STATE OF MINNESOTA
IN COURT OF APPEALS
A21-0381

In the Matter of the Welfare of the Child of:
H.-M. E. R. and R. N. N., Parents.

Filed October 25, 2021
Affirmed
Bratvold, Judge

Olmsted County District Court
File No. 55-JV-20-4331

David W. VanDerHeyden, VanDerHeyden Law Office, P.A., Rochester, Minnesota (for appellant H.-M. E. R.)

Michael D. Schatz, Schatz Law Firm, Rochester, Minnesota (for respondent R. N. N.)

Mark A. Ostrem, Olmsted County Attorney, Debra A. Groehler, Sr. Assistant County Attorney, Rochester, Minnesota (for respondent Olmsted County Health, Housing, and Human Services)

Vicki Duncan, Rochester, Minnesota (guardian ad litem)

Considered and decided by Bratvold, Presiding Judge; Larkin, Judge; and Jesson, Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

On appeal from an order terminating parental rights to her child, appellant-mother argues the district court erred by determining (1) the county made reasonable efforts to reunite the family, (2) statutory grounds supported termination of her parental rights, and (3) termination is in the child's best interests. We affirm.

FACTS

The following summarizes the district court's written findings following a three-day bench trial and is supplemented by the record evidence when helpful to understanding the issues on appeal. D.N. (son) is the child of appellant H.-M.E.R. (mother) and respondent R.N.N. (father), born in May 2014.[1] Mother and father did not live together, and mother, who has a history of mental-health issues, lived in Rochester with her parents (maternal grandparents) and son. In summer 2019, mother married D.E.T. who moved into maternal grandparents' home. D.E.T. has a long criminal history and must register as a predatory offender.

In September 2019, when son was five, respondent Olmsted County Health, Housing, and Human Services (the county) received a report of "threatened sexual abuse" involving mother, son, and D.E.T. County social worker, C.P., investigated the report and learned mother and maternal grandparents knew of D.E.T.'s criminal history and "accepted, apparently without question, [D.E.T.'s] versions of his past criminal record and his claims of innocence to the sexual offense of which he had been found guilty." Maternal grandparents supported D.E.T.'s relationship with mother and "did not have concerns regarding domestic violence between" D.E.T. and mother. Finding no maltreatment of son, C.P. helped the family develop a safety plan, which provided that D.E.T. would not personally care for son and their time together would be supervised by a family member.

[1] During these child-protection proceedings, father voluntarily terminated his parental rights and did not appeal. As a result, this opinion does not discuss the procedural history related to father.

In November 2019, the state charged D.E.T. with assaulting mother, and the district court issued a domestic-abuse-no-contact order (DANCO), prohibiting D.E.T. from contacting mother. The county assessed the safety risk to son by considering that son was not present for the assault and he resided with maternal grandparents, who "provid[ed] most of the care." The county prepared to close the investigation.

In January 2020, before the investigation closed, mother and D.E.T. violated the DANCO. Law enforcement tried to arrest D.E.T. at maternal grandparents' home; D.E.T. fled while police searched the house and mother "drove away and picked up" D.E.T. After this incident, mother and D.E.T. were together while son continued to live with maternal grandparents and attend school regularly.

In early February 2020, son stopped attending school, and on February 20, mother informed the school that son would not return. Law enforcement arrested mother and D.E.T. in Osceola, Florida on February 21, and took them into custody; police took son into protective custody and notified the county. Mother was hospitalized on a 72-hour hold because of "concerns about her mental health."

The county requested an emergency-protective-care order and filed a child-in-need-of-protection-or-services (CHIPS) petition on February 25, 2020. On February 28, the district court ordered son taken into emergency protective care. Paternal grandmother and C.P. traveled to Florida and returned son to Minnesota. The district court ordered mother, D.E.T., and maternal grandparents to have no contact with son, and

approved son to reside with paternal grandparents.[2] Mother entered a denial to the CHIPS petition. The district court appointed a guardian ad litem (GAL) and granted mother supervised visitation with son. The county transferred the case to social worker T.S. in March 2020. Mother regularly attended supervised virtual and in-person visits with son, which T.S. supervised. T.S. testified about positive and normal interactions between mother and son during visits.

