STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1778

In re the Matter of the Welfare of the Child of:
M. B. B. and K. C. M., Parents.

Filed April 22, 2019
Affirmed
Rodenberg, Judge

Redwood County District Court
File No. 64-JV-18-69

Jennifer L. Thon, Steven D. Winkler, Jones Law Office, Mankato, Minnesota (for appellant-mother M.B.B.)

Jenna M. Peterson, Redwood County Attorney, Redwood Falls, Minnesota (for respondent Southwest Health and Human Services)

Amy Bohnen, Sleepy Eye, Minnesota (guardian ad litem)

Considered and decided by Bratvold, 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-mother M.B.B. appeals from the district court's order and judgment terminating her parental rights to her son, B.E.M. Mother argues that the district court abused its discretion by failing to grant her continuance request to determine whether B.E.M. is an "Indian child" as defined by the Indian Child Welfare Act (ICWA), 25 U.S.C. §§ 1901-1963 (2012), and the Minnesota Indian Family Preservation Act (MIFPA), Minn.

Stat. §§ 260.751-.835 (2018). She also argues that the record does not support the district court's finding of a statutory basis for termination of mother's parental rights or that such termination is in B.E.M.'s best interests. We affirm.

FACTS

Mother is the biological parent of B.E.M., born 11 weeks premature on May 14, 2013. B.E.M. spent about two months in the hospital after his birth. Mother was not married. B.E.M. is described as having special needs and is developmentally delayed. Mother has been B.E.M.'s custodial parent, but for some time co-parented B.E.M. with D.J. D.J. is not B.E.M.'s father.[1]

Beginning in August 2013, Redwood County became involved with mother after receiving reports of child maltreatment. Concerns over several years included that mother was not meeting B.E.M.'s medical and dietary needs, that physical altercations occurred in B.E.M.'s presence, and that mother left the child with the child's maternal grandmother, M.F., and mother did not return for several days.

The county became further involved and concerned when mother's struggles with alcohol-abuse and mental-health issues became apparent. From 2013 to 2014, mother was convicted six times of consumption of alcohol by an underage person. In January 2016, police responded to a domestic assault at mother's home. Mother was intoxicated and had hit D.J. in the face several times. Police arrived at mother's home around 3:00 a.m. and found B.E.M.—then about two and a half years old—awake and apparently having been

[1] B.E.M.'s father, K.C.M., voluntarily terminated his parental rights in July 2018 after the county filed the termination-of-parental-rights petition in this case.

present during the assault. Officers learned that mother offered B.E.M. a drink of vodka. Mother was later convicted of domestic assault from that incident, and the county began providing child-protection-case-management services to the family.

Redwood County social worker K.H. completed two family assessment plans in 2016. The plans outlined several goals for mother and steps she could take to meet those goals, including abstaining from alcohol, completing a mental-health assessment, remaining law abiding, working with a parent mentor, and securing employment. The county also referred B.E.M. to a "Help Me Grow" education program, but mother did not follow through with that referral.

In May 2016, the county attempted a drop-in visit at mother's home. When the social workers were driving up to the home, they saw three-year-old B.E.M. leave the home. He was wearing only a diaper and unaccompanied by any adult. The social workers observed that B.E.M. was outside and unattended for about five minutes, after which the social workers went to mother's door. Mother told the social workers that they could not come inside because she had friends over.

K.H. attempted to make appointments with mother, but there were times when mother refused to meet, and other times when mother would be sleeping when visits were attempted. In August 2016, and because mother was not making progress, the county filed a child-in-need-of-protection-or-services (CHIPS) petition and the district court appointed a guardian ad litem (GAL) for B.E.M. Mother admitted that B.E.M. was in need of protection or services, and B.E.M. was adjudicated as CHIPS in October 2016. The county was granted protective supervision, and mother completed mental-health, chemical-use,

and diagnostic-treatment assessments, met with a parent mentor, and started individual therapy.

