

*This opinion is nonprecedential except as provided by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
A24-1681**

In the Matter of the Welfare of the children of:
P. M., R. S., R. E., Parents.

**Filed April 21, 2025
Affirmed
Reilly, Judge***

Pope County District Court
File No. 61-JV-24-308

Matthew P. Franzese, Wheaton, Minnesota (for appellant-mother P.M.)

Neil Nelson, Pope County Attorney, Glenwood, Minnesota; and

Justin R. Anderson, Special Assistant County Attorney, Elbow Lake, Minnesota (for
respondent Western Prairie Human Services)

Kristi Barber, Willmar, Minnesota (guardian ad litem)

Considered and decided by Johnson, Presiding Judge; Larkin, Judge; and Reilly,
Judge.

NONPRECEDENTIAL OPINION

REILLY, Judge

Appellant P.M. (mother) challenges the district court's decision to terminate her
parental rights, arguing that the district court (1) abused its discretion in denying her motion
to extend statutory deadlines; (2) erred in finding good cause existed to voluntarily

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

terminate her parental rights; (3) abused its discretion in ruling termination was in the best interests of the children; and (4) abused its discretion in ruling that respondent Western Prairie Human Services (WPHS) had engaged in reasonable efforts to rehabilitate the parent and reunite the family. Because we conclude the district court did not abuse its discretion in denying mother's motion to extend statutory timelines and because the other issues are not properly before us on appeal, we affirm.

FACTS

Mother has three children affected by the order on appeal: G.M born in 2012, A.S. born in 2015, and A.M. born in 2020. A.M.'s father is deceased, and the father of G.M. and A.S. voluntarily terminated his parental rights. The family's child protection involvement started in February 2018 with Stearns County. A reporter alleged parental neglect, and that mother exposed the children to sexual activity. Mother was interviewed at home and Stearns County did not recommend further case management.

About nine months later, a family investigation was opened. A reporter alleged that an ex-boyfriend of mother put a pillow on A.S.'s face one time and another time covered her mouth and nose with his hand. G.M. and A.S. were interviewed and spoke of "being choked/smothered with a pillow" by the ex-boyfriend. Mother remembered drinking with the ex-boyfriend. The ex-boyfriend was going to put A.S. to bed and did not want mother in the house. Mother left, and when she returned to the house an hour later, she saw A.S.'s eyes were swollen and bloodshot. At the time of the report, the ex-boyfriend was in jail for murder charges against another child. Stearns County determined the ex-boyfriend had

maltreated A.S., but that mother had not committed maltreatment. Further case management services were not recommended.

In April 2020, mother tested positive for methamphetamine while pregnant with A.M. A.S. was referred to trauma therapy and the family's case was transitioned to Minnesota's Parent Support Outreach Program.¹ In July, Child Protection Services received a complaint that G.M. and A.S. came to the complainant's house everyday unsupervised. Officers spoke with mother who said that her children "do not need direct supervision when they are alone in the yard and there is a camera that watches the yard."

On August 17, mother gave birth to A.M. Both tested positive for methamphetamine. All children were removed from mother's care four days later. Jurisdiction was transferred from Stearns County to WPHS in December 2022.² In May 2023, a trial home visit began.³ On October 24, mother regained custody of the children.

Less than one year later, on July 23, 2024, at 4:04 a.m., mother reported there was an attempted break-in to her home and that she believed someone had taken her child. During the call she found her child upstairs sleeping. A certified drug recognition expert arrived at the home. The expert observed mother acting "extremely erratic, frantic and

¹ "Minnesota's Parent Support Outreach Program is a voluntary, early intervention program that focuses on a family's strengths and needs and aims to help children and parents thrive." *Parent Support Outreach Program*, Minn. Dep't of Hum. Servs., [<https://perma.cc/58KC-UBXB>] (last updated July 13, 2022).

² Mother moved from Stearns County to Pope County.

³ "The purpose of the trial home visit is to provide sufficient planning for supports and services to the child and family to meet the child's needs following treatment so that the child can return to and remain in the parent's home." Minn. Stat. § 260D.12 (2024).

speaking at a high rate of speed” and making “sharp movements.” The expert stated that based on experience and training, the expert “believed that [mother] was under the influence of a stimulant, most likely methamphetamine due to her history.” The expert also noted that mother’s pupils were dilated, and mother stated she was extremely hot.

