STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1934

In the Matter of the Welfare of the Children of:
H.S., Parent.

Filed June 23, 2025
Affirmed
Cleary, Judge[*]

Hennepin County District Court
File Nos. 27-JV-23-2277; 27-JV-22-2318

Anne Morris Carlson, Anne M. Carlson Law Office, St. Paul, Minnesota (for appellant-father C.N., Jr.)

Mary F. Moriarty, Hennepin County Attorney, Britta Nicholson, Assistant County Attorney, Minneapolis, Minnesota (for respondent Hennepin County Human Services and Public Health Department)

Michael P. Berger, Fourth District Public Defender, Paula Ruth Brummel, Margaret Mae Forsell Cayard, Assistant Public Defenders, Minneapolis, Minnesota (for children D.D. and H.D.)

David Allen Yates, Minneapolis, Minnesota (for guardian ad litem)

Considered and decided by Larkin, Presiding Judge; Bentley, Judge; and Cleary, Judge.

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

NONPRECEDENTIAL OPINION

CLEARY, Judge

Appellant-father challenges the termination of his parental rights to his two children, arguing that the district court abused its discretion by determining (1) respondent-department made reasonable efforts to reunite the family, and (2) a statutory ground for terminating his parental rights existed. Because the record sufficiently supports the district court's determinations, we affirm.

FACTS

Appellant is the adjudicated father of H.D. and D.D. (the children). H.S., the children's mother, was the sole custodial parent of the children. H.S. voluntarily terminated her parental rights and is not part of this appeal. The facts below were established at appellant's termination of parental rights (TPR) trial.

Background

On September 21, 2022, respondent Hennepin County Human Services and Public Health Department filed a children in need of protection or services (CHIPS) petition for H.D. and D.D. following a report that the children were frightened of H.S. because she threatened physical abuse. After an Emergency Protective Care (EPC) hearing, the district court found the children would be immediately endangered if they returned to H.S.'s care and placed the children in foster care. The next day, the children were moved to foster care with a foster parent who was related to them, where they have remained. Appellant did not have a relationship with the children before the CHIPS case but expressed interest in building a relationship going forward. Accordingly, respondent offered appellant a

voluntary case plan that contained conditions to help him show an ability to parent and care for the children.

The district court adjudicated the children in need of protection or services in January 2023, and respondent gained legal custody of the children for placement. At this time, the district court made appellant's voluntary case plan court ordered. The case plan made placement of the children with appellant contingent upon his compliance and required appellant to complete parenting education and cooperate with respondent. Eight months later, respondent filed a TPR petition with the district court against both parents. H.S. waived her right to trial and voluntarily terminated her parental rights in June 2024. Appellant elected to proceed to trial.

TPR Trial

Appellant's TPR trial occurred on July 16 and August 26-27, 2024. The parties submitted portions of the CHIPS record as evidence. The district court heard testimony from appellant, a social worker, the foster parent, and the children's Guardian ad Litem (GAL). The social worker, foster parent, and GAL testified about appellant's multiple concerning behaviors and his failure to adhere to the case plan. The testimony established that appellant originally made progress in his relationship with the children, but eventually failed to adequately progress in his case plan. After September 2023, appellant stopped meaningfully engaging in the case, refused to cooperate with respondent, and ended contact with the children. The district court specifically found these testimonies credible. And appellant himself described a history of noncompliance with the case plan on multiple bases.

Throughout the time before trial, appellant's court-ordered case plan evolved to address new concerns and meet his needs. The social worker testified that these modifications took appellant's location, preferences, and feedback into account. By trial, the case plan required appellant to: (1) cooperate with respondent; (2) complete parenting education; (3) "demonstrate sobriety while the [c]hildren are in his care," including through random UAs, and "demonstrate that he will seek appropriate support for any relapses in sobriety"; (4) "complete a mental-health assessment and follow all recommendations"; and (5) "complete anger management and follow all recommendations."

The evidence demonstrated appellant complied with the case plan goals as follows: (1) *Cooperate with respondent*. Appellant initially maintained good contact with respondent, providing case plan progress updates and engaging in conversations to address safety concerns. But, in November 2023, appellant told the social worker "to not contact him again and only talk through his attorney," and appellant's counsel told the district court that appellant was uninterested in working toward his case plan goals. Respondent tried to contact appellant for the next five months with no success, and eventually sent a letter in March 2024. The social worker reestablished contact on May 31, 2024, and provided updates on the children, but appellant refused to provide updates on his case plan progress. And appellant's testimony acknowledged this refusal to make progress on his case plan or cooperate with respondent.