The county had difficulty staying in contact with mother. By November 2016, mother had stopped attending individual therapy but was meeting B.E.M.'s educational needs. In January 2017, the GAL and K.H. attempted to meet with mother. The GAL and K.H. spent 45 minutes at mother's home, but mother spent all but 5 minutes in the bathroom.

Later, in May 2017, mother was taken to the hospital after M.F. reported to 911 that mother was unresponsive due to her consumption of alcohol. During this time, mother believed that a friend was watching B.E.M. The county became further concerned with mother's ability to parent in the summer of 2017 after police responded to another incident at mother's home at 3:00 a.m. because a child was screaming about a broken iPad. The social worker and GAL also made a home visit where mother's home was observed to be in a state of disarray.

The county requested emergency protective care (EPC) in July 2017, alleging that B.E.M. was no longer in a safe, supervised environment. The district court placed B.E.M. in foster care. After B.E.M. was removed from the home, the county developed an out-of-home placement plan (OHPP) for mother. Mother made initial progress on the OHPP. She was employed, attending Alcoholics Anonymous (AA) meetings, providing a daily schedule, making meetings, and maintaining contact with the county.

Mother began having supervised visits with B.E.M., but there were problems. New Horizons visitation center had been supervising visits between mother and B.E.M., but

after mother violated a bag-check policy, New Horizons suspended visits. The county then took over the responsibility for supervising visits.

In October 2017, mother was making some progress on the OHPP. She was working with a parent mentor and staying in contact with the county. Despite progress, mother did not provide any evidence that she was working to maintain her sobriety and told the county that she was not interested in sobriety and did not find it to be an issue. In November 2017, following an altercation between mother and D.J, mother was arrested for assault. She was intoxicated at the time.

The county completed two more OHPPs in December 2017 and March 2018. The OHPPs were created to continue addressing concerns with mother's alcohol abuse, mental-health issues, employment, and housing. By February 2018, mother had stopped all work on her case plan, including mental-health services offered by the county and individual therapy. She was unemployed and had not visited B.E.M. since January. In February, mother also had an outstanding warrant and was eventually arrested.

A July 2018 parenting assessment detailed that, despite mother's positive assertions, there had been few meaningful changes since the May 2017 assessment. The assessment noted that mother "minimizes" the effects of her alcohol use and that although she "states she is motivated for her son to come home, . . . her actions contradict this."

In June 2018, the county filed a petition to terminate mother's parental rights to B.E.M. The county alleged that, under Minn. Stat. § 260C.301 (2018), the statutory grounds for termination were (1) subdivision 1(b)(2), substantial, continuous, or repeated refusal or neglect to comply with the duties imposed upon the parent by the parent-child

relationship; (2) subdivision 1(b)(4), that mother was palpably unfit to be a party to the parent-child relationship; (3) subdivision 1(b)(5), reasonable efforts failed to correct the conditions leading to the child's out-of-home placement; and (4) subdivision 1(b)(8), that the child is neglected and in foster care.

Mother denied the petition. In July 2018, before the termination-of-parental-rights (TPR) trial, mother tested positive for THC (a violation of her probation) after police stopped a car in which she was a passenger. The next day, mother was hospitalized after attempting suicide. A few days later, mother was charged for a June incident where she was intoxicated and allegedly strangled another female until the victim was unconscious. In August, police again responded to mother's residence after M.F. reported that mother was causing a disturbance.

A TPR trial was held over the course of two days in September 2018. Mother's attorney requested additional time to determine whether B.E.M. was an "Indian child" as defined under ICWA and MIFPA. Two tribes had determined that B.E.M. was not eligible for enrollment and confirmed that with the county. M.F. testified, however, that she thought that B.E.M. would be eligible for enrollment with one of the tribes. The district court denied mother's request for additional time.

