STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0821

In the Matter of the Welfare of the Child of
Commissioner of Human Services, Legal Custodian.

Filed December 23, 2019
Affirmed
Larkin, Judge

Hennepin County District Court
File No. 27-JV-17-4686

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Considered and decided by Reyes, Presiding Judge; Larkin, Judge; and Slieter, Judge.

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

LARKIN, Judge

Appellant foster parent challenges the district court's refusal to dismiss respondent maternal aunt's motion for adoptive placement, arguing that maternal aunt failed to file an "approved adoption home study" with her motion as required under Minn. Stat. § 260C.607, subd. 6(a)(2) (2018). We affirm.

FACTS

Z.W. was born to mother D.R.W. in August 2016. In November 2016, Z.W. was admitted to a hospital for failure to thrive and a serious heart condition. The Hennepin County Human Services and Public Health Department (the county) filed a petition alleging that Z.W. was a child in need of protection or services (CHIPS). The district court found that the county had made a prima facie showing that Z.W. was a CHIPS and ordered Z.W.'s out-of-home placement in foster care. Z.W. was hospitalized until January 2017. In January 2017, the county placed Z.W. with C.S. (foster parent). In February 2018, the district court terminated D.R.W.'s parental rights to Z.W.

In July 2018, foster parent moved for adoptive placement of Z.W. At that time, the county supported Z.W.'s permanent placement with her maternal aunt, J.W., who resided in Florida. But in August 2018, the county filed notice that it did not oppose foster parent's motion for adoptive placement of Z.W. and was prepared to assist foster parent with the adoption process.

In November 2018, maternal aunt moved for adoptive placement of Z.W. The county and foster parent objected to maternal aunt's motion on the grounds that maternal

aunt failed to make a prima facie showing that the county had been unreasonable in failing to place Z.W. with maternal aunt and that it was appropriate to proceed with Z.W.'s adoptive placement with foster parent. Following an initial hearing on maternal aunt's motion, the district court determined that maternal aunt had made a prima facie showing that the county acted unreasonably by failing to make her requested adoptive placement of Z.W. and ordered an evidentiary hearing on maternal aunt's motion.

In February 2019, Z.W.'s paternal aunt, S.B., moved for adoptive placement of Z.W. Following an initial hearing on paternal aunt's motion, the district court determined that paternal aunt had made a prima facie showing that the county acted unreasonably by failing to make her requested adoptive placement of Z.W. The district court ordered that "[i]f the home study requirement of Minn. Stat. § 260C.607, subd. 6(a), is satisfied," an evidentiary hearing would be held on paternal aunt's adoptive-placement motion and scheduled paternal aunt's motion for hearing at the scheduled evidentiary hearing on maternal aunt's adoptive-placement motion.

On March 12, the first day of the evidentiary hearing, foster parent orally moved to dismiss the motions of maternal and paternal aunts for adoptive placement of Z.W., arguing that they had failed to file an "approved adoption home study" as required under Minn. Stat. § 260C.607, subd. 6(a)(2). The county and Z.W.'s guardian ad litem attempted to join foster parent's motion to dismiss, but the district court ruled that their request was untimely and did not permit them to do so.[1]

[1] The district court nonetheless permitted the county and Z.W.'s guardian ad litem to submit legal arguments in support of foster parent's motion.

Maternal aunt responded that it was not possible for her to obtain an adoption home study specific to Z.W. through a private agency in Florida and that she could only obtain a child-specific adoption home study in Florida if Z.W. were to be placed in her home for six months. The district court did not rule on foster parent's motion. Instead, it proceeded with the evidentiary hearing, reasoning that testimony might provide "information about the possibility or difficulty or impossibility of getting an adoptive home study."

The district court held a six-day evidentiary hearing on the motions for adoptive placement. At the hearing, maternal aunt submitted a document titled "Unified Home Study" in support of her motion for adoptive placement, which described maternal aunt's suitability for a foster-care license in Florida.

