

*This opinion is nonprecedential except as provided by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
A24-1591**

In the Matter of the Welfare of the Child of:
C. J. W. and L. S. G., Parents.

**Filed March 31, 2025
Remanded
Worke, Judge**

Koochiching County District Court
File No. 36-JV-23-788

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Considered and decided by Worke, Presiding Judge; Wheelock, Judge; and Jesson, Judge.*

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

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant-mother challenges the district court's denial of her petition to terminate respondent-father's parental rights, arguing that the district court abused its discretion when it ruled that, although mother proved two statutory bases for termination, it was nevertheless not in the child's best interests to terminate father's parental rights. Because the district court's findings on the child's best interests are insufficient for appellate review, we remand that issue.

FACTS

Appellant C.J.W. (mother) and respondent L.S.G. (father) have one joint child (the child) who was born in 2017. The parties were never married but lived together with the child and mother's two other children.

In January 2023, father was convicted of sexually abusing mother's daughter. In November 2023, mother filed a private petition to terminate father's parental rights to the child. Mother later filed an amended petition asserting multiple statutory bases for termination of parental rights (TPR) and argued that TPR was in the best interests of the child.

In August 2024, following a trial, the district court denied mother's petition. The district court found that there was clear and convincing evidence of two statutory bases supporting TPR. It found that father inflicted egregious harm on mother's daughter while in his care and that father was convicted of an offense requiring him to register as a

predatory offender. *See* Minn. Stat. § 260C.301, subd. 1(b)(5), (8) (2024).¹ The district court determined that, although mother proved two statutory bases for TPR, it was nevertheless not in the child’s best interests to terminate father’s parental rights.

This appeal followed.

DECISION

“Parental rights are terminated only for grave and weighty reasons.” *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990). We review a district court’s TPR decision 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). “A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted).

“A district court may terminate parental rights if (1) at least one statutory ground for termination is supported by clear and convincing evidence, (2) the county made reasonable efforts to reunite the family, and (3) termination is in the child’s best interests.” *J.H.*, 968 N.W.2d at 600.²

¹ After the district court’s trial in this matter, but before the district court filed its order, the legislature amended Minn. Stat. § 260C.301, subd. 1, by removing subdivision 1(b)(3) and renumbering subdivision 1(b)(3)-(9). *See* 2024 Minn. Laws. ch. 80, art. 8, § 27, at 203-05; 2024 Minn. Laws ch. 115, art. 18, § 38 at 190-91. Because the amendments do not materially change the relevant section, we cite the current version.

² The district court determined that reasonable reunification efforts were not required because the child has not “been alleged to be in need of protection or services” and mother’s petition established a *prima facie* case that father committed an offense requiring registration as a predatory offender. *See* Minn. Stat. § 260.012(a)(6) (2024).

When a statutory condition for TPR is found, “the best interests of the child must be the paramount consideration” in determining whether parental rights will be terminated. Minn. Stat. § 260C.301, subd. 7 (2024). “[A] child’s best interests may preclude terminating parental rights even when a statutory basis for termination exists.” *In re Tanghe*, 672 N.W.2d 623, 625-26 (Minn. App. 2003) (quotation omitted). “In analyzing the best interests of the child, the court must balance three factors: (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 R.T.B.*, 492 N.W.2d 1, 4 (Minn. App. 1992); *see* Minn. R. Juv. Prot. P. 58.04, subd. 2(c)(ii) (identifying the same factors). “Competing interests include such things as a stable environment, health considerations and the child’s preferences.” *Id.*

In a TPR proceeding, the district court “must consider a child’s best interests and explain its rationale in its findings and conclusions.” *Tanghe*, 672 N.W.2d at 626. This is necessary because when “findings do not adequately address best interests, they are inadequate to facilitate effective appellate review, to provide insight into which facts or opinions were most persuasive of the ultimate decision, or to demonstrate the court’s comprehensive consideration of the statutory criteria.” *Id.* (quotation omitted).

Mother argues that the district court abused its discretion when it concluded that TPR was not in the child’s best interests.

In its best-interests analysis, the district court found that “[t]here are competing interests in this case.” It found that the evidence “clearly shows [father]’s desire to maintain the parent-child relationship.” But it also found merit in mother’s argument that

TPR served the child's best interests because of the "egregious harm [father] inflicted on [mother]'s daughter," and the "issues of having a 'dad' as a registered sex offender." The district court ultimately decided that it was not in the child's best interests to terminate father's parental rights.

In reaching that decision, the district court found, among other things, that witnesses testified credibly to the positive bond between father and the child, the benefits to the child of a potential resumption in the parent-child relationship, and the risks to the child's well-being if the possibility of a relationship is foreclosed. Though we conclude that the record supports those findings, they primarily address the child's interest in maintaining the parent-child relationship but do not adequately address the *competing interests* that the district court found existed. Particularly absent from the findings regarding competing interests are findings that address the statutory bases supporting TPR.

We also note that, while the district court found that it was in the child's best interests to preserve the parent-child relationship "at this time," its findings do not address the child's competing permanency interests. See *In re Welfare of S.Z.*, 547 N.W.2d 886, 893 (Minn. 1996) (stating that a district court's TPR decision relies "not primarily on past history, but to a great extent upon the projected permanency of the parent's inability to care for his or her child" (quotation omitted)).

Because the district court's findings do not adequately address the child's competing interests, they are insufficient to permit meaningful appellate review of the district court's ultimate decision. See *In re Civ. Commitment of Spicer*, 853 N.W.2d 803, 811 (Minn. App. 2014) ("An order does not permit meaningful appellate review if it does not identify the

facts . . . on which the district court’s decision is based.”). We therefore remand the issue for additional findings.³ The district court has discretion to reopen the record, and if necessary, require the parties to submit expert material or data on the issue.

Remanded.

³ Because the district court found two statutory bases for TPR and we are remanding for additional findings on the best-interests issue, we need not reach mother’s other arguments.