(2) *Complete parenting education*. Originally, respondent referred appellant to parenting education with Minnesota Families United (MNFU). MNFU visit notes reflect that appellant embraced the sessions at the beginning, but his attitude eventually shifted to

reflect his belief that he had nothing more to learn. The notes specifically conveyed appellant's concerning behavior, including: having adult conversations with the children, including barred discussions about the court case; struggling to control his language and behavior; failing to appropriately intervene when the children behaved problematically; and focusing on himself, rather than the children. In July 2023, respondent referred appellant to a new parenting education provider following appellant's request for a more "culturally appropriate" provider. He then attended and graduated the provider's program. Despite completing the program, appellant continued to exhibit problematic behaviors. Along with the behaviors noted by MNFU, the social worker testified about appellant fixating on his frustrations with how respondent handled H.S. allegedly kidnapping H.D.; failing to send a letter to his children as directed by the district court after a prolonged period of him not contacting the children; refusing to comply with his case plan to regain his visitation rights after they were suspended; and making "inappropriate/threatening comments" toward H.D. at the end of a court hearing in April 2024, resulting in appellant being told to leave the courtroom.

(3) *Demonstrate sobriety*. The evidence reflects that appellant struggled to comply with the sobriety requirement. MNFU notes reflect that supervising staff denied appellant a supervised visit in January 2023 when he slurred his speech and smelled of alcohol upon arrival at the facility. Appellant explained that he drank for "five minutes"—which the district court did not find credible—and justified his drinking because he "is an adult" who was "drinking legally." The social worker testified that appellant complied with the UA testing sporadically, and appellant himself testified about his refusal to complete UAs.

Appellant also testified about a DUI charge in July 2023, where he registered a blood alcohol content over twice the legal limit but explained the case was dismissed because of an unavailable witness. Despite evidence to the contrary, appellant denied struggling with alcohol.

(4) *Complete mental health assessment and recommendations*. In August 2023, appellant signed a release for his mental health records that reflect he had three medical appointments between September 2022 and September 2023. The records provide that appellant's medical screenings resulted in recommendations to address identified mental health concerns. But because appellant ceased cooperating and communicating with respondent, the social worker testified that she could not discuss appellant's mental health struggles with him or verify the services that he engaged in after September 2023. While appellant testified that he completed some mental health services, he did not provide any documentation for the appointments and the district court did not find this testimony credible.

(5) *Complete anger management and recommendations*. Appellant failed to complete and follow recommendations for anger management, as exhibited by reports from the children, social worker, GAL, and foster parent about multiple concerning episodes of appellant's outbursts of verbal aggression. Specific outbursts included yelling at the children at a close range resulting in appellant spitting on them; calling the children obscene names in front of people when they did not behave in the manner he wanted; yelling inappropriate comments at the foster parent and her friend in front of H.D.; going to H.S.'s property manager to notify them that H.S. was a criminal and they should not

allow her to live there around children; making "various disparaging comments about Somali women immediately prior to [a] court hearing," causing the interpreter to feel unsafe and a sheriff's deputy to be present at a subsequent hearing; and making "inappropriate/threatening comments" to H.D. in front of the district court. Despite these concerns, appellant had "an ongoing objection to completing anger management," denied having anger management issues, and testified that he addressed anger management with a therapist. But appellant provided no documentation to support this statement, and the district court did not find the statement credible.

Ultimately, respondent, the children, and the GAL all believed termination of appellant's parental rights was in the children's best interests.

TPR Order

On November 11, 2024, in a detailed 35-page order, the district court involuntarily terminated appellant's parental rights. The district court concluded respondent engaged in reasonable efforts to reunify the family, that three statutory bases justified terminating appellant's parental rights—appellant neglected his parental duties, the children are neglected and in foster care, and appellant failed to correct the conditions that led to the children's out-of-home placement—and that termination was in the children's best interests.[1]

Appellant challenges the termination of his parental rights.

[1] Appellant does not challenge the district court's "best interests" determination on appeal.

