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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A26-0615**

In the Matter of the Welfare of the Child(ren) of:

D. K. W. and J. L. C., Parents.

**Filed August 31, 2026
Affirmed
Larson, Judge**

Olmsted County District Court
File No. 55-JV-25-3313

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Michael Walters, Olmsted County Attorney, Derek T. Johnson, Senior Assistant County Attorney, Rochester, Minnesota (for respondent Olmsted County Community Services)

J.L.C., Rochester, Minnesota (self-represented respondent father)

Abbey Riedel, Wabasha, Minnesota (guardian ad litem)

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

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant D.K.W. (mother) challenges the district court's decision to terminate her parental rights to her child (child). Because we conclude the district court did not abuse its discretion in determining that respondent Olmsted County Community Services made reasonable efforts to reunify the family, a statutory ground for termination existed, and termination was in child's best interests, we affirm.

FACTS

Mother and J.L.C. (father)¹ are child's biological parents. Child was born in 2016. At the time this case began, child resided with mother and mother's domestic partner, J.D.F. (partner).

In April 2024, the county received a report regarding partner's prior "indecent with a child by contact" charge in Texas stemming from sexual contact with his former partner's minor child (the Texas charge).² The county investigated partner; specifically, partner's presence in the shared home with child. The investigation led to a maltreatment finding for threatened sexual abuse. The county began ongoing case management, which continued until July 2024.

Then, in October 2024, police responded to an incident in which child alleged that partner had struck child with a belt (the physical abuse). Child also reported that, a few weeks before the incident, child had been locked in their room for a full day. The county conducted a second investigation, during which partner admitted to methamphetamine use and having a paranoid-schizophrenia diagnosis.

On October 30, 2024, police officers returned to the shared home after child reported to a neighbor that they had been sexually abused. The county arranged for a forensic interview with child. During the forensic interview, child reported that partner touched child's private parts both above and underneath their clothing (the sexual abuse). Child

¹ Father had minimal involvement with child but signed a recognition of parentage form in January 2020.

² Because partner pleaded guilty to a misdemeanor, partner was not required to register as a predatory offender.

stated that the sexual abuse began when child was about six years old, and the most recent incident occurred approximately one week prior to the interview.³ Partner faced criminal charges for these allegations, which at the time of the district court proceeding in this case had not gone to trial.

In November 2024, police interviewed mother regarding child's physical and sexual abuse allegations. Mother stated that child previously told her about the sexual abuse, but mother did not believe child. Mother also stated that she was aware of the Texas charge, and during the interview, mother continued to "express more concern for [partner's] well-being over . . . [child's]." Following this investigation, the county reinitiated ongoing case management and made a maltreatment finding regarding both physical and sexual abuse.

On December 30, 2024, the county filed a child in need of protection or services (CHIPS) petition. The CHIPS petition expressed concerns regarding mother's capacity and alleged that mother lacked the ability to provide proper parenting to child and to keep child safe from harm. In January 2025, mother appeared for an admit/deny hearing on the CHIPS petition and entered a denial. Thereafter, the district court granted protective care of child to the county, and child was placed in out-of-home foster care. Then, on March 11, 2025, mother appeared for a pretrial hearing on the CHIPS petition and admitted that child was CHIPS under Minn. Stat. § 260C.007, subd. 6(2)(i), (iii) (2024). The district court accepted mother's admission, adjudicated child CHIPS, and continued child's out-of-home foster-care placement.

³ Medical records showed that, two weeks before the forensic interview, child had been seen at a medical center for genital bleeding.

On March 17, 2025, mother and father completed individual parenting assessments with a licensed expert. The expert opined that neither mother nor father had the capacity to safely parent child. The expert further opined that mother should engage in therapy to help her better understand her responsibility for child's trauma. In the assessment, the expert also acknowledged that child has unique needs due to an "emotional behavioral disorder" and that child has exhibited self-harming behaviors both while in mother's care and during child's out-of-home foster-care placement.

In addition, mother worked with a county social worker (the social worker) to create case plans with "the objective of reunification." The case plans sought to help mother better understand child's needs and to enhance her parenting skills. Though mother did not object to these case plans, "she refused to sign anything that she perceived as incriminating to her partner." The social worker specifically discussed with mother and partner what the social worker considered "red flags" regarding child's safety. The social worker explained that the Texas charge was a "red flag." And when the social worker asked mother "very directly" about what "information, words, actions" would allow her to believe child's allegations and provide safety for child, mother responded that "there were no circumstances in which she would believe and provide safety for child."