At trial, mother testified that she had recently started taking parenting classes, had gotten a driving-instruction permit, and had moved into a new apartment. She had also received her high-school equivalency certificate and was participating in AA meetings. She believed that she would be able to care for B.E.M. The district court also heard

testimony from the GAL, K.H., a child-protection investigator/case manager, and other members of mother's family and acquaintances.

Following trial, the district court determined that the county had proved, by clear and convincing evidence, that (1) mother had failed to comply with parental duties, (2) the county's reasonable efforts had failed to correct the conditions leading to B.E.M.'s placement, (3) B.E.M. was neglected and in foster care, and (4) termination of parental rights was in B.E.M.'s best interests. The district court ordered that mother's parental rights to B.E.M. be terminated. In an amended order, the district court found that the county had also proved that mother was palpably unfit to be a party to the parent-child relationship.

This appeal by mother followed.

D E C I S I O N

I. Whether a child is an "Indian child" under ICWA and MIFPA is based on a tribal-enrollment determination, and because the two tribes identified by mother had determined that B.E.M. was not eligible for enrollment, the district court acted within its discretion when it denied mother's continuance request.

Mother argues that the district court should have granted her request for additional time to establish that B.E.M. is an "Indian child" under ICWA and MIFPA.

Whether the district court erred in applying ICWA procedures is a question of law that we review de novo. *See In re Welfare of Child of S.N.R.*, 617 N.W.2d 77, 81 (Minn. App. 2000) (the district court's determination that a child was an "Indian child" is a question of law reviewed de novo), *review denied* (Minn. Nov. 15, 2000). Underlying ICWA are concerns of "abusive child welfare practices that resulted in the separation of

large numbers of Indian children from their families and tribes through adoption or foster care placement, usually in non-Indian homes." *In re Welfare of R.S.*, 805 N.W.2d 44, 49 (Minn. 2011) (quotation omitted); *see also* 25 U.S.C. §§ 1901-1963.

State courts have "no jurisdiction over any child custody proceeding" involving an Indian child who "resides within or is domiciled within the child's tribe's reservation." *R.S.*, 805 N.W.2d at 49. For an Indian child who neither resides within nor is domiciled within the tribe's reservation, "ICWA establishes minimum [f]ederal standards for proceedings in state courts." *Id.* (quotation omitted); *see* 25 U.S.C. § 1902. "Those minimum standards require . . . that the child's tribe be given notice of the proceedings, . . . that the child's tribe have the right to intervene, . . . and that the parents of the Indian child, if indigent, have the right to court-appointed counsel." *R.S.*, 805 N.W.2d at 49 (citations omitted); *see* 25 U.S.C. §§ 1911(c), 1912(a)-(b).

> There are two prerequisites to invoking the requirements of the ICWA. First, it must be determined that the proceeding is a "child custody proceeding" as defined by the Act. Once it has been determined that the proceeding is a child custody proceeding, it must then be determined whether the child is an Indian child.

J.A.V. v. Velasco, 536 N.W.2d 896, 900 (Minn. App. 1995) (quotation omitted), *aff'd*, 547 N.W.2d 374 (Minn. 1996). Under ICWA, a "child custody proceeding" includes an action to terminate parental rights. *Id.*; *see also* 25 U.S.C. § 1903(1)(ii).

An "Indian child" for purposes of ICWA is "any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) . . . eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe." 25 U.S.C.

§ 1903(4). MIFPA defines "Indian child" as "an unmarried person who is under age 18 and is: (1) a member of an Indian tribe; or (2) eligible for membership in an Indian tribe." Minn. Stat. § 260.755, subd. 8. Under MIFPA, "[a] determination by a tribe that a child is a member or is eligible for membership in the Indian tribe is conclusive." *Id.*

Because mother's precise challenge is to the district court's denial of her request for a continuance, we review that denial for abuse of discretion. *Torchwood Props., LLC v. McKinnon*, 784 N.W.2d 416, 418 (Minn. App. 2010). But if a district court misapplies the law, it abuses its discretion. *In re Welfare of Child of A.M.C.*, 920 N.W.2d 648, 654 (Minn. App. 2018).