The incident met the criteria for a family investigation⁴ and a social worker went to mother’s home to conduct an interview and request a urine analysis. The social worker tried to get a urine analysis sample from mother, but did not succeed after many delays by mother. The next day mother came to WPHS. After several hours and more delays, mother provided a sample. The urine analysis was positive for methamphetamine. Mother first said it had been a year since her last use. Next, she said that she used last week. But then she said the test was positive because she had taken some of her daughter’s Adderall medication. Finally, she said the urine she had used was not hers. The children were removed from mother’s home and taken into custody.

WPHS petitioned for the court to involuntarily terminate mother’s parental rights and place the children under the guardianship and legal custody of the Minnesota Commissioner of Human Services. Mother moved to extend the time the children could remain out of the home. *See* Minn. Stat. § 260C.503, subd.3(b)(2) (2024). Mother argued that there were “compelling reasons . . . to dismiss the permanency petition and to order the agency through its counsel to file a child protection petition.” The motion cited

⁴ A family investigation is done when a “[c]hild is in immediate or significant danger” or a “[f]amily will not participate in a Family Assessment, or take steps to ensure safety of their children.” *Family Investigation Response*, Minn. Dep’t of Hum. Servs., [<https://perma.cc/HFE4-4QR3>] (last updated Apr. 1, 2022).

mother's cooperation, seeking of services, and that the children missed their mother and had "school, friends, and activities" in the school district where mother lived. The district court held a hearing on the motion and set a trial date for the termination trial. A few weeks later, the district court denied the motion to extend the statutory timeline and ordered the parties to participate in mediation. Mother and WPHS participated in mediation and reached a settlement, agreeing to a *voluntary* termination of mother's parental rights.

Mother signed the consent to voluntary termination of parental rights for the good cause that "the children have been in foster care for more than 500 days over the past five years." Mother expressed a preference that the children be adopted by her mother, their maternal grandmother. At the hearing the district court acknowledged the difficulty of the situation, stating: "I know this is going to be hard for you . . . but I still need to make sure that this is what you want to do," and "[i]f you need to take a break at any time and take a deep breath, that's fine. I understand this is going to be really hard for you. I know how much you love [y]our children." The district court also wanted to make sure mother understood the purpose of the proceedings:

And one of the reasons that's important, just so you know that it's not just a torture exercise because it feels a little bit that way—I'm just going to be frank—but it's really important for your children that we have stability.

And so, if you came back in two weeks and said, "You know, my attorney didn't tell me I could have a trial, and I didn't really know that"—let's not say two weeks. Let's say six months. And then your poor kids have been through all of this, and I've issued these orders, and then we go back and look at it. And so that's why we do this to make sure that there's not something that you didn't understand or that you weren't told.

Both mother and the guardian ad litem testified. No issues about good cause, best interests of the children, or reasonable efforts were raised at the hearing. The district court granted mother's request to voluntarily terminate her parental rights to the children. Mother filed no motions after the district court filed its order.

Mother appeals.

DECISION

I. The district court did not abuse its discretion in denying mother's motion to extend the statutory timeline.

Mother moved the court to extend the time the children could be out of the home by six months. She based her motion on Minnesota Statutes section 260C.503, subdivision 3(b)(2), which provides that if a child has been placed out of the home in the past five years for longer than 12 months, the district court may extend the total time the child may continue to be placed out of the home under the current petition for up to another six months before making a permanency determination. Mother cited her engagement with various services. Both WPHS and the guardian ad litem opposed the motion.

The district court denied the motion to extend the timelines, reasoning that the children had been out of the home "significantly beyond the statutory timelines" and that the court had previously extended the timelines. The district court determined that another extension was not in the best interests of the children because the "lack of stability and re-removal is very traumatizing to the children," and they "need a stable, sober home on a long-term basis."

On appeal, mother argues that the district court abused its discretion because the children had not been out of the home for twelve months and the denial of an extension was not in the best interests of the children. Generally, we review the district court's order for an abuse of discretion. *In re Welfare of Child of A. M. C.*, 920 N.W.2d 648, 660 (Minn. App. 2018).