In early May 2020, D.E.T. was convicted of felony domestic assault for the November 2019 incident involving mother. The district court sentenced D.E.T. to 30 months in prison, his anticipated release date is in October 2021.

Later in May, mother signed an out-of-home placement plan (case plan) that, as the district court summarized, "lays out the goals for [son's] safety, permanency, and well-being which [mother] needed to work towards and achieve before [son] could be returned to her care." The case plan stated mother should (a) provide a safe environment for son where he is not exposed to domestic violence, and (b) follow mental-health providers' recommendations to manage her mental health "in a way that is safe and predictable" for son. The case plan listed a parenting assessment as one of mother's services.

The county retained Deena McMahon, a licensed, independent social worker and parenting-assessment expert, to complete a parenting assessment of mother and make

[2] Paternal grandparents moved to intervene in the protective proceedings, and the district court granted them party status in April 2020. Son remained in paternal grandparents' care after returning from Florida and throughout these proceedings.

recommendations. McMahon observed mother and son on June 9, 2020, and interviewed mother, son, and maternal grandparents. McMahon described mother as "minimally responsive" when she interacted with son.

McMahon's report observed mother was "preoccupied" with "unresolved trauma" and "so focused on her own internal challenges she is unable to focus on" son's challenges. Mother "has been repeatedly involved with partners who have abused and exploited her" and is "emotionally unavailable to her son because she is overwhelmed with her own needs and feelings." McMahon's report also concluded mother is a vulnerable adult and lacked capacity to parent. McMahon recommended mother "remain in therapy, attend a women's group for domestic violence," attend anger management, and have her medications checked to ensure they are the "right dosage" and she takes them "reliably." In McMahon's opinion, mother needed "at least 12-18 months" of therapy before she "might be able to parent" son.

On June 16, 2020, T.S. supervised mother's in-person visitation with son. Mother was, at first, not responsive to son, but then "walked out, slamming the door as she left." Mother damaged furniture in the lobby and tore up plants outside the building.[3] Police took mother to Mayo Clinic for mental-health services. After the June 16 visit, T.S. consulted the child-protection team and the GAL and decided "there would be no further in person visits." The county offered mother virtual visits with son "but she declined them." Mother did not visit with son after the June 16 visit.

[3] Two county employees testified about mother's behavior—mother yelled, screamed, cried, knocked things over in the lobby, threw a trash can, threw papers around, pulled mulch out of the planters and threw it around, and tried to get behind the receptionist's glass-encased desk in the lobby.

In July 2020, the county petitioned to terminate mother's parental rights. Trial started on November 23, 2020. The county offered testimony by father, C.P., McMahon, county employees, and T.S.; mother testified and offered testimony by T.S., mother's therapist, mother's friend, mother's counselor from Nystrom and Associates, and maternal grandparents. The district court also received the GAL's testimony.

On top of testimony establishing the facts already summarized, mother's therapist (therapist) testified about services she provided to mother from March 2020 until August 2020, when mother terminated services. Therapist testified mother needed therapy and other services to manage her mental health and it would take "a significant amount of time" for mother to progress. Therapist concluded if mother worked at therapy, she "could show some progress in six months and significant progress in a year."

Mother testified she "feels victimized by the CHIPS process" and believes nothing prevents her from parenting son. Mother "believes [son] is strong enough for her behaviors not to 'rub off on him.'" Mother also testified "her depression is still significant" and she continues to have a plan to kill herself "dependent on the outcome of this case." Mother acknowledged she discussed this plan with a Nystrom and Associates counselor on November 9, shortly before trial. When questioned about her relationship with D.E.T. at trial, mother agreed she had "regular communication" with D.E.T., he is a "support" for her, and she intended to reunite with him upon his release from prison.