After the evidentiary hearing, the district court issued a 30-page order containing over 150 findings, as well as a 36-page memorandum of law explaining its decisions on all pending motions. The district court dismissed paternal aunt's adoptive-placement motion, reasoning that paternal aunt had failed to provide an "approved adoption home study" as required under Minn. Stat. § 260C.607, subd. 6(a) (2018). But the district court denied foster parent's motion to dismiss maternal aunt's adoptive-placement motion, reasoning that maternal aunt's Unified Home Study satisfied the "approved adoption home study" requirement of Minn. Stat. § 260C.607, subd. 6(a). Lastly, the district court granted maternal aunt's adoptive-placement motion. In doing so, the district court concluded that maternal aunt had proved by a preponderance of the evidence that the county was unreasonable in failing to place Z.W. with her for adoption and made the following findings in support of that determination:

> 4.1 The [county] was unreasonable in failing to exercise due diligence in its relative search, and thereby failing to timely find appropriate relative placement resources.
>
> 4.2 The [county] was unreasonable in failing to consider relative placement first.
>
> 4.3 The [county] was unreasonable in failing to timely refer Maternal Aunt for a home study under the [Interstate Compact for the Placement of Children (ICPC)].
>
> 4.4 The [county] was unreasonable in failing to timely move the child to Maternal Aunt's care once ICPC approval was received.
>
> 4.5 The [county] was unreasonable in failing to timely consider the ten best interest factors regarding Z.W.'s placement.
>
> 4.6 The [county] was unreasonable in failing to assess the best interest factors with the [social] workers with direct knowledge of the individuals and homes involved.
>
> 4.7 The [county] was unreasonable in disregarding the existence of Z.W.'s biological siblings and otherwise failing to properly assess the best interest factors.[2]

The district court analyzed the best-interests factors set forth in Minn. Stat. § 260C.212, subd. 2 (2018), determined that those "best interest factors, on balance, weigh[ed] heavily in favor of placement with Maternal Aunt," and concluded that maternal aunt had proved by a preponderance of the evidence that her home is the most suitable adoptive home to meet Z.W.'s needs. The district court ordered the county to "immediately undertake to make an adoptive placement of the child with Maternal Aunt."[3]

[2] The district court's findings explain in great detail the ways in which the county failed to comply with the laws governing Z.W.'s permanent placement.

[3] The district court denied foster parent's motion to stay enforcement of its order granting maternal aunt's adoptive-placement motion. At oral argument to this court, counsel for foster parent informed the court that Z.W. has been placed with maternal aunt in Florida.

Foster parent appeals, arguing that the district court erred by denying her motion to dismiss maternal aunt's adoptive-placement motion.[4]

D E C I S I O N

Foster parent contends that "[t]he district court erred as a matter of law in denying [her] motion to dismiss the motion for adoptive placement brought by Z.W.'s maternal aunt" because maternal aunt did not have an "approved adoption home study" under Minn. Stat. § 260C.607, subd. 6(a)(2), "at the time of [her] motion[], or at any point between the motion filing and the conclusion of the evidentiary hearing." Essentially, foster parent challenges the district court's decision to hold an evidentiary hearing on maternal aunt's motion for adoptive placement. Foster parent does *not* challenge the district court's ultimate determination that adoptive placement with maternal aunt is in Z.W.'s best interests.

The Relevant Statutes

The pivotal statute provides:

> At any time after the district court orders [a] child under the guardianship of the commissioner of human services, but not later than 30 days after receiving notice required under section 260C.613, subdivision 1, paragraph (c), that the agency has made an adoptive placement, *a relative or the child's foster parent may file a motion for an order for adoptive placement of a child who is under the guardianship of the commissioner if the relative or the child's foster parent*:
>
> (1) has an adoption home study under section 259.41 approving the relative or foster parent for adoption and has been a resident of Minnesota for at least six months before

[4] None of the respondents filed a brief, and this court ordered the appeal to proceed under Minn. R. Civ. App. P. 142.03 (providing that if a respondent fails to file a brief, the case shall be determined on the merits).

> filing the motion; the court may waive the residency requirement for the moving party if there is a reasonable basis to do so; or
>
> (2) *is not a resident of Minnesota, but has an approved adoption home study by an agency licensed or approved to complete an adoption home study in the state of the individual's residence and the study is filed with the motion for adoptive placement.*

Minn. Stat. § 260C.607, subd. 6(a) (emphasis added).

