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**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A19-0185**

In re the Matter of the Welfare of the Children of:  
A. L. R. and E. T.-P., Parents.

**Filed August 19, 2019  
Affirmed  
Cochran, Judge**

Hennepin County District Court  
File Nos. 27-JV-17-4506, 27-JV-18-302, 27-JV-18-1453

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Considered and decided by Connolly, Presiding Judge; Cleary, Chief Judge; and Cochran, Judge.

**UNPUBLISHED OPINION**

**COCHRAN**, Judge

Appellant-father A.L.R. appeals the district court's order terminating his parental rights to his four children, arguing that the district court made clearly erroneous findings and abused its discretion in determining that a statutory basis for terminating his parental rights exists and that termination of his parental rights is in the best interests of the children.

Because the record supports the district court's findings, and because the district court did not abuse its discretion in terminating A.L.R.'s parental rights, we affirm.

## **FACTS**

A.L.R. (father) is the biological father of Child 1 (born in April 2013), Child 2 (born in March 2016), and twins Child 3 and Child 4 (born in September 2017). All four children were born to E.T.-P. (mother). Mother is also the mother of R.G.T., the children's older half-brother.

### ***Father's Relationship With Mother***

Father and mother are not married and do not live together. Mother has made multiple allegations that father has threatened violence against her and also alleged that all four of their children were conceived by rape. She has obtained multiple orders for protection (OFPs) against father. She obtained one OFP that was active from June 2014 to July 2016. She obtained another OFP in March 2017.

### ***Child-Protection History***

Father and mother have each been working with the Hennepin County Human Services and Public Health Department (the department) since 2015. The department became involved because mother was leaving Child 1 and R.G.T. in the care of S.G.R.—R.G.T.'s biological father, who suffered from health problems that rendered him unfit to supervise children. The department filed a child in need of protection or services (CHIPS) petition alleging that mother left Child 1 and R.G.T. in S.G.R.'s care and that S.G.R. sometimes did not know where the children were, threatened to kill the children, and on one occasion locked R.G.T. in a car on a hot day and refused to let him out.

The district court ordered that R.G.T. and Child 1 remain in mother's care under protective supervision. But mother continued to leave the children in S.G.R.'s care. She also allowed S.G.R. to drive her children, even though S.G.R.'s medical team advised him not to drive. In November 2015, the district court ordered R.G.T. and Child 1 into out-of-home placement. Child 1 was placed with father and R.G.T. was placed in foster care. The district court eventually adjudicated the children to be in need of protection or services.

In March 2016, mother gave birth to Child 2. Mother admitted that Child 2 was in need of protection and services. R.G.T., Child 1, and Child 2 were eventually returned to mother at various times in 2016 under trial home visits that were conditioned on, among other conditions, mother not allowing S.G.R. to drive with the children in the car.

In January 2017, S.G.R. had a car accident while Child 1 and mother were in the car. In February 2017, following the accident, Child 1 and Child 2 were placed in father's care under protective supervision because mother failed to comply with the requirement that she not allow S.G.R. to drive her children. In April 2017, the department filed a petition to terminate mother's parental rights to R.G.T.

In August 2017, mother agreed to transfer legal and physical custody of Child 1 and Child 2 to father. At that time, father had completed enough of his case plan, provided by the department, that the department supported transfer of custody. The transfer of legal custody order (TLC order) gave mother the right to supervised visitation time at a neutral facility. At the time the district court issued the TLC order, mother had an OFP in place

against father. The TLC order provided that if the OFP was rescinded, mother would be allowed unsupervised visitation conditioned on her sobriety and mental health.

Mother gave birth to twins, Child 3 and Child 4, in September 2017. They were immediately placed in foster care. Shortly thereafter, the department filed a petition to terminate mother's parental rights to the twins. Genetic testing, completed in November 2017, proved that father was the twins' biological father. The district court consolidated mother's termination of parental rights file (TPR petition) regarding R.G.T. with the TPR petition regarding the twins for trial.

