STATE OF MINNESOTA
IN COURT OF APPEALS
A21-0021

In the Matter of the Welfare of the Children of: A. B. and C. J. W., Parents.

Filed June 14, 2021
Affirmed
Bryan, Judge

LeSueur County District Court
File No. 40-JV-19-115

Adam L. Hinz, Megan L. Brooks Law, LLC, Burnsville, Minnesota (for appellant A.B.)

Connor B. Burton, Messick Law, PLLC, Woodbury, Minnesota (for intervenor J.W.)

Brent Christian, LeSueur County Attorney, Robert C. Whipps, Assistant County Attorney, Le Center, Minnesota (for respondent LeSueur County Department of Human Services)

Linda Gerr, Faribault, Minnesota (guardian ad litem)

Considered and decided by Slieter, Presiding Judge; Reilly, Judge; and Bryan, Judge.

NONPRECEDENTIAL OPINION

BRYAN, Judge

In this termination-of-parental-rights case, appellant challenges the district court's interim decision to relieve respondent of reunification efforts pending a termination hearing and the district court's ultimate decision to terminate her parental rights. First, we conclude that because respondent's motion to relieve the county of reunification efforts includes allegations that, if true, support the district court's decision, the district court did not abuse

its discretion when it granted that motion. Second, we conclude that the district court did not clearly err in making factual findings or abuse its discretion in analyzing either the best interests factors or respondent's efforts to reunify appellant and her children. We affirm the district court's decision.

FACTS

After execution of a search warrant at appellant A.B.'s residence in January 2019, law enforcement officers recovered methamphetamine and drug paraphernalia within reach of A.B.'s minor children. Shortly thereafter, respondent LeSueur County Department of Human Services (the county) initiated child protection proceedings regarding the minor children[1] and on February 22, 2019, A.B. admitted that the minor children were in need of protective services. The district court adjudicated the children in need of protection or services, and temporarily transferred custody of the children to the county. A.B. and the county proceeded with a case plan intended to address A.B.'s chemical dependency, mental health, employment, and housing.

On October 8, 2019, the county petitioned to terminate A.B.'s parental rights for the two minor children. In February 2020, the county amended its permanency petition, seeking an involuntary transfer of custody rather than termination. On June 12, 2020, the county moved to be relieved of reunification efforts, and on June 22, 2020, the district court granted the county's motion, determining that the county made a prima facie showing of

[1] At the time, A.B. had three minor children, but one child has since reached majority. The younger minor child is presently five years old and the older child is 15. While this appeal was pending, the older child (J.W.) filed a motion to intervene in the appeal, and this court granted the request.

the futility of further reunification efforts. The county then filed another amended permanency petition, again requesting termination of A.B.'s parental rights, and the matter proceeded to trial in November 2020. Following trial, the district court terminated A.B.'s parental rights to the two minor children. Given the issues on appeal, we address the facts concerning the district court's June 22, 2020 order, the facts concerning the district court's ultimate determination that termination was in the children's best interests, and the district court's ultimate determination that the county made reasonable efforts towards reunification prior to the June 22, 2020 order.

A. Motion Regarding Further Reunification Efforts

In June 2020, the county requested an order allowing the county to cease reunification efforts because further reunification efforts would be futile. The county based its motion on an attached social worker's report, which provided an update regarding visitation, the out-of-home placement plan, the services provided by the county, and the county's efforts to establish permanency. The report indicated that A.B. was not compliant with portions of the case plan, included factual allegations that A.B. failed to abstain from drugs, continued to associate with known drug users, did not successfully complete treatment, and did not maintain stable employment, among other allegations of noncompliant conduct. For example, the report stated that although A.B. completed "inpatient and outpatient treatment . . . , she has also been discharged as unsuccessful from two treatment programs." The report also stated that A.B. "has remained in contact and having sexual relations with her [boyfriend] whom she used to use methamphetamine with and remains in contact with non-healthy supports." Additionally, the report stated that on

May 12, 2020, a transition plan was created with a trial home visit scheduled for May 29, 2020, but that A.B. relapsed on two different occasions before the trial home visit could start. Specifically, A.B. tested positive for methamphetamine on May 14, 2020, and the county canceled the first scheduled visit. When questioned about the positive test result, A.B. "denied any recent use and indicated that she has no idea how this sample was positive," and "indicated that the positive UA was from having sexual intercourse with [her boyfriend]." A.B. again tested positive for methamphetamine on May 27, 2020, but continued to deny using methamphetamine.

