STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1632

In the Matter of the Welfare of the Child of: R. A. H. and J. P. C., Parents.

Filed May 12, 2025
Affirmed
Johnson, Judge

Scott County District Court
File No. 70-JV-24-5398

Anne Morris Carlson, St. Paul, Minnesota (for appellant-mother R.A.H.)

Ronald Hocevar, Scott County Attorney, Elisabeth M. Johnson, Assistant County Attorney, Shakopee, Minnesota (for respondent Scott County Human Services)

Madeline Erickson, Chaska, Minnesota (guardian *ad litem*)

Considered and decided by Worke, Presiding Judge; Johnson, Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

The district court terminated a mother's parental rights to a child and denied her counter-petition to transfer custody of the child to the child's maternal grandparents. We conclude that the district court did not err in its findings concerning the child's best interests, did not err by finding that the county made reasonable efforts to reunite the mother with the child, and did not err by denying the counter-petition for a transfer of custody. Therefore, we affirm.

FACTS

R.A.H. gave birth to a child in 2017. The child's biological father, J.P.C., voluntarily terminated his parental rights and is not a party to this appeal. R.A.H.'s significant other, J.O., has held himself out as the child's father, and the child considers him to be her father. R.A.H. does not work outside the home and is the child's primary caretaker. R.A.H. lives with J.O. and relies on him for financial support.

Scott County began a child-protection investigation into R.A.H. and the child in March 2021. R.A.H. later testified that, during this time period, the child sometimes threw heavy objects at people, tried to stab herself and others with metal utensils, and broke three televisions by throwing hard objects at them. R.A.H. and J.O. locked the child's bedroom door from the outside and installed locks on her bedroom windows to prevent her from escaping. The county also received a report that the home included nine cats, two dogs, and two rabbits, and often had trash, animal feces, and animal urine on the floor. In January 2021, the state charged R.A.H. with the gross-misdemeanor offense of neglect and endangerment of a child, but the charges were resolved with a continuance for dismissal. The county closed the child-protection matter in November 2022.

In May 2023, the county received a report that the child sometimes attended school in an unsanitary condition and covered in bruises and, in addition, sometimes stripped naked, engaged in sexually inappropriate behaviors, and urinated and attempted to defecate on the floor. The child had nearly 40 unexcused absences from school. A child-protection investigator visited R.A.H.'s home and reported that "the conditions of the home [are] unsafe and unsanitary for" the child because

> the home had a trickle of running water, not enough to flush the toilet or bathe; several safety hazards were observed including exposed pipes, exposed wires, holes in the exterior walls; a lot of clutter and animal feces and dander; the parents admitted to locking [the child] in rooms for long periods of time to keep her contained and it appeared she was without supervision in those rooms.

In May 2023, the county filed a petition alleging that the child was in need of protective services. The district court ordered that the child be placed in the temporary custody of the county, which placed the child in a group home offering both respite care and long-term foster-care services.

The county's case manager developed an out-of-home placement plan that outlined the services that the county would offer to R.A.H. and the child to facilitate reunification, which included child-developmental-disabilities case-management services, assistance with fee-waivers, counseling and therapeutic services, transportation to medical and mental-health appointments, parenting education, parenting and mentoring and other support services, a mental-health assessment, a chemical-health assessment, coordination of medical and mental-health services, assistance with resources for R.A.H. and J.O.'s home, and other general case-management services. The plan required R.A.H. to participate in case-planning meetings and remain in communication with her case worker, complete a psychological evaluation, participate in a parenting evaluation, and complete a chemical-dependency evaluation, among other things.

During R.A.H.'s chemical-dependency evaluation, she admitted to drinking alcohol and smoking marijuana on a daily basis but denied chemical dependency. The evaluator recommended that R.A.H. attend an inpatient treatment program, which she refused to do.

The case manager found an outpatient treatment program, which R.A.H. attended twice before being discharged for failure to respond to repeated scheduling requests.

R.A.H.'s psychological evaluation resulted in a recommendation that she engage in dialectical-behavior therapy, but she did not do so. At trial, R.A.H. could not identify any therapy that she had attended. The district court construed her unwillingness to engage in dialectical-behavior therapy or any other therapy as "an abject refusal by mother to cooperate with the agency's efforts to rehabilitate and reunify the family."