On January 19, 2021, the district court issued written findings of fact and conclusions of law and ordered mother's parental rights be terminated. The district court made detailed factual findings. Starting with mother's mental health, the district court

found mother "has not been stable throughout this case" and "has struggled with mental health issues since her teen years." The district court added, "[h]aving mental health issues does not equate to an inability to parent"; however, mother's ongoing thoughts of and plans to kill herself combined with "multiple hospitalizations have made [mother] unavailable and unable to care for [son]."

The district court rejected mother's testimony that she is son's primary caregiver because mother "has never resided with and consistently cared for [son] on her own." Rather, maternal grandparents and other family members assisted mother and "provided a safety net" for son when mother could not parent. The district court stated that D.E.T.'s "violent past is very concerning" and mother and maternal grandparents "placed [son] in danger by permitting [D.E.T.] to reside in their home." The district court determined mother "lack[ed] consistency and follow through" on permanency goals because she did not stabilize her mental health, communicated inconsistently with the county, and thus "shows she cannot provide a stable environment for [son]."

In its conclusions of law, the district court determined the county had proven by clear and convincing evidence that mother had neglected to comply with the duties of the parent-child relationship under Minn. Stat. § 260C.301, subd. 1(b)(2) (2020). Although mother and maternal grandparents provided for son's "basic needs in the past, this does not equate to safety." Mother "repeatedly demonstrated a lack of insight into how her behavior, and [D.E.T.'s] behavior, have harmed [son]." Mother's "unstable mental health negatively impacts [son's] mental health, emotional well-being, and development." The district court concluded, for similar reasons, the county had proven by clear and convincing evidence

that son was neglected and in foster care under Minn. Stat. § 260C.301, subd. 1(b)(8) (2020).

The district court examined the services provided by the county to mother and found the county made "reasonable efforts to reunify" mother and son, in part, by scheduling parenting time, which continued until mother declined virtual visits after the June 16 incident. Services mother received included a transitions program through Mayo Clinic and mental-health therapy. The county's other reasonable efforts included "case management, foster care, supervised parenting time, . . . referrals for mental health and other services, and a parenting capacity assessment." The district court found, despite these services, mother "continues to deny responsibility for her own behavior," often changed mental-health providers, and "obstructed" the county's ability to monitor her progress by revoking consent for them to obtain information. The district court determined further services toward rehabilitation and reunification would be "futile and therefore unreasonable under the circumstances." Finally, the district court determined the county proved by clear and convincing evidence that termination of mother's parental rights is in son's best interests.

Mother moved for a new trial or for amended findings. After a hearing, the district court denied mother's motion for a new trial and modified some of its factual findings. For example, the district court's posttrial order stated son "cannot return to his mother's care in a reasonable amount of time." This opinion incorporates the modified findings as appropriate to the issues on appeal.

This appeal follows.

DECISION

Parental rights should be terminated only "for grave and weighty reasons." *In re Welfare of H.G.B.*, 306 N.W.2d 821, 825 (Minn. 1981). Here, the district court determined two statutory bases supported termination of mother's parental rights: (1) mother had "refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship," and (2) son was "neglected and in foster care." Minn. Stat. § 260C.301, subd. 1(b)(2), (8). Generally, appellate courts will affirm the district court's decision to terminate parental rights when (1) "at least one statutory ground for termination is supported by clear and convincing evidence," (2) "the county has made reasonable efforts to reunite the family," and (3) "termination is in the best interests of the child." *In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008).

On appeal from a district court's order terminating parental rights, appellate courts "closely inquire into the sufficiency of the evidence to determine whether it was clear and convincing," *S.E.P.*, 744 N.W.2d at 385, and "[c]onsiderable deference is due to the district court's decision 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). Appellate courts review the district court's factual findings for clear error. *In re Welfare of Child. of J.R.B.*, 805 N.W.2d 895, 901 (Minn. App. 2011), *rev. denied* (Minn. Jan. 6, 2012).