The report concluded that A.B. "continues to not take accountability for her actions as she denied her use of Methamphetamine even after the lab confirmation was received," "is at high risk for relapse," and that her "actions indicate that she lacks relapse prevention and the impulsivity skills that are essential for extended recovery." Thus, the report recommended "that the court relieve the county of reunification efforts." The social worker also attested to the truth of the facts contained in the report, signing the report and vowing that "[t]he Content of this report is true based upon information and belief, personal observation, and firsthand knowledge."

On June 22, 2020, the district court stated that "[a] memorandum of law and Social Worker's Court Report were submitted in support of [the county's motion]." The district court found that "permanency guidelines have been extended twice in this case, but the parties are no further along than where the case initially started." The district court determined that "due to positive tests for methamphetamine and admissions to use of methamphetamine, her continual relationship with [her boyfriend], and the repeated

opportunities given to A.B. and her failure to comply, the County has made reasonable efforts for reunification, but the reunifications have been futile." Accordingly, the district court granted the county's motion and relieved the county of its obligation to provide further reunification efforts pending trial.

B. Facts Regarding Best Interests of the Children

Trial began on November 23, 2020. The parties stipulated to the admission of 60 exhibits, and the district court received testimony from the child protection investigator, A.B., the younger child's foster mother, the guardian ad litem (GAL), the social worker, two of A.B.'s children who have reached the age of majority, and A.B.'s current treatment counselor. We summarize the evidence presented and the district court's determinations regarding the children's best interests.

The evidence presented established the following facts. Law enforcement officers executed a search warrant at a residence where A.B. lived. At that time, A.B. informed the county that the children would reside with others until she could find a new, safe home where she could live with the children. A.B. dropped off the younger child, who was not quite three years old, with a caregiver, but provided that person with no contact information for her and the caregiver was unable to take the child to the doctor or dentist. The child had a rash all over her legs, was "covered in bruises," and had "a dead tooth." In addition, a hair follicle submitted for testing from the younger child tested positive for methamphetamine. The county took emergency protective custody of the child and placed the child in foster care in February 2019. The child had stayed with the foster care providers occasionally since 2016. The child "displayed a strong attachment to the

providers" and "has been in the providers' care off and on since she was born and has her own room, toys, and clothing." The foster mother testified that the child has been calling her "mom" since she was a little over one year old. The county developed an out-of-home placement plan for A.B. that identified the following basic needs for the children: food, shelter, clothing, housing, therapy, childcare, and medical and dental care. The county was particularly concerned with the children's need for stable housing free of all illegal drugs and free from drug users.

Due to several behavioral concerns, the younger child was enrolled in occupational, speech, and play therapy. A progress report stated that while the child was initially making quick progress, "[a]round 10/16/19, [the child] began to regress in her speech production, exhibited the use of more baby talk, was very emotional, and needed extensive redirection and feedback for speech articulation tasks." A diagnostic assessment diagnosed the child with Posttraumatic Stress Disorder (PTSD) and stated that the child "directly experienced and witnessed traumatic events. She exhibits recurrent distressing dreams in which the content appears to be related to the trauma. [The child] displays physiological reactions to reminders of the traumatic event and experiences psychological distress at exposure to external cues." The assessment also stated that the child "attempts to avoid visits with [A.B.] as indicated by the presence of challenging behaviors before and after these visits occur," and "is irritable, especially following or leading up to visits." It was also reported that the child "pointed to the scared and angry toys when talking about [A.B.]" and that the child "appeared to have some difficulty with processing emotions related to [A.B.]."

The foster mother also testified that the child would experience behavioral issues following visits with A.B. This included "speech delays, things going on with her wanting to eat or not wanting to eat, having meltdowns, being mad and angry at daycare, being mean and outburst at friends, things like that." Additionally, the child experienced difficulty sleeping and bed-wetting. The foster mother further testified that the child "would have these issues every time she came back from a visit and then she would get better a day or two, three days later, and then she would have another visit and she would come back all emotional and everything again." The foster mother explained that these issues and behavioral changes occurred after supervised visits with A.B. The GAL corroborated this testimony, stating that after visits with A.B. ended in September 2020, the child was "calmer, rarely has night terrors anymore or any extreme behaviors that she previously had during the visits with [A.B.]."