An adoptive-placement motion and supporting documents "must make a prima facie showing that the agency has been unreasonable in failing to make the requested adoptive placement." *Id.*, subd. 6(b) (2018). "If the motion and supporting documents do not make a prima facie showing for the court to determine whether the agency has been unreasonable in failing to make the requested adoptive placement, the court shall dismiss the motion." *Id.*, subd. 6(c) (2018). "If the court determines a prima facie basis is made, the court shall set the matter for evidentiary hearing." *Id.* "At the evidentiary hearing, the responsible social services agency shall proceed first with evidence about the reason for not making the adoptive placement proposed by the moving party." *Id.*, subd. 6(d) (2018). "The moving party then has the burden of proving by a preponderance of the evidence that the agency has been unreasonable in failing to make the adoptive placement." *Id.*

If the district court finds that "the agency has been unreasonable in failing to make the adoptive placement and that the relative or the child's foster parent is the most suitable adoptive home to meet the child's needs using the factors in section 260C.212, subdivision 2, paragraph (b)," the district court "may order the responsible social services agency to

make an adoptive placement in the home of the relative or the child's foster parent." *Id.*, subd. 6(e) (2018).

Foster parent argues that maternal aunt "did not comply with either of the prerequisites set forth in the plain language of section 260C.607, subd. 6(a)(2): she did not have an approved adoption home study as a prerequisite *and* she did not file an approved adoption home study with her motion." Foster parent therefore asserts that her "motion to dismiss should have been granted pursuant to Minn. R. Civ. P. 12.02(e) and Minn. Stat. section 260C.607, subd. 6(c)." *See* Minn. R. Civ. P. 12.02(e) (providing that a party may move to dismiss a claim for relief for "failure to state a claim upon which relief can be granted").

"Except as otherwise provided by [the Minnesota Rules of Juvenile Protection Procedure], the Minnesota Rules of Civil Procedure do not apply to juvenile protection matters." Minn. R. Juv. Prot. P. 3.01. Because foster parent does not point to any rule that would make Minn. R. Civ. P. 12.02(e) applicable here, we analyze her motion to dismiss under Minn. Stat. § 260C.607, subd. 6, and not under rule 12.02(e) or the standards that govern relief under that rule. Because our determination whether the district court erred by denying foster parent's motion to dismiss maternal aunt's motion for adoptive placement for failure to comply with the prerequisites set forth in Minn. Stat. § 260C.607, subd. 6(a)(2), involves application of that statute to undisputed facts, we apply a de novo standard of review. *See State v. Lopez*, 778 N.W.2d 700, 705 (Minn. 2010) (stating that the application of a statute to undisputed facts is reviewed de novo).

The District Court's Decision

Although we consider the issue before us de novo, our decision is influenced by two aspects of the district court's reasoning. First, the district court reasoned that foster parent waived maternal aunt's failure to file an "approved adoption home study" because foster parent did not timely object to that failure. Second, the district court reasoned that maternal aunt's Unified Home Study satisfies the requirement of an "approved adoption home study" under Minn. Stat. § 260C.607, subd. 6(a)(2).

As to "waiver,"[5] the district court explained:

> One of the threshold requirements for proceeding on a motion for adoptive placement is that a home study be "filed with" the motion. Minn. Stat. § 260C.607, subd. 6(a)(2). Only nonresidents are subjected to this requirement, perhaps because the local agency would be more certain to have access to home studies completed in this state. *Compare* Minn. Stat. § 260C.607, subd. 6(a)(2), *with* Minn. Stat. § 260C.607, subd. 6(a)(1).
>
> All parties and participants were aware from the time Maternal Aunt's motion for adoptive placement was filed on November 9, 2018, that the home study had not been filed contemporaneously with Maternal Aunt's motion. This was a surprise to no one, as only the [county] can obtain a home study completed under the ICPC pursuant to the [county's] request, and counsel for the [county] herself stated she only received the study the night before the evidentiary hearing began. Even Foster Parent, who was not made a party until March 7, 2019, had been represented by counsel since at least July 17, 2018, and had had access to the filings in the case all that time. No party disputed that the threshold requirements of Minn. Stat.

[5] Because "forfeiture is the failure to make the timely assertion of a right" and "waiver is the intentional relinquishment or abandonment of a known right," *State v. Beaulieu*, 859 N.W.2d 275, 278 n.3 (Minn. 2015) (quoting *United States v. Olano*, 507 U.S. 725, 733, 113 S. Ct. 1770, 1777 (1993)), it may have been more accurate to refer to foster parent's untimely objection as a forfeiture.

