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

**STATE OF MINNESOTA
IN COURT OF
A26-0502**

In the Matter of the Welfare of the Children of: S. M. D., B. J. J., R. H., C. H. S.
(Deceased), Parents.

**Filed August 17, 2026
Affirmed
Ede, Judge**

Steele County District Court
File No. 74-JV-25-1883

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Considered and decided by Reyes, Presiding Judge; Ede, Judge; and Rasmusson,
Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

This is an appeal from a district court's order terminating appellant mother's parental rights. Mother argues that the district court abused its discretion in determining (1) that respondent county established by clear and convincing evidence that a statutory ground supports termination of her parental rights, (2) that termination of her parental rights is in the children's best interests, and (3) that respondent county made reasonable efforts to reunite her with the children. We affirm.

FACTS

Appellant S.M.D. (mother) is the parent of four children: Child 1, born in 2015; Child 2, born in 2019; Child 3, born in 2021; and Child 4, born in 2022. Although R.H. is listed as father on Child 1's birth certificate, no order adjudicates him as Child 1's father. B.J.J. is Child 2's father, but the record does not reflect that he had custodial rights. C.H.S.—who is now deceased—held himself out as the father of Child 3 and Child 4, and he parented Child 1 and Child 2 in the home that he shared with mother before he passed away.

In March 2025, the children were subject to a 72-hour protective hold by police based on a report alleging that the kids were neglected and exposed to dangerous conditions, including drug use. According to the report, mother was “actively using and selling methamphetamine while caring for her children.” The reporter observed mother and three men enter the basement of the family home and pass around a glass pipe containing methamphetamine. In addition, the reporter stated that the methamphetamine was accessible to the children because they “frequently went in and out of the basement.” On the same day that the children were placed under the protective hold, law enforcement executed a search warrant at the family home. Officers found methamphetamine, baggies, Xanax pills, and drug paraphernalia in areas that were accessible to the children.

Respondent Minnesota Prairie County Alliance (the county) later filed a Child In Need of Protection or Services (CHIPS) petition, alleging that the children were without

proper care and in a dangerous environment.¹ After the district court ordered the children removed from mother's care, Child 4 exhibited methamphetamine withdrawal symptoms and tested positive for methamphetamine ingestion. One of the children needed eight dental fillings and a crown, and another required surgery to extract teeth because of decay. Child 3 was underweight, pale, losing hair in circular patches, failing to grow, and eventually diagnosed with celiac disease.

Mother agreed to complete a twelve-part case plan that focused on her chemical and mental health. The district court ordered mother to "cooperate with testing, be sober, undergo a chemical health assessment and a mental health evaluation, and . . . successfully complete all recommendations from those diagnostic tools." Moreover, the district court ordered mother to "maintain a safe home free from criminal activity, including drugs," and to "demonstrate skills to protect the children from unsafe people and environments" while keeping the county informed of her address and notifying the county of any changes within 24 hours. The district court also ordered mother to attend appointments and visits with the children.

During the latter half of March 2025, mother admitted using methamphetamine and was observed "nodding off" during a parenting skills session with Child 3. Mother later

¹ This was not the first CHIPS petition involving mother. In November 2017, after mother had given birth to a baby who tested positive for methamphetamine, the county filed a CHIPS petition involving that infant and Child 1. The proceeding resulted in the baby's adoption and the return of Child 1 to mother's care. Mother relapsed in 2020 and worked with a social worker until December 2024, but the county ultimately decided that mother needed a higher level of support. Following that decision, mother became noncooperative, missed meetings, and declined to meet with her social worker.

tampered with urine tests that the county conducted. The district court subsequently required mother to test negatively for substances before engaging with the children, but lifted this restriction in April when mother expressed her intention to undergo chemical health treatment. The treatment center discharged mother in June because of disruptive behavior. A few days later, mother started a different outpatient program.

In late June, mother missed a treatment meeting and an appointment with Child 3's doctor because she was arrested for theft and possession of brass knuckles, and she missed visitation with the children the next day. Mother was later discharged from her outpatient program and entered inpatient treatment in July. There, she admitted that she had been "using" and that she had tampered with her drug tests before she entered that program. Although mother completed treatment on August 12, a drug-testing patch she wore from August 15 to 20 yielded positive results for methamphetamine and amphetamine. Mother started another outpatient treatment program in September but did not maintain consistent attendance. She admitted that she had adulterated her urine tests before attending this program. Over the course of her drug-testing regimen, mother provided urine, hair, and saliva samples that were negative while also submitting several drug-testing patches that were positive for methamphetamines and other controlled substances.