The evidence also related to J.W., who experienced ongoing behavioral and mental health challenges. A diagnostic assessment from November 20, 2019, stated that "he is angry and irritable every day, that he isolates and presents withdrawn, and struggles with falling and staying asleep every day." The assessment also indicated that he engaged in one-to-three fights or arguments per week; often felt hopeless, irritable, and annoyed; had few interests; and found no pleasure in usual activities. The assessment also diagnosed J.W. with major depressive disorder and stated that J.W. "reported that his symptoms have been present for the past year and currently impact his functioning." The social worker reported that J.W. has also struggled with school and with using marijuana. J.W. testified that he desired to return to A.B.'s care. The social worker and the GAL, however, testified

that they were concerned that J.W. did not have enough information to make that decision and did not "necessarily understand the whole situation."

The social worker and the GAL also both expressed concerns about returning J.W. to A.B.'s care due to his impulsivity, his history with substance abuse, and A.B.'s failure to correct similar issues. For instance, A.B. continued treatment beginning August 5, 2020, at Allina Health and through trial at Nystrom. Both facilities, however, expressed concern about A.B.'s mental health. The evidence regarding Allina Health indicated that while participating in treatment, A.B. displayed the following behavior: "[v]erbal aggression at times, unwillingness to comply with group activities, [and] refusal of mental health services despite diagnoses of anxiety, depression, and PTSD." The report from Nystrom indicated that A.B. has "difficulty with impulse control and lacks coping skills," "lacks mental health support," and "has poor recognition and understanding of relapse and recidivism issues and displays moderately high vulnerability of further substance use or mental health problems." Nystrom also reported that A.B. "struggles to maintain sob[riety] outside of a structured setting." At trial, A.B. admitted to using methamphetamine on September 19, 2020, and October 14, 2020. A.B. also stated that she had not attended sober support group meetings in a few weeks and attended "[m]aybe three" since September 2020. Ultimately, both the GAL and the social worker testified that because A.B. had not adequately addressed her mental health and chemical dependency, it is not in the children's best interests to return to A.B.'s care.

Following trial, the district court made the following findings regarding the younger child: (1) A.B. left the child with a caregiver and, at the time, the child's hair follicle test

was positive for methamphetamine and the child had a dead tooth that required medical attention; (2) the child has been diagnosed with PTSD; (3) the child now attends play therapy, occupational therapy, and speech therapy; (4) the child pointed to the "scared and angry toys" during play therapy when talking about A.B.; (5) the child exhibited negative changes to her personality and behavior after visits with A.B., including temper tantrums, regressive speech, night terrors, and bed-wetting; (6) these behaviors "significantly decreased or ceased entirely when visits with [A.B.] stopped or were paused during the case"; and (7) the child has lived with her foster parents for half of her life and refers to them as "mom" and "dad" while she refers to A.B. by her first name. Regarding J.W., the district court made the following findings: (1) he was not living fulltime with A.B. when the county took legal custody of him; (2) he has been diagnosed with major depressive disorder; (3) he is often angry and irritable and feels afraid that something awful might happen; (4) he frequently suffers from stomach aches and has difficulty falling asleep; (5) he has struggled with chemical dependency issues, and (6) he stated a preference to be returned to A.B.'s care.

The district court also made various findings regarding A.B., her chemical dependency, and her mental health. The district court found that A.B. has been diagnosed with Stimulant Related Disorder-Amphetamine type substance and has failed to adequately address her chemical dependency. The district court noted that she has "attended six different treatment programs, yet continues to abuse methamphetamine," "struggles to maintain sobriety outside of a structured setting," and "has failed to avoid the drug community and drug users, specifically including her boyfriend." The district court found

that A.B.'s "chemical dependency directly impacts her ability to provide safe, sober, and stable parenting" and that "her chemical dependency is likely to continue to affect her ability to safely parent her children for the reasonably foreseeable future." Regarding her mental health, the district court found that A.B. has been diagnosed with Unspecified Depressive Disorder and Unspecified Anxiety Disorder, and that A.B. "has failed to adequately address her mental health needs." The district court found that this contributed to her difficulties in maintaining sobriety and being able to provide a safe and stable home for the children. The district court determined that A.B. "is not able to care for the children and meet their specific needs at this time or within the foreseeable future."

