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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A26-0335**

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

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

Hennepin County District Court
File No. 27-JV-25-3

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

NONPRECEDENTIAL OPINION

BOND, Judge

Appellant-mother challenges the district court's order transferring permanent legal and physical custody of her minor child to respondent-father. Appellant argues that the district court abused its discretion in determining that respondent-county met its burden of

proving the statutory elements for a transfer of permanent legal and physical custody by clear and convincing evidence. We affirm.

FACTS

Appellant-mother T.L.S. (mother) is the custodial mother of three-year-old Z.D.B. (child). Child was previously adjudicated as a child in need of protection or services (CHIPS) based on a February 2023 incident during which mother drove while intoxicated with child unrestrained in the vehicle. The child-protection case was dismissed in October 2023, following reunification with mother.¹

Mother has a long history of arrests and convictions for driving while impaired (DWI) in Minnesota and other states. Relevant to this case, mother was charged with five counts of child neglect or endangerment and one count of driving without a valid license in 2017 and was convicted of a gross-misdemeanor DWI in 2019. In 2023, mother was convicted of child endangerment for driving with an unrestrained child in the vehicle. Mother was also convicted of gross misdemeanor driving with a canceled license in 2021 and again in 2024.

Mother was involved in another driving incident on June 4, 2024. That day, mother drove with child unsecured in a vehicle during a high-speed police chase. Mother drove at speeds up to 100 miles per hour during the approximately 17-minute chase, which ended when officers deployed tire deflating spikes and engaged in pursuit intervention techniques

¹ Mother has had prior child-protection involvement related to her other children not involved in this case and voluntarily terminated her parental rights to seven of her children in 2020.

to stop mother's vehicle. Upon approaching the vehicle, officers observed child unsecured on mother's lap and noted that mother's eyes were red and watery, that her speech was slurred, and that she smelled of alcohol. Mother provided a urine sample, which tested negative for alcohol. At the time of this incident, mother did not have a valid license. Mother was later convicted of felony fleeing a police officer and gross-misdemeanor child endangerment.

On June 12, 2024, respondent Hennepin County Human Services and Public Health Department (the county) filed a CHIPS petition based on the June 4 driving incident. Child was placed in protective supervision with her adjudicated father, respondent F.L.B. (father), where she remained throughout the duration of this case. Mother entered a limited admission to the CHIPS petition and child was adjudicated as CHIPS in August 2024. The district court ordered mother to comply with a case plan that included requirements that she demonstrate sobriety; seek appropriate care for relapses in sobriety; attend parenting education and demonstrate proficiency in applying the lessons while parenting child; remain law-abiding; and ensure child's physical, mental, emotional, and educational needs are met. Specific to the requirement that mother demonstrate sobriety, mother had to submit to breathalyzer testing and urine analysis (UA) testing, although the district court later removed the breathalyzer requirement.

In January 2025, the county filed a petition to transfer permanent legal and physical custody of child to father. A trial was held on the county's petition over the course of six days in October, November, and December 2025. The district court heard testimony from

mother, a police officer, father, a social worker, mother's former parole officer, a guardian ad litem (GAL), one of mother's family members, and a visitation supervisor.

Following trial, the district court issued a detailed, 84-page order involuntarily transferring permanent legal and physical custody of child to father. The district court determined that (1) the county made reasonable efforts to reunify mother with child, (2) mother failed to sufficiently use available services, (3) mother failed to correct the conditions that led to child's out-of-home placement, and (4) the transfer of custody to father is in child's best interests. The district court found mother's testimony to be generally not credible, including her testimony about the June 4 driving incident and her testimony denying substance use or unsafe driving behavior during the pendency of the case.

Mother appeals.

DECISION

In permanency proceedings, a district court may transfer permanent legal and physical custody to a parent or a "fit and willing relative." Minn. Stat. § 260C.515, subd. 4(a)(1)-(2) (2024). The district court's transfer-of-custody order must include detailed findings addressing:

- (1) how the child's best interests are served by the order;
- (2) the nature and extent of the responsible social services agency's reasonable efforts or, in the case of an Indian child, active efforts to reunify the child with the parent or guardian where reasonable efforts are required;
- (3) the parent's or parents' efforts and ability to use services to correct the conditions which led to the out-of-home placement; and

(4) that the conditions which led to the out-of-home placement have not been corrected so that the child can safely return home.

Minn. Stat. § 260C.517(a)(1)-(4) (2024). The district court’s findings on these factors must be supported by clear and convincing evidence. *In re Welfare of Child of T.M.A.*, 11 N.W.3d 346, 355 (Minn. App. 2024); *see also* Minn. R. Juv. Prot. P. 58.03, subd. 1 (providing that “[i]n a permanency matter other than a termination of parental rights matter, the standard of proof is clear and convincing evidence”).