On April 25, 2025, the county filed a petition to terminate mother's parental rights (the TPR petition). The TPR petition alleged that child has been neglected in mother's care due to mother's "vulnerabilities and inability to recognize unsafe situations and . . . to protect[]" child. The TPR petition specifically alleged that mother was not able to provide the necessary care for child and explicitly noted mother's continued denial of child's

allegation that child had been sexually assaulted by partner. The case proceeded to trial,⁴ and on March 19, 2026, the district court terminated mother’s parental rights under Minn. Stat. § 260C.301, subd. 1(b)(2)-(3) (2024).⁵

Mother appeals.

DECISION

Parental rights may be terminated only for “grave and weighty reasons.” *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990). To involuntarily terminate parental rights, a district court must determine that: (1) the county made reasonable efforts to rehabilitate the parent and reunify the family or that such efforts were not required; (2) at least one of the statutory grounds for terminating parental rights exists; and (3) termination is in the child’s best interests. Minn. Stat. §§ 260C.301, subds. 1(b), 7, 8, .317, subd. 1 (2024); *see also In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008).

We review a district court’s decision to terminate 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.” *S.E.P.*, 744 N.W.2d at 385. Factual findings “are clearly erroneous when they are manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn.

⁴ At trial, the district court granted the county’s request to take judicial notice of the findings of fact and court orders in the following case files: 55-JV-24-8931 (the underlying CHIPS case), 55-JV-18-7431 (a prior voluntary foster-care case regarding mother’s now-adult son), and 55-JV-19-3533 (mother’s prior TPR case regarding the adult son).

⁵ The district court also involuntarily terminated father’s parental rights. Father did not appeal that decision.

2021) (quotation omitted). In reviewing the district court’s factual findings, “we view the evidence in a light favorable to the findings.” *Id.*; *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). And, when evaluating the district court’s ultimate decision to terminate parental rights, “[w]e give considerable deference to the district court[.]” *S.E.P.*, 744 N.W.2d at 385; *see also J.H.*, 968 N.W.2d at 600 (noting we review a district court’s ultimate decision to terminate parental rights for an abuse of discretion).

Here, mother argues the district court abused its discretion in its evaluation of all three requirements to terminate parental rights. We address each argument in turn.

A.

Mother first argues the district court abused its discretion when it determined both that the county made reasonable efforts to reunify mother with child and that further reunification efforts would be futile and, therefore, were not required. Before terminating parental rights, a district court must make “specific findings” either that “reasonable efforts to finalize the permanency plan to reunify the child and the parent were made including individualized and explicit findings regarding the nature and extent of the efforts made by the social services agency to rehabilitate the parent and reunite the family,” or that “reasonable efforts for reunification are not required.” Minn. Stat. § 260C.301, subd. 8. And the district court “shall 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)(1)-(8) (2024).

Mother primarily challenges the district court’s reasonable-efforts determination on the basis that the county required her to believe child’s allegations against partner. Mother’s argument misconstrues the district court’s determination. The district court found that partner “committed acts of sexual abuse against” child. In light of this finding, the district court determined that further efforts at reunification would be futile due to mother’s “inability to acknowledge the *potential* truthfulness of [child’s] disclosure of [partner’s] sexual assault.” The record supports this determination. When asked whether mother “demonstrated any progress that would warrant more time for the [county] to promote reunification,” the social worker replied, “No.” The social worker explained that, for any further services to be effective, mother would have to acknowledge child’s disclosure that partner assaulted child, but mother had expressed persistent and unwavering refusal to acknowledge child’s allegations. In other words, despite the social worker’s efforts, mother persistently failed to correct the primary condition leading to child’s out-of-home placement.

Upon this record, the district court did not abuse its discretion when it determined the county made reasonable efforts and that further efforts at reunification would be futile.

B.

Mother argues second that the district court abused its discretion when it determined a statutory ground for termination existed. The statutory grounds for terminating parental rights are enumerated in Minn. Stat. § 260C.301, subd. 1(b). The county has the burden to prove a ground for termination by “clear and convincing evidence.” *In re Welfare of C.K.*, 426 N.W.2d 842, 847 (Minn. 1988).

Here, the district court determined that the county proved two statutory grounds: neglect of parental duties and palpable unfitness. *See* Minn. Stat. § 260C.301, subd. 1(b)(2)-(3). Because we conclude that, for the reasons set forth below, the district court did not abuse its discretion when it determined the county met its burden to show neglect of parental duties, we do not address mother’s arguments with respect to palpable unfitness. *See J.H.*, 968 N.W.2d at 600 (noting that only one statutory ground is necessary to affirm district court order terminating parental rights).