In October, the county filed a termination-of-parental-rights (TPR) petition.² Prior to trial, mother filed a counterpetition and sought a transfer of permanent physical and legal

² The county did not seek to terminate R.H.'s parental rights but did do so as to B.J.J. The district court terminated B.J.J.'s parental rights as to Child 2; he has not filed a brief and does not participate in this appeal. C.H.S. passed away in November 2024, before the

custody of Child 1 to R.H., as well as an order placing the other children with a relative foster parent. In January and February 2026, the district court held a three-day trial on the TPR petition. The district court received several exhibits, as well as testimony from mother, three social workers, a case aide, a case manager, a law enforcement officer, C.H.S.'s mother, several of mother's friends, mother's coworker, the children's teacher, a licensed alcohol and drug counselor, a toxicologist, the children's relative foster parent, a visitation supervisor, and a therapist. The guardian ad litem also provided a statement and answered questions by mother's attorney.

After trial, the district court filed the TPR order underlying this appeal. The district court determined that clear and convincing evidence supported two statutory bases for termination of mother's parental rights: (1) failure to comply with her parental duties under Minnesota Statutes section 260C.301, subdivision 1(b)(2) (2024); and (2) failure to correct the conditions that led to the children's out-of-home placement under Minnesota Statutes section 260C.301, subdivision 1(b)(4) (2024). In addition, the district court ruled that termination of mother's parental rights is in the children's best interests and that the county had made reasonable efforts toward reunification. The district court awarded guardianship and legal custody of the children to the commissioner of children, youth, and families for adoptive placement.

This appeal follows.

county filed the TPR petition. As a result, this opinion addresses only mother's challenge to the district court's TPR order.

DECISION

Mother contends that the district court abused its discretion in determining (1) that the county established by clear and convincing evidence that a statutory ground supports termination of her parental rights, (2) that termination of her parental rights is in the children's best interests, and (3) that the county made reasonable efforts to reunite her with the children.

“Parental rights are terminated only for grave and weighty reasons.” *In re Welfare of Child. of L.P.*, 36 N.W.3d 419, 427 (Minn. App. Apr. 20, 2026) (quoting *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990)). “[T]ermination of parental rights is always discretionary with the [district] court.” *In re Welfare of Child of R.D.L.*, 853 N.W.2d 127, 136 (Minn. 2014). “[W]e review the underlying findings of fact for clear error” and “the district court’s determinations of whether a statutory ground for termination exists and whether termination is in the child’s best interests for an abuse of discretion.” *In re Welfare of Child of J.H.*, 968 N.W.2d 593, 600 (Minn. App. 2021), *rev. denied* (Minn. Dec. 6, 2021); *see also In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008) (explaining that appellate courts “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”).

“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). When reviewing factual findings for clear error, appellate courts view the evidence in the light most

favorable to the findings, do not find their own facts, do not reweigh the evidence, do not reconcile conflicting evidence, and “need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the [district] court.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221–22 (Minn. 2021) (quotation omitted); *see also In re Welfare of Child of T.M.A.*, 11 N.W.3d 346, 355 (Minn. App. 2024) (applying *Kenney* in the context of an appeal from an order transferring permanent legal and physical custody of a child). “In conducting clear-error review, ‘an 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.’” *T.M.A.*, 11 N.W.3d at 355 (quoting *Kenney*, 963 N.W.2d at 222). And because a district court is “in the best position to assess [a] witnesses’ demeanor, we defer to its credibility determination[s].” *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 90 (Minn. App. 2012).