The district court then weighed each of the best interests factors. The district court noted that both A.B. and J.W. want to preserve the parent-child relationship. The district court determined that the younger child's interest in preserving the relationship is negligible because she has lived with her foster parent for half of her life, refers to them as "mom" and "dad" while she refers to A.B. by her first name, suffers from PTSD, and has experienced significant behavioral issues after visiting with A.B. The district court also determined that "the children have competing interests in having caregivers who themselves are safe, sober, and stable individuals." Specifically, the district court noted that A.B. "has failed to maintain her sobriety, failed to establish connections with sober supports, failed to avoid the drug community and drug users, and has failed to adequately address her mental health needs." The district court also expressed concern over how J.W.'s "mental health and chemical dependency issues would be addressed when [A.B.] has failed to address her own identical issues." The district court concluded that these

competing interests outweighed J.W.'s desire to live with A.B. and that it was in the children's best interests to terminate A.B.'s parental rights.

C. Facts Regarding Reasonable Efforts

The district court received the county's out-of-home placement plans into the trial record. According to the plans, A.B. was required to undergo and follow the recommendations of both a needs assessment and a chemical dependency assessment. In addition, the social worker testified that because the county was also concerned with A.B.'s mental health, A.B. also had to undergo a psychological assessment and follow those recommendations. The social worker further testified that the purpose of referrals and assessments is to obtain recommendations from specialists based on a person's history and personal references. The various recommendations in the initial and updated assessments included outpatient and inpatient chemical dependency treatment as well as mental health treatment through therapy.

Pursuant to the case plan, A.B. also had to satisfy the following requirements: submit to drug testing, obtain and maintain stable employment, remain law abiding and free of all nonprescription chemicals, avoid the drug community and drug users, follow through with any services needed or recommended for the children, attend scheduled supervised visits, and remain in contact with the social worker. The social worker explained how the county assisted A.B. to satisfy those requirements. For example, the social worker explained how the county coordinated with various service providers to begin meeting with and treating A.B., provided A.B. with transportation, provided A.B. with gas cards, made the down payment for an apartment, assisted A.B. to attend

appointments, and generally worked with A.B. to "achieve what needed to be done." The trial record also indicates that the county endeavored to satisfy the dental, medical, developmental, behavioral, and mental health needs of A.B.'s children.

The GAL and the social worker testified regarding A.B.'s relapses, which impacted her progress toward reunification. The social worker noted that each time A.B. relapsed, the county's efforts would stall and they would have to start all over again. For instance, in May 2019, A.B. tested positive for methamphetamine, but she continued to deny that she had used methamphetamine. Then, A.B. submitted an altered UA sample and subsequently tested positive for methamphetamine in July 2019 and two more times in August 2019. A.B. was subsequently discharged from treatment due to her continued use and her lack of interest in mental health counseling that the treatment facility observed. A.B.'s relapse and discharge from treatment interrupted the county's efforts for reunification. A.B. transitioned to unsupervised visits in June 2019, but the county reinstated the supervision requirement due to A.B.'s continued positive drug tests. Likewise, although the county initially opposed A.B.'s requests to schedule trial home visits, the county ultimately developed a transition plan permitting unsupervised visitation in April 2020 followed by trial home visits by the end of May 2020, conditioned in part on A.B.'s sobriety. Shortly after the transition to unsupervised visits, but before her first unsupervised overnight visit, A.B. relapsed again. She also initially denied using drugs and attributed the test results to physical contact between her and her boyfriend. Based on A.B.'s continued drug use, the county suspended unsupervised visits and, as noted above, changed course, requesting to cease further reunification efforts.

Based on this evidence, the district court found that the county made the following reasonable efforts: chemical dependency assessments, outpatient treatment at House of Hope, inpatient treatment at Wellcome Manor, outpatient treatment at Northstar, outpatient treatment at Christian Family Solutions, mental health assessments and referrals, diagnostic assessment at Associated Psychological Services, frequent supervised visitation, drug testing, payment of $895 towards A.B.'s rent, transportation and gas cards, referral to parent coaching, diagnostic assessment for J.W., mental health therapy for the younger child, and relapse prevention and trial home visit plan. The district court determined that this "was relevant to the safety and protection of the children, was believed to have been adequate to meet the needs of the children and family, was culturally appropriate, was available and accessible, was consistent and timely, and was realistic under the circumstances."

Consistent with the above findings, the district court terminated A.B.'s parental rights, and A.B. appeals.

DECISION

I. Determination that the County Made a Prima Facie Showing of Futility

A.B. argues that the district court erred when it relieved the county of reunification efforts in its June 22, 2020 order. Because the county's motion includes allegations that, if true, support the district court's determination that the county made a prima facie showing of futility, the district court did not abuse its discretion when it relieved the county of reunification efforts.

