STATE OF MINNESOTA
IN COURT OF APPEALS
A21-1660

In the Matter of the Welfare of the Child of: K. M.-A. R.-L. and P. S. K., Commissioner of Human Services, Legal Custodian.

Filed June 13, 2022
Affirmed
Reilly, Judge

Olmsted County District Court
File No. 55-JV-20-3333

Jennifer M. Shabel, Grinde & Dicke Law Firm P.A., Rochester, Minnesota (for appellants T.E. and K.E.)

Mark D. Fiddler, Delmar Flynn, Fiddler Osband, LLC, Edina, Minnesota; and

Steven K. Murakami, Murakami Law Firm, LLC, Rochester, Minnesota (for respondent mother K. M.-A. R.-L.)

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

P.S.K., Rochester, Minnesota (pro se respondent father)

Nizhoni Smith, Morton, Minnesota (for respondent Penny Scheffler, tribal representative for Lower Sioux Indian Community)

Kim Ruckdaschel-Haley, Best & Flanagan LLP, Minneapolis, Minnesota (for respondent Lower Sioux Indian Community)

C.L. and S.L., Rochester, Minnesota (pro se respondent foster parents)

Karen Haugerud, Preston, Minnesota (guardian ad litem)

Considered and decided by Reilly, Presiding Judge; Worke, Judge; and Frisch, Judge.

NONPRECEDENTIAL OPINION

REILLY, Judge

In this juvenile-protection appeal, appellants challenge the district court's denial of their motion seeking adoptive placement of an Indian child and asserting that the county was unreasonable in failing to make the requested adoptive placement. Appellants argue that the district court erred by denying their motion without an evidentiary hearing and that, in reaching its decision, the district court misapplied the Indian Child Welfare Act (ICWA) and the Minnesota Indian Family Preservation Act (MIFPA) in two ways: (1) by failing to recognize appellants as relatives of the child and failing to give them preference as the adoptive placement, and (2) by determining that there was good cause to deviate from the adoptive placement preferences in ICWA and MIFPA. Because we conclude that the district court did not misapply ICWA or MIFPA, and it did not otherwise abuse its discretion when it denied appellants' motion, we affirm.

FACTS

Respondents K.M.-A.R.-L. (mother) and P.S.K. (father) are the biological parents of A.G.K. (the child), born in March 2019. Mother and father were never married to each other, and father signed a recognition of parentage after the child was born. Mother has four other children, none of whom reside with her. When the child was born, both mother and the child tested positive for methamphetamine. The child stayed in the neonatal intensive care unit after her birth because of feeding complications and respiratory distress.

CHIPS Proceeding and Foster Care Placement

Respondent Olmsted County Health, Housing, and Human Services (the county) received a report about the drug-test results for mother and the child. The county held a rapid case-planning conference to identify a viable safety plan option that would allow the child to be discharged from the hospital into the care of family members. Because the parents could not identify a placement option that satisfied the county's safety concerns, mother signed a voluntary placement agreement, which allowed the child to be placed in foster care. The child was discharged from the hospital on April 6, 2019, and placed in a foster-care home.

Shortly afterward, the county learned that mother's father (who is deceased) was a member of the Lower Sioux Indian Community (Lower Sioux). Mother did not disclose this information to the county at first because she did not want the tribe involved. Mother is not a member of Lower Sioux. Father does not have any Native American heritage and is not affiliated with a tribe. After learning about mother's connection to Lower Sioux, a county social worker contacted the tribe to determine whether the child was eligible for membership in Lower Sioux. The county also directed the parents to sign another voluntary placement agreement in the presence of a judge to satisfy ICWA requirements. Lower Sioux informed the county that the child was eligible for enrollment in the tribe "as an adopted member by lineal descent."

On May 6, 2019, the child was placed in her current foster home with C.L. and S.L. (foster parents). Foster parents are non-Indian and are not relatives of the child. At the time, Lower Sioux supported the child's placement with foster parents. On May 30, 2019,

the county filed a petition alleging that the child was in need of protection or services (CHIPS). The district court found the parents in default after father failed to appear at a July 2, 2019 hearing and mother left the courtroom in the middle of the hearing. The district court adjudicated the child in need of protection or services. Throughout these proceedings, the county remained in contact with Lower Sioux and kept the tribe informed about the child's health and safety.