“A district court abuses its discretion if it makes findings of fact that lack evidentiary support, misapplies the law, or resolves discretionary matters in a manner contrary to logic and the facts on record.” *T.M.A.*, 11 N.W.3d at 355 (citing *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022)) (other citation omitted). Considerable deference is given to the district court’s decision. *S.E.P.*, 744 N.W.2d at 385. Appellate courts affirm a district court’s TPR decision when at least one statutory basis for termination is supported by clear and convincing evidence, the county made reasonable efforts to reunify the parent and child—or reunification efforts are not required—and termination is in the child’s best interests. *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); *see also* Minn. Stat. § 260.012(a) (2024) (addressing

circumstances when reunification efforts are not required). “In reviewing termination of parental rights, we determine whether the record contains substantial evidence to support the district court’s decision, given that the burden of proof in the district court is clear and convincing evidence.” *In re Welfare of D.T.J.*, 554 N.W.2d 104, 108 (Minn. App. 1996) (quotation omitted); *see also* Minn. R. Juv. Prot. P. 58.03, subd. 2(a) (“[I]n a termination of parental rights matter involving a non-Indian child, the standard of proof is clear and convincing evidence.”).

With these principles in mind, we address mother’s contentions in turn.

I. The district court acted within its discretion in determining that a statutory ground supports termination of mother’s parental rights.

Mother asserts that the district court abused its discretion in ruling that clear and convincing evidence supports its decision to terminate her parental rights under Minnesota Statutes section 260C.301, subdivisions 1(b)(2) and 1(b)(4). As explained below, we discern no abuse of discretion in the district court’s ruling under Minnesota Statutes section 260C.301, subdivision 1(b)(4), that mother failed to correct the conditions that led to the children’s out-of-home placement.³

A district court may terminate a party’s parental rights after the child’s out-of-home placement if reasonable efforts “fail[] to correct the conditions leading to the child’s placement.” Minn. Stat. § 260C.301, subd. 1(b)(4). If the parent has not substantially

³ Because we need only conclude that the district court acted within its discretion in deciding that one statutory ground for termination of mother’s parental rights is supported by clear and convincing evidence, we decline to reach mother’s arguments about the court’s determination under Minnesota Statutes section 260C.301, subdivisions 1(b)(2), that mother failed to comply with her parental duties. *See F.F.N.M.*, 999 N.W.2d at 535.

complied with their case plan, the district court presumes that the parent has not corrected the conditions. *Id.*, subd. 1(b)(4)(iii). Substantial compliance may still be insufficient to avoid termination if the parent remains unable to assume childcare responsibilities. *See In re Welfare of Maas*, 355 N.W.2d 480, 483 (Minn. App. 1984) (affirming a district court’s order terminating parental rights despite substantial compliance with a case plan because of the unlikelihood of long-term improvement).

Here, mother’s case plan required that, among other things, she cooperate with drug testing, remain sober, maintain a safe home, and keep the county informed of her address, including by providing notification of any changes within 24 hours. In asserting that the county did not establish that she failed to correct conditions leading to out-of-home placement, mother claims that the discrepancy between her negative urine, hair, and saliva samples and her positive drug-testing patches were “an anomaly.” Mother also points to testimony from her narcotics anonymous sponsor and from an individual who supervised her visitation with the children as being “suggestive of continued sobriety” because she was not showing “symptoms” of drug use. These arguments are unavailing because we must view the record in the light most favorable to the district court’s findings and cannot determine our own facts, reweigh the evidence, or reconcile any conflicts therein. *See Kenney*, 963 N.W.2d at 221–22.

Indeed, the findings underlying the district court’s determination that mother failed to correct the conditions leading to out-of-home placement are not manifestly contrary to the weight of the evidence and are reasonably supported by the record as a whole. *See T.R.*, 750 N.W.2d at 660–61. The toxicologist testified that a positive drug-testing patch is not

invalidated by negative urine, hair, and saliva samples. For example, urinalysis tests capture a narrow window of time and a person can provide a negative urine sample within two days of using methamphetamine. Drug-testing patches, on the other hand, can detect methamphetamine nearly seven days after use. The toxicologist also explained that, because of their susceptibility to tampering, “a negative hair test on its face cannot automatically impugn the probative value of a positive sweat patch result.” According to the toxicologist, the concentrations of methamphetamine in mother’s drug-testing patches were “not some innocent exposure or touching a dollar bill or touching a wall or anything like that to get 50 milligrams of methamphetamine into [the] body.” Instead, the toxicologist testified that it “would be a pharmacologically active dose of methamphetamine.” And the toxicologist opined that skin conditions such as dermatitis would “not . . . affect the probative value of a positive value of a sweat patch result.”