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 affirm the district court's termination of parental rights when at least one statutory ground for termination is supported by clear and convincing evidence and termination is in the best interests of the child, provided that the [department] has made reasonable efforts to reunite the family" or those efforts are not required. *In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008) (citation omitted); *see also* Minn. Stat. § 260.012(a) (2024) (listing circumstances when reunification efforts are not required). When reviewing a district court's determination regarding whether to terminate parental rights, "we review the factual findings for clear error." *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 87 (Minn. App. 2012). We review the district court's determination as to whether a statutory basis to involuntarily terminate parental rights exists and whether the department made reasonable efforts towards reunification for an abuse of discretion. *Id.*; *see also In re Welfare of Child of T.M.A.*, 11 N.W.3d 346, 358 (Minn. App. 2024).

The "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." *T.M.A.*, 11 N.W.3d at 355. The district court makes a clearly erroneous finding "if it 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). When reviewing for clear error, we "view the evidence in the light most favorable to the findings, do not find

[our] own facts, do not reweigh the evidence, [and] do not reconcile conflicting evidence." *T.M.A.*, 11 N.W.3d at 355 (citing *In re Civ. Commitment of Kenny*, 963 N.W.2d 214, 221-22 (Minn. 2021)).

I. The district court did not abuse its discretion in determining that respondent made reasonable efforts to reunify the family.

Appellant argues the district court abused its discretion in determining that respondent made reasonable efforts to reunite the family. He argues that respondent did not make reasonable efforts because respondent did not assign a different social worker after he became frustrated with respondent and the social worker testified that she could not obtain appellant's participation in mental health services although he signed release forms.

In any proceeding to terminate parental rights, the district court must make specific findings "that reasonable efforts . . . 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" or "that reasonable efforts for reunification are not required." Minn. Stat. § 260C.301, subd. 8 (2024); *see also* Minn. Stat. § 260.012(a) (listing circumstances when reunification efforts are not required). To determine whether reasonable efforts have been made, the district court must consider whether services to the child and family 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). To make reasonable efforts, the department must "provide those services that would assist in alleviating the conditions leading to" the termination proceeding. *In re Welfare of M.A.*, 408 N.W.2d 227, 235-36 (Minn. App. 1987), *rev. denied* (Minn. Sept. 18, 1987).

The district court's findings address each of these factors, and there is substantial evidence in the record that respondent made reasonable efforts to reunite appellant with the children. Given that appellant had no relationship with the children at the beginning of the CHIPS case, respondent offered appellant a voluntary case plan at the initial hearing to address reunification barriers. After the case plan became court-ordered, respondent continued to collaborate with appellant to tailor services to his preferences and to refer him to providers close in proximity to his location—including changing appellant's parenting education referral to a more culturally appropriate program after he expressed this desire. After concerns of sobriety, mental health, and anger management arose, respondent amended appellant's case plan to add appropriate goals and services to address the concerns. To help appellant comply with the case plan, respondent provided him with a monthly phone and gas card fund. And respondent made continued efforts to regularly communicate with appellant about case plan progress and updates, including sending a letter after appellant cut off communication with respondent.

To the extent that appellant argues that a new social worker would have resolved his lack-of-participation in his case plan, the record does not support this assertion. Appellant's own testimony acknowledges that he quit communicating with respondent and participating in the case plan because he did not want to "cooperate with corruption" or a "corrupt system" that "lack[s] . . . accountability," and he "just didn't want anything else to do with the child protection." And despite this refusal to cooperate, respondent continued to make efforts to engage with appellant. Additionally, while the record supports appellant's assertion that he signed information releases for his mental health records through September 2023, the social worker testified that she tried to obtain relevant follow-up information after that date by communicating with appellant and appellant's providers—but both were unresponsive.

Given the evidence, the district court's determination that respondent made reasonable efforts to reunite the family is not contrary to logic and the facts and is not an abuse of discretion. *See T.M.A.*, 11 N.W.3d at 355.

II. The district court did not abuse its discretion in determining that a statutory basis under Minn. Stat. § 260C.301, subd. 1(b) (2024) existed to terminate appellant's parental rights.

Appellant also argues that the district court abused its discretion in ruling that a statutory ground supports terminating his parental rights. Respondent 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 hearing

and show that "present conditions of neglect will continue for a prolonged, indeterminate period." *Id.* at 901-02 (quotation omitted). If a single statutory basis for terminating appellant's parental rights is affirmable, we need not address any other statutory bases the district court may have found to exist. *In re Welfare of Child of J.H.*, 968 N.W.2d 593, 602 (Minn. App. 2021), *rev. denied* (Minn. Dec. 6, 2021). The district court found, by clear and convincing evidence, the facts necessary to support three statutory grounds for terminating appellant's parental rights.[2] Appellant challenges all three of these grounds. We address the first ground for termination below.