When the child was removed from R.A.H.'s home, she was six years old and not yet toilet-trained. After her placement in the group home, she was toilet-trained in three days, and the group home's staff noted a significant decrease in her problematic behaviors after she adjusted to the group home. But the staff observed a noticeable increase in inappropriate behaviors after the child's visits with R.A.H. and J.O.

In April 2024, the county filed a petition to terminate R.A.H.'s parental rights on three statutory grounds. *See* Minn. Stat. § 260C.301, subd. 1(b)(2), (4), (5) (2022). In May 2024, R.A.H. filed a counter-petition for transfer of permanent legal and physical custody of the child to the child's maternal grandparents. The grandparents expressed their willingness to receive custody of the child. The child initially spent single overnights and then weekends with her grandparents. Later, the child began spending weekdays with her grandparents and weekends at the group home. That transition was unsuccessful. The child's grandparents often returned the child to the group home with the medications that she was supposed to have taken while staying at their home. The grandparents later testified that the child would not fall asleep until after 11:00 p.m., which was much later

than her regular routine of falling asleep by 7:30 p.m. at the group home. Group-home staff noticed that the child often was dysregulated and had a resurgence of inappropriate behaviors after a visit at her grandparents' home. During the child's third five-day week at her grandparents' home, her grandfather returned her to the group home in the middle of the week. The grandparents told the case manager that they "couldn't handle it anymore."

The district court conducted a court trial on the petition and counter-petition on seven days in July and August of 2024. In September 2024, the district court filed an 80-page order granting the county's termination petition, denying R.A.H.'s transfer petition, and terminating R.A.H.'s parental rights. R.A.H. appeals.

DECISION

I. Best Interests

R.A.H.'s primary argument on appeal is that the district court erred by not making adequate findings concerning whether the termination of her parental rights is in the child's best interests. Specifically, R.A.H. argues that the district court did not expressly consider the child's interest in maintaining a relationship with her.

If the petitioner in a proceeding for the termination of parental rights has proved a statutory ground for termination, "the best interests of the child must be the paramount consideration." Minn. Stat. § 260C.301, subd. 7 (2024). In considering a child's best interests, a district court must consider and evaluate "all relevant factors." Minn. Stat. § 260C.511(a) (2024). In an order terminating parental rights, "the court must be governed by the best interests of the child, including a review of the relationship between the child

and relatives and the child and other important persons with whom the child has resided or had significant contact." Minn. Stat. § 260C.511(b) (2024).

This court has stated that the best-interests analysis "consists of weighing three primary factors: [1] the child's interest in maintaining the parent-child relationship, [2] the parents' interest in maintaining the parent-child relationship, and [3] any competing interest of the child." *In re Welfare of Children of M.A.H.*, 839 N.W.2d 730, 744 (Minn. App. 2013) (numerals added); *see also In re Welfare of L.A.F.*, 554 N.W.2d 393, 399 (Minn. 1996); *In re Welfare of M.D.O.*, 462 N.W.2d 370, 378-79 (Minn. 1990); *In re Welfare of Child of F.F.N.M.*, 999 N.W.2d 525, 545 (Minn. App. 2023), *rev. denied* (Minn. Jan. 5, 2024); Minn. R. Juv. Prot. P. 58.04(c)(2)(ii). We also have stated that the "competing interests" of the third factor "include a stable environment, health considerations, and the child's preferences." *M.A.H.*, 839 N.W.2d at 744. We apply an abuse-of-discretion standard of review to a district court's determination that the termination of parental rights is in a child's best interests. *In re Welfare of Children of J.R.B.*, 805 N.W.2d 895, 905 (Minn. App. 2011), *rev. denied* (Minn. Jan. 17, 2012).