Both of mother's arguments fail. First, mother did not dispute how long the children had been in out-of-home placement in district court, and it is undisputed that the duration of their out-of-home placement exceeded the statutory timelines. In fact, mother appears to have agreed that her children had been in out-of-home placement beyond the timelines because she filed a motion asking the district court to extend the timelines.

And if mother believed the district court had miscalculated the time the children had been in out-of-home placement, mother could have made a motion within 90 days of the district court's order for relief based on "mistake, inadvertence, surprise, or excusable neglect," or fraud if she believed WPHS had misled her. Minn. R. Juv. Prot. P. 22.02. No such motion was made. Thus, because mother neither initially contested the point nor sought relief on the point later, whether the district court properly determined how long the children were in out-of-home placement is not properly before us. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts generally do not consider matters not presented to the district court on appeal).

As for the argument that there is no factual support that an extension was not in the best interests of the children, the district court's reasoning was supported by the record. It found the children had been removed from mother and returned when the district court had

previously extended the timelines. Less than one year after mother's first child protection case was closed, both mother and her newborn baby tested positive for methamphetamine. This led to the children's removal from mother's custody. It was not an abuse of the district court's discretion to deny mother another extension.

II. The district court's determinations that good cause existed to voluntarily terminate mother's parental rights, that it was in the best interests of the children for mother's parental rights to be terminated, and that WPHS had not provided reasonable efforts are not properly before this court on appeal.

Termination of parental rights may be voluntary or involuntary. Minn. Stat. § 260C.301, subd. 1 (2024). A voluntary termination may occur "with the written consent of a parent who for good cause desires to terminate parental rights[.]" *Id.*, subd. 1(a). The written consent must contain acknowledgments "and understanding of: (1) the nature of the statutory grounds set forth in the petition; (2) if unrepresented, the right to representation pursuant to Rule 36; (3) the right to a trial; (4) the right to testify; and (5) the right to subpoena witnesses[.]" Minn. R. Juv. Prot. P. 56.03, subd. 3(a). The parent must also acknowledge "an understanding that the facts being admitted establish the statutory grounds set forth in the petition." *Id.*, subd. 3(b). "While there is no statutory definition of 'good cause' for purposes of a voluntary termination of parental rights, a factual basis for good cause centers on the child's best interests." *In re Welfare of Child of J. R. R.*, 943 N.W.2d 661, 671 (Minn. App. 2020) (quotation omitted). Good cause "exists under a variety of circumstances." *In re Welfare of D.D.G.*, 558 N.W.2d 481, 485-86 (Minn. 1997). The test for good cause is whether the parent "had sound reasons for consenting at the time

of termination—a determination which is not restricted by the existence of cause for *involuntary* termination.” *Id.* at 486.

In a termination matter, when a statutory basis to terminate parental rights exists, the best interests of the child must “be the paramount consideration.” Minn. Stat. § 260C.301, subd. 7 (2024). When “a district court orders a voluntary termination of parental rights, it must make a determination regarding the child’s best interests based on the best-interests factors listed in [the relevant rule], even if the termination petition is resolved without a trial.” *J.R.R.*, 943 N.W.2d at 669. Those factors are: “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.” Minn. R. Juv. Prot. P. 58.04(c)(2)(ii). “[W]hen the 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.” *In re Tanghe*, 672 N.W.2d 623, 626 (Minn. App. 2003) (quotation omitted).

When a district court’s findings in a voluntary termination case are challenged, this court is “limited to determining whether the findings address the statutory criteria, whether those findings are supported by substantial evidence, and whether they are clearly erroneous.” *D.D.G.*, 558 N.W.2d at 484. 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. And a district court’s reasonable

efforts determination is reviewed for an abuse of discretion. *See In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 323 (Minn. App. 2015), *rev. denied* (Minn. July 21, 2015).

The district court determined that mother agreed that her parental rights would be terminated for good cause and she “admitted that her children have been out of the home for more than 500 days in the last five years.” *See* Minn. Stat. § 260C.301, subd. 1(b)(4)(i).

The district court further stated in its order:

The children do have an interest in retaining the parent-child relationship. [Mother] has an interest in retaining the parent-child relationship. However, [mother] has provided good cause for the parent-child relationship to be terminated and seeks the Court to do so. The Court finds based on mother’s testimony and the [guardian ad litem], it is in the best interests of the children to grant the voluntary termination.

