STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0841

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

Filed November 6, 2017
Affirmed
Rodenberg, Judge

Hennepin County District Court
File No. 27-JV-16-2423

Mary Moriarty, Fourth District Public Defender, David W. Merchant, Assistant Public Defender, Minneapolis, Minnesota (for appellant-mother S.M.H.)

Michael O. Freeman, Hennepin County Attorney, Britta K. Nicholson, Assistant County Attorney, Minneapolis, Minnesota (for respondent Hennepin County Human Services and Public Health Department)

Eric S. Rehm, Burnsville, Minnesota (for guardian ad litem MaryAnn Lundquist)

Considered and decided by Worke, Presiding Judge; Rodenberg, Judge; and Reilly, Judge.

U N P U B L I S H E D O P I N I O N

RODENBERG, Judge

Appellant S.M.H. appeals from the district court's decision to terminate her parental rights. Clear and convincing evidence in the record supports the district court's termination of her rights for neglecting the duties imposed on her by the parent-child relationship, and we affirm on that statutory basis.

FACTS

Appellant first came to the attention of child protection authorities in January 2015 after a report alleged that appellant had subjected her daughter, A.M.M., to controlled substances *in utero* and that she was failing to protect A.M.M. by engaging in unsafe sleeping practices. The report alleged that appellant was sleeping with A.M.M. in appellant's bed, which resulted in A.M.M. falling out of the bed at least twice. Additionally, the child-protection report alleged a domestic incident between appellant and her boyfriend, M.J.M., during which both parties were pulling on A.M.M. Finally, the report stated that appellant was continuing to use illegal drugs after A.M.M.'s birth, abusing prescription drugs, and had missed some of her urine tests for drugs.

Appellant admitted to using controlled substances, including heroin, marijuana, Xanax, and Percocet, while she was pregnant with A.M.M. In the hospital after A.M.M. was born, M.J.M. was using heroin in the hospital bathroom and setting up drug deals on his phone. Based on these and other admissions by appellant, the Hennepin County Human Services and Public Health Department (department) filed a Child in Need of Protection or Services (CHIPS) petition, and A.M.M. was adjudicated as a child in need of protection or services. Appellant admitted that she had a chemical-dependency problem that adversely affected her ability to parent. Custody of A.M.M. was transferred to the department for placement.

Appellant was ordered to follow a case plan requiring her to demonstrate sobriety by submitting to urine testing as requested, complete a chemical-dependency assessment and follow the resulting recommendations, cooperate with the department and a guardian

ad litem, and cooperate with supervised visits. The court also ordered appellant to maintain suitable housing, refrain from exposing her child to controlled substances, and complete mental-health and parenting assessments and follow the resulting recommendations. Appellant successfully completed all requirements of her case plan and, after successful unsupervised visits and a trial home visit, appellant was again allowed to care for A.M.M. Appellant gave birth to A.G.M. on January 1, 2016, and, on January 7, 2016, the district court terminated jurisdiction over the earlier CHIPS case.

On April 26, 2016, A.M.M. and A.G.M. were placed on a 72-hour health-and-welfare hold. They were placed at their great-grandmother's home, and the department petitioned to terminate the parental rights (TPR) of both parents on April 29, 2016. The petition included allegations similar to those in the earlier CHIPS case, including that appellant was sleeping in the same bed as her children and that appellant was using methadone and benzodiazepines in combination. Appellant had a prescription for both drugs at the time. Additionally, the petition alleged that appellant brought her children home with scabies, that she let their medical insurance coverage lapse, and that she would return home late at night, sometimes accompanied by A.G.M., who was only a few months old. The petition also alleged that appellant left A.G.M. at a friend's house overnight, that appellant and M.J.M. argued in front of the children causing the children to cry, that appellant had been "doctor hopping" to obtain pain medication, and that appellant would fall asleep while holding A.G.M. The investigating social worker and appellant's probation officer observed appellant fall asleep while holding A.G.M., and, while waiting to meet

with her probation officer, appellant fell asleep four times while A.G.M. was in a car seat next to her.

