STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1678

In the Matter of the Welfare of the Child of: A. L. W. and J. P. N., Parents.

Filed April 21, 2025
Affirmed
Smith, Tracy M., Judge

Morrison County District Court
File No. 49-JV-24-206

Kimberly Stommes, Jeddeloh Snyder Stommes, St. Cloud, Minnesota (for appellant mother A.L.W.)

Brian Middendorf, Morrison County Attorney, Laura E. Welle, Assistant County Attorney, Little Falls, Minnesota (for respondent Morrison County Health and Human Services)

Madeline Nuehring, Little Falls, Minnesota (guardian ad litem)

Considered and decided by Bratvold, Presiding Judge; Ross, Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellant mother challenges the termination of her parental rights to her child, arguing that the district court abused its discretion by determining that (1) the county made reasonable efforts to reunite mother and the child, (2) clear-and-convincing evidence supported four statutory grounds for termination, and (3) termination of her parental rights is in the child's best interests. We affirm.

FACTS

Appellant A.L.W. is the mother of the child who is the subject of this appeal.[1] Respondent Morrison County Health and Human Services (the county) first interacted with mother when she was pregnant with the child, after receiving a report that mother had used a controlled substance. The county opened a child-welfare case and offered mother a chemical-dependency evaluation, which she refused. The case was closed, but the county opened a new case after receiving a report that, on the day of the child's birth in July 2023, mother tested positive for controlled substances and admitted using a controlled substance one week before the child's birth. Based on the evidence of the child's prenatal exposure to controlled substances, the child was placed on a peace officer's hold.

Four days after the child was born, the county filed a child-in-need-of-protection-or-services (CHIPS) petition. The district court awarded temporary custody of the child to the county, and the child was placed in foster care. About five months after the child's birth, the child was adjudicated CHIPS.

The county created a case plan for mother. The plan identified concerns that mother needed to address her chemical-dependency and mental-health needs, which the county determined made mother's home unsafe for the child and rendered her unable to meet the child's needs. The plan provided a list of actions for mother to take to address those needs, in order to reunite the family. The actions included, among other things, attending supervised visits with the child; abstaining from non-prescription, mood-altering

[1] The parental rights of the child's father, J.P.N., were also involuntarily terminated in these proceedings, but he did not appeal.

substances; submitting to random drug testing; obtaining and maintaining a substance-free living environment; following probation and other conditions of release in any criminal case; attending the child's medical and dental appointments; and cooperating with the county by meeting with a social worker. The district court approved the initial case plan, as well as two later updated versions. Mother testified at the court trial on the termination of her parental rights that she was aware that she was required to satisfy the requirements of her case plan in order to be reunited with the child. She also acknowledged that the district court had ordered her to comply with her case plan.

Over the course of the child-protection proceedings, mother made efforts with varying degrees of success to comply with case-plan requirements. The county referred her to multiple chemical-dependency treatment programs. She enrolled in one such program within a week of the child's birth, but she left the program the same day she arrived. The next month, she completed a comprehensive use assessment with the assistance of a substance-use-disorder social worker from the county. The social worker provided mother recommendations from the assessment and referrals to two outpatient programs, but mother did not enter either of the programs to which she was referred. About one month later, mother completed another comprehensive use assessment with the social worker and was referred to two additional programs. She was scheduled to attend one of the programs, but she missed her first appointment and decided not to attend her second appointment. She then attended the other program, but she did not complete it because she believed its residents were using substances. The social worker later referred mother to another

program that mother felt was not a good fit for her because it was faith-based and did not align with her beliefs.

In February 2024, the county filed a petition for involuntary termination of mother's parental rights. The next month, mother enrolled in a residential treatment program. Three months later, she graduated from the program and received differing recommendations for her aftercare. In August 2024, mother's case plan was modified to specifically recommend outpatient treatment with a sober-living facility. Mother did not follow this recommendation and, instead, moved in with a friend she had met through a sobriety support group.

