STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1940

In the Matter of the Welfare of
the Children of: T.D. and R.R., Parents.

Filed June 23, 2025
Affirmed
Smith, John, Judge[*]

Kandiyohi County District Court
File No. 34-JV-24-148

John E. Mack, New London Law, P.A., New London, Minnesota (for appellant mother T.D.)

Shane D. Baker, Kandiyohi County Attorney, Kristen Pierce, First Assistant County Attorney, Willmar, Minnesota (for respondent Kandiyohi County Health and Human Services)

Angela Sonsalla, Perham, Minnesota (for guardian ad litem Danielle Johnson)

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

NONPRECEDENTIAL OPINION

SMITH, JOHN, Judge

We affirm the district court's order terminating appellant-mother's parental rights to two children because referral of appellant for civil commitment was not a reasonable effort that respondent-county was required to provide as part of a reunification plan.

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

FACTS

The parties do not dispute the relevant facts. Appellant T.D. is the biological mother to children V.R. and K.R. Prior to the events relevant to this appeal, T.D. had sole legal and sole physical custody of the children. Between April and November 2023, respondent Kandiyohi County Health and Human Services received 34 child-protection reports regarding T.D. and her children. These reports alleged "inadequate supervision, inadequate provisions, threatened injuries, and physical abuse." More specifically, the reports included allegations that T.D. sent her children to school wearing soiled clothing, hit one of her children and pulled the child's hair, yelled at the children, and failed to provide the children a sanitary living environment.

Due to the cumulative weight of the reports, the county removed the children from T.D.'s care in November 2023 and placed them in relative foster care. The county filed a child(ren)-in-need-of-protection-or-services (CHIPS) petition, and the district court subsequently adjudicated the children CHIPS.

Following the removal of the children from T.D.'s care, county employees met with her to discuss and receive input on a case plan that the county had created, but T.D. did not meaningfully engage in this process. T.D.'s case plan included the following requirements: cooperate with the county; secure safe, stable housing; complete a parental-capacity evaluation and a psychological evaluation and follow all recommendations; maintain regular visitation with the children; participate in in-home parenting-skills training and follow the provider's recommendations; ensure that the children are receiving any necessary services; not allow unsafe individuals around the children; participate in safety-

support meetings and follow plans created during these meetings; and refrain from using or possessing nonprescribed mood-altering substances.

At issue in this case are the services the county provided to assist T.D. with her mental-health concerns. Throughout the proceedings, T.D. exhibited erratic and concerning behaviors. T.D. would frequently swear at and insult her caseworkers and service providers. She named a group chat with caseworkers "the losers club" and saved a social worker's contact in her phone as "Idiot." On two occasions, service providers called law enforcement to remove T.D. from the service providers' premises, and the school that her children attended prevented T.D. from visiting the school due to her behavior.

The county provided T.D. with various services to address her mental-health concerns.[1] The county provided two social workers to assist with T.D.'s case due to the challenges posed by her behaviors. One of the social workers testified that caseworkers set up appointments to meet with T.D. and that T.D. attended some of these appointments. But, according to the social worker, T.D. was resistant to discussing her mental health, often refocusing questions about her mental health on the mental health of the social workers. The county also provided T.D. with volunteer drivers and offered her a bus pass and gas cards to attend various appointments.

The county arranged for T.D. to complete a parental-capacity evaluation, which included a cognitive test, a personality test, and an adaptive-behavior assessment.

[1] T.D. was also independently seeing a therapist.

Although T.D. did not complete the evaluation due to behavioral concerns, the evaluator made several recommendations based on the portion of the evaluation that T.D. did complete, including that she participate in individual therapy, work with an adult-mental-health case manager, and consult with a psychiatrist.[2] T.D. completed two sessions with a psychiatrist but did not follow a recommendation to return after 30 days, reporting that she wanted her primary-care physician to provide these services. Her physician, however, did not feel comfortable providing psychiatric services. T.D. also took medications to support her mental-health needs, but at one time indicated that she was weaning off these medications "to go a more herbal route."

The county also referred T.D. to an adult-mental-health worker with Kandiyohi County Adult Mental Health. T.D., believing she did not have any mental-health issues, declined this service. Additionally, the county arranged for T.D. to complete in-home parenting-skills training. However, after speaking with T.D., the parenting-skills provider declined to work with T.D. due to her inappropriate behavior. T.D. refused to work with another parenting-skills provider. Further, the county completed a referral for T.D. to receive adult-rehabilitative mental-health services. Because T.D. did not acknowledge having any mental-health issues, the service provider determined that this service was not appropriate for her.