After a hearing, the district court issued an order for emergency protective care (EPC) and transferred custody of the children to the department. At the EPC hearing, the department presented appellant with a voluntary case plan that largely mirrored the case plan from her 2015 case: (1) complete a rule 25 assessment[1] and follow the recommendations, (2) maintain sobriety and submit to random urine tests, (3) refrain from having the children around anyone who was using controlled substances, (4) work on parenting and mental-health issues, (5) maintain safe and suitable housing, and (6) attend supervised visitations. The district court's EPC order listed these recommendations as a "voluntary interim case plan."

Shortly after the children were ordered into out-of-home placement, appellant completed a rule 25 chemical-health assessment, from which no treatment recommendations resulted. Appellant was not then using illegal drugs. The child-protection investigator later testified at the TPR trial that the originating allegations that appellant had been using illegal drugs were determined to be unsubstantiated. The investigator also testified that the allegations that appellant was engaging in unsafe sleep practices were not substantiated. A photograph purporting to show appellant sleeping on

[1] Minnesota Rule 9530.6615 provides that any client seeking treatment for a substance-use disorder must have a chemical-use assessment, commonly referred to as a rule 25 assessment, before being placed in a treatment program. This chemical-use assessment consists of an interview and a written list of the client's specific chemical-use issues and description to allow the assessor to determine an appropriate treatment plan. Minn. R. 9530.6605, subp. 8 (2016).

top of her daughter seemed not to show that at all. The investigator also testified later that appellant was well-informed about safe sleep practices. As such, the allegations forming the primary basis of the TPR petition were ultimately determined to be at least unfounded, and likely untrue. But appellant's situation rapidly deteriorated after custody of the children was transferred to the department.

Throughout this time, and as a condition of her probation from an unrelated criminal case, appellant was required to maintain sobriety and not use any alcohol or nonprescribed controlled substances. Her probation officer required her to submit to urine testing to monitor her abstinence. Appellant tested positive for marijuana on May 13, and for heroin on August 18, 2016, which were violations of her probation.[2] Appellant tested positive for marijuana, benzodiazepines, heroin, opiates, and cocaine on other occasions. Appellant's probation officer was concerned that appellant was taking prescribed benzodiazepines while also taking methadone as part of a therapeutic program. This combination of substances was not recommended by appellant's clinic because it would tend to make a person sleepy very quickly.

Appellant eventually signed a case plan on August 8, 2016. Social worker P.C. testified that she discussed the plan with appellant before August 8, 2016, and that the plan may have been agreed-upon before that. That date was the first time appellant was given

[2] Between May 13, 2016 and August 18, 2016, appellant was not providing urine samples to probation because she was supposed to be submitting to testing by child protection as part of a case plan. Her probation officer had told her to submit her urine tests only to child protection. Yet, appellant failed to comply with testing and failed to provide samples to child protection on many occasions during this period.

a written plan. Appellant said she met with P.C. two or three times before that; however, she testified that the first time she was told about her case plan was in August when she signed it.

Appellant also missed many of the scheduled visitations with her children in the first months after the April 29 hearing. The foster parent reported that A.M.M. would kick, scream, and get angry when appellant would not show up to visits. When appellant did show up to a visit, she seemed to do "pretty good" with the children, despite A.G.M. not seeming to have a strong bond with appellant.

Trial on the TPR petition was held on August 31 and September 1, 2016, and then again on February 1 and February 13, 2017. Another rule 25 assessment was done in September 2016. In this assessment, appellant admitted that she had been using heroin daily and cocaine weekly. The assessor recommended that appellant go to intake at New Perspectives treatment facility. Appellant did not complete intake at New Perspectives. She later completed yet another rule 25 assessment that recommended inpatient treatment at RS Eden, an inpatient facility. Appellant started treatment there, but absconded from the program on December 1, 2016. Between December 1, 2016 and February 7, 2017, there was an active warrant for her arrest for violating probation conditions in the criminal case. Officials did not know where she was. Appellant did not appear for trial on February 1, 2017. Of course, appellant did not comply with urine testing, visit her children, or complete any other parts of her case plan during this time. Appellant was arrested on February 7, 2017.