Recently, the Minnesota Supreme Court discussed the clear-error standard that appellate courts use to review a district court's factual findings: "[i]n applying the clear-error standard, [appellate courts] view the evidence in a light favorable to the findings. [Appellate courts] will not conclude that a factfinder clearly erred unless, on the

entire evidence, we are left with a definite and firm conviction that a mistake has been committed."[4] *In re Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotations and citations omitted). Clear-error review does not permit an appellate court to weigh the evidence, nor does it allow an appellate court "to engage in fact-finding anew. . . . Consequently, an appellate court need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the trial court." *Id.* at 221–22 (quotations and citations omitted). An appellate court fulfills its duty by "fairly considering all of the evidence" and determining whether the evidence "reasonably supports the decision." *Id.* at 223. And "[w]hen the record reasonably supports the findings at issue on appeal, it is immaterial that the record might also provide a reasonable basis for inferences and findings to the contrary." *Id.* (quotation omitted).

I. The district court did not err by determining the county made reasonable efforts to reunite mother and son.

"Whether the county has met its duty of reasonable efforts requires consideration of the length of 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), *rev. denied* (Minn. July 6, 1990). For a county's efforts to reunify a family to be reasonable, the services offered 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

[4] We recognize *Kenney* discussed the standard of review in a civil commitment case. In doing so, the supreme court observed "[t]he clear-error standard of review is familiar because it applies across so many contexts." *Kenney*, 963 N.W.2d at 221. This observation suggests *Kenney*'s discussion of the clear-error standard of review is not limited to the civil-commitment context.

timely; and (6) realistic under the circumstances. Minn. Stat. § 260.012(h) (2020). As discussed above, appellate courts review the district court's underlying factual findings for clear error and its ultimate determination about whether reasonable efforts were met for abuse of discretion. *S.E.P.*, 744 N.W.2d at 387; *In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 322–23 (Minn. App. 2015), *rev. denied* (Minn. July 20, 2015) (applying an abuse of discretion standard of review).

Mother challenges the district court's findings on the county's reasonable efforts for three reasons, which we discuss in turn.

A. Case plan

Mother argues the case plan lacked sufficient clarity in the "parent detail" and "permanency" sections because the case plan "does not articulate any specific, concrete, and quantifiable changes [mother] must make." Our review of the record does not confirm that mother raised this issue during district court proceedings, and we seldom review arguments raised for the first time on appeal. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988); *In re Welfare of Children of A.I.*, 779 N.W.2d 886, 894 (Minn. App. 2010) (applying *Thiele* on appeal from a termination of parental rights). But even if we assume mother raised this issue below, we are not persuaded.

The district court found the case plan provided safety and permanency goals mother needed to work toward before she could regain custody of son. The district court pointed out the safety goal required mother to show son would reside in a home "free from . . . domestic violence." To achieve this goal, mother had to "demonstrate an understanding of how [D.E.T.'s] assaultive behaviors and criminal history pose safety

concerns for [son].” The case plan’s permanency goal required mother to show son’s caregiver provides a “safe, consistent, and stable home environment where his needs are met.” To achieve this goal, mother needed to follow treatment recommendations for her mental health, participate actively in services to manage her mental health in a safe and predictable manner, sign releases of information so the county could monitor her mental-health progress, prevent son from being exposed to physical fighting, report all contact with D.E.T to the county, and attend all court hearings.

Mother also argues the county failed to explain the case plan to her, but the district court relied on mother’s testimony and found the case plan was “created during a family group conference [mother] and [D.E.T.] attended.” The record shows mother signed the case plan. It is true mother checked a box on the signature page indicating the plan had not been explained to her. But T.S. testified she and mother created the case plan together and she explained the case plan to mother on telephone calls and by video conference. The GAL also testified she was present when T.S. discussed the case plan with mother.

In short, mother’s case-plan argument fails because record evidence supports the district court’s findings that mother worked with the county to prepare a case plan that was sufficiently detailed, and the county explained the case plan to mother. Based on this record, we conclude the district court did not err in its findings related to the case plan and did not abuse its discretion by determining the county provided reasonable efforts in preparing the case plan.