The district court held several pretrial hearings, during which it granted additional time to mother to comply with her case-plan requirements. At a pretrial hearing held two months after mother's graduation from the residential chemical-dependency treatment program, the district court ordered her to complete an intensive outpatient program with sober housing. Mother then spoke with a county employee who referred her to programs fitting those criteria.

In September 2024, the district court held a trial on the county's petition to terminate mother's parental rights. At the time of trial, mother had not enrolled in an intensive outpatient program, and the child had been in out-of-home placement for 423 days.

Six witnesses testified at the trial: an employee of the facility where mother underwent drug testing, the substance-use-disorder social worker who conducted mother's comprehensive use assessments, a case aide who supervised mother's visits with the child,

the child-protection case manager assigned to mother's case, the child's guardian ad litem, and mother.

According to the drug-testing-facility employee and facility records, mother missed more than 30 testing appointments, she was tested at least 17 times between July 2023 and August 2024, and her tests included positive results for at least three controlled substances at various points in 2023 and 2024.

The substance-use-disorder social worker who conducted mother's comprehensive use assessments stated that he completed mother's first comprehensive use assessment in September 2023. After the assessment, he recommended that mother complete an outpatient treatment program and follow its recommendations. He made referrals to two programs and discussed the recommendations with her. In October 2023, he conducted another assessment of mother. He categorized her at the highest risk level for relapse and continued use of chemical substances because she did not use support groups and did not appear to have coping skills to achieve sobriety.

The substance-use-disorder social worker also testified that, about a month before the trial, he completed another assessment of mother. He provided her recommendations based on the assessment, which included attending an intensive outpatient program, as she had also been court ordered to do. He provided her referrals to four programs. He testified that mother had not complied with the recommendations of her most recent assessment.

The child-protection case aide who supervised mother's visits with the child for more than a year beginning in August 2023 testified that mother failed to attend some of her supervised visits with the child and that on some occasions she did not communicate

that she could not attend those visits. The case aide estimated that mother had missed about 25 visits in 2023 and about 21 visits in 2024. The case aide stated that some of the absences were explained by periods when mother was in treatment or was sick with COVID.

The case manager testified about the county's initial contact with mother during her pregnancy, the report on the day of the child's birth that led the county to open a new case, the child's CHIPS proceedings, and the county's creation of mother's case plan. She described services that the county had provided to mother, including supervised visits, parenting-skills classes, comprehensive assessments, drug testing, transportation, a cell phone and minutes for the phone, case management, and mental-health assessments. She testified that, as of trial, the county's concerns with the child returning to mother's home centered on mother's chemical-dependency and mental-health needs and her inconsistent compliance with drug-testing requirements.

The case manager testified that she did not believe that mother had corrected the conditions that led to the child being placed outside of the home or that mother would complete the case-plan requirements "in the reasonably foreseeable future" because, over the course of more than a year, mother had not addressed her chemical-dependency or mental-health needs and consistently failed to drug test. She testified that she believed termination of mother's parental rights was in the child's best interests because mother had made little progress on her case plan after more than a year, her chemical-dependency and mental-health needs remained a concern, and the child deserved permanency and to have his basic needs met, which the case manager did not believe mother could do "in the foreseeable future."

The guardian ad litem recounted her observations of mother's supervised visits, which went well overall and showed mother's attachment to the child over time. However, the guardian ad litem expressed concern about mother missing visits. She described mother's case-plan progress as "minimal" based on her missing drug-test appointments and consistently testing positive for substances on the tests she did complete. The guardian ad litem stated that she believed that the county made reasonable efforts to rehabilitate mother and to reunite her with the child and that she did not believe mother should be given more time to progress in her case plan because she had already received extensions and not made adequate progress on her chemical-dependency or mental-health issues. The guardian ad litem testified that she believed termination of mother's parental rights was in the child's best interests because the child "deserves a safe and sober and stable living environment," which mother was unable to establish.