Appellant testified on the last day of the TPR trial that she was planning to enter chemical-health treatment with mental-health components through drug court. She estimated that, if she participated in this programming fully, she could finish in about 18 months. She also testified that the last time she saw her children was a few days before she left treatment and that she had made no inquiries about visiting them since then because she was using drugs again. While all parties agreed that appellant was not able to parent her children as of the last day of trial, appellant testified that if she received treatment and continued to take care of her mental health and addiction, she believed that she would again be able to properly parent. In contrast, P.C. testified that further services would not help appellant achieve reunification with her children because appellant had rejected the services that she was offered, she did not follow through with treatment or other referrals, and she did not attend visits with her children. P.C. further opined that the children would be at risk of harm if they were under appellant's care because she could not provide a sober or safe housing environment. P.C. also testified that A.G.M. and A.M.M. need safety and stability.

On April 7, 2017, the district court terminated appellant's parental rights to A.G.M. and A.M.M. This appeal followed.[3]

D E C I S I O N

There is a "presumption that a natural parent is a fit and suitable person to be entrusted with the care of his or her child." *In re Welfare of A.D.*, 535 N.W.2d 643, 647

[3] The father's parental rights were also terminated, and he has not appealed the termination of his rights.

(Minn. 1995). "Ordinarily, it is in the best interest of a child to be in the custody of his or her natural parents." *Id.* Accordingly, "[p]arental rights are terminated only for grave and weighty reasons." *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990).

Minnesota Statutes section 260C.301, subdivision 1(b) (2016), provides nine bases on which parental rights may be terminated. The district court may terminate parental rights when at least one statutory basis for termination is proved by clear and convincing evidence and the district court determines that termination is in the children's best interests. *In re Welfare of Child of R.D.L.*, 853 N.W.2d 127, 137 (Minn. 2014). "If statutory grounds for termination exist and termination is in the best interests of the child, the appellate court then determines whether there is clear and convincing evidence that the county made reasonable efforts to reunite the family." *In re Children of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005).

"We give considerable deference to the district court's decision to terminate parental rights." *In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008). We review the district court's underlying findings of fact for clear error. *In re Welfare of Children of T.R.*, 750 N.W.2d 656, 660 (Minn. 2008). 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." *Id.* at 660-61 (quotation omitted). We review the district court's decision to terminate parental rights for abuse of discretion. *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 93 (Minn. App. 2012). A district court abuses its discretion if its underlying findings of fact are clearly erroneous, if it misapplies the law, or if it resolves the matter against logic and the record evidence. *See Dobrin v. Dobrin*, 569 N.W.2d 199,

202 (Minn. 1997). We closely examine the record to determine whether clear and convincing evidence supports the termination. *S.E.P.*, 744 N.W.2d at 385. We will defer to the district court's termination decision if *at least one* statutory ground is proven by clear and convincing evidence. *T.R.*, 750 N.W.2d at 661.

I. The record supports one statutory basis for terminating appellant's parental rights.

A. Minn. Stat. § 260C. 301, subd. 1(b)(5), does not support termination on this record.

The district court may terminate parental rights if clear and convincing evidence establishes "that 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)(5). The statute sets out a presumption that reasonable efforts have failed upon a showing that: (1) a child under the age of eight has resided out of the parental home under court order for six months unless the parent maintains regular contact with the child and the parent complies with the out-of-home placement plan; (2) the court has approved the out-of-home placement plan; (3) the conditions leading to the out-of-home placement have not been corrected, which is presumed when the parent does not substantially comply with the court's orders and a reasonable case plan; and (4) the social services agency has made reasonable efforts to rehabilitate the parent and reunite the family. *Id.* The statute also presumes that reasonable efforts have failed upon a showing that: (1) the parent has been diagnosed as chemically dependent, (2) the parent has been required to participate in chemical-dependency treatment by a case plan, (3) the offered treatments were appropriate, (4) the parent has

either failed two or more times to successfully complete treatment or has refused to participate in treatment at two or more separate meetings with a caseworker, and (5) the parent continues to abuse chemicals. *Id.*