"Reasonable efforts to prevent placement and for rehabilitation and reunification are always required except upon a determination by the court that a petition has been filed stating a prima facie case that," in relevant part, "the provision of services or further services for the purpose of reunification is futile and therefore unreasonable under the circumstances." Minn. Stat. § 260.012(a)(7) (2020). "When statutes explicitly entrust the district court to determine what is appropriate, we review for an abuse of discretion." *In re Welfare of A.M.C.*, 920 N.W.2d 648, 660 (Minn. App. 2018); *see also Boland v. Murtha*, 800 N.W.2d 179, 185 (Minn. App. 2011) (stating that, in the contexts of motions to restrict parenting time and motions to modify custody, "we review de novo whether the district court properly treated the allegations in the moving party's affidavits as true" and "we review for an abuse of discretion the district court's determination as to the existence of a prima facie case"). "In such cases, we will not conclude that a district court has abused its discretion absent a resolution of the question that is against logic and the facts of record." *A.M.C.*, 920 N.W.2d at 660.

A.B. first argues that the district court erred because the district court did not specifically find that a "petition has been filed stating a prima facie case" that further efforts would be futile. We disagree. The district court's order states that the county's motion is pursuant to Minnesota Statutes section 260.012(a)(7) and includes the social worker's report. The district court then accepted the allegations in the report as true and determined that reunification efforts to that point had been futile. On this record, we infer that the district court ruled that the county filed a petition alleging a prima facie case of futility.

We are not convinced that the absence of the specific language A.B. requests amounts to an abuse of discretion.

A.B. also argues that the district court abused its discretion in determining that the county made a prima facie showing of futility. Again, we are not convinced. "At the prima-facie-case stage of the proceeding, [the movant] need not *establish* anything. [The movant] need only make allegations which, if true, would allow the district court to grant the relief he seeks." *Amarreh v. Amarreh*, 918 N.W.2d 228, 231 (Minn. App. 2018), *review denied* (Minn. Oct. 24, 2018). This court has upheld a district court's futility determination when a parent failed to utilize many of the services the county offered, the county used available resources to try and reunite the parent and the child, and the child's needs would not be met if returned to the parent. *See In re A.R.M.*, 611 N.W.2d 43, 46, 50 (Minn. App. 2000).

Here, the county's motion alleged that A.B. was not compliant with portions of the case plan, including failure to abstain from mood-altering chemicals, avoid the drug community and drug users, maintain stable employment, and refer for treatment coordination. Specifically, the county alleged that A.B. had been "discharged as unsuccessful from two treatment programs, has remained in contact and having sexual relations with her [boyfriend] whom she used to use methamphetamine with and remains in contact with non-healthy supports." The county also alleged that A.B. relapsed on two different occasions before the trial home visit could start, one of which was a week before the first scheduled unsupervised overnight visit. The report also stated that A.B. "continues to not take accountability for her actions as she denied her use of Methamphetamine even

after the lab confirmation was received," "is at high risk for relapse," and that her "actions indicate that she lacks relapse prevention and the impulsivity skills that are essential for extended recovery." All these concerns address the situation that resulted in the out-of-home placement in the first instance. Because these allegations, if true, would allow the district court to rule that additional reunification efforts would be futile, the district court's decision that the county made a sufficient prima facie showing of futility was not against logic or the facts in the record. We conclude that the district court did not abuse its discretion and affirm its decision to relieve the county of reunification efforts.

II. Best Interests Factors

We construe A.B.'s argument on appeal to include a challenge to the district court's factual findings underlying its analysis of the children's best interests. In addition, we understand A.B. to separately challenge the weight that the district court afforded to the best interests factors. We conclude that the district court did not clearly err in its factual findings and did not abuse its discretion in conducting the requisite best interests analysis.

To ensure the welfare of minor children, Minnesota law authorizes the termination of parental rights for "grave and weighty reasons." *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990). When a statutory basis to terminate parental rights exists, "the best interests of the child must be the paramount consideration." Minn. Stat. § 260C.301, subd. 7 (2020). To determine the best interests of the child, the district 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." *In re Welfare of R.T.B.*, 492 N.W.2d 1, 4 (Minn. App. 1992); *see also* Minn. R.