Appellants' Initial Request for Adoptive Placement

While the CHIPS case was pending, the county searched for relatives who could potentially serve as an alternative permanency option if the child could not be returned to mother or father. In June 2019, the county notified appellant T.E. that he had been identified as a relative of the child. T.E. is related to father by marriage: T.E.'s sister was married to a cousin of father. T.E. and father had known each other from a young age and had had a close relationship for many years, but T.E. had distanced himself from father in recent years when father began using drugs regularly. T.E. is Cambodian, and his wife, appellant K.E., is a member of Sault Ste. Marie Tribe of Chippewa Indians. According to appellants, the concept of family "is more [fluid] in Cambodian culture, which also holds true with Native American culture." The county informed T.E. that, because he was a relative of the child, he had the right to be considered a temporary foster placement for the child and a possible permanency option. Appellants contacted the county and expressed interest in being considered a placement.

The county held a family group conference in August 2019 to determine alternative permanency options for the child. Mother's family identified foster parents as their

preferred permanency option. Lower Sioux disagreed, stating that it preferred appellants as a permanency option instead.

At a review hearing on September 24, 2019, Lower Sioux requested that the child be placed in appellants' care. Mother objected and requested that the child remain with foster parents. The child's guardian ad litem also expressed concerns about moving the child to a different placement. The district court directed the county to begin a transition plan for the child to move into appellants' home. But a short time later, mother filed a motion seeking to prevent the change of placement. Mother argued that ICWA and MIFPA did not apply and that, even if they did, there was good cause to continue the child's placement with foster parents based on mother's preference.

After a hearing on mother's motion, the district court issued an order on November 27, 2019, granting mother's requested relief. The district court determined that ICWA and MIFPA applied and that the child is considered an Indian child because she is eligible for membership in Lower Sioux. Even so, the district court determined that mother had proven by clear and convincing evidence that there was good cause to deviate from the order of placement preferences. In determining that there was good cause, the district court cited the facts that mother had requested that the court deviate from the order of placement preferences and that the child had developed a strong bond with foster parents. As a result, the district court ordered that the child remain with foster parents rather than be placed with appellants. Foster parents later conveyed their interest in adopting the child.

Termination of Parental Rights and Appellants' Motion to Intervene

Seven months later, in June 2020, the county filed a petition to terminate the parental rights of both mother and father (the TPR petition). The TPR petition sought termination of mother's parental rights based on her interest in consenting to adoption by foster parents, and the petition sought to terminate father's parental rights based on several grounds for involuntary termination or voluntary termination with father's written consent. The county provided notice to Lower Sioux of the TPR petition.

In July 2020, appellants filed a motion to intervene in the TPR matter and requested to be considered an adoptive placement for the child. Appellants asserted that their intervention was in the child's best interests because the child is an Indian child, appellants are extended family members of the child, and Lower Sioux supported them as the preferred placement for the child. The motion asked the district court to order the county to take appropriate action regarding their request for consideration as an adoptive placement.

In support of their motion, appellants submitted a declaration from a member of Lower Sioux, who offered a statement as a qualified expert witness under ICWA and MIFPA. The qualified expert witness reaffirmed Lower Sioux's previous statement that the child is an Indian child and eligible for enrollment in the tribe. The expert stated that, under the "fluidity and dynamic character of Indian extended families," Lower Sioux considered anyone "related by blood or marriage who maintains some form of significant contact with the child" to be a family member to an Indian child. The expert opined, "Given the significance and closeness of [T.E.'s] relationship with [father] and [father's]

family, it is my expert opinion that [T.E.] and, consequently, his wife [K.E.] are relatives of [the child] under . . . Lower Sioux's laws and customs."

The county opposed appellants' motion to intervene and supported adoptive placement by foster parents. Foster parents indicated that they had established a strong connection with mother's side of the family, and they regularly brought the child to visit her maternal relatives and half-siblings. Foster parents also stated that they were seeking to learn about the child's culture and heritage and that they intended to expose the child to Lower Sioux's cultural events, including the tribe's annual powwow.

On August 28, 2020, mother signed a consent to adoption, which was executed in writing before the district court. The consent to adoption stated that mother wished for foster parents to adopt the child and that mother believed this was in the child's best interests. On October 6, 2020, father signed an affidavit to voluntarily terminate his parental rights. The district court terminated the parental rights of mother and father in a January 19, 2021 order. The district court also denied appellants' motion to intervene. In the TPR order, the district court noted that it had determined before that there was clear and convincing evidence of good cause to modify the ICWA order of placement preferences, and it concluded that "[g]ood cause continues to exist to deviate from the ICWA order of placement preference[s]."