In this case, the district court discussed the issue of best interests in its termination order. The district court acknowledged that "the interests of the child are paramount" and that the court "must find that termination is in the child's best interests." The district court referred to both the three-factor test and the competing interests described above. The district court also stated that "stability is a factor which must be given high priority . . . and includes the amount of time a child has spent in out of home placement." The district court applied these concepts to the facts of this case as follows:

> The child has been in placement out of the parent's home and in foster care since May 18, 2023, for a total of approximately 500 days. A child's best interests are not served by delaying the child's availability for permanent placement. *In re Welfare of S.Z.*, 547 N.W.2d 886, 893 (Minn. 1996). [The child] needs permanency. She is at an age where she needs the care, guidance, and nurture of protective adults who will not place her at the risk of neglect again, even if it means that she resides in a group home. The child's best interests in being safe, protected, and nurtured clearly outweigh mother's, [J.O.'s], and the grandparents' interests in waiting an indeterminate time to see if mother can finally (after a year and a half) engage meaningfully with the Agency to plan for the safety and well-being of her child. "[I]t is absolutely not in the best interests of the children to continue to experiment with their young lives so that their parents can exhaust every possible, unrealistic alternative to termination of parental rights." *In re A.V.*, 593 N.W.2d 720, 721 (Minn. App. 1999). [The child] *deserves* permanency, and it is clear to the Court that the best option for permanency now and for the foreseeable future is for her to remain where she is right now and for the Court to terminate mother's and father's parental rights.

The district court's analysis of the child's best interests is based on its numerous findings of fact. The district court found, among other things, that R.A.H. had made minimal progress toward completing the objectives of her case plan, that she was unable to meaningfully discuss the safety and well-being of her child, that additional services from the county were unlikely to enable the child to be returned to R.A.H. in a reasonable period of time, and that R.A.H. "does not possess the skills, the insight, or the demonstrated commitment to safely parent the child in the foreseeable future."

This court will reverse and remand a termination order if a district court does not make adequate findings concerning a child's best interests. In *In re Tanghe*, 672 N.W.2d 623 (Minn. App. 2003), we granted appellate relief because the district court's order did

not contain any findings or conclusions concerning the children's best interests. *Id.* at 625-26. We stated that a district court "must consider a child's best interests and explain its rationale in its findings and conclusions." *Id.* at 626. We explained that, "[w]ithout a specific finding on the best interests of the children, we are unable to address [the parent's] substantive challenges to the district court's decision to terminate her parental rights." *Id.* We explained further that "when 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.'" *Id.* (quoting *In re Welfare of M.M.*, 452 N.W.2d 236, 239 (Minn. 1990)); *see also In re Welfare of Child of D.L.D.*, 771 N.W.2d 538, 545-46 (Minn. App. 2009) (remanding because "district court's order does not contain findings or conclusions regarding [child's] best interests").

In contrast, in *F.F.N.M.*, we considered but rejected an argument similar to R.A.H.'s argument. 999 N.W.2d at 545-46. We noted that the district court recognized the best-interests standard, found that the mother was unable to care for the child in the reasonably foreseeable future, and determined that the child's best interests were best served by "a stable and permanent home environment." *Id.* at 545. We also noted that the district court "emphasized the competing-interests factor." *Id.*

As stated above, R.A.H. contends that the district court did not expressly consider the first factor identified in *M.A.H.*: the child's interest in maintaining a relationship with a parent. R.A.H. is correct that the district court's order does not expressly and specifically discuss the child's interest in maintaining a relationship with her and does not weigh that

interest against the other interests. But the order contains an extended discussion of the child's best interests, including facts relevant to the third factor, the "competing interests of the child." *See M.A.H.*, 839 N.W.2d at 744; Minn. R. Juv. P. 58.04(c)(2)(ii). The order clearly states that the child has a strong interest in permanency and stability. For these reasons, the order in this case is unlike the orders in *Tanghe* and *D.L.D.*, which were completely lacking in findings and conclusions concerning best interests. *See Tanghe*, 672 N.W.2d at 626; *D.L.D.*, 771 N.W.2d at 545. The order in this case is similar to the order in *F.F.N.M.*, in which the district court addressed the best-interests requirement and made case-specific findings and conclusions. *See* 999 N.W.2d at 545-46.

Thus, the district court did not err in its findings concerning the child's best interests.

II. Reasonable Efforts

R.A.H. also argues that the district court erred by finding that the county made reasonable efforts to reunite her with the child.

After a CHIPS adjudication, a social services agency "shall ensure that reasonable efforts . . . are made to prevent placement or to eliminate the need for removal and to reunite the child with the child's family at the earliest possible time." Minn. Stat. § 260.012(a) (2024). In a proceeding to terminate parental rights, a district court "shall make specific findings . . . 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 efforts made by the social services agency to rehabilitate the parent and reunite the family." Minn. Stat. § 260C.301, subd. 8(1) (2024). In determining

whether reasonable efforts were made, the district court shall consider certain factors specified by statute. *See* Minn. Stat. § 260.012(h).