Mother testified about her drug testing, stating that she had missed drug-testing appointments "[m]ore than [she] should have" due to not having transportation or a cell phone. Mother's testimony also addressed other case-plan components, including her belief that the home she was living in at the time of trial was safe for the child, despite ongoing construction. She testified that the case plan required her to follow probation conditions, which included abstaining from mood-altering substances, but she acknowledged that she was arrested in January 2024 for violating probation. Mother also testified that her case plan required her to attend the child's medical and dental appointments but acknowledged that she had missed the last two appointments before trial. Mother also addressed her supervised visits with the child but acknowledged that those visits were suspended after

she missed too many appointments. Mother testified that she believed she deserved more time to comply with the case plan because she could become a better mother after receiving more help.

In October 2024, the district court terminated mother's parental rights based on four statutory grounds. Mother appeals.

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). An appellate court can affirm a district court's decision to terminate parental rights when at least one statutory ground for termination is supported by clear and convincing evidence, termination is in the best interests of the child, and the county either made reasonable efforts to reunite the family or those efforts were not required. *In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008); *see* Minn. Stat. § 260.012(a) (2024) (providing the reasonable-efforts requirement).

Appellate courts review district court findings supporting a termination of parental rights to determine whether the findings address the statutory grounds, are supported by substantial evidence, and are not clearly erroneous. *Id.* A clearly erroneous finding "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). The petitioner bears the burden of proof to establish termination of parental rights, "subject to the presumption that a natural parent is a fit and suitable person to be entrusted with the care of a child." *In re Welfare of Child. of J.R.B.*, 805

N.W.2d 895, 901 (Minn. App. 2011) (quotation omitted), *rev. denied* (Minn. Jan. 6, 2012). The evidence must address conditions as they exist at the time of the hearing and show that the current conditions "will continue for a prolonged, indeterminate period." *Id.* at 901-02 (quotation omitted).

Mother challenges the district court's determinations regarding the county's reasonable efforts, the existence of four statutory grounds for termination, and the child's best interests. We address each issue in turn.

I. The district court did not abuse its discretion by determining that the county made reasonable efforts to reunite mother and the child.

Mother argues that the district court abused its discretion by determining that the county made reasonable efforts to reunite mother and the child. She asserts that the district court failed to consider the statutory factors relevant to determining whether the county's efforts were reasonable and that the record does not support the district court's determination.

When, as here, reasonable efforts were required, "the petitioner must show clear and convincing evidence that reasonable efforts were made to reunite the parent with the child." *In re Welfare of Child of A.M.C.*, 920 N.W.2d 648, 655 (Minn. App. 2018). The district court must make specific findings that reasonable efforts were made by the county, or other social-services agency, "to finalize the permanency plan to reunify the child and the parent . . . including individualized and explicit findings regarding the nature and extent of efforts . . . to rehabilitate the parent and reunite the family." Minn. Stat. § 260C.301, subd. 8(1)

(2024). The district court is required to consider whether services provided to the child and parents 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). "Reasonable efforts encompass more than just a case plan." *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 88 (Minn. App. 2012). A district court's determination that reasonable efforts were made is reviewed for an abuse of discretion. *See In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 322-23 (Minn. App. 2015) (determining that the district court's "reasonable-efforts finding was not an abuse of discretion"), *rev. denied* (Minn. July 20, 2015). 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. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022); *see In re Welfare of Child of T.M.A.*, 11 N.W.3d 346, 355 (Minn. App. 2024) (citing *Woolsey* in a juvenile protection appeal).

Here, the district court determined that the county made reasonable efforts throughout mother's case and that it sought to reunite mother and the child through those efforts. Specifically, the district court found that the county provided mother with

"supervised visitation, parenting education, drug testing, comprehensive assessments, residential treatment, outpatient treatment, sober living, mental health services, transportation assistance, probation, developmental assessment, medical services, and ongoing case management services." The district court found that, despite these services, there was no significant change diminishing the county's safety concerns about mother's ability to parent the child. It determined that mother's controlled-substance use continued as evidenced by her repeatedly failing to drug test, frequently testing positive for drugs when she did test, and struggling to attend treatment programs despite the county referring her to more than a dozen programs.

