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STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0643, A20-0645, A20-0646

In re the Matter of the Welfare of the Child of: A. S. B. and R. J. C., Parents (A20-0643), In re the Matter of the Welfare of the Child of: A. S. B. and T. J., Parents (A20-0645), In the Matter of the Welfare of the Children of: A. S. B. and C. L. M., Parents (A20-0646).

Filed August 24, 2020
Affirmed
Hooten, Judge

Benton County District Court
File Nos. 05-JV-19-2197, 05-JV-19-2198, 05-JV-19-2199

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Considered and decided by Hooten, Presiding Judge; Florey, Judge; and Cochran, Judge.

UNPUBLISHED OPINION

HOOTEN, Judge

In these consolidated appeals challenging the termination of appellant-mother's parental rights, appellant argues that: (1) the district court's denial of her request for witness

fees denied her right to due process of law, (2) the record does not support the district court's findings of fact, and (3) the record does not support the district court's determination that the county made reasonable efforts to reunite the family. We affirm.

FACTS

In November 2018, Benton County filed a petition requesting that appellant A.S.B.'s four minor children be adjudicated in need of protective services following a report that A.S.B. assaulted the oldest child, R.J.C. Jr., with a metal rod and choked him with an extension cord. R.J.C. Jr. reported that A.S.B. had abused him for several years and the abuse was escalating. A.S.B. was criminally charged with, and pleaded guilty to, felony second-degree assault and malicious punishment of a child.[1]

The district court imposed a case plan for A.S.B. that required that she: remain law abiding; complete a social service and criminal background check; cooperate with county human services; cooperate with a broad relative search; attend all scheduled parental visits; complete a mental health diagnostic assessment and follow the assessment's recommendations; complete an anger management assessment and follow the assessment's recommendations; refrain from all mood-altering chemicals; follow all services recommended by medical, school, and mental health referrals; work on parenting skills;

[1] All three fathers are not parties in this appeal. R.J.C. was utterly unresponsive to efforts made by the district court to coordinate his case plan and thus the district court concluded that he failed to comply with his case plan. T.J. tested positive for marijuana, from which he was ordered to abstain, and thus the district court concluded that he failed to comply with his case plan. Finally, C.L.M. failed to attend any hearings or participate in the proceedings in anyway and thus the district court concluded that failed to comply with his case plan. Fathers did not appeal the termination of their parental rights.

maintain safe and suitable housing; use no corporal punishment; and complete a parental capacity assessment. To accomplish these tasks, A.S.B. was provided with contact information for numerous services that she could access, including numerous therapists from which she could choose.

One year later, Benton County petitioned to terminate A.S.B.'s parental rights to R.J.C. Jr., and his younger siblings. Concerns that gave rise to the petitions included A.S.B.'s failure to complete anger management programming, failure to address her mental health issues, lack of progress towards reunification, and failure to substantially comply with her district court required case plan.

At the consolidated proceeding, the parties stipulated to the admission of various exhibits, including: a parenting capacity assessment, notes from A.S.B.'s therapy sessions, a letter from A.S.B.'s therapist, an updated diagnostic assessment of A.S.B.'s supervised visitation summaries, and parenting skills summaries. Additionally, the district court took judicial notice of reports made by the social worker and the guardian ad litem, as well as the children's home placement plans.

The district court also heard testimony from various individuals involved in A.S.B.'s care plan including the social worker, her therapist, and R.J.C. Jr.'s therapist. These individuals described in detail the steps A.S.B. took over the past year and her progress towards complying with her case plan. However, they also described the difficulties they experienced in working with A.S.B. and her lack of progress towards the various goals of her case plan.

The district court acknowledged that although A.S.B. had made some progress in her case plan, including abstaining from mood altering chemicals and remaining law abiding, she "substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship."