> § 260C.607, subd. 6(a)(2), had been satisfied at the hearing on Maternal Aunt's motion on November 16, 2018, where the Court found the motion and supporting documents established a *prima facie* showing that the [county] had been unreasonable. The first time this issue was ever mentioned by any party was when counsel for Foster Parent conceded at the evidentiary hearing on March 12, 2019, that she *could have* argued the failure to "attach" the home study was fatal. Counsel did not actually make that argument until March 26, 2019, in her written memorandum. *Thus, no party timely objected to the timing or manner of filing of the home study, and the Court concludes all parties have waived this argument.*

(Second emphasis added) (footnotes omitted.) The record supports the district court's findings regarding the procedural posture of foster parent's motion to dismiss.

Foster parent argues that she "was not made a party to the case until one week before the first scheduled day of the evidentiary hearing" and that "[i]t was not until that time that [she] had access to discovery in this matter or had standing to bring a motion to dismiss." That argument is unpersuasive given that foster parent filed a response to maternal aunt's adoptive-placement motion shortly after maternal aunt filed it. As the district court noted, foster parent was "aware from the time Maternal Aunt's motion for adoptive placement was filed on November 9, 2018, that the home study had not been filed contemporaneously with Maternal Aunt's motion." Foster parent could have argued in her response to maternal aunt's adoptive-placement motion that maternal aunt had not filed an approved adoption home study. Instead, foster parent did not make that objection until the scheduled evidentiary hearing on March 12, 2019, long after the district court determined that maternal aunt had made a prima facie showing justifying that evidentiary hearing.

In sum, foster parent was on notice that maternal aunt did not file an approved adoption home study with her adoptive-placement motion in November 2018. Foster parent could have objected to maternal aunt's motion on that basis at the initial hearing on the motion. Instead, foster parent waited approximately four months to raise that issue on the first day of the scheduled evidentiary hearing on maternal aunt's motion, at a time when maternal aunt's Unified Home Study was available. On this record, the district court reasonably considered foster parent's failure to timely object as a basis to deny her motion to dismiss.

As to the district court's reasoning that maternal aunt's Unified Home Study satisfied the requirement for an "approved adoption home study" under Minn. Stat. § 260C.607, subd. 6(a)(2), the district court noted that in-state residents moving for adoptive placement must have "an adoption home study under section 259.41," Minn. Stat. § 260C.607, subd. 6(a)(1), and that "if the requirements of Minn. Stat. § 259.41 were superimposed on the nonresident portion of the statute, Maternal Aunt's home study is sufficient."

Section 259.41 provides the following requirements for an adoption study:

> (a) The adoption study must include at least one in-home visit with the prospective adoptive parent. At a minimum, the study must document the following information about the prospective adoptive parent:
>
> (1) a background study as required by subdivision 3 and section 245C.33, including:
>
> (i) an assessment of the data and information provided by section 245C.33, subdivision 4, to determine if the prospective adoptive parent and any other person over the age of 13 living in the home has a felony

> conviction consistent with subdivision 3 and section 471(a)(2) of the Social Security Act; and
>
> (ii) an assessment of the effect of any conviction or finding of substantiated maltreatment on the capacity of the prospective adoptive parent to safely care for and parent a child;
>
> (2) a medical and social history and assessment of current health;
>
> (3) an assessment of potential parenting skills;
>
> (4) an assessment of ability to provide adequate financial support for a child; and
>
> (5) an assessment of the level of knowledge and awareness of adoption issues including, where appropriate, matters relating to interracial, cross-cultural, and special needs adoptions.
>
> (b) The adoption study is the basis for completion of a written report. The report must be in a format specified by the commissioner and must contain recommendations regarding the suitability of the subject of the study to be an adoptive parent.

Minn. Stat. § 259.41, subd. 2 (2018).

As the district court noted, maternal aunt's "Unified Home Study" was based on multiple home visits. The home study included a background check that indicated that maternal aunt did not have any disqualifying convictions. The home study assessed maternal aunt's health, stating that maternal aunt "reported that she is in good health," that she did not have a chronic illness or disease that will prevent her from caring for children, and that she did not have a history of substance abuse or mental-health issues. The home study evaluated maternal aunt's parenting skills. For example, it stated that she is "an excellent communicator," is "committed to providing a safe and secure home," "will focus on the strengths of the child," will "participate in family and community activities" with

the child, and "will provide love, understanding, and kindness to every child that comes into [her] home."