The district court found that the statutory presumption of Minn. Stat. § 260C.301, subd. 1(b)(5), was met and concluded that appellant failed to correct the conditions leading to her children's out-of-home placement. However, this statutory basis cannot be relied upon as a reason to terminate appellant's parental rights on this record because, as the department now concedes, the true conditions at the time the petition was filed were far different than the TPR petition alleged. Appellant was not using heroin or other controlled substances at that time, as evidenced by the clean urine samples she was providing to her probation officer. At the time the children were placed in the department's custody, appellant was not using illegal drugs at all. Her use of illicit drugs was not then a condition that needed correcting. At most, the department opened the 2016 file because it saw concerning signs that appellant might begin using controlled substances again. The "conditions leading to the [children's] placement" in April 2016 simply did not include appellant's use of illegal drugs or the constellation of resulting problems caused by her relapse.[4] As such, the district court abused its discretion in finding a statutory basis to terminate appellant's parental rights under Minn. Stat. § 260C.301, subd. 1(b)(5).

[4] It is beyond the scope of this appeal, and beyond our proper role, to ascertain the relationship between the department's actions in April and appellant's later relapse and downward spiral. This appeal is from the termination of parental rights; it is not an appeal from the EPC order. One way to view the record would be to conclude that the department jumped the gun on removing the children, contributing to appellant's relapse. Another reasonable interpretation of the record would be that the department, keenly aware of

B. Minn. Stat. § 260C.301, subd. 1(b)(2), provides a statutory basis for termination, and the record supports the district court's finding that this statutory basis for termination was proved.

Because subdivision 1(b)(5) cannot suffice on this record to terminate appellant's parental rights, we consider whether the evidence is sufficient to clearly and convincingly establish the statutory basis for termination under subdivision 1(b)(2). That provision states that the district court may terminate parental rights if it finds

> that the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and either reasonable efforts by the social services agency have failed to correct the conditions that formed the basis of the petition or reasonable efforts would be futile and therefore unreasonable[.]

Minn. Stat. § 260C.301, subd. 1(b)(2). To support termination on this basis, the district court must determine that, at the time of termination, the parent is not presently able and

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appellant's child-protection history, intervened at an early point in time, thereby removing the children from appellant's care before they could be harmed by her relapse. We cannot return in time to when the children were removed, and we cannot and do not review the propriety of the district court's removal of the children from appellant's custody. In general, an appeal may be taken from a final judgment, Minn. R. Civ. App. P. 103.03(a) (2016), and appellant made no effort to appeal from the initial transfer of custody after the EPC hearing. Whether that initial custody transfer would be reviewable by discretionary review, extraordinary writ, or otherwise is not before us. *See In re Welfare of Child of E.G.*, 876 N.W.2d 872 (Minn. App. 2016) (holding that a district court's intermediate dispositional orders in a CHIPS case are not appealable as a matter of right). The record evidence before us now is that concerns about *immediate* danger to the children when the TPR petition was filed were "unsubstantiated," which the department now commendably concedes.

willing to assume her responsibilities and that the condition will continue for the reasonably foreseeable future. *See In re Welfare of J.K.*, 374 N.W.2d 463, 466-67 (Minn. App. 1985), *review denied* (Minn. Nov. 25, 1985). We generally require more than mere failure to complete a case plan to affirm termination based on this statutory ground. *See, e.g.*, *In re Welfare of Children of K.S.F.*, 823 N.W.2d 656, 666-67 (Minn. App. 2012) (affirming a termination of parental rights based on failure to comply with parental duties, noting both that the parent failed to comply with the case plan and that the record otherwise showed that the parent did not adequately care for the children); *In re Child of Simon*, 662 N.W.2d 155, 163-64 (Minn. App. 2003) (describing a parent's failure to comply with key case-plan components, the parent's failure to provide meaningful parenting to the child, and the lack of evidence that the parent possessed the skills and knowledge to parent the child effectively). We have said that "[t]he critical issue is not whether the parent formally complied with the case plan, but rather whether the parent is presently able to assume the responsibilities of caring for the child." *J.K.T.*, 814 N.W.2d at 89.