The district court concluded that the record contained clear and convincing evidence that A.S.B. failed to comply with her parental duties, failed to cooperate with Benton County Human Services, failed to complete her anger management programming, failed to comply with her individual therapy, failed to address her mental health issues in any meaningful way, fundamentally failed to complete the main aspects of the case plan, and failed to acknowledge responsibility for, or remedy, the issues that led to her children's placement. Further, the district court concluded that Benton County provided reasonable efforts to allow A.S.B. to complete her case plan, but A.S.B. merely failed to complete the requirements. Accordingly, the district court terminated A.S.B.'s parental rights to her four children in four orders pursuant to Minn. Stat. § 260C.301, subd. 1(b)(2) (2018), and *id.*, subd. 1(b)(5) (2018). A.S.B. appeals.

D E C I S I O N

This court reviews a district court's order for the termination of parental rights for an abuse of discretion. *In re Welfare of Child of R.D.L.*, 853 N.W.2d 127, 136–37 (Minn. 2014). A district court abuses its discretion when its factual findings are not supported by substantial evidence or the findings are clearly erroneous. *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990).

I. The district court did not violate A.S.B.'s due process rights when it denied her witness fees.

A.S.B. argues that the district court violated her due process rights when it denied her request for witness fees for an expert witness because the district court knew that A.S.B. could qualify to proceed in forma pauperis (IFP).

The constitutions of the United States and the State of Minnesota guarantee the right to due process and a fair trial. U.S. Const. amend. XIV, § 1; Minn. Const. art. I, § 7. "Although the amount of process due in a particular case varies with the unique circumstances of that case, prejudice as a result of the alleged violation is an essential component of the due process analysis." *In re Welfare of Child of B.J.-M.*, 744 N.W.2d 669, 673 (Minn. 2008) (citations omitted). To aid in this guarantee, an indigent party may request funding from the district court for necessary expert witness services. Minn. Stat. § 563.01, subd. 5 (2018). A party seeking funding must file an affidavit requesting witness fees. Minn. Stat. § 563.01, subd. 3 (2018). "If the court finds that a witness, including an expert witness, has evidence material and necessary to the case and is within the state of Minnesota, the court shall direct payment of the reasonable expenses incurred in subpoenaing the witness, if necessary, and in paying the fees and costs of the witness." Minn. Stat. § 563.01, subd. 5. "Once the court has determined that expert services are necessary," it has the discretion to determine what "reasonable compensation" for those services are. *In re Application of Jobe*, 477 N.W.2d 723, 726 (Minn. App. 1991).

A.S.B. filed an affidavit asking the district court to pay the expert witness fee for a parenting skills provider. A review of the affidavit shows that A.S.B. marked that she had

no cash, no savings, no monthly income, four dependents,[2] and "too much" debt. However, A.S.B. provided neither proof that she received public assistance nor the identity of her attorney, both of which are required on the affidavit. Based on these omissions, the district court denied A.S.B.'s request, concluding that it was not provided with sufficient information to prove indigence. A.S.B. filed a second IFP affidavit, in which the deficiencies of the first IFP affidavit were corrected, and a supplemental IFP, in which the precise dollar amount of the witness fees requested was left blank. The district court granted the second IFP, noting that A.S.B.'s claim of indigence was not frivolous and that she was financially unable to pay any associated fees, but denied the supplemental IFP, stating that no estimate of the witness expenses were provided. Consequently, A.S.B. did not call her parenting skills provider to testify, but the provider's notes were entered into the record and A.S.B. was able to testify in her own defense.

As A.S.B. failed to provide the district court with all of the information required by the affidavit, and failed to resubmit her affidavit following the district court's denial, we conclude that the district court did not abuse its discretion when it denied her request for witness fees. Further, as A.S.B. was still able to testify in her defense and, pursuant to a stipulation by the parties, the notes of the provider were still entered into the record, we conclude that A.S.B. was not denied her right to due process and a fair trial.

II. The evidence is sufficient to support the district court's termination of parental rights order.

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[2] A.S.B.'s children had not lived with her for over a year at the time of her application.

A.S.B. argues that the district court erred when it determined that there was clear and convincing evidence that A.S.B. failed to comply with her parental duties pursuant to Minn. Stat. § 260C.301, subd. 1(b)(2), and Minn. Stat. § 260C.301, subd. 1(b)(5).