Mother argues that the district court's reasonable-efforts determination was flawed because the district court misapplied the law by failing to consider every aspect of the factors required by Minnesota Statutes section 260.012(h)—specifically, whether the services were selected in collaboration with the child's family, tailored to the child and family's individualized needs, and relevant to the child's well-being. Appellate courts review de novo whether the district court correctly applied the law. *In re A.R.M.*, 611 N.W.2d 43, 47 (Minn. App. 2000).

Section 260.012(h) requires district courts to consider a list of factors related to reasonable efforts. But it does not require a district court to explicitly discuss in its order every individual factor that it has considered. Here, the district court explicitly addressed at least six of the eight statutory factors in its reasonable-efforts analysis—the relevance of services to the child's safety and protection, the adequacy of services to meet the needs of the child and mother, whether services were culturally appropriate, the availability and

accessibility of services, how consistent and timely services were, and whether services were realistic under the circumstances. *See* Minn. Stat. § 260.012(h). The district court's decision to not explicitly address the factors raised by mother does not mean that it failed to consider these factors. We do not discern an abuse of discretion here.

Mother also argues that the district court's reasonable-efforts determination is not supported by the record. The record contains ample evidence of the services that the district court found that the county had provided to mother, including evidence of supervised visits, drug-testing services, comprehensive use assessments, free transportation, and the creation of three case plans.

But mother argues that the reasonable-efforts determination lacks support because the record shows that the county failed to take certain actions to address its main concerns for the child's safety—namely, mother's mental and chemical health. Specifically, she asserts that the county failed to inquire into her history of trauma or to refer her to trauma-specific treatment; that the county's assistance was inadequate regarding mother's needs for a cell phone and transportation to her appointments; and that the county did not coordinate visits for the child in mother's home, increase the duration or frequency of visits, or permit unsupervised visits. This argument is unconvincing.

With respect to the county's referrals for treatment, mother never requested programming that would address her specific trauma history. As to logistical support for appointments, the record contains evidence that the county provided mother with free transportation services through a partner organization but that those services were suspended after mother violated the organization's policy by not showing up for rides on

three occasions in a two-month period. After those services were suspended, the county provided mother gas cards, though it is unclear from the record whether mother owned a vehicle at the time. The record also reflects that the county provided mother with a cell phone and minutes for the phone. Finally, while the county did not coordinate home visits with mother and the child at mother's home, increase the duration or frequency of visits, or permit unsupervised visits, it did provide her with supervised visits and parenting-education services through a partner organization. Those services were suspended at one point, but, similar to the free transportation services, the suspension was the result of mother missing appointments.

We discern no abuse of discretion in the district court's determination that the county made reasonable efforts to reunite mother and the child.

II. The district court did not abuse its discretion by determining that a statutory ground for termination of mother's parental rights exists.

Mother argues that the district court abused its discretion by determining that clear and convincing evidence supports four statutory grounds for termination.[2] To rule that the statutory-basis requirement for termination was satisfied, "we need only conclude that one

[2] The district court determined that (1) mother refused or neglected to comply with her parental duties, (2) mother is palpably unfit to parent, (3) reasonable efforts failed to correct the conditions leading to the child's placement outside the home, and (4) the child is neglected and in foster care, pursuant to Minnesota Statutes section 260C.301, subdivision 1(b)(2), (3), (4), and (7) (2024). We note that, in legislative amendments that became effective after the filing of the petition in this case but before trial, the relevant paragraphs establishing these statutory bases were renumbered, *see* 2024 Minn. Laws ch. 115, art. 18, § 37, at 1742-44, but the district court, in its order, used the paragraph numbers that were cited in the petition, not the numbering as amended as of August 2024. The error is insignificant because the order reflects that the district court substantively ruled on the four statutory bases.