After the twins were born but before father had a formal case plan for the twins, the department offered to facilitate unsupervised visitation between father and the twins. Father did not take advantage of the department's efforts, refusing multiple proposals by the department to have visitation with the twins. At one point, father stated that he wanted the department to send the twins to him when they were about a year old. Father did not start visitation with the twins until April 2018.

In January 2018, the department filed a CHIPS petition relating to Child 1 and Child 2, who were in father's custody, alleging that father and the two children had an unsupervised visit with mother at mother's apartment in violation of the TLC order and the OFP. On March 21, 2018, the department filed an amended CHIPS petition relating to Child 1 and Child 2, alleging that the department found photographs, apparently taken as late as March 2018, on R.G.T.'s new cell phone that showed mother in father's apartment. One of the photographs included Child 2. According to the amended petition, mother and father denied violating the OFP, and mother continued to report that she needed an OFP

against father to ensure her safety. On March 22, 2018, one day after it filed the CHIPS petition, the department filed a TPR petition regarding father's and mother's parental rights to Child 1 and Child 2.

After evidentiary hearings in April 2018 on the CHIPS petition, the district court found that father violated the OFP and the TLC order and concluded that the violations posed safety concerns to the children. The district court ordered that Child 1 and Child 2 be removed from father's care and placed into out-of-home placement. Child 1 and Child 2 were placed with the same foster provider as the twins and R.G.T.

After the district court ordered Child 1 and Child 2 into out-of-home placement in April, the department offered father a new case plan. This case plan was very similar to an earlier case plan provided to father on March 21, 2018, regarding the twins. The new case plan required father to, inter alia, (1) participate in individual therapy, (2) participate in parenting education classes, (3) participate in anger-management programming, (4) engage in supervised visitation with all four children, (5) abide by the OFP that was in place, (6) maintain contact with the department, (7) allow the department access to his residence, and (8) complete a psychological assessment and all recommendations of the assessment. This plan required a full psychological assessment of father's mental health and parenting capacities rather than just the diagnostic assessment that the March 21 case plan required. The department provided the April case plan to address its concern that father continued to leave Child 1 and Child 2 with mother, an inappropriate caregiver, and violate the OFP. The department provided father with a copy of the new case plan and explained to father why it was necessary.

After the case plan was provided to father, mother requested that the OFP be vacated. On May 7, 2018, the district court vacated the OFP.

On May 14, the department filed an amended TPR petition to add father as a party to the TPR case regarding the twins, as the previously filed TPR petition listed only mother as a party to the case.

Ultimately, two separate trials took place that are relevant to the appeal: a trial regarding mother's parental rights to R.G.T. and the twins, and a trial regarding father's parental rights to his four children and mother's parental rights to Child 1 and Child 2.

***Trial Regarding Mother's Parental Rights to R.G.T. and the Twins***

The trial on the TPR petitions relating to mother's parental rights to R.G.T., Child 3, and Child 4 occurred on various dates from October 2, 2017, to May 16, 2018. Following trial, the district court made extensive findings, ultimately ordering that mother's parental rights to R.G.T., Child 3, and Child 4 be terminated.

The district court concluded that mother was unable to parent any of her children. It found that mother repeatedly left her children in S.G.R.'s care in violation of the children's safety plan and repeatedly allowed S.G.R. to drive the children. It noted that mother's request that the most recent OFP be dismissed was evidence that she places her own needs above the safety of her children, considering her consistent and repeated allegations against father throughout the case. The district court reasoned that mother's decisions to allow S.G.R. to drive the children and to vacate the OFP show that the services provided to her did not engender meaningful change in her parenting abilities and demonstrate that mother has ongoing issues with decision-making and lack of insight. The

district court also found that mother's mental-health issues negatively impact her ability to safely and appropriately parent her children.

The district court ultimately determined that two statutory bases existed to terminate mother's parental rights to R.G.T. and the twins—(1) palpable unfitness to parent under Minn. Stat. § 260C.301, subd. 1(b)(4) (2018), and (2) that reasonable efforts by the department had failed to correct the conditions leading to the out-of-home placement under Minn. Stat. § 260C.301, subd. 1(b)(5) (2018). The district court concluded that it was in the best interests of R.G.T. and the twins that mother's parental rights be terminated. This court later affirmed the district court's order terminating mother's parental rights to R.G.T., Child 3, and Child 4. *In re Welfare of the Children of E. T.-P.*, No. A18-1075, 2019 WL 114449, at \*1 (Minn. App. Jan. 7, 2019).

