on the parent-child relationship. Minn. Stat. § 260C.301, subd. 1(b)(3). It is true that proof of substance use by itself is insufficient to establish palpable unfitness, as an agency seeking termination must also prove that the pattern of substance use, including use at the time of the termination hearing, affects her parenting behavior. *In re Child. of T.R.*, 750 N.W.2d 656, 662–63 (Minn. 2008). But the record includes ample evidence that LJW has been using drugs affecting the child since at least 2023, when the child’s hair follicles first tested positive for methamphetamine and fentanyl exposure. And he tested positive for methamphetamine again at the initiation of the CHIPS case in July 2025. The record also shows the causal effect of LJW’s substance use on the child’s well-being, including his lack of dental care, infrequent checkups on his heart condition, and sketchy school attendance. LJW’s ongoing refusal to submit to drug testing during the county’s pretermination involvement also undermines her contention that the county failed to prove that she was using drugs at the time of the termination trial. Her absence from the critical hearings in this case prevented the district court from hearing directly from her and observing her in person as it regards her implication on appeal about her sobriety. The district court did not erroneously rely on evidence of her past substance use to prove a present pattern of use or its destructive impact on the child.

LJW tepidly argues too that the county did not extend reasonable efforts to reunify her with the child. A statutory-termination ground must be accompanied by a finding that the county engaged in reasonable efforts to reunite the parent with her child. Minn. Stat. § 260.012(h) (2024). These reasonable efforts include, among others, that the county’s

services to the child and family are “available and accessible.” *Id.* (h)(6). The record defeats LJW’s challenge. The county social workers testified that they provided LJW with home visits, weekly emails for case-plan meetings, and encouragement for face-to-face visits with the child. LJW accepted none of these offers. They also testified that LJW refused to accept county services for substance-use or mental-health treatment, to establish a child-safety plan, and to comply with her own case plan for reunification. She also failed to appear at the most critical court hearings and expressed her clear intent to avoid “any settlement discussion” and “any case planning or services or reasonable efforts” for reunification. We have no difficulty concluding that the county extended, and LJW simply declined, reasonable efforts toward parent-child reunification.

Affirmed.