B. Domestic-violence services

Mother argues the county did not make reasonable efforts to reunite her with son because it did not provide or compel mother to participate in domestic-violence services. The district court found mother would have benefitted from domestic-violence therapy groups, the county can refer clients to domestic-violence services, and "[mother] was offered [domestic-abuse treatment], but denied being a victim of domestic abuse, and thus, refused the services." The record supports the district court's findings.

Even after D.E.T. assaulted mother, she maintained contact with him in violation of the DANCO, permitted son to be around him, removed son from school, left the state with son and D.E.T., and continued her relationship with D.E.T. while he was in prison for assaulting her. Mother admitted to McMahon that D.E.T. was violent with her but did not "acknowledge that she's in a domestically violent relationship or that she is unsafe" and refused to change her relationship with D.E.T. As already mentioned, mother identifies D.E.T. as her "support" and intends to resume her relationship with D.E.T. upon his release from prison.

McMahon recommended mother attend a women's group for domestic violence and T.S. testified domestic-violence services may help mother. But domestic-violence services were not included on the case plan. T.S. testified the county "wouldn't typically refer someone to domestic violence services if they weren't acknowledging that they needed those services." The district court found the county explained "it was not appropriate to refer Mother for domestic violence services because Mother denied that she was a victim or had any concerns about her husband's violence against her."

Thus, the district court did not err in its underlying factual findings and did not abuse its discretion by determining the county made reasonable efforts to rehabilitate mother despite the lack of domestic-violence services.

C. Mental-health services

Mother argues the county failed to offer mental-health services. The district court found when the case plan was created, mother "had attended the Transitions program through Mayo Clinic and was attending therapy at Zumbro Valley Health Services [with therapist]. Since [mother] was currently in therapy, [the county] did not recommend additional therapy services." The district court's finding is supported by the record.

T.S. testified that, when assigned mother's case in March 2020, "[mother] had reported she was going to therapy and was involved in the transitions program" at Mayo Clinic. The record reflects mother received mental-health treatment from at least three providers during these proceedings—the transitions program at Mayo Clinic, Nystrom and Associates, and mother's therapist at Zumbro Valley Health Services. T.S. also testified the county offered to make additional referrals for mother, but mother told T.S. that "she already had the services that she felt she needed." T.S. testified the county could not monitor mother's progress in mental-health treatment because mother revoked the release of information.

For these reasons, we conclude the district court did not abuse its discretion by determining the county provided reasonable reunification efforts, including not recommending additional mental-health services because mother was currently in therapy.

II. The district court did not err by determining mother neglected her parental duties to son.

A parent's rights may be terminated if the parent has "substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed . . . by the parent and child relationship." Minn. Stat. § 260C.301, subd. 1(b)(2). Those duties include providing "food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development." *Id.* Parental duties also include a duty to "protect and care for the child." *J.R.B.*, 805 N.W.2d at 902 (quotation omitted).

To terminate parental rights for neglect of parental duties, the district court must find the parent is currently unable and willing to assume their responsibilities and that the parent's neglect of these duties will likely continue. *In re Welfare of Child of J.K.T.*, 814 N.W.2d 76, 90 (Minn. App. 2012). The district court's evidence must address conditions existing at the time of the termination trial. *In re Welfare of S.Z.*, 547 N.W.2d 886, 893 (Minn. 1996). Thus, the district court should not rely "primarily on past history," but consider the "projected permanency of the parent's inability to care for his or her child." *Id.* (quotation omitted). As discussed above, appellate courts review the district court's factual findings for clear error and review its determination of whether a particular statutory basis supports termination for abuse of discretion. *J.R.B.*, 805 N.W.2d at 899–901.

Mother challenges three of the district court's determinations, which we discuss in turn.

A. Mother's lack of insight

The district court determined mother neglected her parental duties by "repeatedly demonstrat[ing] a lack of insight into how her behavior, and [D.E.T.'s] behavior," harm son, and how her "unstable mental health negatively impacts" son. Mother argues she demonstrated insight into the effect of her mental health and her relationship with D.E.T. on son's well-being. She points to her own testimony that she understood taking son to Florida with D.E.T. was an error and her actions at the June 16 supervised visit were inappropriate. The district court, however, credited other evidence and found mother did not take responsibility for fleeing to Florida with son, she minimized or completely disregarded D.E.T.'s violent criminal history, and mother downplayed any effect on or damage to son.