Before the CHIPS petition was filed in this case in August 2016, and based on information from mother about B.E.M.'s potential tribal membership, the county provided notice to both the White Mountain Apache Tribe and the San Carlos Apache Tribe. Mother had identified those two tribes as ones in which B.E.M. might be eligible for membership. The notices identified B.E.M., mother, and father, and the facts concerning B.E.M.'s potential eligibility for tribal membership. K.H. testified that both tribes determined that B.E.M. was not eligible for enrollment. The White Mountain Apache Tribe responded that it had "no records . . . to verify that [B.E.M.] is an enroll[ed] member" and that, although mother is an enrolled member, B.E.M.'s blood quantum was insufficient to make B.E.M. eligible for membership. The San Carlos Apache Tribe also determined that B.E.M. was not eligible for enrollment as a member of the tribe.

At trial, M.F. testified that mother's biological father is enrolled in the San Carlos Apache Tribe and that, once mother and her biological father took a paternity test, mother

would be enrolled in the San Carlos Apache Tribe instead of the White Mountain Apache Tribe. M.F. asserted that the San Carlos Apache Tribe required a quarter blood quantum, and that once mother met that requirement, B.E.M. would also be eligible for enrollment because he would have a three-eighths blood quantum. M.F. testified that she was working on gathering paperwork to confirm enrollment, but that she had difficulties in doing so because mother and M.F. planned to travel to Arizona to complete the enrollment process.

Based on M.F.'s assertion that B.E.M. may be eligible for enrollment in the San Carlos Apache Tribe, mother asked the district court to continue the proceedings. The district court denied mother's request because it had "conclusive information from both tribes that [B.E.M.] right now is not enrolled or eligible for enrollment."

Despite M.F.'s testimony that she thought that B.E.M. might be eligible for enrollment, the facts of record are that both tribes had determined that B.E.M. was not eligible for enrollment. For a child to be an "Indian child" under both ICWA and MIFPA, the child must be eligible for enrollment in a tribe. *See* 25 U.S.C. § 1903(4); Minn. Stat. § 260.755, subd. 8. And whether a child is eligible for enrollment is a determination made by the tribe. *See S.N.R.*, 617 N.W.2d at 81 (noting that, under the Bureau of Indian Affairs Guidelines, the determination by a tribe whether a child is or is not eligible for membership is conclusive). Accordingly, when the district court denied mother's continuance request, both tribes had determined that B.E.M. was not eligible for tribal membership.[2]

[2] Despite M.F.'s assertion that B.E.M. might be eligible for membership in a tribe, the record contains nothing concerning the eligibility criteria of either of the tribes in question. On this record, we cannot assess whether B.E.M. would be eligible for membership in the

On this record, we are unable to determine that the district court abused its discretion when it denied mother's continuance request. *See In re Welfare of Children of M.L.A.*, 730 N.W.2d 54, 59 (Minn. App. 2007) (stating that a district court does not err when it declines to apply ICWA where there is no evidence that the children are eligible for membership in any Indian tribe). Appellant has not met her burden of demonstrating error on appeal. *See Waters v. Fiebelkorn*, 13 N.W.2d 461, 464-65 (Minn. 1944).

Because we discern no abuse of the district court's discretion in denying mother's continuance request, we address whether the record supports the district court's statutory grounds for termination of mother's parental rights.

II. The district court's statutory bases for terminating mother's parental rights and its findings are supported by the record.

If at least one statutory basis for termination is present, whether to terminate parental rights is discretionary with the district court. *In re Welfare of Child of R.D.L.*, 853 N.W.2d 127, 136-37 (Minn. 2014). "We review the district court's findings in a TPR proceeding to determine whether they address the statutory criteria for termination and are not clearly erroneous . . . in light of the clear-and-convincing standard of proof." *In re Welfare of Children of K.S.F.*, 823 N.W.2d 656, 665 (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." *Id.* (quotation omitted).