Juv. Prot. P. 58.04(c)(2)(ii) (requiring the district court to consider these factors in termination proceedings). "Competing interests include such things as a stable environment, health considerations and the child's preferences." *Id.* In weighing these factors, the district court must "explain why termination is in the best interests of the child," *In re Welfare of the Child of D.L.D.*, 771 N.W.2d 538, 545 (Minn. App. 2009), but is not required to "go into great detail," *In re Welfare of Child of W.L.P.*, 678 N.W.2d 703, 711 (Minn. App. 2004).

We review the district court's factual findings for clear error, *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 87 (Minn. App. 2012), and we review the district court's ultimate determination regarding the best interests factors for an abuse of discretion, *W.L.P.*, 678 N.W.2d at 711. "A finding is clearly erroneous if it is manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *J.K.T.*, 814 N.W.2d at 87 (quotation omitted). We give considerable deference to the district court's credibility determinations because "a district court is in a superior position to assess the credibility of witnesses." *In re Welfare of L.A.F.*, 554 N.W.2d 393, 396 (Minn. 1996). The district court abuses its discretion when its decision is against logic or contrary to the factual findings of the district court. *A.M.C.*, 920 N.W.2d at 660.

A.B. argues that the district court erred in two respects when it made its factual findings. First, A.B. asserts that the record does not contain evidence to support a conclusion that visits with A.B. caused the younger child's PTSD. Second, A.B. claims that the record does not contain evidence to support the findings regarding A.B.'s inability

to address J.W.'s mental health needs and drug use. Neither of these arguments supports reversal.

We disagree with A.B.'s first argument because it mischaracterizes the district court's findings. Contrary to A.B.'s argument, the district court did not find that A.B. caused the child's PTSD or behavioral issues. Instead, the district court found that the child suffers from PTSD and that the child exhibited problematic behavior after visits with A.B. Moreover, we conclude that the record supports this finding. For instance, the child's diagnostic assessment stated that the child suffers from PTSD and that the child "directly experienced and witnessed traumatic events." The assessment also emphasized "the presence of challenging behaviors before and after these visits [with A.B.] occur." In addition, the foster mother testified that the child's challenging behaviors included speech delays, temper tantrums, difficulty sleeping, bed-wetting, and irritability. According to this witness, these issues only occurred after visits with A.B. The GAL also testified that since visits with A.B. ended, the child is "calmer, rarely has night terrors anymore or any extreme behaviors that she previously had during the visits with [A.B.]." Given this evidence, the district court did not clearly err when it made findings regarding the younger child's PTSD diagnosis and behavior before and after visits with A.B.

We also find no clear error in the district court's factual findings regarding A.B.'s inability to address J.W.'s mental health needs and drug use. The evidence presented includes a report diagnosing J.W. with major depressive disorder, and the social worker reported that J.W. has also struggled with school and with using marijuana. The evidence also indicates that A.B. has failed to adequately address her similar issues. According to

the report from A.B.'s most recent treatment program, A.B. has "difficulty with impulse control and lacks coping skills," "lacks mental health support," "struggles to maintain sob[riety] outside of a structured setting," and "has poor recognition and understanding of relapse and recidivism issues and displays moderately high vulnerability of further substance use or mental health problems." In addition, A.B. admitted to using methamphetamine on September 19, 2020, and October 14, 2020, and to missing most support group meetings over the past few months. In light of these circumstances, both the GAL and social worker expressed concerns about returning J.W. to A.B.'s care due to his impulsivity and history with substance abuse, and because A.B. had not adequately addressed her own mental health and chemical dependency. Based on this evidence, the district court did not clearly err.

A.B. next argues that the district court abused its discretion when it concluded that the interests in preserving the parent-child relationship were outweighed by other, competing interests of the children.[2] We disagree and discern no abuse of discretion. In its order, the district court weighed and analyzed each of the best interests factors, noting that both A.B. and J.W. want to preserve the parent-child relationship. The district court determined that the younger child's interest in preserving the relationship is negligible

[2] To the extent that A.B. or J.W. argue that the district court erred by failing to make additional findings regarding J.W.'s preferences, we note that neither party moved for amended findings, thereby forfeiting appellate review of whether additional findings were necessary. *E.g.*, *Frank v. Ill. Farmers Ins. Co.*, 336 N.W.2d 307, 311 (Minn. 1983) (holding that if a district court fails to make required findings of fact, "the burden is on the parties to alert the court by a motion for amended finding[s]"); *Anderson v. Peterson's N. Branch Mill, Inc.*, 503 N.W.2d 517, 518-19 (Minn. App. 1993) (declining to review sufficiency of findings because appellant did not move for amended findings).