After mother's and father's parental rights were terminated, the child remained in foster parents' care while the county continued adoption efforts. Foster parents specified that they were willing to support an ongoing relationship with father's side of the family,

including appellants. The guardian ad litem reported that the child was "thriving" in foster parents' care.

Appellants' Post-Termination Motion for Adoptive Placement

Thirteen months after the county filed the TPR petition, on July 26, 2021, appellants filed a motion under Minn. Stat. § 260C.607, subds. 5, 6 (2020), which again requested permission to intervene in the proceedings and alleged that the county had been unreasonable both in failing to consider appellants as relatives of the child, and in not identifying them as the preferred adoptive placement. The motion asked the district court to take the following actions: (1) to explain why appellants were not "relatives" of the child, (2) to explain the reason for the county's refusal to defer to Lower Sioux's determination about the suitability of appellants' home for adoptive placement, (3) to reconsider the decision to depart from the order of placement preferences provided in ICWA and MIFPA, and (4) to explain why an adoptive placement with appellants would not meet the child's best interests. Alternatively, appellants asked the district court to find that appellants had made a prima facie showing that the county had been unreasonable by refusing to consider them as the preferred adoptive placement, and they asked the district court to set the matter for an evidentiary hearing. Lower Sioux supported appellants' motion.

The district court addressed appellants' motion in a November 22, 2021 order. The county did not object to appellants having party status, and the district court granted appellants' motion to intervene. But the district court denied appellants' remaining requests, reaffirming its previous reasons for not granting appellants' requests for adoptive

placement. The district court reasoned that there was good cause to deviate from the ICWA and MIFPA placement preferences based on "the reasonable request of the mother that her daughter remain in the care and custody of [foster parents]," as well as "the familial bond [the child] has established with [foster parents]." In determining that mother's request was reasonable, the district court noted that mother had signed a written voluntary consent to the child's adoption by foster parents. For these reasons, the district court denied appellants' requests and reaffirmed the decision for adoption proceedings to proceed with foster parents.

This appeal follows.

DECISION

I. ICWA and MIFPA govern the adoptive placement proceedings in this case.

Juvenile-protection proceedings are governed by chapter 260C of the Minnesota Statutes. *See* Minn. Stat. §§ 260C.001-.637 (2020). When a juvenile-protection case involves an "Indian child," the proceedings are subject to additional requirements of ICWA under federal law and MIFPA under Minnesota law. *See* 25 U.S.C. §§ 1901-1923 (2018); Minn. Stat. §§ 260.751-.835 (2020); *see also* Minn. Stat. § 260C.001, subds. 2(a), 3 (requiring that, in proceedings involving an Indian child, determinations of the children's best interests must comply with ICWA). ICWA seeks to protect, among other interests, the best interests of Indian children. 25 U.S.C. § 1902; *see also Miss. Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 32-37 (1989) (discussing origin and purposes of ICWA). ICWA creates "a presumption that placement of Indian children within the preferences of the Act is in the best interests of Indian children." *In re Custody of S.E.G.*, 521 N.W.2d

357, 362 (Minn. 1994). In its November 27, 2019 order, the district court determined that the child is an Indian child, and the parties do not dispute that determination on appeal. *See* Minn. Stat. § 260.755, subd. 8 (defining "Indian child" for purposes of MIFPA).

ICWA provides the following directive for the adoptive placement of an Indian child:

> In any adoptive placement of an Indian child under State law, a preference shall be given, in the absence of good cause to the contrary, to a placement with (1) a member of the child's extended family; (2) other members of the Indian child's tribe; or (3) other Indian families.

25 U.S.C. § 1915(a). When placing an Indian child, the district court "must follow the order of placement preferences required" by ICWA. Minn. Stat. § 260.771, subd. 7(a); *see also* Minn. Stat. § 260C.212, subd. 2(a) (requiring the agency to follow the order of placement preferences in ICWA when placing an Indian child in foster care). The district court "may place a child outside the order of placement preferences only if the court determines there is good cause." Minn. Stat. § 260.771, subd. 7(b).