ground is supported." *In re Welfare of Child of J.H.*, 968 N.W.2d 593, 602 (Minn. App. 2021), *rev. denied* (Minn. Dec. 6, 2021). The county bears the burden to prove by clear and convincing evidence that one or more statutory grounds for termination exists. *In re Welfare of J.S.*, 470 N.W.2d 697, 701 (Minn. App. 1991), *rev. denied* (Minn. July 24, 1991). Appellate courts apply an abuse-of-discretion standard when reviewing whether a statutory basis to involuntarily terminate parental rights exists. *J.K.T.*, 814 N.W.2d at 87. Because it is dispositive, we begin and end our statutory-basis analysis with the district court's determination that reasonable efforts failed to correct the conditions that led to the child's placement outside the home.

Parental rights may be terminated if, "following the child's placement out of the home, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the child's placement." Minn. Stat. § 260C.301, subd. 1(b)(4). It is presumed that reasonable efforts have failed if the following is true: the child is under age eight when the TPR petition is filed and the child resides outside the home for six months with the parent failing to maintain regular contact or to comply with an out-of-home placement plan; an out-of-home-placement plan is filed with and approved by the court; the conditions that led to the placement are not corrected, which is presumed if the parent has "not substantially complied with the court's orders and a reasonable case plan"; and reasonable efforts are made to rehabilitate the parent and reunite the family. *Id.*, subd. 1(b)(4)(i)-(iv). "A parent's substantial compliance with a case plan may not be enough to avoid termination of parental rights when the record contains clear and convincing evidence supporting termination." *J.K.T.*, 814 N.W.2d at 89. "The critical

issue" is not a parent's formal compliance with their case plan, but instead "whether the parent is presently able to assume the responsibilities of caring for the child." *Id.*

Mother argues that there is not clear and convincing evidence that reasonable efforts have failed to correct the conditions that led to the child's out-of-home placement. She focuses on two of the four statutory elements that support a presumption that reasonable efforts have failed—namely, noncompliance with the case plan and the county's provision of reasonable efforts. Minn. Stat. § 260C.301, subd. 1(b)(4)(iii)-(iv). Mother also argues that the district court failed to address the conditions existing at the time of the trial and that the evidence does not support a finding that that the conditions would continue for a prolonged, indeterminate period of time. *See J.R.B.*, 805 N.W.2d at 901-02. We address each of mother's three challenges.

First, as to the reasonableness of the county's efforts, as we concluded above, the district court did not abuse its discretion by determining that the county made reasonable efforts to reunite mother and the child. The district court made detailed findings regarding the county's efforts, including the provision of services targeted at mother's chemical dependency and mental health, and those findings were supported by the record.

Second, as to mother's compliance with her case plan, the district court found that mother had demonstrated "little compliance." The district court made detailed findings on this issue, including about mother's attendance of supervised visits, continued use of controlled substances, noncompliance with drug-testing requests, completion of comprehensive use assessments, struggles to follow the recommendations of those assessments, failure to maintain a drug-free living environment, probation violation,

inconsistent attendance of the child's medical appointments, and cooperation with the county by meeting with social workers.

The district court's findings regarding case-plan compliance are supported by the testimony and other evidence in the record. Specifically, the district court found that mother attended supervised visits with the child, as her case plan required, but that these services were suspended after mother missed three appointments. After services were suspended, mother met with a county social worker to discuss the issues preventing her from attending supervised visits. The social worker identified that mother had transportation issues, and so the county arranged for volunteer driver services for her and purchased her a cell phone with minutes. Despite those efforts, mother again failed to attend an appointment when her supervised visits resumed, resulting in her termination from the program.