***Trial Regarding Father's Parental Rights to all Children and Mother's Rights to Child 1 and Child 2***

The trial at issue in this appeal concerning father's parental rights to his four children (and mother's parental rights to Child 1 and Child 2) began on October 9, 2018, and took place on various dates before concluding on December 12, 2018. The department presented the testimony of father and the child-protection social worker assigned to the case. Mother testified on her own behalf and presented the testimony of her therapist. The guardian ad litem (GAL) also testified.

**A. Father's Compliance with the Case Plan**

The social worker testified that the department provided father with a case plan and services that were designed to address the conditions that led to the out-of-home placement

of the children. By the time of trial, father had completed or was engaged in all aspects of his case plan. Father had established visitation and engaged in parenting classes and anger-management programming, but his compliance with other parts of his case plan was untimely. Specifically, father was delayed in participating in individual therapy, completing a psychological assessment, and participating in a family group conference. By the time of trial, the department concluded that, even despite father's delayed compliance, there were no additional services that it could provide that would assist father in addressing the department's parenting concerns.

### **1. Individual Therapy**

Father significantly delayed in complying with the individual therapy required by his case plan. When his case plan began in April 2018, he initially asserted that he could not attend individual therapy because of his busy schedule. He eventually scheduled an intake appointment in July 2018. Father did not begin regular, monthly therapy appointments until September, just before the trial in this matter began. The social worker testified that the department had been asking father to complete individual therapy since at least January 2018, even before the formal start of his most recent case plan.

Both the social worker and the GAL spoke with father's therapist regarding his progress in therapy. Father's therapist reported that father was not being fully honest. The therapist told the GAL that father was difficult to work with because of his dishonesty and because he was not able to acknowledge the gravity of the situation with the children. The social worker testified that even with therapy, father had not developed insight into his behaviors that led to the out-of-home placement of his children. She also opined that father



would not be able to develop insight into these behaviors in the reasonably foreseeable future.

## **2. Psychological Assessment**

Father's compliance with the psychological assessment was also delayed. The department referred father to complete a psychological assessment in mid-April 2018, but father did not schedule his first appointment until late July. By October 10, the day after trial began, father had still not completed the assessment. His final evaluation appointment was on October 12. Though the parties anticipated that the assessment would be completed before the final trial date in December, the assessment was not completed until after trial concluded. The district court left the record open and received the assessment as an exhibit two days after trial concluded.

The psychological assessment indicated that father understood a child's need for guidance, personal care, and attention. The evaluator noted, however, that father may have had limited emotional attachment or urgency to develop a bond with his youngest children, as evidenced by his failure to timely establish visitation with the twins. The evaluator made recommendations that were already being facilitated through father's case plan.

## **3. Family Group Conference**

The case plan required father to participate in a family group conference with the foster parent for the children. After the twins were born, but before his case plan for the twins became effective, the department asked father to voluntarily participate in a family group conference. Father was unable to provide dates when he was available for a family group conference. Even after the case plan relating to the twins became effective in

March 2018, father did not participate in a family group conference until late September. Father insisted that mother be present at the conference, even though the conference was aimed at improving his own relationship with the foster parent.

#### **4. Concerns Raised During Father's Visitation**

In addition to its concerns regarding delayed implementation of the case plan, the department also had concerns about father's understanding of the twins' needs. When father established visitation in April 2018, he initially had difficulty distinguishing the twins. This was problematic because the twins had allergies to different foods. By the time trial began, father was able to distinguish between the twins. But the department was still concerned that father did not understand the severity of his children's allergies because father continued to bring outside food to visits and request that visits occur at fast-food restaurants. Father continued to demonstrate a misunderstanding of his children's allergies during trial—evidence was introduced that, in November 2018, father told the twins' registered nurse that Child 3 did not have allergies, and at one point father inaccurately testified that Child 4 did not have food issues.