A "natural parent" is presumed to be "a fit and suitable person to be entrusted with the care of a child." *In re Welfare of Chosa*, 290 N.W.2d 766, 769 (Minn. 1980). Parental rights are terminated only for "grave and weighty reasons." *In re Welfare of Children of B.M.*, 845 N.W.2d 558, 563 (Minn. App. 2014) (quotation omitted). This court will affirm an involuntary termination if "at least one statutory ground for termination is supported by clear and convincing evidence," the county makes reasonable efforts to reunite the parent and child, and termination is in the child's best interests. *In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008). A district court's determination that a statutory basis to terminate parental rights exist is reviewed for an abuse of discretion. *In re Welfare of Children of J.R.B.*, 805 N.W.2d 905, 901 (Minn. App. 2011), *review denied* (Minn. Jan. 6, 2012). The standard of proof for a district court's finding of fact in proceedings for termination of parental rights is "clear and convincing evidence." Minn. R. Juv. Prot. P. 58.03, subd. 2(a) (articulating standard of proof for non-Indian child termination-of-parental-rights matter); *see also In re Welfare of P.R.L.*, 622 N.W.2d 538, 543 (Minn. 2001) (stating appellate courts "study the record carefully to determine whether the evidence is clear and convincing").[3]

[3] The Minnesota Rules of Juvenile Protection Procedure were amended effective September 1, 2019. *See Order Promulgating Amendments to the Rules of Juvenile Protection Procedure*, No. ADM10-8041 (Minn. Aug. 30, 2019).

A. The district court did not err when it determined that A.S.B. did not comply with her parental duties as required by Minn. Stat. § 260C.301, subd. 1(b)(2).

A statutory basis to terminate the rights of a parent exists if the district court finds that a parent "has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship." Minn. Stat. § 260C.301, subd. 1(b)(2). Parental duties include "providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development." *Id.* "Failure 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)." *In re Welfare of Children of K.S.F.*, 823 N.W.2d 656, 666 (Minn. App. 2012).

The district court determined that there was clear and convincing evidence that A.S.B. failed to comply with her parental duties pursuant to Minn. Stat. § 260C.301, subd. 1(b)(2), because A.S.B. failed to: cooperate with Benton County Human Services, complete her anger management programming, comply with her individual therapy requirements, or address her mental health in any meaningful way. Thus, A.S.B. "failed to complete any of the main aspects of the Court ordered case plan," and "failed to take any significant steps to acknowledge or remedy the issues that led to the child's placement and continued to deny responsibility for the placement of the children."

The record supports the district court's conclusion. A.S.B.'s child protection case manager (case manager) testified that despite complying with the requirements to abstain from drugs and alcohol, A.S.B. did not substantially comply with her case plan.

The case manager testified that A.S.B. failed to complete her anger management programming. Although A.S.B. did complete her initial anger management assessment, she did not "necessarily work on" her anger issues. The case manager testified that A.S.B. was perpetually unwilling to discuss, or take responsibility for, the circumstances that led to the children's placement. Further, A.S.B. failed to return required worksheets, failed to complete any anger management programming, and terminated the sessions before trial began.

Additionally, the case manager testified that A.S.B. failed to consistently cooperate with the county by refusing to sign consent forms and record releases. The reasons behind A.S.B.'s alleged failure to cooperate include "not want[ing] more people involved in her business" and "not want[ing] to make [the case manager] or the guardian ad litem's job any easier." When a second case manager was assigned to help with the proceeding, A.S.B. refused to speak with her and turned her back to her during a meeting.

Finally, the case manager testified that A.S.B.'s visitations with her children were suspended on several occasions for inappropriate discussions regarding attempted murder and sexual assault. When a parenting skills employee attempted to discuss appropriate communication with her, A.S.B. responded that she was "not going to talk to my kids like a 'whitie.' If that means I don't get them back, then, bye." *Id.* Further, A.S.B.'s parenting skills programming was suspended after an incident in which she yelled at an employee which led the employee to feel threatened.