On appeal from an order transferring permanent legal and physical custody of a child, we review the district court’s ultimate decision that there is a statutory basis for a permanency disposition for an abuse of discretion. *See In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 321 (Minn. App. 2015), *rev. denied* (Minn. July 21, 2015). In doing so, we review the district court’s factual findings to determine whether they address the statutory criteria and are supported by “substantial evidence,” or whether they are clearly erroneous. *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990).

When reviewing factual findings for clear error, appellate courts (1) view the evidence in the light most favorable to the findings, (2) do not find their own facts, (3) do not reweigh the evidence, and (4) do not reconcile conflicting evidence. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021); *In re Welfare of Child of J.H.*, 968 N.W.2d 593, 601 n.6 (Minn. App. 2021) (applying *Kenney* to a review of a juvenile-protection order), *rev. denied* (Minn. Dec. 6, 2021). Appellate courts “need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court. . . . [A]n appellate court’s duty is fully performed after

it has fairly considered all the evidence and has determined that the evidence reasonably supports the decision.” *Kenney*, 963 N.W.2d at 222 (quotations and citation omitted).

I. The district court did not abuse its discretion by determining that mother failed to correct the conditions that led to the out-of-home placement.

Mother argues that the district court abused its discretion by determining that there was clear and convincing evidence that she failed to correct the conditions leading to child’s out-of-home placement. *See* Minn. Stat. § 260C.517(a)(4).

In its order transferring permanent legal and physical custody of child to father, the district court credited testimony that mother had complied with several of her case-plan requirements, including obtaining safe housing, completing a psychological assessment, engaging in weekly parenting-education services, and progressing from supervised to unsupervised visits with child. But despite mother’s progress on her case plan, the district court determined that the conditions that led to the out-of-home placement—mother’s unsafe driving and substance abuse—had not been corrected at the time of trial so that child could return safely home. The district court found that “[m]other ha[d] not addressed the safety concerns in this case” because mother continued to drive without a license and had failed to demonstrate sobriety throughout the pendency of the case. Relatedly, the court found mother’s lack of insight particularly troubling because, while mother “had over a year and a half to develop insight into her behavior,” she had failed to demonstrate that she would not repeat the same unsafe behaviors which endangered child.

Mother challenges the district court’s determination that she failed to correct the conditions leading to child’s out-of-home placement, focusing on the evidence related to

her unsafe driving, chemical dependency, and lack of insight. We address mother's arguments in turn.

Unsafe Driving

Mother does not challenge the district court's finding that she continued to drive with a canceled license during the pendency of the case. Rather, she argues that there is no evidence she drove dangerously, and driving with a canceled license is not grounds to support a transfer of permanent custody. This argument is unavailing.

The district court's factual finding that mother continued to engage in dangerous driving conduct during the case is supported by the evidence. As of June 2024, mother's license was canceled as inimical to public safety. Although mother was legally prohibited from driving, multiple witnesses testified that mother drove during the pendency of this case. Father testified that he observed mother driving during the case, both father and the social worker testified that they saw mother sitting in the driver's seat of a vehicle during a remote court proceeding, and mother's former parole officer testified that she saw mother with car keys. Further, the GAL testified that mother had implied she was driving with another minor child in the car, and the social worker testified that mother told another social worker that she had driven with child. The district court credited the testimony of father, the social worker, mother's former parole officer, and the GAL, determinations to which we defer. *See In re Welfare of T.D.*, 731 N.W.2d 548, 555 (Minn. App. 2007) ("We defer to the district court's determinations of witness credibility."). Therefore, the district court did not clearly err in finding that mother failed to correct her unsafe driving behavior which led to child's out-of-home placement.

Chemical Dependency

Generally, when placing a child outside of the home of a parent, “the evidence relating to [the decision] must address conditions that exist at the time of the hearing.” *In re Welfare of Chosa*, 290 N.W.2d 766, 769 (Minn. 1980). Here, the district court acknowledged that mother “recently had a period of negative test results,” but it found that she had submitted positive breathalyzer and UA test results during the pendency of the case and had consistently failed to acknowledge her substance use as a problem, which posed a threat to child’s safety and well-being.

Mother argues that the district court improperly focused on mother’s history of chemical dependency rather than the circumstances as they existed at the time of trial. But mother cites no authority supporting her position that the district court cannot consider evidence of relevant prior conduct, in addition to the conditions existing at the time of trial. Additionally, substantial evidence in the record supports the district court’s finding that mother failed to maintain sobriety during the case and consistently failed to acknowledge her substance use as a problem. As recently as November 2024, mother missed 39 breathalyzer tests—all of which are presumed positive in accordance with mother’s case plan—and performed three positive breathalyzer tests. And we defer to the district court’s determination that mother’s testimony that she had maintained sobriety was not credible. *See T.D.*, 731 N.W.2d at 555. Thus, the district court’s finding that mother failed to correct the substance-abuse issues that led to child’s out-of-home placement is not clearly erroneous.