because she has lived with her foster parent for half of her life, refers to them as "mom" and "dad," while she refers to A.B. by her first name, suffers from PTSD, and has experienced significant behavioral issues after visiting with A.B. The district court also determined that "the children have competing interests in having caregivers who themselves are safe, sober, and stable individuals." Specifically, the district court expressed concern over how J.W.'s "mental health and chemical dependency issues would be addressed when [A.B.] has failed to address her own identical issues." The district court concluded that these competing interests outweighed A.B.'s and the children's interest in maintaining the parent-child relationship. Because the decision is not against logic or the facts as found by the district court, we conclude that the district court did not abuse its discretion when it concluded that the interests of the children ultimately favored termination of A.B.'s parental rights.

III. Reasonable Reunification Efforts

Next, A.B. makes two arguments regarding the district court's analysis of the county's reasonable efforts. First, A.B. argues that the record compels alternative factual findings that the district court declined to make regarding the county's efforts towards reunification. We conclude, however, that we are unable to make the factual findings requested by A.B. and that the record supports the factual findings made by the district court. Second, A.B. argues that the district court abused its discretion in concluding that these efforts were reasonable. We conclude that because the district court's determination that the county made reasonable efforts is not against logic or the factual findings, the district court did not abuse its discretion.

Before a district court can terminate a person's parental rights, it must specifically find that the county made reasonable efforts to reunify the children and parent or that reasonable efforts for reunification were not required under section 260.012.[3] Minn. Stat. § 260C.301, subd. 8 (2020). "The county's efforts must be aimed at alleviating the conditions that gave rise to out-of-home placement, and they must conform to the problems presented." *J.K.T.*, 814 N.W.2d at 87. "Services must go beyond mere matters of form so as to include real, genuine assistance." *In re Welfare of H.K.*, 455 N.W.2d 529, 532 (Minn. App. 1990), *review denied* (Minn. July 6, 1990). In determining whether the county made reasonable efforts, 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) (2020).[4]

---

[3] As discussed above, the district court also previously relieved the county from its obligation to make reasonable reunification efforts. Pursuant to Minnesota Statutes section § 260.012 (a)(7), the district court could have reinstated this obligation, but only after finding that the allegations supporting the county's prima facie showing of futility were not established by clear and convincing evidence. Minn. Stat. § 260.012(g) (2020). Neither party requested that the district court revisit the determination that the county made a prima facie showing of futility, and appellant does not assert any error in the district court's futility determination in its posttrial termination order. Thus, we review the reasonable efforts findings and analysis in the district court's termination order as pertaining to reunification efforts that predate the June 22, 2020 order relieving the county of an obligation to provide ongoing reunification efforts.

[4] A.B. also appears to argue that the county's failure to perform other statutory duties indicates a failure to provide reasonable efforts. However, A.B. does not support this proposition with legal authority. Absent such support, we decline to consider this argument. *See State Dep't of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to reach inadequately briefed issues); *see also In re Welfare of Child of P.T.*, 657 N.W.2d 577, 586 n.1 (Minn. App. 2003) (applying *Wintz* in a termination of parental rights appeal).

We review the factual findings underlying this determination for clear error. *In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 387 (Minn. 2008); *J.K.T.*, 814 N.W.2d at 87 (applying clear error review and defining clear error as "manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole"). A district court does not clearly err when evidence in the record might also support findings other than those made by the district court. *Vangsness v. Vangsness,* 607 N.W.2d 468, 474 (Minn. App. 2000) ("[T]he mere existence of evidence that could support findings other than those made by the trial court does not render these findings defective."). We review the ultimate determination that the county made reasonable efforts to reunite the family for an abuse of discretion. *See In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 322-23 (Minn. App. 2015), *review denied* (Minn. July 20, 2015); *see also A.M.C.*, 920 N.W.2d at 660 (defining an abuse of discretion as a determination that is against logic or contrary to the facts).