II. The district court did not err by denying appellants' motion for adoptive placement without an evidentiary hearing.

Appellants challenge the district court's denial of their July 26, 2021 motion asserting that the county was unreasonable in failing to make the adoptive placement requested by appellants. Appellants brought the motion under Minn. Stat. § 260C.607, subd. 6, and they requested an evidentiary hearing on the motion.

A relative "who believes the responsible agency has not reasonably considered the relative's . . . request to be considered for adoptive placement as required under

section 260C.212, subdivision 2, and who wants to be considered for adoptive placement," may move the district court for that relief. Minn. Stat. § 260C.607, subd. 5(b). A relative seeking to be an adoptive placement must file a motion and supporting documents that "make a prima facie showing that the agency has been unreasonable in failing to make the requested adoptive placement." *Id*., subd. 6(a), (b); *see also In re Welfare of L.L.P.*, 836 N.W.2d 563, 570 (Minn. App. 2013). If the motion and supporting documents make a prima facie showing that the county was unreasonable in failing to make the requested adoptive placement, the district court must hold an evidentiary hearing on the matter; if no prima facie showing is made, the district court must dismiss the motion.[1] Minn. Stat. § 260C.607, subd. 6(c).

"A motion for adoptive placement is analogous to a motion to modify custody." *L.L.P.*, 836 N.W.2d at 570. At the prima-facie-case stage, the district court must accept the facts in the moving party's documents as true, disregard contrary allegations, and consider the nonmoving party's documents only for explaining or providing context. *Id*. In the analogous context of a motion to modify custody, we have stated that "[a]t the prima-facie-case stage of the proceeding, [the movant] need not *establish* anything," but "need only make allegations which, if true, would allow the district court to grant the relief [the movant] seeks." *Amarreh v. Amarreh*, 918 N.W.2d 228, 231 (Minn. App. 2018), *rev.*

[1] We understand the reference to a "prima facie showing" in section 260C.607 to be synonymous with a "prima facie case" as used in caselaw. *See L.L.P.*, 836 N.W.2d at 570 (repeatedly using the term "prima facie case" in an appeal reviewing a district court's dismissal of a motion for adoptive placement under Minn. Stat. § 260C.607 without an evidentiary hearing).

denied (Minn. Oct. 24, 2018); *see also Tousignant v. St. Louis County*, 615 N.W.2d 53, 59 (Minn. 2000) (stating that a prima facie case is "one that prevails in the absence of evidence invalidating it" (quotation omitted)); *Braylock v. Jesson*, 819 N.W.2d 585, 590 n.2 (Minn. 2012) (noting that the term "prima facie case" is a term of art that "does not always carry the same meaning in every context," but "may vary depending on the nature of the proceedings, the type of action involved, and the stage of the litigation").

We review the district court's determination of whether appellants established a prima facie case of unreasonableness for an abuse of discretion. *L.L.P.*, 836 N.W.2d at 570. Generally, a district court abuses its discretion if it makes findings of fact that are not supported by the record, improperly applies the law, or otherwise resolves a discretionary question in a manner that is contrary to logic or the facts in the record. *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022); *see also Dobrin v. Dobrin*, 569 N.W.2d 199, 202 (Minn. 1997); *In re Adoption of T.A.M.*, 791 N.W.2d 573, 578 (Minn. App. 2010) (applying this aspect of *Dobrin* in an adoption appeal). At the prima-facie-case stage of the proceedings, the district court does not find facts, and its assessment of whether the movant's motion and supporting documents make a prima facie case is based on the movant's allegations.

Appellants argue that their motion and supporting documents made a prima facie case that the county was unreasonable in failing to make their requested adoptive placement. Appellants contend that the district court erred by denying their motion without an evidentiary hearing because the district court misapplied ICWA and MIFPA, failed to accept appellants' allegations as true, and reached a conclusion that is not supported by

logic or the record. Appellants assert that the district court misapplied the requirements for ICWA and MIFPA in two ways: (1) by failing to recognize appellants as "extended family" of the child where they would be the first placement preference, and (2) by determining that there was good cause to depart from the order of placement preferences. We address each argument in turn.

A. Appellants have alleged sufficient facts that they are the preferred adoptive placement because they are extended family of the child.