While a case plan is not a prerequisite to a termination of parental rights under Minn. Stat. § 260C.301, subd. 1(b)(2), it is notable that the department offered appellant a case plan in an attempt to facilitate reunification between appellant and her children even after removal and the filing of a TPR petition. Generally, a case plan should be prepared and signed by the social services agency and the parent, and filed with the court within 30 days of the petition being filed. Minn. Stat. §§ 260C.212, .178, subd. 7 (2016). Here, the TPR petition was filed on April 29, 2016, but appellant did not sign the case plan until August 8, 2016, clearly more than 30 days after the petition was filed. It appears that social services

met with appellant on at least one occasion within the 30-day period, but it is unclear why the case plan was not signed earlier. We need not resolve that question. The case plan had been read to appellant at the April 29 hearing and during at least one meeting with P.C. The essence of the case plan was set forth in the district court's EPC order. Appellant did not dispute the case plan. She did not ask for any additional services. Appellant eventually cooperated with rule 25 assessments and acted in other ways consistent with knowledge of the case plan.

More important, there is ample evidence in the record to support the district court's conclusion that appellant was in no position at the end of trial to care for her children in the reasonably foreseeable future. As of the last day of trial, all parties agreed that appellant was then unable to parent her children. The district court cited to a number of factors in finding that appellant had neglected her parental duties. First, the district court pointed to appellant's failure to demonstrate sobriety and that she prematurely left chemical-dependency treatment. This finding is supported by testimony that appellant left RS Eden without notice and against the recommendation of her counselors, even after being classified as having a high vulnerability for further substance use. Further, appellant's own statements to the counselors at RS Eden demonstrate that she is unable to pay attention to her children when she is using controlled substances. Appellant candidly admits relapsing and a return to using heroin and other drugs. There was an arrest warrant out for her for several months, during which period her condition was pitiable, but certainly not conducive to parenting children. The record supports the district court's reliance on and acceptance

of these facts to find that, for the foreseeable future, appellant will be unable to "assume the responsibilities of caring for a child." *J.K.T.*, 814 N.W.2d at 89.

The district court also noted that appellant had failed to maintain suitable housing and that she sought to blame respondent for her lack of housing rather than taking responsibility for it herself. This finding is supported by P.C.'s testimony that appellant had been homeless for a majority of the case and appellant's own testimony that she had been living out of her car at times. In addition, appellant did not provide suitable sleeping space for her children even when they were all living with appellant's grandmother; A.G.M. slept in a "baby hammock" and A.M.M. on a pile of blankets on the floor. As noted by the district court, providing shelter is one of the duties of a parent listed in Minn. Stat. § 260C.301, subd. 1(b)(2). Appellant failed to provide adequate shelter.

The facts underlying the district court's conclusion that appellant neglected the duties imposed upon her by the parent-child relationship are supported by evidence in the record. The district court's findings of fact are not clearly erroneous. Therefore, the district court acted within its discretion in finding a statutory basis for termination of appellant's parental rights under Minn. Stat. § 260C.301, subd. 1(b)(2).

II. The district court acted within its discretion in finding that termination was in the children's best interests.

Even after determining a statutory basis for termination, the district court must also determine that termination is in the child's best interests. *See In re Welfare of Children of R.W.*, 678 N.W.2d 49, 55 (Minn. 2004). "[T]he best interests of the child must be the paramount consideration," and if the child's interests and parent's interests conflict, the

child's interests take priority. Minn. Stat. § 260C.301, subd. 7 (2016). "In analyzing the best interests of the child, the court must balance three factors: (1) the child's interest in preserving the parent-child relationship; (2) the parent's interest in preserving the parent-child relationship; and (3) any competing interest of the child." *In re Welfare of R.T.B.*, 492 N.W.2d 1, 4 (Minn. App. 1992); *see also* Minn. R. Juv. Prot. P. 39.05, subd. 3(b)(3). "We review a district court's ultimate determination that termination is in a child's best interest for an abuse of discretion." *In re Welfare of J.R.B.*, 805 N.W.2d 895, 905 (Minn. App. 2011), *review denied* (Minn. Jan. 6, 2012). The best-interests analysis is "generally not susceptible to an appellate court's global review of a record" because it involves credibility determinations; as such, we give considerable deference to the district court's findings. *In re Tanghe*, 672 N.W.2d 623, 625 (Minn. App. 2003).