The home study also described maternal aunt's financial circumstances and stated that maternal aunt—who was a licensed practical nurse with approximately three years of professional experience at the time of the evidentiary hearing—would "be able to provide sufficient care for [the child] to be placed in the home without causing financial hardship for the family." The home study stated that maternal aunt would address the child's medical, dental, and psychological needs by transporting the child to appointments and that she was open to advocating for the child's educational needs by attending individualized education plan meetings. The home study also stated that maternal aunt "would not have an issue with long-term placement" and would be "willing to adopt [Z.W.] if the opportunity presented itself."

It is true that maternal aunt's Unified Home Study did not include express recommendations regarding maternal aunt's suitability to be an adoptive parent for Z.W. However, the district court found that maternal aunt could not have obtained a traditional adoption home study in Florida because Z.W. had not been placed with her, explaining that "a Receiving State first needs to approve the foster care license [and] then wait while the child is in placement in the Receiving State for six months" before it will allow the sending state to request an adoption home study. Foster parent appears to dispute that finding, relying on testimony from the director of a Florida adoption agency in support of her argument that maternal aunt "could have obtained an approved adoption home study for under $1,000" by the time she moved for adoptive placement. But that witness testified

that when her adoption agency provides home studies to other states, they are not child-specific home studies.

In fact, the district court noted that "the [county] gave notice of its intent to waive the requirement of an approved adoption home study on behalf of Maternal Aunt." The district court explained:

> With respect to Maternal Aunt, Counsel for the [county] indicated she had received the home study from Florida the night before the first day of the evidentiary hearing. Under the home study, Maternal Aunt was licensed for foster care, not adoption. Counsel indicated the [county] had not raised this as an issue because, due to the way the Interstate Compact for the Placement of Children ("ICPC") is run, it would be "impossible" for Maternal Aunt to be currently licensed for adoption. Counsel for the [county] explained that, when an ICPC is initiated, it is possible for the [county] to ask the Receiving State—the state to which a child is being sent—for an *adoption* home study at the outset. However, the [county] normally does not proceed in this manner, as the [county] seeks to have homes licensed prior to placement for purposes of foster care funding and medical insurance. Therefore, placement initially is made as *foster* placement. Counsel asked the Court to take judicial notice that a Receiving State first needs to approve the foster care license, then wait while the child is in placement in the Receiving State for six months, then will allow the Sending State to request an adoption home study.

(Footnote omitted.) The county later reversed its position and sought to join foster parent's motion to dismiss.

Under the circumstances of this case, the district court reasonably compared the content of maternal aunt's Unified Home Study to the content requirements of an adoption study under Minn. Stat. § 259.41 in determining that maternal aunt's home study was an adequate "approved adoption home study" under Minn. Stat. § 260C.607, subd. 6(a)(2).

Foster parent objects to that reasoning, arguing that the Unified Home Study was a "foster care home study" and that an "adoption home study is distinct from the foster care licensing procedure, which can result in an approved *foster care* home study, but not necessarily an adoption home study." Foster parent further argues that "[s]ection 260C.607, subd. 6, requires an approved *adoption* home study prior to allowing a relative to bring a motion for adoption placement precisely because the purpose of the statute is to contest placement of the child *for adoption*, not for foster care placement."

Foster parent urges a strict application of Minn. Stat. § 260C.607, subd. 6(a)(2). Her brief relies on an unpublished opinion of this court, *In re Welfare of Children of D.K.*, as support. No. A18-1195, 2018 WL 6596275, at *1-3 (Minn. App. Dec. 17, 2018), *review denied* (Minn. Jan. 16, 2019). Unpublished decisions of this court are not precedential; at best, such opinions may have some persuasive value. Minn. Stat. § 480A.08, subd. 3 (2018); *Dynamic Air, Inc. v. Bloch*, 502 N.W.2d 796, 800-01 (Minn. App. 1993). Because *D.K.* is unpublished, it is not binding on this court. Moreover, the facts of that case are readily distinguishable and limit any persuasive value this court's opinion may have here.