In August 2024, the county filed a petition to terminate T.D.'s parental rights to V.R. and KR. The district court held a two-day trial on the petition in October 2024.

[2] The evaluator opined that, even if T.D. had complied with these recommendations, she would still be "too dysregulated" to parent her children.

Following the trial, the district court filed an order in which it terminated T.D.'s parental rights to V.R. and K.R.[3] In its order, the district court explained that three statutory bases supported termination of T.D.'s parental rights: failure to provide for her children's needs under Minn. Stat. § 260C.301, subd. 1(b)(2) (2024); palpable unfitness under Minn. Stat. § 260C.301, subd. 1(b)(3) (2024); and failure to correct the conditions that led to out-of-home placement under Minn. Stat. § 260C.301, subd. 1(b)(4) (2024).[4] It also determined that the county had provided reasonable efforts to reunite T.D. with her children and that termination of T.D.'s parental rights was in the best interests of the children. T.D. appeals.

DECISION

In challenging the district court's termination of her parental rights, T.D. argues that the county failed to provide reasonable efforts because it did not take adequate steps to ensure that she received proper treatment, asserting that the county could have civilly committed her. We disagree.

A district court may terminate parental rights "only for grave and weighty reasons." *In re Welfare of Child of W.L.P.*, 678 N.W.2d 703, 709 (Minn. App. 2004). Appellate courts review a district court's decision to terminate parental rights to ensure that there

[3] The district court's order does not address the parental rights of the children's father(s). R.R. is the alleged father of the children. The paternity issue is part of a separate action.

[4] The Minnesota Legislature modified section 260C.301, subdivision 1, in 2024 to remove one statutory basis for termination, renumber some of the existing statutory bases, and slightly modify when a parent is presumed to be palpably unfit. 2024 Minn. Laws. ch. 80, art. 8, § 27, at 334; 2024 Minn. Laws ch. 115, art. 18, § 38, at 1742-43. The district court's order uses the numbering scheme that was in effect prior to the 2024 amendments, but this opinion uses the numbering scheme that is in effect under the 2024 amendments. *See* Minn. Stat. § 260C.301, subd. 1 (2022). These discrepancies are not material to our decision.

exists clear and convincing evidence that: (1) at least one statutory ground for termination exists; (2) the county made reasonable efforts to reunite the family subject to the proceedings or was not required to make reasonable efforts; and (3) termination is in the best interests of the child(ren). *In re Welfare of Child. of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008); *see also* Minn. Stat. § 260.012(a) (2024) (explaining when a county is required to make reasonable efforts to reunite a family). The county does not argue that it was not required to provide reasonable efforts in this situation.

We interpret T.D.'s argument as only challenging the reasonable-efforts requirement. Appellate courts review a district court's determination regarding reasonable efforts for an abuse of discretion. *See In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 323 (Minn. App. 2015) (concluding 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 when it makes factual findings that are unsupported by evidence, misapplies the law, or delivers a decision against logic and the facts on the record. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022). Appellate courts review the factual findings underlying a district court's decision to terminate parental rights for clear error. *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 87 (Minn. App. 2012). "A finding is clearly erroneous if it is manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *In re Welfare of Child of A.M.C.*, 920 N.W.2d 648, 654 (Minn. App. 2018) (quotation omitted).

To determine whether a county provided reasonable efforts to reunite a family, a district court must consider whether the services provided 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 "are services that go beyond mere matters of form so as to include real, genuine assistance." *In re Welfare of Child. of S.W.*, 727 N.W.2d 144, 150 (Minn. App. 2007) (quotation omitted), *rev. denied* (Minn. Mar. 28, 2007). District courts must additionally consider the amount of time the county has been involved in the case and the quality of the efforts provided. *A.M.C.*, 920 N.W.2d at 655-56.

Whether the county provided reasonable efforts requires a context-specific analysis that "depends on the problem presented." *See In re Welfare of S.Z.*, 547 N.W.2d 886, 892 (Minn. 1996). Further, in the mental-health context, caselaw has explained that "[m]ental illness, in and of itself, is not [a] sufficient basis for the termination of parental rights." *Id.* Rather, "the actual conduct of the parent is to be evaluated to determine his or her fitness to maintain the parental relationship with the child in question so as to not be detrimental to the child." *Id.* (quotation omitted).

The district court found that the county provided the following services to T.D.:

> Child Protection Case Management, Adult Mental Health Case Management, Drop-in visits, Monthly meetings, Housing

> assistance, Transportation, Supervised visitation, Employment assistance, Parental Capacity, Provided [T.D.] with household supplies, Comprehensive evaluation, Drug testing, Relative Search, Psychiatric assessment, Individual therapy, Occupational therapy, and In-home services.