The district court concluded that it could terminate appellant's rights under Minn. Stat. § 260C.301, subd. 1(b)(2), which allows termination if a "parent has substantially, continuously, or repeatedly refused or neglected to comply" with parental duties, and either the department's reasonable efforts "have failed to correct the conditions that formed the basis of the petition" to terminate parental rights or further efforts would be futile and unreasonable. As addressed in part I, the district court did not abuse its discretion in determining that respondent made reasonable efforts to reunite the family, so this analysis focuses on the parental-duties prong. Parental duties can include, but are not limited to, "providing for the child's physical needs, such as food, clothing, and shelter, as

[2] Legislative amendments, that became effective after the filing of the petition in this case but before the district court took the matter under advisement, renumbered the relevant paragraphs establishing the statutory bases. *See* 2024 Minn. Laws ch. 115, art. 18, § 38, at 1742-44. The district court's order used the paragraph numbers that were cited in the petition, not the numbering as amended as of August 2024. But this error is insignificant as the order reflects the district court substantively ruled on the three statutory bases. *See In re Welfare of Child of A.L.W.*, No. A24-1678, 2025 WL 1157171, at *6 n.2 (Minn. App. Apr. 21, 2025) (concluding this error was insignificant for the same reason).

well as other care and supervision necessary to facilitate the child's physical, mental, and emotional health and development." *J.H.*, 968 N.W.2d at 602-03; *see also* Minn. Stat. § 260C.301, subd. 1(b)(2) (enumerating same set of parental duties). "[A] parent's failure to comply with a reasonable case plan may constitute evidence of neglect of parental duties." *J.H.*, 968 N.W.2d at 603.

The district court determined that, as of the hearing, appellant ultimately failed to comply with several aspects of his case plan: appellant failed to cooperate with the department, in large part by ceasing communication with the department; appellant failed to demonstrate sobriety, as evidenced by his failure to regularly complete UAs, testimony that he showed up at a supervised visit intoxicated, the children's reports that appellant used alcohol during unsupervised visits, and a DUI charge in July 2023[3]; appellant refused to provide the social worker with documentation of his alleged anger-management treatment; appellant struggled "to demonstrate the most basic parenting skills" despite completing the parenting education program; appellant refused to acknowledge or address his anger management problems; and appellant failed to provide information showing he followed through with his mental-health assessment and recommendations. The district court specifically noted with respect to his untreated mental-health issues that, "[w]ithout an acknowledgement from [appellant] that the problem exists, it is clear the problem will persist indefinitely and continue to harm the [c]hildren."

[3] This charge was later dismissed by the prosecutor for an unavailable necessary witness.

At trial, appellant testified about his refusal to cooperate with the respondent after September 2023, to complete UAs, to address his anger-management case plan goal, and to acknowledge his challenges with substance abuse. In addition, the social worker, foster parent, and GAL testified about appellant's concerning behaviors, including his lack-of-cooperation to provide proof of anger-management treatment, incidents reflecting deficient parenting behaviors despite his completion of the parenting education class, verbal aggression toward the children, lack-of-acknowledgment for respondent's anger and alcohol abuse concerns, and not visiting the children for about one year by the time the trial began. The district court itself also witnessed examples of appellant's anger-management issues towards his children and the court reporter. And multiple documents created throughout the CHIPS and TPR proceedings describe appellant's noncompliance with his case plan and noncooperation with respondent.

Appellant argues that he did not get a chance to provide care for the children's needs, so the district court could not conclude he neglected his parental duties. But the record reflects that he did have this opportunity when the district court granted him unsupervised visits. The district court terminated those visits around five months later because of concerns related to appellant's inability to properly care for the children and his "deeply troubl[ing] . . . behavior," including his use of alcohol around the children. These behaviors were reflected in the foster parent's testimony and reported by the children to the social worker.

Given the evidence, the district court's determination that appellant neglected his parental duties and that this deficiency would continue for the reasonably foreseeable

future is supported by clear and convincing evidence and is not clearly erroneous. Because we conclude this statutory ground is met, we need not address the other statutory grounds that the district court also concluded were met. *See J.H.*, 968 N.W.2d at 602.

We conclude that the district court's determinations that respondent made reasonable efforts to reunite appellant with the children and that a statutory ground for termination exists were not an abuse of discretion. Therefore, we affirm the district court's termination of appellant's parental rights.

Affirmed.