The psychologist that conducted A.S.B.'s psychological testing testified that she completed only some of her required psychological testing, missed several sessions, and

refused to acknowledge that she had any behavioral health issues despite diagnostic results suggesting she suffered from histrionic personality traits, narcissistic personality traits, obsessive compulsive personality features, and sadistic personality features.

A.S.B. claims that her failure to complete her required mental health programming was because she was unable to afford these services. However, according to the testimony of A.S.B.'s therapist and the therapist's diagnostic assessment, her inability to afford the services was due to her failure to acknowledge that she had any behavioral health issues or take any responsibility for her actions in harming her child. As A.S.B. failed to acknowledge any behavioral or mental health issues, her therapist was apparently unable to provide her with a behavioral or mental health diagnosis so as to bill her insurance provider. Being unable to pay out of pocket, A.S.B. stopped attending these appointments despite the clinic offering a sliding fee scale. Nevertheless, this inability to afford services only impacted the therapy component of her case plan and not her ability to complete any of the other requirements.

Based on the record, we conclude that the district court's determination that A.S.B. did not substantially complete the requirements of her case plan is supported by clear and convincing evidence. As a parent's "failure 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 district court did not err when it determined that A.S.B. failed to comply with her parental duties as required by Minn. Stat. § 260C.301, subd. 1(b)(2).

B. The district court did not err when it determined that A.S.B. did not make reasonable efforts to correct the conditions leading to the children's placements as required by Minn. Stat. § 260C.301, subd. 1(b)(5).

A district court may terminate a parent's rights to a child if "following the child's placement out of the home, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the child's placement." Minn. Stat. § 260C.301, subd. 1(b)(5). It will be presumed that reasonable efforts have been made if: (1) the "child has resided out of the parental home under court order for a cumulative period of 12 months," (2) "the court has approved the out-of-home placement plan," (3) the "conditions leading to the out-of-home placement have not been corrected" as shown by the parent "substantially [complying] with the court's orders and a reasonable case plan," and (4) "reasonable efforts have been made by the social services agency to rehabilitate the parent and reunite the family." Minn. Stat. § 260C.301, subd. 1(b)(5)(i)-(iv).

The district court concluded that there was clear and convincing evidence that A.S.B. failed to comply with specific aspects of her court ordered case plan "established to address the conditions that led to the children's placement." Similar to the findings as applied in the district court's analysis of Minn. Stat. § 260C.301, subd. 1(b)(2), the district court based this conclusion on A.S.B.'s failure to cooperate with Benton County Human Services to complete her anger management programming, to address with her individual therapy requirements, or to address her mental health in any meaningful way. Thus, we agree with the district court that A.S.B. "failed to complete any of the main aspects of the Court ordered case plan," and "failed to take any significant steps to acknowledge or

remedy the issues that led to the child's placement and continued to deny responsibility for the placement of the children."

This conclusion is also supported by the record. By the time of trial, A.S.B.'s case plan was in place for a year and a half, and the children had been out of her custody for over one year. Various and sustained services were offered to A.S.B., including multiple case managers, the availability of housing services, as well as psychiatric and parental skills support. Testimony from these service providers indicate that they provided dedicated and consistent support to A.S.B. Nevertheless, A.S.B. failed to substantially comply with the requirements of her case plan. Indeed, in addition to A.S.B.'s failures as described above, A.S.B.'s case manager testified that A.S.B. continually failed to take responsibility for the underlying actions that caused the children's placement. The case manager testified:

> Really the core issue is that she had not taken ownership to what led to the placement of the children, and because she is not taking ownership with all of the professionals that are involved, she hasn't been able to work on the issues that lead to safety concerns for the children.
>
> There was very serious physical abuse that happened to these children, and because she is not working on that anger and working on those things there is no way to make sure that the children are safe if they are returned to her care.

The sentiment that A.S.B. did not admit to, or take responsibility for, the abuse—despite visible marks on the eldest child's back, bruises on one of the younger children, and A.S.B.'s plea at the criminal proceeding—was echoed by A.S.B.'s psychiatrist and the guardian ad litem. These circumstances allow us to conclude that the district court made reasonable efforts to reunite A.S.B. and the children as required by Minn. Stat. § 260C.301, subd. 1(b)(5)(i)-(iv).