First, A.B. argues that we should reverse the district court's reasonable efforts determination because the evidence presented supported alternative findings that the district court declined to make.[5] We are not persuaded that the district court clearly erred. We note that this court cannot make its own findings and it cannot review findings that

[5] Specifically, A.B. argues that the district court erred by not adopting the following findings: the social worker lied to A.B. when she said A.B. made minimal progress at a particular treatment program; the county's actions caused A.B. to relapse, the county did not provide sufficient transportation or employment services, the county made insufficient efforts to address A.B.'s mental health needs, and the county acted in bad faith when it decided not to begin trial home visits and when it failed to adequately inform A.B. regarding the nature of a particular treatment program, causing her to leave the program.

were never made.[6] *S.E.P.*, 744 N.W.2d at 387 (reversing court of appeals for making findings of fact, overstepping the bounds of as a reviewing court); *see also, e.g.*, *Hoyt Inv. Co. v. Bloomington Commerce & Trade Ctr. Assocs.*, 418 N.W.2d 173, 175 (Minn. 1988) ("[A]n undecided question is not usually amenable to appellate review."); *Kucera v. Kucera*, 146 N.W.2d 181, 183 (Minn. 1966) ("It is not within the province of [appellate courts] to determine issues of fact on appeal."). The proper procedure when a party believes the district court made inadequate findings, failed to make findings required by law, or declined to make findings compelled by the record is to move for amended findings. As noted above, failure to do so forfeits appellate review. *See Frank*, 336 N.W.2d at 311; *Anderson*, 503 N.W.2d at 518-19.

In addition, the existence of evidence that could support alternative findings does not compel reversal, *Vangsness*, 607 N.W.2d at 474, and there is evidence in the record to support the factual findings that the district court did make. Here, the district court found that the county provided efforts in the forms of the following programs and assistance: chemical dependency assessments; chemical dependency treatment at House of Hope, Wellcome Manor, Northstar, and Christian Family Solutions; mental health assessments and referrals; an additional diagnostic assessment at Associated Psychological Services;

[6] We are also concerned that the proposed alternative findings conflict with and are not supported by the evidence in the record. For example, we do not agree that the record compels a finding that A.B. relapsed "due to the county's actions," as A.B. argues in her brief to this court. Similarly, the record does not include evidence of the county acting in bad faith when it canceled the scheduled trial home visits. Even if this court could properly make the requested alternative findings of fact, the evidence does not support A.B.'s alternative factual statements.

drug testing; a payment of $895 for A.B.'s rent; transportation and payments for gas costs; referral to parent coaching; relapse prevention; a trial home visit plan; and additional services for the children. This list includes efforts discussed in more detail in previous sections of the district court's order regarding A.B.'s chemical dependency, mental health, housing instability, and parenting history.[7] The district court determined that these efforts were relevant to the safety and protection of the children, believed to be adequate to meet the needs of the children and family, culturally appropriate, available and accessible, consistent and timely, and realistic under the circumstances.

Evidence in the record supports these findings. The social worker testified that the county assisted A.B. by coordinating with various service providers, providing A.B. with transportation and with gas cards, paying the down payment for an apartment, assisting A.B. to attend appointments, and generally working with A.B. to "achieve what needed to be done." The county also undertook efforts to satisfy the dental, medical, developmental, behavioral, and mental health needs of A.B.'s children, which are important prerequisites for reunification with A.B. Testimony at trial supports the determination that these goals were adequate to meet the needs of the children and family, culturally appropriate, available and accessible, consistent and timely, and realistic under the circumstances. The county's efforts were hindered by A.B.'s continued drug use, and the social worker testified that when A.B. relapsed, progress toward reunification necessarily slowed. The county

[7] A.B. argues that we should reverse the determination of reasonable efforts because the analysis is conclusory. Given the detailed findings made elsewhere in the district court's order, we disagree with A.B.'s characterization of the district court's analysis. The district court is not required to repeat those specific findings in separate parts of its decision.

coordinated chemical dependency treatment on four separate occasions, two of which were after A.B. tested positive for using drugs and after she left a treatment program against the county's advice. Throughout the proceedings, A.B. continually refused to address her mental health, repeatedly tested positive for methamphetamine, and continued to deny using drugs. Based on this evidence, the district court did not clearly err when it made factual findings regarding the county's reasonable efforts.

Second, A.B. also challenges the district court's ultimate determination that the county made reasonable efforts. We discern no abuse of discretion. The efforts detailed above and in the district court's findings of fact included multiple attempts to provide A.B. with a variety of services and assistance from February 2019 through June 2020. Based on these findings and the evidence presented, it was not against logic to conclude that the county made reasonable efforts to reunify the children and A.B. *See A.M.C.*, 920 N.W.2d at 660.

Affirmed.