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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-0495**

In the Matter of the Welfare of the Children of: G. H.-G., Parent.

**Filed September 4, 2018
Affirmed
Hooten, Judge**

Ramsey County District Court
File No. 62-JV-17-695

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Considered and decided by Halbrooks, Presiding Judge; Bjorkman, Judge; and
Hooten, Judge.

UNPUBLISHED OPINION

HOOTEN, Judge

On appeal from the termination of her parental rights, appellant mother argues that
the district court erred by determining that the county made reasonable efforts to reunite
the family and that termination is in the children's best interests. We affirm.

FACTS

G.H.-G. is the mother of twelve children, seven of whom are involved with this termination of parental rights action: R.B., Jr. (DOB 3/20/2007), S.G. (DOB 8/12/2008), V.G. (DOB 7/30/2011), M.G. (DOB 1/4/2013), M.G., Jr. (DOB 5/24/2014), and twins G.H.G. and E.H.G. (DOB 8/11/2015). Mother and her children resided in public housing provided by the St. Paul Public Housing Administration (PHA). In August 2014, House Calls, a social service program within the Health Department of Ramsey County which assists families and individuals with the cleaning and maintenance of their homes, began attempting to work with mother. A House Calls social worker observed cockroaches and determined that the home was infested with mice.

At least one of the children reported that he was fearful of getting out of bed at night because mice or bugs would bite at his feet. A social worker from PHA observed old food on the stovetop, cockroaches on the floor and walls, and garbage bags full of clothes that cluttered the home. Mother failed multiple housing inspections. At school, the children had behavioral issues and were continuously tired. They would often go to the nurse's office to sleep for hours. When the children showed up for class, they were often tired, hungry, and in dirty uniforms. Most of the children suffered from eczema. The young twins, GHG and EHG, were born prematurely and have significant health issues. GHG suffers from breathing difficulties, including bronchitis and chronic lung disease, and has trouble hearing. EHG suffers from many conditions, including a heart defect, chronic lung disease, and global development delay. Due to concerns about mother's mental health, the poor upkeep of the home, and an eviction proceeding against her, Ramsey County Social

Services Department (RCSSD) filed for emergency protective care of the children on October 7, 2015. The district court granted emergency protective care of the children, and they were removed from the home.

At her eviction trial, mother offered a letter by a psychologist regarding her mental health condition. The letter stated that mother's mental health diagnoses would likely lead to "disorganization and decreased function in daily living, such as poor housekeeping, missed appointments, and difficulties holding down a job." The psychologist had diagnosed her with PTSD and mother admitted she also struggled with depression and anxiety. The eviction court found that reasonable accommodations could be made and she could stay at her residence.

After prevailing at her eviction trial, mother's children were returned to her for a trial home visit on December 22, 2015. A social worker from RCSSD developed a case plan for mother that required her to work with mental health professionals and follow their recommendations, ensure her children attended medical appointments, and keep a clean home. Mother refused to sign this case plan or any subsequent case plans.

RCSSD worked with the PHA and House Calls to assist mother with the upkeep of the home. Additionally, the social worker referred mother to multiple mental health professionals and offered transportation assistance to attend medical appointments. However, during the trial home visit, mother did not obtain a mental health assessment. Before the children were removed from the home, House Calls assisted mother in transporting the children to their medical appointments. However, during the trial home visit, it was mother's responsibility to get her children to their appointments to assure

RCSSD that she could. The twins should have had Well-Child check-ups during the home visit, but they did not. Additionally, mother had received dressers and cribs from RCSSD to help with the clutter and to provide a safe sleeping environment for her newborn twins. However, the social worker observed the medically fragile twins sleeping on the couch instead of in a safe area and the cribs were never set up. Mother was still failing housing inspections and eventually the home was condemned by the fire inspector. As a result, the trial home visit ended on April 28, 2016. Upon arriving at the shelter after removal, the providers were concerned about the conditions of the children as some of them were not wearing shoes. The twins also had to be hospitalized for breathing issues.

Over the next year, mother repeatedly refused to comply with her case plans and failed to address her mental health or maintain her home. In July of 2017, mother was evicted. With regard to her mental health, mother testified she only takes an antihistamine as treatment. The guardian ad litem (GAL) testified that she grew increasingly concerned about mother's mental health, as it prevented her from completing her case plan which would mitigate the circumstances that brought this case to court.

RCSSD petitioned to terminate mother's parental rights pursuant to Minn. Stat. § 260C.301, subds. 1(b)(2), (5), and (8) (2016). The district court found that the county proved by clear and convincing evidence each of the statutory grounds for termination. Additionally, the court determined that the county made reasonable efforts to reunify the family and that termination is in the best interests of the children. Mother does not challenge the statutory grounds for termination, but instead argues that the county failed to

make reasonable efforts to reunite the family and that it is not in the children's best interests to terminate her parental rights.