At oral argument, foster parent relied on this court's recent published opinion *In re Welfare of Children of A.M.F.*, 934 N.W.2d 119 (Minn. App. 2019). In *A.M.F.*, a great-grandparent moved for adoptive placement of her great-grandchildren after the county approved an agreement for a foster parent to adopt the children. 934 N.W.2d at 121-22. At the initial hearing on the motion, the great-grandparent asked the district court to waive the approved-home-study requirement, asserting that the county had failed to make a timely referral for the study. *Id.* at 122. The county moved to dismiss the great-grandparent's

adoptive-placement motion, arguing that the great-grandparent had failed to complete a home study, that her failure to do so was the result of her own actions, and that further delay would not be in the children's best interests. *Id.* The district court agreed and denied the great-grandparent's motion without an evidentiary hearing. *Id.*

The great-grandparent appealed to this court, and we affirmed. *Id.* at 124. This court reasoned that the plain language of the statute governing in-state adoptive-placement motions, Minn. Stat. § 260C.607, subd. 6(a)(1), "requires a relative or foster parent to have, at the time the relative or foster parent moves for an order for adoptive placement, a completed adoption home study under Minn. Stat. § 259.41 (2018), approving the relative or foster parent for adoption." *Id.* at 120. This court concluded that "[b]ecause [the great-grandparent] did not have a completed home study approving her for adoption at the time she filed a motion for an order for adoptive placement, the district court's summary denial of her motion was not error." *Id.* at 124. This court "acknowledge[d] that [the great-grandparent] successfully completed a home-study assessment following the district court's order denying her motion for permanent-adoptive placement," but it nonetheless affirmed the decision of the district court because it "was based on the children's best interests, which, in [that] case, was to prevent any further delay in permanency." *Id.*

The facts of *A.M.F.* are distinguishable from those here. The great-grandparent in *A.M.F.* did not proffer a home study to satisfy the relevant statutory requirement until after the district court denied her adoptive-placement motion, *id.*, whereas maternal aunt's Unified Home Study was available before the start of the scheduled evidentiary hearing on her motion for adoptive placement. Also, in *A.M.F.*, the county raised the lack of an

adoption home study at the initial hearing as a basis to deny an evidentiary hearing. *Id.* at 122. Once again, in this case no party objected to the lack of an "approved adoption home study" at the initial hearing on maternal aunt's motion for adoptive placement, and foster parent did not object until the first day of the scheduled evidentiary hearing approximately four months later.

Lastly, in *A.M.F.*, this court emphasized that "the decision of the district court was based on the children's best interests." *Id.* at 124. Z.W.'s best interests are the paramount consideration in this adoption proceeding. *See* Minn. Stat. § 260C.212, subd. 2 ("The policy of the state of Minnesota is to ensure that the child's best interests are met by requiring an individualized determination of the needs of the child and of how the selected placement will serve the needs of the child being placed."); *see also* Minn. Stat. § 259.20, subd. 1 (2018) (providing that in the context of adoptions, the policy of the State of Minnesota and the purpose of the adoption statutes is to ensure "that the best interests of adopted persons are met in the planning and granting of adoptions"). In this case, the district court thoroughly and carefully considered Z.W.'s best interests and determined that adoptive placement with maternal aunt is in Z.W.'s best interests, and foster parent does *not* challenge that best-interests determination on appeal.

Under the unique circumstances of this case, the district court's unchallenged determination that adoptive placement with maternal aunt is in Z.W.'s best interests trumps maternal aunt's failure to strictly comply with the requirement to file an "approved adoption home study" under Minn. Stat. § 260C.607, subd. 6(a)(2). We cannot agree with foster parent that the district court erred as a matter of law by denying foster parent's

motion to dismiss on the first day of the long-scheduled evidentiary hearing when foster parent did not timely object to the lack of an approved adoption home study and a comparable study was available by the time of the scheduled hearing. Reversing the district court's denial of foster parent's motion to dismiss under these circumstances would disregard all the evidence presented regarding Z.W.'s best interests at the six-day evidentiary hearing, as well as the district court's 30-page order regarding the most appropriate adoptive placement for Z.W., which includes over 70 findings regarding Z.W.'s best interests. We do not discern how ignoring the district court's fulsome consideration of the competing adoptive-placement options is in Z.W.'s best interests.

We again commend foster parent for providing a loving, stable home for Z.W. when she was an infant and had significant medical needs. Any attempt to vilify foster parent is highly inappropriate. The district court's extensive findings give us no cause to think that foster parent would not provide a loving, permanent home that meets Z.W.'s needs. But the same can be said of maternal aunt. And given the district court's unchallenged determination that adoptive placement with maternal aunt is in Z.W.'s best interests, there is no basis for this court to disturb that determination on the procedural ground urged in this appeal.

Affirmed.