In reviewing father's engagement in the case plan and his limited progress under the plan, the social worker testified that in her view father had still not corrected—and was unable to correct—the conditions that led to his children's out-of-home placement. The social worker testified that she did not believe that father had developed insight into the behaviors that led to his children's out-of-home placement.

## **B. The Best Interests of the Children**

Both the social worker and the GAL testified that termination of father's parental rights to all four children is in the best interests of the children. In their trial testimony, the social worker and the GAL both identified father's poor decision-making as a major concern, specifically father's decision to allow mother to supervise the children and participate in parenting given mother's own history of poor decision-making. Father had a history of relying on mother for childcare when he was at work. The GAL testified that when Child 1 was placed with father in 2016, father allowed Child 1 to "basically reside" with mother because of the hours and location of his job. The social worker testified that, before the TLC order, the department had concerns about father's long work hours. For that reason, the department asked father to identify a "backup" who could help provide care for the children. The backup was father's neighbor. But in early 2018, father continued to have contact with mother and allow mother to have unsupervised contact with himself, Child 1, and Child 2—despite the TLC order and OFP preventing him from doing so. At the time of trial, father had the same job as he did in 2016. Consequently, the GAL expressed continuing concern about father's long work hours and who would be providing backup care for the children.

The GAL testified extensively about the children's best interests. She testified that the twins have a strong bond to their foster parent because they had been in foster care for their entire lives. She testified that the older children have a strong bond with father and that father has "sufficient parenting skills" to parent them. The GAL, however, was concerned with father's ability to keep Child 1 and Child 2 safe, based on his history of

allowing mother to have contact with the children in or out of his presence. The GAL believed that father would continue to involve mother in parenting even though she has a history of unsafe decision-making. Moreover, the GAL testified that it would be against the sibling's best interests to be separated from each other and from R.G.T. Ultimately, the GAL opined that the district court should terminate father's parental rights to his four children because father does not have the ability to make appropriate decisions for them to keep them safe. The social worker provided similar testimony regarding the children's best interests.

The GAL testified that the services offered to father were reasonable and were offered in a timely manner. She did not believe additional services could or should be provided to father in order to support reunification. The GAL testified that there is nothing father could do to convince her that he would not allow mother to have contact with the children.

### **C. Evidence Presented by Father and Mother**

Father testified, but the district court largely did not credit his testimony. Father testified that he did not want the children returned to mother, that he did not intend to co-parent with mother if the children were returned to him, that he would not allow mother to care for his children, and that he understood the importance of not allowing mother to have contact with the children. Father testified that he did not violate the OFP, but later claimed that he did not remember whether he violated the OFP—testimony that the district court noted in determining that father's testimony was not credible. Father also testified that he understood the twins' allergies after attending a medical appointment and that he

learned how to use a device used to treat emergency allergy symptoms. In addition, father testified that his parenting skills had improved after participating in parenting education classes and anger-management programming, and that he was learning in therapy how to be a good father.

Mother also testified, but the district court did not credit her testimony either. Mother testified that her parenting skills had improved through the services provided by the department. She testified that she did not have contact with father and that she did not intend to have a relationship with him.

The district court also heard testimony from mother's therapist, who the district court found to be credible. Mother's therapist testified that she was showing progress in individual therapy. Mother's therapist also testified that mother had indicated that she wanted to vacate the OFP to reunite with father, and that she probably had a better chance of getting the children back if they reunited. Mother's therapist, who was not aware that mother in fact dismissed the OFP, testified that he would be concerned if he learned that mother dismissed the OFP.

### ***The District Court's Decision***

The district court issued a very detailed order terminating father's parental rights. The district court determined that clear and convincing evidence supported two statutory bases to terminate father's parental rights to all four children: that father was palpably unfit under Minn. Stat. § 260C.301, subd. 1(b)(4), and that father failed to correct the conditions leading to the children's out-of-home placement despite reasonable efforts by the

department under Minn. Stat. § 260C.301, subd. 1(b)(5).<sup>1</sup> The district court also determined that the department presented clear and convincing evidence that it was in the best interests of father’s children that father’s parental rights be terminated.