ICWA provides that the first preferred placement of an Indian child is with "a member of the Indian child's extended family." 25 U.S.C. § 1915(a). An "extended family member" is "defined by the law or custom of the Indian child's tribe." 25 U.S.C. § 1903(2); *see also* Minn. Stat. § 260C.007, subd. 26b (defining "relative of an Indian child" as "a person who is a member of the Indian child's family as defined in" ICWA, including section 1903(2)). Appellants assert that they qualify as "extended family" of the child.[2]

Appellants' assertion that they are "extended family" of the child is consistent with the declaration from Lower Sioux's qualified expert witness. The expert stated that, under Lower Sioux's understanding of extended families, anyone who is "related by blood or marriage who maintains some form of significant contact with the child" is considered a family member to an Indian child. The expert opined that, based on the closeness of the relationship between father and T.E., both appellants are "relatives" under Lower Sioux's

[2] Appellants argue that the district court erroneously "refused" to recognize appellants as extended family of the child. We observe that the district court did not expressly make this ruling. Instead, the district court appears to have assumed without deciding that appellants were extended family, but it denied appellants' requests because it concluded that there was good cause to deviate from the order of placement preferences.

laws and customs. At the prima-facie-case stage, the expert declaration is sufficient on this point.

We recognize that appellants' relation to father could be seen as attenuated: T.E. is father's cousin's wife's brother. But ICWA is clear that the tribal law or custom, rather than non-Indian societal standards, are determinative of whether someone qualifies as extended family of an Indian child. *See* 25 U.S.C. § 1903(2). Because appellants have made allegations that, if true, would allow the district court to rule that they are "extended family" of the child as defined by the law or custom of Lower Sioux, and because "extended family" of the child are entitled to a placement preference, appellants have adequately alleged that they are a preferred adoptive placement under ICWA and MIFPA.

B. The district court did not err in its analysis of good cause to deviate from the ICWA and MIFPA order of placement preferences, or by determining that appellants failed to make a prima facie case that the county was unreasonable in failing to make the requested adoptive placement.

When placing an Indian child, the district court "must follow the order of placement preferences required" by ICWA, unless the district court determines that there is "good cause" to place the child outside the order of placement preferences. Minn. Stat. § 260.771, subd. 7(a), (b). MIFPA itemizes factors for the district court to consider in determining whether there is good cause:

> (1) the reasonable request of the Indian child's parents, if one or both parents attest that they have reviewed the placement options that comply with the order of placement preferences;
> (2) the reasonable request of the Indian child if the child is able to understand and comprehend the decision that is being made;

> (3) the testimony of a qualified expert designated by the child's tribe and, if necessary, testimony from an expert witness who meets [the] qualifications of [the statute], that supports placement outside the order of placement preferences due to extraordinary physical or emotional needs of the child that require highly specialized services; or
> (4) the testimony by the local social services agency that a diligent search has been conducted that did not locate any available, suitable families for the child that meet the placement preference criteria.

Id., subd. 7(b). Good cause to deviate from the order of placement preferences cannot be based on "[t]estimony of the child's bonding or attachment to a foster family alone, without the existence of at least one of the [above-listed] factors." *Id.*, subd. 7(c).

At the prima-facie-case stage, the district court must accept the facts in the moving party's allegations as true and may consider the nonmoving party's allegations only to provide context. *L.L.P.*, 836 N.W.2d at 570. Here, the district court accepted appellants' allegations in their motion and supporting documents. The district court also recognized the procedural history of the case and the facts that the parties did not dispute—including mother's consent to the child's adoption by foster parents, father's voluntary termination of his parental rights, foster parents' wish to adopt the child and their established bond with the child, appellants' wish to adopt the child, and the guardian ad litem's belief that it was in the child's best interests to be adopted by foster parents. Considering all these facts, the district court determined that there was good cause to deviate from the order of placement preferences, based primarily on two factors: (1) mother's request that the child remain in foster parents' care; and (2) the "familial bond" that the child had established with foster parents. When reviewing a district court's good-cause analysis, we review de novo

whether the district court considered improper factors or improperly weighed certain factors. *S.E.G.*, 521 N.W.2d at 363.