And the district court determined that WPHS provided reasonable efforts to reunify the children with mother.⁵

Mother argues that the information she provided in her voluntary consent form and her hearing testimony did not provide a proper factual basis to support the district court’s finding of good cause or that termination is in the children’s best interests. Mother also argues that the district court did not make detailed findings of fact as to whether reasonable efforts were made.

⁵ When the children were removed from the home, the district court in its emergency protective care order listed the reasonable efforts, including “prior child protection, chemical testing, home visit, and prior services related to the prior petition. . . . Based upon the information provided to the court, there are no additional services that can be provided to prevent further placement.”

Good Cause

We initially note that, if a factual point is not disputed in district court, the district court's failure to make detailed finding on that point is, absent authority otherwise explicitly requiring detailed findings, understandable. Here, mother requested that the district court accept her consent to voluntary termination of her parental rights for good cause. In doing so, she wrote, "[W]hile I have cooperated with the case plan and reasonable efforts were provided by [WPHS], . . . the children have been in foster care for more than 500 days over the past five years. This is in excess of the number of days allowed by statute." Thus, not only did mother not put the duration of the children's out-of-home placement at issue, but mother's written consent provided the evidence addressing the duration-of-the-out-of-home-placement prong of the good cause basis for the voluntary termination.

And mother had other sound reasons to consent to voluntary termination. For example, she acknowledged that although WPHS had not identified a permanent placement, if the prospective adoptive parents were receptive to a Communication and Contact Agreement with mother, WPHS would be required to identify the adoptive parents "so that attempts [could] be made to broker a Communication and Contact Agreement" with mother. Mother also stated that if her rights to the children were involuntarily terminated "that involuntary termination could negatively impact [her] rights to children who are not subject to this petition or future children [she] may have."

Mother never disputed that there was good cause in district court—instead, she agreed that good cause existed. She never filed a motion asserting that there was a mistake,

that new evidence was discovered that could not have been previously discovered, or that there was fraud. Minn. R. Juv. Prot. P. 22.02.⁶ There were no arguments before the district court that the factual findings for good cause were inadequate.⁷ And an appellate court generally will not consider matters not argued to and considered by the district court. *Thiele*, 425 N.W.2d at 582. We therefore conclude the issue of good cause is not properly before us.

Best Interests of the Children

Likewise, mother never argued to the district court that termination was not in the best interests of the children. Mother acknowledged in her consent form that she had been informed of the rights she had—such as the right to a trial and to “present arguments in support of or against the statutory grounds set forth in the petition.” The guardian ad litem testified that termination was in the children’s best interests. Mother did not tell the district court that it inadequately addressed the best interests of the children. Thus, those arguments are not properly before us on appeal. *See id.*

Further, just weeks before mother signed her consent to voluntary termination, when the district court removed the children from mother’s home, it found that mother had “previous child protection involvement and reports were made of neglect and substance use[.]” The district court acknowledged mother’s lack of cooperation before the final

⁶ At oral argument, mother’s attorney stated, based on his view of the record, that there was no reason to file such a motion.

⁷ We cannot fault the district court for not articulating a laundry list of a parent’s failings at a hearing where a parent is voluntarily terminating their parental rights.

positive drug test and determined that she had “received significant services and continues danger[ous] chemical use resulting in neglect of her children[.]” And when it ruled on mother’s motion to extend the timelines, the district court determined that another extension was not in the best interests of the children because the “lack of stability and re-removal is very traumatizing to the children” and that they “need a stable, sober home on a long-term basis.”

These reasons support the best-interests finding for voluntary termination as well. Accordingly, the district court did not abuse its discretion.

Reasonable Efforts

Finally, mother did not make a reasonable-efforts argument to the district court. Thus, mother’s argument that the county failed to make reasonable efforts in her case is not properly before us on appeal. *Thiele*, 425 N.W.2d at 582. But even assuming that reasonable efforts are required for a voluntary termination, *cf.* Minn. Stat. § 260C.301, subd. 8 (2024), mother agreed that WPHS made reasonable efforts. In her voluntary consent form, mother stated that “reasonable efforts were provided” by WPHS.

In conclusion, the district court’s findings address the statutory criteria for the voluntary termination. Those findings are supported by substantial evidence and are not clearly erroneous.

Affirmed.