Father appeals the district court’s order.

## D E C I S I O N

Father argues that the district court erred in terminating his parental rights because the department did not present clear and convincing evidence that a statutory basis for termination exists or that termination of his parental rights is in his children’s best interests.

Involuntary termination of parental rights is only appropriate if there is clear and convincing evidence that a statutory ground for termination exists and 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). This court reviews a termination of parental rights “to determine whether the district court’s findings address the statutory criteria and whether the district court’s findings are supported by substantial evidence and are not clearly erroneous.” *In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008). We are mindful that “[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), but we give “considerable deference to the district court’s decision to terminate parental rights,” *S.E.P.*, 744 N.W.2d at 385. We apply a clear-error standard of review to “the district court’s findings of the underlying or basic

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<sup>1</sup> The district court also determined that a third statutory basis supported termination of father’s parental rights to Child 1 and Child 2—that father neglected to comply with his parental duties under Minn. Stat. § 260C.301, subd. 1(b)(2) (2018). This statutory basis was not applied to Child 3 and Child 4.

facts” and an abuse-of-discretion standard of review to a district court’s ultimate determination as to “whether a particular statutory basis for involuntarily terminating parental rights is present.” *In re Welfare of Children of J.R.B.*, 805 N.W.2d 895, 901 (Minn. App. 2011), *review denied* (Minn. Jan. 6, 2012). A finding of fact is clearly erroneous “if it is either manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *In re Welfare of Children of T.R.*, 750 N.W.2d 656, 660-61 (Minn. 2008) (quotation omitted).

We first address father’s argument that the district court erred in concluding that a statutory ground for termination exists. We then turn to his argument that clear and convincing evidence does not support the district court’s determination that termination is in the best interests of all four children.

### **I. Statutory Basis**

The district court determined that two separate statutory bases exist for terminating father’s rights to all four children—palpable unfitness under Minn. Stat § 260C.301, subd. 1(b)(4), and failure to correct the conditions leading to the out-of-home placement of the children under Minn. Stat. § 260C.301, subd. 1(b)(5). We will affirm the district court’s decision to terminate parental rights if either of these statutory grounds exists. *See In re Children of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005) (“In reviewing a decision to terminate parental rights, the appellate court determines whether there is clear and convincing evidence to support at least one statutory ground for termination . . .”).

Under Minn. Stat. § 260C.301, subd. 1(b)(5), a district court may involuntarily terminate a parent’s parental rights if the court finds 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." Because the record supports the district court's determination that father failed to correct the conditions leading to his children's out-of-home placement despite reasonable efforts by the department, we address only that basis for termination.

Father contends that the district court clearly erred in finding that the department's efforts to reunify were reasonable, arguing that he had insufficient time between the CHIPS proceedings and the filing of the TPR petitions to complete his case plan. He also argues that he corrected the conditions that led to the out-of-home placement because the OFP that he violated was no longer in effect after May 7, 2018. We are not persuaded.

**A. The district court did not err in determining that the department's efforts to correct the conditions leading to out-of-home placement were reasonable.**

Reasonable efforts 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) (quotation omitted), *review denied* (Minn. Mar. 28, 2007). In order to determine whether efforts were reasonable, the 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). The district court must consider "the length of the 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).



Father argues that the department's efforts were not reasonable because the department did not give him enough time to comply with his case plan before seeking termination of parental rights. The department maintains that its efforts were reasonable considering that father had more than six months to complete his most recent case plan and that the department has been providing services to assist father since 2015.

The district court made extensive findings regarding the department's efforts to reunify father with his children. The district court found that the department had worked with the family since 2015, when it first became involved with Child 1 and R.G.T. Father successfully engaged in case plans from early 2016 through 2017, and in 2017 became the sole legal and physical custodian of Child 1 and Child 2. Beginning in September 2017, the department again offered father services, primarily including visitation with the twins. The department also made multiple attempts to facilitate a family group conference between father and the foster provider. But father refused the department's efforts to establish visitation with the twins until April 2018, and he did not agree to participate in a family group conference until September 2018.