As the circumstances of this case allow for the finding that reasonable efforts were made, as discussed more fully below, the district court's conclusion that A.S.B.'s failure to take responsibility for her actions, and thus correct the circumstances that necessitated the children's placements, is supported by clear and convincing evidence in the record. Therefore, the district court did not err when it terminated A.S.B.'s parental rights under Minn. Stat. § 260C.301, subd. 1(b)(5).[4]

III. The record contains substantial evidence to support the finding that the agency made reasonable efforts to reunify the family.

Finally, A.S.B. argues that the county failed to make reasonable efforts to reunify her family because the services offered were neither: (1) "culturally appropriate" or "provided by culturally appropriate agencies or therapists," nor (2) available to her.

Counties are required to make reasonable efforts at reunification before a district court may terminate a parent's rights. Minn. Stat. § 260.012(a) (2018); *see S.E.P.*, 744 N.W.2d at 385 ("We affirm the district court's termination of parental rights when at least one statutory ground for termination is supported by clear and convincing evidence and termination is in the best interests of the child, provided that the county has made reasonable efforts to reunite the family, and supplemental affidavit," (citation omitted)). "Reasonable efforts at rehabilitation are services that go beyond mere matters of form so as to include real, genuine assistance." *In re Welfare of Children of S.W.*, 727 N.W.2d 144, 150 (Minn. App. 2007) (quotations omitted), *review denied* (Minn. Mar. 28, 2007).

[4] A.S.B. does not argue that the termination was not in the best interest of her children.

For efforts to be reasonable, the services the county offers must be: "(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 make specific findings "that reasonable efforts . . . were made including individualized and explicit findings regarding the nature and extent of efforts made by the social services agency to rehabilitate the parent and reunite the family." Minn. Stat. § 260C.301, subd. 8(1) (2018). Finally, 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).

1. Culturally Appropriate Services

Minn. Stat. § 260.012(h) provides that a district court must determine whether reasonable efforts have been made to reunify the family. Minn. Stat. § 260.012(h). Reasonable efforts include considering whether the services provided to the family were culturally appropriate. Minn. Stat. § 260.012(h)(3). A party asserting error on appeal has the burden of proving that error. *See Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) ("It is well to bear in mind that on appeal error is never presumed. It must be made to appear affirmatively before there can be reversal. Not only that, but the burden of showing error rests upon the one who relies upon it." (Quotation omitted.)). Thus, a party claiming that a county failed to make reasonable efforts by failing to provide culturally appropriate services must have provided reviewable evidence that the services provided by the county were culturally inappropriate and what the county could have done differently.

The record reflects that A.S.B., who is African-American, was represented by an attorney at all times during these proceedings. On appeal, A.S.B. does not point to any evidence in the record that she or her attorney ever raised the issue of the cultural appropriateness of the provided services with the district court, even though there were numerous hearings during the termination of parental rights proceedings. Instead, A.S.B. and her attorney were given a list of service providers and they selected the providers that were utilized.

Our review of the record indicates that in November 2019, the first case manager recommended therapy for R.J.C. Jr. with an African-American therapist, but the therapist did not have any openings at that time. Later that month, A.S.B. asked the second case manager to provide culturally appropriate services for R.J.C. Jr. However, the record does not indicate that A.S.B. specified why the services provided to R.J.C. Jr. were culturally inappropriate or what would constitute culturally appropriate services. Nevertheless, R.J.C. Jr. began therapy with an African-American therapist in January of the next year.

Although the case plan, and her progress under the case plan, was frequently discussed with the district court during the year and a half that these proceedings took place, there is no indication in the record that A.S.B. or her attorney discussed with the district court that any of the multiple services that she was provided were culturally inappropriate. The record indicates that A.S.B. requested culturally appropriate services from her social service provider on one occasion, yet the record does not reflect that A.S.B. explained to the social service provider why the services provided to her and her children—

the providers for many of which she was able to choose herself—were culturally inappropriate. Further, she did not specify what services would be culturally appropriate.