Moreover, we must defer to the district court’s credibility determinations. *See J.K.T.*, 814 N.W.2d at 90. The district court did not find mother to be a credible reporter of her drug use, nor did the court credit mother’s claim that she had been sober since June 22, 2025. This is because the district court found that the purportedly inconsistent drug test results were credibly explained by the toxicologist’s testimony, which was based in science. The district court credited test results showing that mother had used methamphetamine as recently as January 2026, and the court found that mother has a history of tampering with drug testing, including urine and patch samples provided through January 20, 2026.

In support of its determination that mother failed to correct the conditions that led to the children's out-of-home placement, the district court also found that mother had refused the county's efforts to find her safe housing, failed to report address changes to the county, and had resided at seven locations since the fall of 2025. Although the district court acknowledged that mother had housing at the time of trial, the court found that she had not shown that she could safely maintain the children in her home because of her frequent moves and unwillingness to find a safe residence through the county.

In short, based on the extensive record and the district court's province in weighing the evidence, we conclude that the court acted within its discretion in determining under Minnesota Statutes section 260C.301, subdivision 1(b)(4), that mother did not substantially comply with her case plan and therefore failed to correct the conditions that led to the children's out-of-home placement.

II. The district court acted within its discretion in determining that termination of mother's parental rights is in the best interests of the children.

Mother contends that the district court abused its discretion in determining that it was in the best interests of the children to terminate her parental rights. This argument does not merit reversal.

"If a district court determines that a statutory ground for termination exists, it must also determine that termination is in the child's best interest." *In re Welfare of Child of R.V.M.*, 8 N.W.3d 680, 696 (Minn. App. 2024), *rev. denied* (July 19, 2024); *see also In re Welfare of Child. of K.S.F.*, 823 N.W.2d 656, 668 (Minn. App. 2012) ("Even if a statutory ground for termination exists, the district court must still find that termination of parental

rights or of the parent-child relationship is in the best interests of the child.” (citing *In re Welfare of Child. of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005))). “[I]n any proceeding to terminate parental rights, the best interests of the child must be the paramount consideration.” *In re Welfare of Child of P.T.*, 657 N.W.2d 577, 583 (Minn. App. 2003), *rev. denied* (Minn. Apr. 15, 2003); *see also* Minn. Stat. § 260C.301, subd. 7 (2024). As mentioned above, “[w]e review a district court’s conclusion that termination of parental rights is in a child’s best interests for an abuse of discretion.” *R.V.M.*, 8 N.W.3d at 696. And “[w]e give considerable deference to the district court’s findings because the analysis requires credibility determinations.” *Id.* (quotation omitted).

“In considering the child’s best interests, the district court must balance the preservation of the parent-child relationship against any competing interests of the child. Competing interests include such things as a stable environment, health considerations and the child’s preferences.” *K.S.F.*, 823 N.W.2d at 668 (citation and quotations omitted); *see also* Minn. R. Juv. Prot. P. 58.04(c)(2)(ii) (providing that, before a district court may terminate parental rights, the court must “make a specific finding that termination is in the best interests of the child” and must address: (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”). “Where the interests of parent and child conflict, the interests of the child are paramount.” Minn. Stat. § 260C.301, subd. 7.

In this case, the district court acknowledged mother’s relationship with the children but found that mother had often exposed the children to unsafe people and environments.

The district court observed that, despite her love for her children, mother remained focused on her own wants and needs. One example of this that the district court noted was an incident that occurred during a supervised visit when, rather than express concern for the children, mother became angry because the visitation supervisor was sick and the visit had to be rescheduled. The district court also found that the “children’s health and well-being ha[d] significantly improved due to the safety, stability, structure and nurturing they [were] receiving in their foster home.” And the district court observed that, after they were removed from mother’s care, the children had exhibited “greater confidence and ability to self-regulate and follow directions.”

Mother’s case manager, a social worker, and the guardian ad litem all testified that it was in the children’s best interests for the district court to terminate mother’s parental rights. Each witness explained that they did not believe that it would be in the children’s best interests to be reunited with mother because she cannot maintain sobriety.

On this record, we conclude that the district court acted within its discretion in determining that termination of mother’s parental rights is in the best interests of the children.

III. The district court acted within its discretion in determining that the county made reasonable efforts to reunite mother with the children.