In April 2018, the department offered father a new case plan after Child 1 and Child 2, the two older children, were removed from his care. This case plan was very similar to other case plans offered to father in the past, but required him to complete a more extensive psychological assessment. The district court found that, as the social worker testified, the case plan was modified to address the department's concerns that father was leaving the children with an inappropriate, unsafe caregiver (mother) and that he was violating the OFP. Although father engaged in some aspects of the case plan in a timely

manner—namely, anger-management programming and parent education classes—he failed to timely participate in the mental-health services offered. Father delayed scheduling the psychological evaluation until late July 2018, and as a result, the evaluation was not complete before trial concluded. Father also delayed in scheduling individual therapy, and did not start monthly appointments until September 2018, just before the trial in this matter began. Based on this evidence, the district court found that the department offered mental-health services to father in a “timely manner,” but father’s own delay in engaging in the services “greatly diminished” the value of the psychological evaluation and individual therapy. The district court also found that “despite working with the department on-and-off for almost three years, [father] has been unable to improve his parenting skills sufficiently to provide for the day-to-day care of his children.” Our review of the record leads to the conclusion that these findings of fact are supported by clear and convincing evidence in the record and, therefore, are not clearly erroneous.

Father urges this court to conclude that the district court abused its discretion in determining that the department’s efforts were reasonable by arguing that the district court should have considered only the department’s efforts from the time of the CHIPS proceedings (in the first quarter of 2018) until the time that the TPR petition regarding Child 1 and Child 2 was filed in March 2018. He argues that he was given insufficient time to improve his parenting skills and reunite with his children. But father’s argument is flawed because he was offered services both before the CHIPS petition was filed (from 2015 – 2017) and after the TPR petition was filed. The record shows that the department continued to offer services to father through the end of the trial in December 2018. The

record further shows that it was father's own delay and reluctance to engage in the services that rendered the case plan ineffective. His own delay, in fact, supports the district court's finding that father continues to have problems making good decisions. By the time trial concluded, the department had facilitated services for father in his most recent case plan for approximately eight months and had offered services on-and-off for approximately three years. Given the department's efforts to work with father since 2015, it was appropriate for the district court to consider the services that the department offered to father prior to the most recent case plan. *See In re Welfare of A.H.*, 402 N.W.2d 598, 604 (Minn. App. 1987) (concluding that the county's reunification efforts were reasonable where the formal reunification plan lasted only five months because the appellant had been receiving help from various county agencies for several years). Under these circumstances, we conclude that the district court did not abuse its discretion in concluding that the department's efforts were reasonable.

**B. The district court did not err in determining that father failed to correct the conditions that led to out-of-home placement.**

Father also argues that he corrected the conditions leading to the out-of-home placement. He argues that the children were placed out-of-home due to his violations of the OFP and the TLC order. He emphasizes that the OFP is no longer in effect and notes that, under the TLC order, mother is allowed unsupervised visitation once the OFP is rescinded. He maintains that, because he can no longer violate the OFP or the TLC order by having contact with mother, the conditions leading to the children's out-of-home

placement no longer exist and that the district court clearly erred in determining that he had not remedied the conditions.

Father oversimplifies the conditions leading to the children's out-of-home placement. The technical violation of the OFP and the TLC order was not the reason leading to the children's out-of-home placement. Rather, father's decision to violate the orders multiple times is an example of a broader problem—his poor decision-making and lack of insight into the safety of his children. Beyond violating the court orders, father's behavior demonstrates a lack of insight into whether he is providing a safe caretaker for his children.

In the order terminating father's parental rights, the district court directly addressed this issue. The district court determined that even though father had engaged in his case plan, father's behavior had not changed such that the children could be safely returned to his care. The district court emphasized that father "continues to demonstrate a lack of insight as to his own behaviors and his inability to safely parent his children."