Lack of Insight

Mother argues that the record does not support the district court's finding that mother failed to correct the conditions leading to the out-of-home placement based on her alleged lack of insight into her harmful behaviors. Because substantial evidence in the record supports the district court's finding, we disagree.

The evidence shows that in 2023, mother drove with child unrestrained in the vehicle without a license and in a highly dangerous manner, which resulted in a prior CHIPS case. Mother repeated this dangerous behavior in 2024, driving with child unrestrained in the vehicle without a license at speeds over 100 miles per hour. During the pendency of the instant case, mother continued to drive with a canceled license with minor children in the car. The social worker testified that mother had not taken responsibility for recklessly driving with child in the car and the GAL testified that mother lacked insight as to how her decisions impact child's safety. The GAL also testified that she was concerned about leaving child in mother's care for extended periods of time absent the structure of a case plan. The district court found the testimony of both the social worker and the GAL credible. We conclude that the district court's finding that mother lacks insight into the reckless driving behaviors which endangered child and contributed to the out-of-home placement is supported by substantial evidence in the record and therefore is not clearly erroneous.

In sum, because there is clear and convincing evidence in the record supporting the district court's factual findings that mother failed to correct her unsafe driving behaviors and substance-use issues and did not develop insight into her endangering conduct, the

district court did not abuse its discretion in determining that mother failed to correct the conditions that led to child's out-of-home placement. *See* Minn. Stat. § 260C.517(a)(4); *see also Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (stating that a district court abuses its discretion when it makes unsupported factual findings, misapplies the law, or delivers a decision contrary to logic and the factual record).

II. The district court did not abuse its discretion in determining that the county made reasonable efforts to reunify mother with child.

Mother argues that the district court abused its discretion by determining that the county made reasonable efforts to rehabilitate mother and reunify her with child. *See* Minn. Stat. § 260C.517(a)(2).

Generally, permanent placement of a child outside of a parent's home may occur only if the county made reasonable efforts to reunify the family. *See* Minn. Stat. § 260.012(a) (2024). In an order permanently placing a child out of the home, a district court must make "detailed findings" about "the nature and extent of the responsible social services agency's reasonable efforts . . . to reunify the child with the parent or guardian where reasonable efforts are required." Minn. Stat. § 260C.517(a)(2). "[W]hat constitutes reasonable efforts depends on the facts of each case." *J.H.*, 968 N.W.2d at 601 (quotation omitted). In determining whether the county's efforts were reasonable, the district court must consider whether the services provided 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) (2024). “The county’s 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). The services must be culturally appropriate, and “the child’s best interests, health, and safety must be of paramount concern.” Minn. Stat. § 260.012(a).

The district court determined that the county made reasonable and timely efforts to address mother’s chemical-dependency and mental-health issues, lack of parenting skills, and her inability to care for child safely. Mother does not contend that the county failed to make reasonable efforts to provide services aimed at addressing barriers to reunification such as her history of dangerous driving and substance use. Instead, mother argues that the county’s efforts were insufficient because the county failed to provide services to assist mother in addressing mother’s lack of insight into her harmful actions.

For support, mother relies on *In re Welfare of Child of T.R.*, 750 N.W.2d 656 (Minn. 2008). There, the supreme court held the county’s provision of services aimed at evaluating a parent’s deficits were unreasonable when the county failed to provide services designed to treat those issues. *Id.* at 665 (“[S]imply testing for substance use, without more, is not realistic under the circumstances to rehabilitate a parent who . . . suffers from chemical dependency issues.”). But unlike in *T.R.*, here, the county did not merely order

mother to submit to evaluations; rather, the county provided ample services “aimed at alleviating the conditions that gave rise to out-of-home placement.” *J.K.T.*, 814 N.W.2d at 88. For example, the county facilitated mental-health and chemical-dependency assessments, submitted a referral for dialect-behavioral therapy (DBT),² coordinated unsupervised and supervised visits, provided transportation to visits, provided breathalyzer testing, and modified the case plan to provide scheduled UA tests tailored to accommodate mother’s work schedule. The district court credited the social worker’s testimony that the services provided by the county were relevant, culturally appropriate, realistic, and available to mother. *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.”). Further, the reasonableness of reunification efforts depends on the facts of the case, *J.H.*, 968 N.W.2d at 601, and here, any additional services aimed at providing mother with insight into her actions would likely be redundant of the robust services already provided by the county which focused on addressing the underlying conditions that led to the out-of-home placement—including mother’s lack of safe parenting skills, mental-health struggles, and chemical-dependency issues.