San Carlos Apache Tribe. And because mother is not a member, we could not assess B.E.M.'s eligibility regardless of the criteria for membership.

"We defer to the district court's decision on termination if at least one statutory ground for termination is supported by clear-and-convincing evidence and termination is in the [child's] best interests." *Id.* "A district court abuses its discretion if it improperly applies the law." *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 93 (Minn. App. 2012), *review denied* (Minn. July 17, 2012). We will affirm the district court's termination of parental rights when a statutory ground for termination is supported by clear and convincing evidence, termination is the best interests of the child, and the county has made reasonable efforts to reunite the family. *In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008).

After the TPR trial, the district court determined that there was clear-and-convincing evidence to terminate mother's parental rights under Minn. Stat. § 260C.301, subd. 1(b)(2), (5), and (8). The district court also concluded that the county had made reasonable efforts to reunify, and that the termination of mother's parental rights was in the best interests of B.E.M.

In the TPR petition, the county alleged that mother was palpably unfit to be a party to the parent-child relationship under Minn. Stat. § 260C.301, subd. 1(b)(4). The district court, in an amended order, found that the county had also proved, by clear-and-convincing evidence, that mother was palpably unfit to be a party to the parent-child relationship.

Because we conclude that at least two statutory grounds are supported by the record, we do not address the remaining statutory grounds for termination. *In re Children of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005) ("Only one ground must be prove[d] for termination to be ordered.").

A. Failure to Comply with Parental Duties

Mother argues that the district court's termination of her parental rights for failure to comply with her parental duties is unsupported by the record. She argues that the record fails to support the absence of a mother-child bond, that mother failed to provide a structured-and-supervised environment, that mother provided inadequate shelter, or that mother failed to meet the child's educational and developmental needs. Mother also argues that the district court's findings are not supported by the record because her alcohol-abuse and mental-health issues do not presently impair her ability to parent.

An individual's parental rights may be terminated if she has "substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed" upon her by the parent-child relationship. Minn. Stat. § 260C.301, subd. 1(b)(2). Those duties include providing "food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development." *Id.* This statutory ground for termination requires the social services agency to make reasonable efforts to correct the conditions that led to the out-of-home placement. *Id.* The district court must find that, at the time of termination, the parent is not presently able and willing to assume her responsibilities and that the parent's neglect of these duties will likely continue in the future. *J.K.T.*, 814 N.W.2d at 90. A parent's "[f]ailure to satisfy requirements of a court-ordered case plan provides evidence of a parent's noncompliance with the duties and responsibilities under section 260C.301, subdivision 1(b)(2)." *K.S.F.*, 823 N.W.2d at 666.

The record demonstrates that mother's alcohol abuse and her mental-health issues significantly impair her ability to parent. These issues have rendered her unavailable to

parent B.E.M. on multiple occasions. Although mother completed some treatment and programming, these issues were unresolved by the time of trial. The county social worker testified at trial that mother had recently been hospitalized due to a suicide attempt after consuming alcohol and pills. Mother testified that her drinking has led to her to being "blacked out." Mother agreed that, on one occasion, B.E.M. was present while she was intoxicated and had assaulted her then-boyfriend, D.J.

Mother testified that she is aware that B.E.M. has special needs, that she failed to follow up on a "Help Me Grow" education referral, and that she missed some of B.E.M.'s individualized education plan (IEP) meetings. K.H. testified that the next appropriate step, following a July 2017 drop-in visit, was removal of B.E.M. from the home based on the conditions observed. During that visit, K.H. observed generally unsanitary conditions, and specified those conditions. Mother denied that B.E.M. had been in the home when K.H. observed those conditions but did not substantially dispute the state of things at the time.