The district court found that it would be in the children's best interests for appellant's parental rights to be terminated because she would not be able to care for them in the reasonably foreseeable future. The court reasoned that appellant had rejected services offered by the department, the children had not received proper care from her in the past, they would face immediate risk of harm in appellant's care, and they "need a permanent placement where they will have stability, a safe environment, predictability and care." In making this determination, the district court credited the testimony that the children need a permanent, safe, stable home. It found that appellant's chemical dependency rendered her unable to parent and meet the children's needs or make good decisions for them. The only person to testify at trial that termination of appellant's parental rights would not be in the children's best interest was appellant herself. The

district court is in the best position to make credibility determinations, *Tanghe*, 672 N.W.2d at 625, and it chose to believe the other witnesses.

While appellant points to her sobriety at the time the TPR petition was filed as a reason that she should retain her parental rights, appellant had returned to regular use of heroin and other drugs by the time the TPR trial ended. As noted, the issue in this appeal is not whether the district court's EPC order was correct. By whatever causal chain, appellant showed little interest in being involved with her children for months, even after respondent offered her services. She left chemical-dependency treatment against advice. Contrary to appellant's argument, the district court found termination to be in the children's best interests not because they could not be returned to appellant immediately, but because they could not return to appellant in the reasonably foreseeable future. And the record evidence amply sustains that finding. The district court acted within its discretion in finding that the children's best interests would be served by terminating appellant's parental rights.

III. The district court's finding that the department made reasonable efforts to rehabilitate appellant and reunite the family is not clearly erroneous.

To terminate appellant's parental rights, the district court must make "specific findings" that the department made reasonable efforts to rehabilitate appellant and to reunite the family. *See* Minn. Stat. § 260C.301, subd. 8 (2016). The district court must consider "whether services to the child and family were: (1) relevant to the safety and protection of the child; (2) adequate to meet the needs of the child and family; (3) culturally appropriate; (4) available and accessible; (5) consistent and timely; and (6) realistic under

the circumstances" unless reasonable efforts are futile. Minn. Stat. § 260.012(h) (2016). "Reasonable efforts at rehabilitation are services that go beyond mere matters of form so as to include real, genuine assistance." *In re Welfare of Children of S.W.*, 727 N.W.2d 144, 150 (Minn. App. 2007) (quotations omitted), *review denied* (Minn. Mar. 28, 2007). A court should consider "the quality and quantity of efforts" given. *Id.* We review a district court's reasonable-efforts finding for clear error. *A.D.*, 535 N.W.2d at 648.

Whether reasonable efforts were made by the department to prevent or avoid removal of the children from appellant's care in April 2016 is debatable. But the question now is whether the department made reasonable efforts to reunify the family after removal. The record shows that appellant had many opportunities to accept services after the children were ordered to out-of-home placement. Appellant's contention that the department did not make reasonable efforts to reunite her family is principally based on the case plan not having been presented to her for signing until August 8, 2016. She argues that, by then, she had become discouraged and had no reason to believe that the department was serious about wanting to provide assistance to reunify. Essentially, appellant argues not that the department did not offer her appropriate services, but that the offered services came too late and that she did not believe the department would actually follow through.

First, even if the department's delay in having appellant sign the case plan was improper, appellant still had more than six months from when she signed the plan on August 8, 2016, to comply with the case plan and get her children back. Instead, and despite both this child-protection case and a criminal probationary sentence, appellant resumed using heroin and other drugs. She stopped visiting her children. She left treatment

with no indication of her whereabouts for over two months. And appellant was aware of the case plan's requirements designed to allow her to resume caring for her children. She scheduled a rule 25 assessment and knew that she was required to submit urine for testing. Finally, appellant's argument that "the department's offer of services rings hollow" is undermined by the fact that the department tried to get appellant into chemical-dependency treatment. Appellant refused to attend intake at New Perspectives. She later entered RS Eden, but left against counselor recommendations. It is appellant's commitment to sobriety that rings hollow. The facts in the record support the district court's finding that the department offered appropriate services to appellant, tailored to help appellant reunite with her children. Appellant declined to comply with those services.

The record evidence supports the district court's finding of a basis for terminating appellant's parental rights under Minn. Stat. § 260C.301, subd. 1(b)(2). The record evidence also supports the district court's findings that termination is in the children's best interests and that the department made reasonable efforts to reunify the family after removal.

Affirmed.