The district court's determination that father failed to correct the conditions leading to the out-of-home placement is supported by clear and convincing evidence. Father relied on mother to care for Child 1 when Child 1 was in his care, had ongoing contact with mother despite an OFP prohibiting him from doing so, and as recently as September 2018 continued to demonstrate an interest in involving mother in parenting his children by insisting that she participate in the family group conference. Father failed to prioritize and fully engage in individual therapy and the psychological evaluation, which were intended, in part, to help address father's lack of insight into appropriate caregivers and

decision-making. The district court found that father was dishonest about violating the OFP and that “his own duplicity has limited the effectiveness of the services offered and stymied his ability to make the progress and change necessary to have his children returned safely to his care.” The district court’s factual findings support its conclusion that father failed to “effect substantive change to his behavior such that his children can be safely returned to his care,” and failed to develop insight regarding safe and appropriate caregivers. Because the district court’s factual findings are supported by clear and convincing evidence and demonstrate a statutory basis for termination, we conclude that the district court did not abuse its discretion when it concluded that a statutory basis exists under Minn. Stat. § 260C.301, subd. 1(b)(5), to terminate father’s parental rights.

## **II. Best Interests**

Father argues that the district court erred in analyzing the best interests of the children because there was evidence suggesting that the foster parent was abusive and there was no evidence introduced that the foster parent provided a beneficial environment to the children.

Involuntary termination is only proper when “at least one statutory ground for termination is supported by clear and convincing evidence *and* the termination is in the child’s best interest.” *R.D.L.*, 853 N.W.2d at 137. When a statutory basis for terminating parental rights exists, “the best interests of the child must be the paramount consideration.” Minn. Stat. § 260C.301, subd. 7 (2018). In determining whether termination of parental rights is in the child’s best interests, “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). “Competing interests include such things as a stable environment, health considerations and the child’s preferences.” *Id.* (quotation omitted). “Where the interests of the parent and child conflict, the interests of the child are paramount.” Minn. Stat. § 260C.301, subd. 7. “We review a district court’s ultimate determination that termination is in a child’s best interest for an abuse of discretion.” *J.R.B.*, 805 N.W.2d at 905.

Father’s argument on appeal misses the relevant issue—the issue to be determined at trial was whether it was in the children’s best interests that *his* parental rights be terminated, not whether the foster parent provided the best placement for the children. The district court properly considered the relevant analysis and balanced: (1) the children’s interest in preserving the parent-child relationship with father; (2) father’s interest in preserving the parent-child relationship; and (3) the competing interests of the children. *See id.*

In considering the children’s interest in preserving the parent-child relationship, the district court noted that all four children had some interest in maintaining a relationship with father because “children typically prefer to maintain a relationship with their biological parent.” Moreover, the district court considered that Child 1 and Child 2 have a stronger bond with father than Child 3 and Child 4, who had never been in father’s care.

In considering father’s interest in preserving the parent-child relationship, the district court noted that father loves all four of his children and wishes to have all of them returned to his care. The district court also found that father shared a stronger bond with

Child 1 and Child 2 due to his decision to not establish visitation with Child 3 and Child 4 until April 2018.

The district court, however, determined that the competing interests of the children weigh strongly in favor of termination. The district court noted that the children all have an interest in a stable, safe, appropriate, consistent caregiver, which father did not provide and will continue to be unable to provide into the foreseeable future. The district court also found that all of the children have an interest in maintaining a sibling relationship with each other and with R.G.T., which can only be maintained if all of the siblings remain together in foster care.<sup>2</sup>

While we recognize that father loves his children and wishes to maintain his parental rights, we conclude that the district court's best-interests analysis is well reasoned. The district court's conclusion that termination of father's parental rights is in his children's best interests is supported by clear and convincing evidence in the record. Consequently, the district court did not abuse its discretion in terminating father's parental rights to his four children.

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<sup>2</sup> We note that mother testified about alleged abuse by the foster parent. We also observe that the district court did not credit mother's testimony and that there is other evidence in the record that the children were doing well in foster care. Ultimately, however, this matter concerned only whether it was in the best interests of the children that father's parental rights be terminated, not whether the foster care provider that they were currently placed with was the best option for placement.

In sum, because the district court properly concluded that a statutory basis for termination exists and that termination is in the best interests of all of the children, we affirm.

**Affirmed.**