Evidence in the record supports these findings and, as already noted, this court will not weigh the evidence. *See Kenney*, 963 N.W.2d at 221. McMahon testified mother took "no responsibility for why [son] was removed from her custody" and "didn't really believe she had deficits . . . . She doesn't know why the police arrested her in Florida. She doesn't know what she could have done differently to have prevented that." Mother denied D.E.T. posed any danger to herself or son, denied she knew of D.E.T.'s criminal history, and "accepted, apparently without question, [D.E.T.'s] versions of his past criminal record and his claims of innocence to the sexual offense of which he had been found guilty." As discussed, mother identifies D.E.T. as her "support" and plans to reconcile with him upon his release from prison. After mother's violent outburst at the June 16 visitation, T.S. testified mother did not recognize the effect of her behavior on son by pointing to mother's

statement that she has "raised [son] to understand her and her behaviors." We conclude the district court did not err by determining mother neglected her parental duties because she lacked insight into how her behavior, D.E.T.'s behavior, and her unstable mental health harmed son.

B. Mother's failure to provide a safe home

The district court determined mother cannot provide a safe and stable home, in part, because of her relationship with D.E.T. Mother argues she can provide a safe home for son because the county's September 2019 report found maternal grandparent's home to be safe. It is true that C.P.'s investigation concluded son was safe in 2019; still, the record supports the district court's determinations as of the time of the termination trial. First, as discussed, mother does not acknowledge the danger D.E.T. poses to her or son and she plans to reunite with D.E.T. upon his release from prison. Mother's brief to this court does not discuss this evidence.

Second, maternal grandparents support mother's relationship with D.E.T., and they refuse to recognize the danger D.E.T. poses to mother and son.[5] The district court found maternal grandfather aided mother and D.E.T. in their flight to Florida with son. Maternal grandfather testified he did not assist mother intentionally and he did not know mother and D.E.T. went to Florida until after their arrest. The district court, however, found his testimony not credible and determined maternal grandfather contributed to mother and

[5] After D.E.T. assaulted mother, maternal grandfather said he believed "[D.E.T.] is a fine man and [son] loves him." McMahon testified maternal grandparents reported "they were fully in support of [D.E.T.] being the stepfather to [son] . . . . They did not believe he had actually committed a sex offense."

D.E.T.'s flight. Thus, the record supports the district court's determination that mother neglected her parental duties because she cannot provide a safe home for son.

C. Mother's mental health and her ability to care for son

Mental illness alone is insufficient to terminate parental rights; instead, the county must prove a parent's mental illness is directly connected to her inability to parent and will be "permanently detrimental to the welfare of the child." *In re Welfare of Children of T.R.*, 750 N.W.2d 656, 662 (Minn. 2008). The district court found mother provided for son's basic needs with assistance from maternal grandparents, but the district court also found mother's "unstable mental health negatively impacts [son's] mental health, emotional well-being, and development." Mother concedes her mental health has been a lifelong battle, but claims her mental health stabilized just before trial, pointing to therapist's testimony. Mother's claim is unsupported by the record.

Therapist testified she treated mother regularly from March to August 2020, and during that entire period, mother was "in crisis mode and her mental health did not stabilize." The district court found mother ceased mental-health treatment at the time of trial because she fired therapist in August. Mother returned to therapist for one visit before trial. Therapist completed an assessment of mother on November 18, 2020, and testified mother's diagnoses include major depression, anxiety, post-traumatic stress disorder, and borderline personality disorder. Therapist added that borderline personality disorder "is not something that can be treated with medication."