Mother argues that the district court abused its discretion in determining that the county made reasonable efforts to reunite her with the children because it “could have made greater efforts to look into potential reasons for varying chemical results.” We respectfully disagree.

Appellate courts apply a clear-error standard of review to findings of underlying facts by a district court about whether a county has made reasonable efforts to reunify a parent with a child. *See S.E.P.*, 744 N.W.2d at 387; *see also In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 321–23 (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). In reviewing a district court’s ultimate reasonable-efforts determination, however, appellate courts apply an abuse-of-discretion standard. *See D.L.D.*, 865 N.W.2d at 321–23.

The individual facts of a particular case affect the efforts that are reasonably required of a county. *See T.A.A.*, 702 N.W.2d at 709. In proceedings under Minnesota Statutes section 260C.301 (2024), the district court “shall make findings and conclusions as to the provision of reasonable efforts.” Minn. Stat. § 260.012(h) (2024). “When determining whether reasonable efforts have been made by the agency,” the district court must consider whether services to the child and family 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.

Id. “The district court must also consider how long the county was involved and the quality of its efforts.” *J.H.*, 968 N.W.2d at 601. “Reasonable efforts at rehabilitation are services that go beyond mere matters of form so as to include real, genuine assistance.” *In re Welfare of Child. of S.W.*, 727 N.W.2d 144, 150 (Minn. App. 2007) (quotation omitted), *rev. denied* (Minn. Mar. 28, 2007).

Here, the district court found that “there has been no evidence as to what more social services could have provided” aside from providing additional visits with the children and “turning a blind eye to [mother’s] on-going drug use.” The district court elaborated that the county had been providing services to mother since 2017 and that mother had identified no other services that the county could have provided to her.

We are not persuaded by mother’s contention that the county needed to make “greater efforts to look into potential reasons for varying chemical results.” As discussed above, we defer to the district court’s decision to credit the toxicologist’s testimony that mother’s negative urine tests did not invalidate her positive drug-testing patches, as well as the court’s decision to discredit mother’s sobriety claims. *See J.K.T.*, 814 N.W.2d at 90. Mother cites no authority that a county must further investigate conflicting drug-testing results to render reasonable efforts, and we are aware of none. *See L.P.*, 36 N.W.3d at 430–31 (explaining that “[o]ur caselaw does not allow us to presume error on appeal[,]” that “any error ‘must be made [to] appear affirmatively before there can be reversal,’” and that “[t]he ‘burden of showing error rests upon the one who relies upon it’” (quoting *Waters v. Fiebelkorn*, 13 N.W.2d 461, 464–65 (Minn. 1944))). Because mother has not adequately supported this argument with legal authority, we conclude that her contention is waived.

See Christie v. Est. of Christie, 911 N.W.2d 833, 838 n.4 (Minn. 2018) (“Summary arguments made without citation to legal support are waived.” (quotation omitted)).

We also discern no abuse of discretion in the district court’s determination that the county made reasonable efforts to provide mother with resources to address her mental and chemical health. Mother concedes on appeal that the county was “helpful in addressing chemical dependency programing” and “in providing other chemical testing.” After the district court ordered the children removed from mother’s care, mother refused assistance in obtaining admission to a treatment program. Mother participated in the development of her case plan and agreed to its terms. The county encouraged mother to begin treatment as soon as possible, but she delayed the scheduling of an intake appointment. Mother arrived at the appointment she scheduled nearly five hours after the treatment program’s intake period and had to reschedule. And the record reflects that mother did not have difficulties in accessing treatment programs, insofar as she has completed one and was admitted to several others. As for mental health services, mother attended only four individual therapy sessions from October 2025 to January 2026. A social worker reported that mother believed she did not need “mental health reporting” and that mother did not consistently attend therapy.

Finally, mother asserts that the county improperly reduced her visitation time with the children but does not specify the frequency or timing of when visitation was curtailed. The county responds that the reduction in mother’s visitation time occurred after the county filed the TPR petition, the district court held an admit/deny hearing, and the court

determined that further efforts toward reunification were futile and unreasonable. We discern no abuse of discretion in this decision by the district court.

Thus, we conclude that the district court acted within its discretion in determining that the county made reasonable efforts to reunite mother with the children.

Affirmed.