While mother did make some initial progress on her case plan, overall, her compliance with the case plan was minimal. Over the course of the proceedings, mother refused to meet with the GAL and K.H., failed to supply signatures for AA and Narcotics Anonymous meetings, and failed to complete other required steps. For the most part, mother did not take advantage of the services the county offered her and did not take meaningful steps to address her mental-health and alcohol-abuse issues.

By July 2018, mother had stopped all work on her case plan. Mother's trial testimony that she believed the only reason B.E.M. was taken from the home was because of K.H.'s observation that the home was in disarray supports the district court's finding

that mother still has little insight into how her chemical use and mental health affect her ability to parent, and that she has no apparent intent to address those issues.

Based on mother's continued use of alcohol and her failure to address both her alcohol-abuse and mental-health issues, and the district court's findings and its determination that mother failed to comply with parental duties are supported by the record.

B. Neglected and in Foster Care

Mother also argues that the district court's determination that B.E.M. is neglected and in foster care is not supported by the record. Mother argues that, because she has taken steps to address her mental health and chemical use, the record does not establish that the present conditions of neglect will continue.

A court may terminate parental rights under this subdivision if it finds that the child is "neglected and in foster care." Minn. Stat. § 260C.301, subd. 1(b)(8).

> "Neglected and in foster care" means a child:
>
> (1) who has been placed in foster care by a court order; and
>
> (2) whose parents' circumstances, condition, or conduct are such that the child cannot be returned to them; and
>
> (3) whose parents, despite the availability of needed rehabilitative services, have failed to make reasonable efforts to adjust their circumstances, condition or conduct, or have willfully failed to meet reasonable expectations with regard to visiting the child or providing financial support for the child.

Minn. Stat. § 260C.007, subd. 24 (2018). "In applying this ground, the court must consider the length of time the child has been in foster care, the parent's efforts and participation in visitation, the agency's efforts to facilitate reunion, and whether additional services would facilitate reunion." *J.K.T.*, 814 N.W.2d at 91; *see also* Minn. Stat. § 260C.163, subd. 9

(2018) (providing a non-exclusive list of factors for a district court to consider in determining whether a child is neglected). A court need not specifically mention each factor so long as its findings show consideration of them. *In re Welfare of J.S.*, 470 N.W.2d 697, 704 (Minn. App. 1991), *review denied* (Minn. July 24, 1991).

At the time of trial, B.E.M. had been in foster care for over a year. Mother failed to follow up on referrals for B.E.M.'s special needs, missed visits with him, and failed to address her own mental-health and alcohol-abuse issues. The record supports that mother lacks insight into how her mental-health and alcohol-abuse issues affect her ability to parent, and that those issues have prevented mother from parenting or even meaningfully interacting with B.E.M.

The record supports the district court's determination that B.E.M. is neglected and in foster care and that the county "has demonstrated that [mother's] circumstances, condition, or conduct is such that [B.E.M.] cannot be returned to her and that despite the availability of needed rehabilitative services, [mother] has failed to make reasonable efforts to adjust her circumstances, condition, or conduct."[3]

[3] The district court found two other statutory bases for termination of mother's rights, as noted previously. Our foregoing a robust review of those additional grounds for termination is no indication that those bases for termination were not also proved. They appear to have been proved, as the district court concluded.

III. The record supports the district court's finding that the county made reasonable efforts to reunify B.E.M. with mother.

Mother argues that the county failed to make reasonable efforts to reunify, because "the case plans which confronted [m]other were long, vague, [and] contained numerous elements of questionable value."

After a CHIPS adjudication, a county social-services agency must make "reasonable efforts . . . 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) (2018). Reasonable efforts "are always required," subject to a few exceptions that are not at issue here. *Id.* Unless an exception exists, a district court may not terminate parental rights without making specific findings that the county made reasonable efforts to reunify parent and child. Minn. Stat. § 260C.301, subd. 8. In determining whether the county made reasonable efforts, a district court must consider whether the services offered 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." Minn. Stat. § 260.012(h) (2018).