² The district court found that mother did not complete DBT but did not rely on this finding in its order transferring permanent legal custody to father because it found there were “other reasons supporting its decision.” Similarly, we do not rely on that finding here.

We therefore discern no abuse of discretion in the district court's determination that there was clear and convincing evidence that the county made reasonable efforts to rehabilitate mother and reunify her with child.

III. The district court did not abuse its discretion in determining that mother's efforts to use services to correct the conditions which led to out-of-home placement were insufficient.

Mother argues that the district court abused its discretion in determining that she failed to make sufficient progress and failed to utilize available services to correct the conditions leading to child's out-of-home placement. *See* Minn. Stat. § 260C.517(a)(3).

Failure to comply with case-plan elements "amounts to a failure to correct the conditions leading to out-of-home placement." *J.K.T.*, 814 N.W.2d at 89. But there is no such inverse presumption that completion of all case-plan elements amounts to a correction of the conditions that led to out-of-home placement. *Id.* Rather, "[t]he critical issue is not whether the parent formally complied with the case plan, but . . . whether the parent is presently able to assume the responsibilities of caring for the child." *Id.*

The record includes substantial evidence supporting the district court's determination that, while mother showed an ability to use services and comply with many aspects of her case plan, she has not demonstrated an ability to use those services for the purpose of correcting the conditions which led to the out-of-home placement. The district court credited testimony at trial that mother continued to drive, at times with minor children in the car, despite the fact that her license was canceled as inimical to public safety. And while the case plan required that mother demonstrate sobriety, after the county filed its petition to transfer permanent legal and physical custody of child to father on January 2,

2025, mother missed three breathalyzer tests and UAs which are presumed positive and presented two UAs positive for fentanyl in May 2025. Mother also performed positive breathalyzer tests after the initiation of the CHIPS case but before trial. Notably, the district court found that, throughout this case, mother has denied having had a substance-use problem and provided dishonest answers during her chemical-use assessment, which acts as a barrier to engaging in the services necessary to sustain her sobriety.

In sum, the record supports the district court’s finding that mother’s commendable efforts to use the services provided by the county have nonetheless not led her to be able to parent child safely due to the outstanding conditions that led to the out-of-home placement. *See id.* Accordingly, the district court did not abuse its discretion.

IV. The district court did not abuse its discretion in determining that the transfer of permanent custody to father is in child’s best interests.

Mother lastly argues the district court abused its discretion by determining that it is in child’s best interests to transfer custody to father. *See* Minn. Stat. § 260C.517(a)(1).

“The paramount consideration in all juvenile protection proceedings is the health, safety, and best interests of the child.” Minn. Stat. § 260C.001, subd. 2(a) (2024); *see In re Welfare of Child. of M.L.S.*, 964 N.W.2d 441, 449 (Minn. App. 2021) (applying the best-interests rule in a permanency proceeding). The best-interests standard requires the district court to consider and evaluate “all relevant factors,” including “the relationship between the child and relatives and the child and other important persons with whom the child has resided or had significant contact.” Minn. Stat. § 260C.511(a)-(b) (2024). “Because the best-interests analysis involves credibility determinations and is generally not susceptible

to an appellate court's global review of a record, we give considerable deference to the district court's findings." *J.K.T.*, 814 N.W.2d at 92 (quotation omitted); *see also Vangsness v. Vangsness*, 607 N.W.2d 468, 477 (Minn. App. 2000) (stating that the law "leaves scant if any room for an appellate court to question the [district] court's balancing of best-interests considerations").

Here, the district court found that child has lived with father for over half of her life and that father has acted as child's primary caregiver since June 17, 2024. The court found that permanent placement with father would meet child's medical, educational, developmental, and cultural needs. These findings are supported by the record. The GAL and the social worker testified that it would be in child's best interests to remain in father's custody permanently, reasoning that father has consistently provided child with stability and suitable housing and is willing to facilitate a relationship between child and mother. In contrast, the GAL and social worker testified that mother failed to take responsibility for her dangerous-driving conduct which led to the initiation of the CHIPS case and lacks insight into how her driving and substance use are harmful to child. On this record, the district court did not abuse its discretion by determining that transferring permanent physical and legal custody to father is in child's best interests.

In conclusion, because substantial evidence in the record supports the district court's determination that the county proved the four statutory factors under Minn. Stat. § 260C.517(a)(1)-(4) by clear and convincing evidence, the district court did not abuse its

discretion in transferring permanent legal and physical custody to father. *See D.L.D.*, 865 N.W.2d at 321; *Woolsey*, 975 N.W.2d at 506.

Affirmed.