In October 2020, T.S. received screenshots of mother's Facebook posts suggesting she felt like killing herself. In November 2020, Nystrom and Associates provided records

referring to mother having a plan to kill herself that she intended to act on in December. Mother testified "her depression is still significant" and she continues to have a plan to kill herself "dependent on the outcome of this case." Mother acknowledged she discussed this plan with a Nystrom and Associates therapist on November 9, shortly before trial. The record therefore supports the district court's finding that mother's mental health had not stabilized at the time of trial and negatively affected her ability to parent.

In conclusion, the district court did not abuse its discretion by determining statutory grounds supported termination of mother's parental rights because record evidence supported the district court's factual findings along with its ultimate determination that mother neglected her parental duties. As a result, this court need not consider the district court's determination that son was neglected and in foster care under section 260C.301, subd. 1(b)(8). *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.").

III. The district court did not err by determining termination of parental rights is in son's best interests.

A district court "must consider the child's best interests and explain why termination is in the best interests of the child." *D.L.D.*, 771 N.W.2d at 545; *see* Minn. Stat. § 260C.301, subds. 1(b), 7 (2020). The district court must consider (1) the child's interest in preserving the parent-child relationship, (2) the parent's interest in preserving the relationship, and (3) "any competing interests of the child." *J.K.T.*, 814 N.W.2d at 92. Competing interests include "health considerations, a stable environment, and the child's

preference." *Id.*; *see* Minn. R. Juv. Prot. P. 58.04(c)(2)(ii) (listing factors a district court must consider when addressing the best interests of a child who is the subject of a petition to terminate parental rights). "[T]he best interests of the child must be the paramount consideration." Minn. Stat § 260C.301, subd. 7 (2020).

Appellate courts "apply an abuse-of-discretion standard of review to a district court's conclusion that termination of parental rights is in a child's best interests." *In re Welfare of Child of A.M.C.*, 920 N.W.2d 648, 657 (Minn. App. 2018). "Because the best-interests analysis involves credibility determinations and is generally not susceptible to an appellate court's global review of a record, we give considerable deference to the district court's findings." *J.K.T.*, 814 N.W.2d at 92 (quotation omitted).

The district court first considered son's interest in preserving the parent-child relationship, finding son "is too young to express his wishes." Still, the district court found son expressed "he feels safe where he is currently residing" and D.E.T. "is not safe." In considering son's interest, the district court found mother and maternal grandparents "dismiss" the danger D.E.T. poses "despite knowledge of his criminal record." Mother argues this finding is unsupported by the record, but her argument fails given the record evidence detailed above. Mother also argues the district court ignored son's attachment to mother, but this is not correct. The district court found, relying on McMahon's testimony, that son "is not securely attached to [mother]."

The district court next considered mother's interest in preserving the parent-child relationship, finding mother loves son "very much" and wants him "return[ed] to her care." But the district court also found mother "has not made enough of an effort to complete the

steps toward the goal of reunification," son cannot be returned to mother's care in a reasonable time, and mother continues to "actively engage" in thoughts of killing herself. Mother argues these findings are unsupported by the record. We disagree based on the record already discussed. Moreover, McMahon testified mother needs 12-18 months of therapy before she "might" be able to parent. Thus, the record supports the district court's findings that mother did not make "enough of an effort" to complete the reunification goals and son cannot return to mother's care within a reasonable time.

Finally, the district court considered son's competing interests, finding son "needs and deserves a safe, stable home where all of his physical, emotional, and developmental needs are met," and, after almost a year in foster care, "he needs and deserves permanency." The court found mother cannot fulfill son's needs "due to her mental health which causes a lack of insight into how her behaviors affect [son]; her delayed efforts in seeking assistance in stabilizing her mental health; and her continued relationship with [D.E.T.]" As detailed above, the record supports these findings. Given the record evidence, the district court did not abuse its discretion by determining termination is in son's best interests.

In conclusion, the district court did not err in its underlying factual findings and did not abuse its discretion when it determined the county made reasonable efforts to reunite mother and son by providing appropriate services, a statutory ground supports termination because mother neglected her parental duties, and termination of mother's parental rights is in son's best interests.

Affirmed.