The district court also made findings about the case-plan requirement that mother abstain from using controlled substances and comply with county requests for random drug testing. It noted that, per the case plan, any missed test was presumptively considered a positive drug-test result. The district court found, based on the testimony of the employee of the drug-testing facility that mother used, that mother was placed on a random drug-testing schedule at the facility. In total, mother was asked to test 49 times while on the random-testing schedule. The district court found that despite having "49 opportunities to show abstinence from chemical use," mother tested just 17 times, and she tested negative on only two of the tests, which were taken on the same day. In its findings, the district court noted that mother testified that her transportation and cell-phone issues contributed to her missing test appointments. The district court also noted that mother testified that she had

used a controlled substance in the week preceding the trial and that she acknowledged that she was not sober because of that use.

The district court also found that in January 2024, mother was arrested for a probation violation. Mother testified that, because she had used controlled substances, she had violated her probation—which was another instance of noncompliance with her case plan.

On this record, the district court's determination that mother did not substantially comply with her case plan is supported by the evidence.

Third, as to current and future conditions, the district court found that the conditions that led to the child's out-of-home place existed at the time of trial and that there was "[n]o substantial likelihood" that mother would be able to provide for the child's "ongoing physical, mental, emotional, or safety needs in the reasonably foreseeable future." The finding is supported by the record. In addition to testimony regarding mother's lack of progress in treatment, at trial mother acknowledged that she had used a controlled substance a week prior to trial, that she uses the substance to self-medicate, and that she is therefore not sober.

In sum, the district court did not abuse its discretion by determining that the record contains clear and convincing evidence that reasonable efforts failed to correct the conditions that led to the child's out-of-home placement under Minnesota Statutes section 260C.301, subdivision 1(b)(4). Because only one statutory basis need exist in order to affirm, we do not address the remaining statutory bases found by the district court. *See J.H.*, 968 N.W.2d at 602.

III. The district court did not abuse its discretion by determining that termination of mother's parental rights is in the child's best interests.

Mother argues that the district court abused its discretion in determining that the termination of her parental rights is in the best interests of the child. She asserts that the district court failed to analyze the relevant best-interests factors and that the record does not support the district court's determination.

If a statutory basis to terminate parental rights is present, the best interests of the child are "the paramount consideration" in a proceeding to terminate parental rights. Minn. Stat. § 260C.301, subd. 7 (2024); *see J.R.B.*, 805 N.W.2d at 902. The district court must "make a specific finding that termination is in the best interests of the child." Minn. R. Juv. Prot. P. 58.04(c)(2)(ii). In making its best-interests finding, the district court must analyze three factors: (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." *Id.* "Competing interests include such things as a stable environment, health considerations and the child's preferences." *In re Welfare of Child. of K.S.F.*, 823 N.W.2d 656, 668 (Minn. App. 2012) (quotation omitted). Appellate courts "apply an abuse-of-discretion standard of review to a district court's conclusion that termination of parental rights is in a child's best interests." *A.M.C.*, 920 N.W.2d at 657.

The district court specifically found that termination is in the best interests of the child and made findings in support of that determination. The district court did not, however, explicitly address each of the three factors in its order. But while the district court

did not categorically address each of the factors, they are nonetheless implicitly analyzed in the district court's findings.

For example, the district court implicitly addressed both mother's and the child's interests in preserving the parent-child relationship in describing mother and the child's emotional connection in the findings, as demonstrated by descriptions of their supervised visits during which mother was attentive to the child, verbally encouraged the child, and showed affection through hugs and words. And the findings also address mother's inconsistency in attending scheduled supervised visits with the child and her struggles to maintain sobriety, which implicate the competing interest of the child's need for a stable and safe environment. *See id.*

Finally, the record contains extensive evidence supporting the district court's best-interests determination, including the testimony of the child's guardian ad litem and the case manager who was involved in the creation of mother's case plan. Their testimonies address the struggles mother has had to maintain sobriety and to consistently attend supervised visits with the child and the concerns those issues raised that led both the guardian ad litem and case manager to recommend that termination of mother's parental rights is in the best interests of the child.

Because the record supports the district court's determination that termination of mother's parental rights is in the best interests of the child, the district court did not abuse its discretion.

Affirmed.