D E C I S I O N

I. The county made reasonable reunification efforts.

When a child is removed from the home, the county must make reasonable efforts to reunify the parent and child. Minn. Stat. § 260.012(a) (2016). To determine if the county has made reasonable efforts, a district court considers whether the services offered to the 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.” *Id.* (h) (2016). Additionally, the court must consider “the length of time the county was involved and the quality of effort given.” *In re Welfare of H.K.*, 455 N.W.2d 529, 532 (Minn. App. 1990), *review denied* (Minn. July 6, 1990). The district court must find “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) (2016). This court reviews the district court's factual findings for clear error and, in termination-of-parental-rights matters, will not disturb a finding if it is supported by clear and convincing evidence. *In re Welfare of Children of J.R.B.*, 805 N.W.2d 895, 901, 904 (Minn. App. 2011), *review denied* (Minn. Jan. 6, 2012).

Mother argues that RCSSD failed to meet its burden to provide reasonable efforts because of the high turnover of social workers who handled her case. She states that

because there was no coordination or consistency between the various social workers on her case, she was unable to complete her case plan. However, mother does not cite to any evidence supporting her argument. Instead she argues that only one social worker was able to coordinate the care of her family and that once that person left, she was unable to build rapport with the subsequent social workers, which affected her ability to complete her case plans. However, that one social worker was working with mother when the trial home visit was revoked due to mother's failure to seek mental health assistance and the deteriorating conditions of the home. This contradicts mother's argument that consistency of social workers would have assisted her in completing her case plan.

While there were ten social workers that were assigned to mother's case, there is nothing in the record to indicate that they did not properly coordinate the services offered. Mother was provided with multiple case plans addressing her mental health and unstable housing situation. However, mother did not sign these case plans. RCSSD made many attempts over two years to assist mother in completing her case plan by providing multiple referrals to mental health professionals and offering transportation to the appointments. RCSSD also coordinated with House Calls to offer a cleanup service for mother's home, but she failed to cooperate with these services. The county provided various supportive services to mother to address the barriers preventing her from providing a safe and stable home to her children. Thus, the district court did not err in finding that the county made reasonable reunification efforts.

II. Termination of mother's parental rights was in the children's best interest.

In a termination proceeding, “the best interests of the child must be the paramount consideration.” Minn. Stat. § 260C.301, subd. 7 (2016). Even if there is a statutory ground for termination, the district court still needs to consider “whether termination is in the best interests of the children.” *In re Welfare of Children of R.W.*, 678 N.W.2d 49, 57 (Minn. 2004). When analyzing the best interests of the children, “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.” *J.R.B.*, 805 N.W.2d at 905 (quotation omitted). These competing interests may “include such things as a stable environment, health considerations and the child’s preferences.” *Id.* (quotation omitted). This court reviews the district court’s termination decision for an abuse of discretion. *Id.*

Mother argues that the first factor, the children’s interest in preserving the parent-child relationship, does not weigh in favor of termination. She states that the children have a strong interest in this factor because she is their biological mother and the only one able to facilitate continued relationships between the siblings. The “right of parentage is in the nature of a trust and is subject to parents’ correlative duty to protect and care for the child.” *In re Welfare of P.T.*, 657 N.W.2d 577, 583 (Minn. App. 2003), *review denied* (Minn. Apr. 15, 2003). While there is a presumption that the “natural parent is a fit and suitable person to be entrusted with the care of [their] child,” the district court found numerous facts that weigh against mother. *In re Welfare of A.D.*, 535 N.W.2d 643, 647 (Minn. 1995). The district court found that the “children need a safe, stable home and appropriate parental

care from a caregiver who can meet their basic and special needs,” and that mother was unable to provide these things for her children. During the trial home visit, it was mother’s responsibility to take her medically fragile twins to their medical appointments. However, mother did not take them. She also did not go to her own medical appointments and did not address her mental health diagnoses. Additionally, mother repeatedly failed housing inspections and did not maintain a safe home free of rodents and debris.

Mother argues that the second factor, the parent’s interest in preserving the parent-child relationship, does not weigh in favor of termination. She states that she “continues to work on her own issues and on learning about the children’s issues, so she can be a better mom to them.” The district court found that the children’s need for permanency outweighs mother’s “desire for more time to attempt to develop and demonstrate the necessary skills to parent the children.” The record reflects that mother made no effort to comply with her case plans. She repeatedly refused to sign the case plans and made it clear to multiple social workers that she was not going to do any more of the items within the case plan. Additionally, the GAL testified that mother “has not demonstrated her capacity” to make the necessary changes to provide a safe, permanent home.

Mother argues that the third factor, competing interests, does not weigh in favor of termination. She argues that the children need a home where all the siblings can be together in a safe environment. Here, the district court had to weigh the children’s need for permanency and stability against the benefit of keeping the siblings together. The need for permanency ultimately outweighs other factors. “The prolonged uncertainty for children of not knowing whether they will be removed from home, whether and when they will

return home, when they might be moved to another foster home, or whether, and when they may be placed in a new permanent home is frightening.” *In re Welfare of J.R.*, 655 N.W.2d 1, 5 (Minn. 2003) (quotation omitted). This case began in 2015 and as of March 2018, the children have been in foster care for more than 883 days. The GAL testified that the children need permanency and that it is “very challenging for any child or any person really to feel that way when having unknowns for almost 900 days.” This testimony, combined with the evidence indicating that mother is not able to make the necessary changes to create a stable environment, supports the district court’s determination that it is not in the children’s best interests to preserve the parent-child relationship.

Based on the record, we conclude that the district court did not abuse its discretion by terminating mother’s parental rights.

Affirmed.