A district court may terminate parental rights if a parent has “substantially, continuously, or repeatedly refused or neglected to comply” with their parental duties. Minn. Stat. § 260C.301, subd. 1(b)(2). Parental duties include, if the parent is physically and financially able, providing the child with food, clothing, shelter, education, and other care necessary for the child’s physical, mental, and emotional health. *Id.* A parent’s history is relevant to whether her current stability will be maintained. *See J.H.*, 968 N.W.2d at 603-04; *see also In re Welfare of J.L.L.*, 396 N.W.2d 647, 652 (Minn. App. 1986) (noting that parent’s minimal improvement may not overcome conclusion that “past problems” make “future performance” uncertain).

Mother primarily argues the district court abused its discretion when it determined the county proved she neglected her parental duties because the testimony regarding child's allegations against partner were not credible. But the district court explicitly determined this testimony was credible, finding partner "committed acts of physical and sexual abuse against" child. And we do not reweigh credibility determinations on appeal. *See In re Welfare of R.T.B.*, 492 N.W.2d 1, 4 (Minn. App. 1992) (stating that we defer to district court's credibility determinations).

Mother also contends that she has not neglected her parental duties because she "showed herself to be capable of following directions, . . . maintaining gainful employment, and altogether acting appropriately, irrespective of" her inability to believe child's physical and sexual abuse allegations. But the record evidence supports the district court's determination that mother has "repeatedly" failed to provide for child's mental, physical, and emotional safety because she is "dismissive" of child's disclosure and refuses to "believe there is any risk of harm to" child if partner "continue[s] to reside in the same household."⁶

We conclude the district court did not abuse its discretion when it determined the county met its burden to show mother neglected her parental duties.

⁶ Moreover, mother's history of prior parental-termination proceedings is a relevant consideration that further supports the district court's determination. The guardian ad litem opined that mother's patterns are similar to the patterns she exhibited in the prior TPR case involving mother's adult son. Specifically, mother's history of vulnerability and surrounding herself and her children with unsafe men which indicates that mother is unable to make the changes necessary to parent child.

C.

Finally, mother challenges the district court's determination that termination was in child's best interests. "The 'best interests of the child' means all relevant factors to be considered and evaluated." Minn. Stat. § 260C.511(a) (2024). Before terminating parental rights, a district court must consider: "(1) the child's interest in preserving the parent-child relationship; (2) the parent's interest in preserving the parent-child relationship; and (3) any competing interest of the child." *In re Welfare of Child of W.L.P.*, 678 N.W.2d 703, 711 (Minn. App. 2004) (quotation omitted); *see also* Minn. R. Juv. Prot. P. 58.04(c)(2)(ii) (stating that, when addressing child's best interests in TPR proceeding, district court "shall" address these factors). "Competing interests include health considerations, a stable environment, and the child's preference." *In re Welfare of Child of R.V.M.*, 8 N.W.3d 680, 697 (Minn. App. 2024) (quotation omitted), *rev. denied* (Minn. July 19, 2024). "Where the interests of parent and child conflict, the interests of the child are paramount." Minn. Stat. § 260C.301, subd. 7.

Regarding the first factor, mother contends that the district court failed to consider evidence in the record that child struggled in their out-of-home placement. But the record also shows that child exhibited the same behavioral struggles while in mother's care prior to the out-of-home placement. Thus, mother's argument on this point is unpersuasive.

Mother further asserts that the record is "replete with evidence of . . . mutual love and affection between" mother and child. We do not doubt mother's love for child. But "a parent's love and desire to care for her children does not outweigh her children's needs for basic care." *R.V.M.*, 8 N.W.3d at 697 (quotation omitted); *see also* Minn. Stat.

§ 260C.301, subd. 7 (stating that “the best interests of the child must be the paramount consideration” when statutory ground for termination is present). And we discern no abuse of discretion in the district court’s conclusion that child’s “needs are significant,” child “requires a caregiver who is trauma-informed,” and mother is unable to provide a “safe, stable, and permanent home where [child’s] mental, emotional, physical, and medical health and developmental needs are met.”

With respect to the second factor, mother argues the district court clearly erred when it found mother’s love for child was “directly countervailed” by her consistent choice to place partner’s interests above child’s and to preserve her relationship with partner rather than ensure child’s safety. Mother asks that we reweigh the record evidence on the basis that mother was “trying to be the best mother she could be.” But on clear-error review, “we may not reweigh evidence, engage in fact-finding, or reconcile conflicting evidence.” *J.H.*, 968 N.W.2d at 601 n.6. Thus, mother’s argument is not persuasive.

Finally, mother contends that the district court clearly erred in its weighing of child’s and mother’s interests because, according to mother, no evidence was presented at trial demonstrating she could not provide food, clothing, and shelter to child. But the district court did not base its reasoning on mother’s ability to provide child with basic necessities. The district court relied on mother’s inability to provide child an emotionally stable home. And the record amply supports the district court’s findings.

For these reasons, we conclude the district court did not abuse its discretion when it terminated mother’s parental rights to child.

Affirmed.