In the unpublished opinion, *In re Welfare of H.P.*, we determined that appellant, who was Native American but was not a member of any tribe, failed to "articulate how the services were not culturally appropriate at trial, in her brief, or at oral argument." A15-0773, A15-0799, 2015 WL 6442620, at *4 (Minn. App. Oct. 26, 2015).[5] Though merely persuasive authority, we determined that even though this issue was raised at trial, but for appellant's "general assertion[s]," appellant failed to make any argument about what the district court "could have done differently," and thus we were unable to conclude that the services provided to the party were culturally inappropriate. *Id.*

Although in the present case the issue of culturally appropriate services was acknowledged at trial, and on appeal, A.S.B. argues that she "specifically requested" that her case manager provide "culturally appropriate services for herself and her children," the record is silent on what component of the services provided in Benton County were inappropriate, and what Benton County could have done differently to provide culturally appropriate services. Because A.S.B. did not raise the cultural inappropriateness of any specific service with the district court and has failed on appeal to identify any specific service out of the multitude of services that she was provided that was culturally

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[5] Unpublished opinions are not precedential and are offered only for their persuasive value. *See* Minn. Stat. § 480A.08, subd. 3(c) (2018) (stating that "[u]npublished opinions of the court of appeals *are not precedential*") (emphasis added); *see also Gen. Cas. Co. of Wis. v. Wozniak Travel, Inc.*, 762 N.W.2d 572, 582 n.2 (Minn. 2009) (stating that "the unpublished Minnesota court of appeals decision does not constitute precedent").

inappropriate and why, we conclude that A.S.B. has failed to demonstrate to this court that the services provided to her were culturally inappropriate. We do not reach this conclusion lightly. We recognize the importance of culturally appropriate services. But, on this record, we can only conclude that A.S.B. failed to demonstrate that the county's efforts were not reasonable so as to demonstrate reversible error on appeal. *See* Minn. Stat. § 260.012(h) (stating that reasonable efforts must be made by the county to reunite a family prior to a termination of parental rights).

2. *Availability of Resources*

A.S.B. also argues that Benton County's efforts were not reasonable because they were not available and accessible as required by Minn. Stat. § 260.012(h)(4). Significantly, A.S.B. argues that once she no longer had a mental health diagnosis, her insurance provider refused to cover her district court-required treatment and thus she was not able to afford the $150 per session counseling sessions.

When considering whether the district court made reasonable efforts towards reunifying a parent and child, one factor that the district court must consider is whether or not the services provided by the county were available and accessible. Minn. Stat. § 260.012(h)(4).

The district court found that A.S.B. failed to complete anger management, missed several sessions, and refused to acknowledge that she had any behavioral health issues despite diagnostic results suggesting she suffered from histrionic personality traits, narcissistic personality traits, obsessive compulsive personality features and sadistic personality features. Based on A.S.B.'s failure to acknowledge any behavioral health

issues, and thus the inability of her therapist to officially diagnose her with any behavioral health issues, A.S.B.'s therapist testified that her insurance provider would no longer pay for her therapy. Being unable to pay out of pocket, A.S.B. stopped attending these services and the district court concluded that A.S.B. did not complete this requirement of her case plan.

Although it may be true that A.S.B. was unable to afford therapy, and thus was not able to access those particular services, the record supports the district court's determination that the genesis of this failure was A.S.B.'s inability to take responsibility for her actions or acknowledge her harmful behavior. As a district court's review of reasonable efforts is limited to reviewing "the nature and extent of efforts made *by the social services agency* to rehabilitate the parent and reunite the family," Minn. Stat. § 260C.301, subd. 8(1) (emphasis added), A.S.B.'s inability to access her mental health programming, and thus complete her case plan, does not demonstrate that the *social service agency* failed to make reasonable efforts to reunite the family.

As A.S.B. presented no evidence to the district court to support the assertion that the services provided to her were culturally inappropriate, and the record demonstrates that A.S.B.'s failure to attend her required programming was not caused by the social service agency's lack of efforts or availability, we conclude that the evidence in the record was sufficient to support the district court's determination that reasonable efforts were made.

Affirmed.