Reasonable efforts "must go beyond mere matters of form so as to include real, genuine assistance." *In re Welfare of H.K.*, 455 N.W.2d 529, 532 (Minn. App. 1990), *review denied* (Minn. July 6, 1990). A district court should consider "the length of the time the county was involved and the quality of effort given." *Id.*

The district court found that the county's efforts were reasonable, and the record supports that finding. By the time of the TPR trial, the county had been working with

mother for over two years. The county created three case plans for mother and provided mother with an abundance of resources to correct the conditions that led to the child's out-of-home placement, including referrals for services, gas vouchers and transportation to access services, and arranging for supervised visits after New Horizons suspended mother's visits there. In all, the district court determined that the county had provided, or attempted to provide, over 40 services aimed at correcting the conditions.

The county's efforts targeted mother's mental-health and alcohol-abuse issues and attempted to provide mother with resources necessary and appropriate to her needs. The case plans were detailed, focused on the appropriate parenting issues, and provided mother with resources for parenting assessments, a parent mentor, individual therapy, dialectical-behavior therapy, and an adult rehabilitative mental health services worker. And the case plan tried to make those services more accessible to mother by providing additional supportive services such as foster care, and supervised parenting time.

The county also continued reunification efforts even when it was apparent that mother was unwilling to work on the case plan. The county's efforts were stalled when mother refused to meet with social workers and declined some services because she did not think that she needed them. Mother argues now that the case plans contained requirements that were too numerous and burdensome. The proper way to raise that issue would have been to present the district court with alternative case-planning options. It is for the district court to determine the appropriateness of a case plan. *See* Minn. Stat. § 260C.212, subd. 1(b)(1) (2018) (providing that an out-of-home placement plan shall be

submitted to the court for approval). Mother did not do that. Instead, she failed to comply with the district court approved case plans.

The record supports the district court's determination that the county made reasonable reunification efforts.

IV. The district court did not abuse its discretion in finding that termination of mother's parental rights is in B.E.M.'s best interests.

Mother argues that the district court's best-interests determination is not supported by the record because several witnesses testified about mother's diligence and love for her child. In a TPR proceeding, when a statutory basis for termination is proved, "the best interests of the child must be the paramount consideration" in the district court's decision whether to terminate rights. Minn. Stat. § 260C.301, subd. 7. "Even when statutory grounds for termination are met, the district court must separately find that termination is in the child's best interests." *J.K.T.*, 814 N.W.2d at 92.

When analyzing a child's best interests, the district court must balance three factors: "(i) the child's interests in preserving the parent-child relationship; (ii) the parent's interests in preserving the parent-child relationship; and (iii) any competing interests of the child." Minn. R. Juv. Prot. P. 39.05, subd. 3(b)(3); *see In re Welfare of R.T.B.*, 492 N.W.2d 1, 4 (Minn. App. 1992). "Competing interests include such things as a stable environment, health considerations and the child's preferences." *R.T.B.*, 492 N.W.2d at 4. "Because the best-interests analysis involves credibility determinations and is generally not susceptible to an appellate court's global review of a record, we give considerable deference to the district court's findings." *J.K.T.*, 814 N.W.2d at 92 (quotation omitted). We apply an

abuse-of-discretion standard of review to a district court's conclusion that 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), *review denied* (Minn. Jan. 6, 2012).

The district court noted that, although mother and her family "express genuine love" for B.E.M., B.E.M. lived in an unstructured and unsupervised environment while mother failed to address her alcohol-abuse and mental-health issues. The district court also credited the assessor's opinion that, if B.E.M. is reunified with mother, B.E.M. "would be isolated, underdeveloped, [and] chronically neglected" and that reunification with mother would be a "terrible idea."

The district court acted within its discretion in finding that B.E.M.'s best interests would be served by terminating mother's parental rights.

Affirmed.