We conclude that the district court neither considered improper factors nor improperly weighed the factors when it determined that there was good cause to deviate from the order of placement preferences. It was not improper for the district court to rely on mother's request for the child to remain in foster parents' care. The district court may find good cause based on "the *reasonable request* of the Indian child's parents, if *one or both* parents attest that they have reviewed the placement options." Minn. Stat. § 260.771, subd. 7(b)(1) (emphasis added). Mother signed a consent to adopt in August 2020 acknowledging her desire that foster parents adopt the child. And the record supports that mother had strong reasons for wanting the child to remain with foster parents: foster parents had established strong connections with mother's biological family and the child spent time with her half-siblings and other maternal relatives. The guardian ad litem also reported that the child was thriving in foster parents' care. Under these circumstances, the district court did not err by determining that mother's request was reasonable, which is enough to satisfy the statute.[3]

[3] This position aligns with cases from other states applying ICWA, which have recognized that good cause may exist to deviate from the order of placement preferences when one parent voluntarily terminates parental rights and expresses a desire for the child to be placed with a non-Indian family. *See, e.g.*, *In re Adoption of Keith M.W.*, 79 P.3d 623, 631-32 (Alaska 2003) (holding that the district court's determination that good cause existed to deviate from the ICWA order of placement preferences was not erroneous and that mother's preference to have the child adopted by the foster parents "was central to its decision and was an appropriate factor . . . to consider in its finding of good cause," when the district court also considered other factors (quotation omitted)); *In re Baby Boy Doe*, 902 P.2d 477, 487 (Idaho 1995) (determining that the district court "did not err as a matter

We also conclude that the district court did not err in considering the bond between the child and foster parents. The district court may not rely on "the child's bonding or attachment to a foster family *alone*." Minn. Stat. § 260.711, subd. 7(c) (emphasis added). Here, the district court made clear that it was not relying solely on the bond between the child and the foster family, and instead cited it as just one factor. And nothing in the statute prohibits the district court from considering this factor alongside others. *See id.*, subd. 7; *see also S.E.G.*, 521 N.W.2d at 363 (recognizing that a need for permanence, much like the bonding argument the district court considered here, may still be considered to determine whether good cause exists to deviate from the order of placement preferences). Because the district court clearly articulated that the bond between the child and foster parents was not the sole basis of its good-cause determination, the district court did not err in this respect. For these reasons, the district court did not misapply the law when analyzing the existence of good cause to deviate from the order of placement preferences in ICWA and MIFPA.

Based on these facts, we similarly conclude that the district court did not abuse its discretion by determining that appellants failed to make a prima facie showing that the county acted unreasonably. The district court properly accepted the allegations in appellants' motion and supporting documents as true. *See L.L.P.*, 836 N.W.2d at 570. The district court also considered the nonmoving parties' submissions to the extent those added

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of law by giving weight to the mother's preference to place the child with the adoptive parents" when concluding that there was good cause to deviate from the ICWA order of placement preferences).

context to and did not contradict appellants' allegations. The nonmoving parties (the county and mother) pointed to the fact that mother had signed a consent to adopt, which was executed in writing before the district court. This fact is undisputed and legally significant, so it was appropriate for the district court to consider this fact to give context to appellants' allegations. *See id.* The consent to adopt stated that mother wanted foster parents to adopt the child and believed that adoption by foster parents was in the child's best interests. The county's decision not to place the child with appellants and for the child to remain in foster parents' care carried out mother's preference as expressed in the consent to adopt. Appellants' submissions in support of their motion do not make allegations addressing how, in light of the consent to adopt, the county's failure to make appellants' requested placement was unreasonable.[4]

We further observe that the parties had extensively litigated the issue of the child's adoptive placement. Appellants' motion made essentially the same allegations and arguments in favor of adoptive placement that the district court had previously rejected, and appellants' additional allegations in support of their motion do not show that the district court's previous decisions were erroneous. For these reasons, we see no abuse of discretion in the district court's determination that appellants' allegations, even if true, were not

[4] Mother's brief takes the argument one step further and contends that, because mother signed the consent to adopt, appellants were legally ineligible to adopt the child and were thus barred entirely from bringing their motion for adoptive placement. *See* Minn. Stat. § 260C.607, subd. 7 (providing that, when a child's parent has consented to adoption, "only the person identified by the parent and agreed to by the agency as the prospective adoptive parent qualifies for adoptive placement of the child"). Given our decision, we need not address mother's alternative argument.

sufficient to show that the county acted unreasonably by failing to place the child with appellants.

In sum, we conclude that the district court did not abuse its discretion by determining that appellants failed to make a prima facie showing that the county was unreasonable in failing to make the requested adoptive placement. As a result, the district court did not err by denying appellants' motion without an evidentiary hearing.

Affirmed.