In this case, the district court made voluminous findings concerning the efforts made by the county to reunite R.A.H. and the child. R.A.H. challenges the district court's findings concerning reasonable efforts by making a single narrow argument: that the child's grandparents "needed a great deal of assistance in meeting the child's needs" but the county did not offer services to the grandparents and "failed to explore whether the child could be placed at the grandparent's home with adequate assistance in place, including PCA services for the child."

We question whether the county has a statutory duty to make reasonable efforts with respect to the grandparents. The applicable statute is focused on parents; it requires that, before terminating parental rights, a district court must find that reasonable efforts were made "to reunify the child and *the parent*." Minn. Stat. § 260C.301, subd. 8(1) (emphasis added). R.A.H. does not cite any legal authority for the proposition that a county's duty to make reasonable efforts extends to a parent's parents.

The county responds to R.A.H.'s argument by describing the efforts that the county made with respect to the maternal grandparents. The county asserts that, after the grandparents indicated an interest in being considered as a permanency option for the child, the county supported the expansion of their visitation, initially from one overnight to two overnights per week and later to five consecutive overnights per week. But, as explained above, the grandparents experienced difficulties and, on one occasion, returned the child

to her group home mid-week. If the county was obligated to make reasonable efforts to facilitate the grandparents' interest in a permanency option, the county fulfilled that duty.

We note that, in her appellate brief, R.A.H. argues that the county did not make reasonable efforts because it "did not have a permanency plan in place at the time of trial, other than that the child stay at her group home." At oral argument, R.A.H.'s attorney withdrew that argument, conceding that it does not have a legal basis. Accordingly, we need not address that issue.

Thus, the district court did not err by finding that the county satisfied its duty to make reasonable efforts.

III. Counter-Petition for Transfer of Custody

R.A.H. last argues that the district court erred by denying her counter-petition for a transfer of physical and legal custody of the child to the child's maternal grandparents.

"In a permanency proceeding under sections 260C.503 to 260C.521 of the Minnesota Statutes, a district court may order any one of six dispositions." *In re Welfare of Children of J.C.L.*, 958 N.W.2d 653, 655 (Minn. App. 2021), *rev. denied* (Minn. May 12, 2021). "One of the possible dispositions is a transfer of permanent legal and physical custody 'to a fit and willing relative.'" *Id.* (quoting Minn. Stat. § 260C.515, subd. 4 (2020)). A district court may transfer custody to a relative only if it "has reviewed the suitability of the prospective legal and physical custodian" and "finds the permanency disposition to be in the child's best interests." Minn. Stat. § 260C.515, subd. 4(b). In addition, the district court must find that the prospective custodian understands that the transfer "includes permanent, ongoing responsibility for the protection, education, care,

and control of the child and decision making on behalf of the child until adulthood" and that the custodian "shall not return a child to the permanent care of a parent from whom the court removed custody without the court's approval and without notice to the responsible social services agency." *Id.*, subd. 4(b)(1)(i)-(ii). The county bears the burden of proving, by clear and convincing evidence, that a transfer of custody is in a child's best interests. *See J.C.L.*, 958 N.W.2d at 655-56. This court applies a clear-error standard of review to such a finding. *Id.* at 658.

In this case, the district court found that R.A.H. did not satisfy the statutory requirements for a transfer of custody. The district court found that the child's maternal grandparents "are not able to care for the child." The district court referred to evidence that the grandparents returned the child to the group home during the third week of their five-day-per-week visitation as well as evidence that "the child's behavior got markedly worse" after visits with the grandparents. In addition, the district court expressed concern about the grandparents' reluctance to give the child her prescribed medications and to follow the advice of the child's medical providers when it would be in the child's best interests to do so.

On appeal, R.A.H. argues only that the grandparents "testified at trial that they were willing to assume custody of the child, though they recognized that they would need help in providing for her day-to-day care." R.A.H.'s argument does not overcome the district court's well-reasoned findings.

Thus, the district court did not err by denying R.A.H.'s counter-petition to transfer custody of the child to the child's maternal grandparents.

Affirmed.