The district court explained these services constituted reasonable efforts and that T.D.'s "continued refusal to utilize the efforts and seek treatment for her obvious and diagnosed mental illness" "created an obstacle for all other services."

The record provides ample support for the district court's findings regarding these efforts and its determination that these efforts were reasonable. In other words, these efforts were reasonable under section 260.012(h) and "include[d] real, genuine assistance." *S.W.*, 727 N.W.2d at 150 (quotation omitted). On this point, the county arranged for T.D. to complete a parental-capacity evaluation, referred T.D. to an adult mental-health worker, referred her to in-home parenting-skills training, referred T.D. to adult-rehabilitative mental-health services, and recommended that she consult with a psychiatrist. The record indicates that T.D. either declined these services, that T.D. was prevented from using these services due to her inappropriate behavior, or that the service provider determined that such services were not suitable given T.D.'s lack of acknowledgment of her mental-health problems.

T.D.'s primary argument on appeal is that the county provided insufficient services because it could have civilly committed her, meaning that the children could have been returned to her care within a reasonable time had T.D. received more intensive treatment. T.D. adds that, had she been civilly committed, "perhaps her defiant attitude would have

disappeared" and that "termination should not have been ordered unless *all* treatment options had been explored and attempted." (Emphasis added.)

T.D. does not cite, nor do we identify, any cases in which this court or the supreme court reversed a termination of parental rights on reasonable-efforts grounds because the county failed to pursue civil commitment proceedings against a parent. Indeed, we held to the contrary in our nonprecedential decision in the case *In re Welfare of Children of S.M.M*, No. A13-1226, 2013 WL 6570585, at *1-4 (Minn. App. Dec. 16, 2013).[5] In *S.M.M.*, the mother, whose parental rights were terminated, argued that the county did not make reasonable efforts to assist her because it failed to seek her civil commitment. 2013 WL 6570585, at *2. We explained that the lack of civil commitment did not present a basis for reversal because the mother (1) did not explain how civil commitment would have met the criteria for reasonable efforts; (2) did not explain how it would be "adequate to meet the needs of the child and family"; and (3) did "not specify the treatments she expect[ed] to receive after a civil commitment, and she [did] not explain how or when these treatments might be effective." *Id.* We further explained that it was uncertain whether the mother met the statutory criteria for civil commitment, making it doubtful whether civil commitment was "available and accessible" or "realistic under the circumstances." *Id.* at *3. We added that had civil commitment been available, its availability would not have undermined the district court's reasonable-efforts determination because, under the inquiry

[5] We cite this decision for its persuasive value. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

that requires consideration of the length of time a county was involved and the quality of its efforts, the county does not need to pursue every alternative treatment program. *Id.*

Similarly, here, T.D. did not specify how civil commitment would have met the criteria for reasonable efforts and did not specify which services she expected to receive. T.D. made a general conclusory statement that she would have been eligible for civil commitment presumably based on the 34 child-protection reports. Involuntary civil commitment on mental-health grounds requires proof "by clear and convincing evidence that the proposed patient is a person who poses a risk of harm due to mental illness." Minn. Stat. § 253B.09, subd. 1 (2024). It is unclear whether T.D. would meet this standard. And, in any case, the term "reasonable efforts" merely requires that the county's efforts are reasonable, not that the county make every possible effort. *See* Minn. Stat. § 260.012(a). For these reasons, T.D.'s argument that the county must have attempted all treatment options before terminating her parental rights, including civil commitment, is unpersuasive.

T.D. additionally relies on *In re Welfare of Children of T.R.*, in which the district court had ordered that the parents complete a chemical-dependency evaluation. 750 N.W.2d 656, 666 (Minn. 2008). Based on *T.R.*, T.D. appears to argue that courts have the authority to order involuntary treatment, and that the county should have pursued all treatment options. Given the scope of the services that the county offered TD and that the

term "reasonable efforts," by its very nature, does not require that the county make every possible effort, T.D.'s argument is unpersuasive.[6]

Because the record provides ample support for the district court's determination that the county provided reasonable efforts to reunite T.D. with her children, it acted within its discretion in making this determination. We accordingly affirm the district court's order terminating T.D.'s parental rights to V.R. and K.R.

Affirmed.

[6] T.D. suggests that the finding that she had an IQ of 70 or 85 was clearly erroneous given that she was "alert and articulate" when she provided testimony. There is no indication that this purported finding is clearly erroneous because the district court relied on psychological testing conducted by a medical professional and T.D. does not present information indicating that this testing was unreliable. Further, this finding is not material to our reasonable-efforts analysis.