STATE OF MINNESOTA

IN SUPREME COURT

A20-1182

Court of Appeals McKeig, J.

In the Matter of the Welfare of the Child of:
H.G.D. and J.R.Q., Parents.

Filed: August 4, 2021
Office of Appellate Courts

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Christos Jensen, Assistant Ramsey County Attorney, Saint Paul, Minnesota, and Lisa Michelle Thompson, Assistant Anoka County Attorney, Anoka, Minnesota, for amicus curiae Minnesota County Attorneys Association.

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S Y L L A B U S

1. Even when a parent fails to appear for a noticed hearing in a juvenile protection proceeding, the allegations in the petition at issue in that proceeding must be proven by clear and convincing evidence. A petition alleging a child is in need of protection or services need not be entered into evidence for the district court to consider

the allegations of that petition in deciding whether to grant the relief requested if evidence establishes the reliability of the allegations in the petition.

2. The district court did not err in finding the child was in need of protection or services pursuant to Minn. Stat. § 260C.007, subd. 6(3), (8)–(9) (2020).

Reversed.

O P I N I O N

MCKEIG, Justice.

This appeal presents two legal questions related to juvenile protection proceedings: (1) whether a district court may consider the allegations in a petition to be deemed admitted if a parent fails to appear at a noticed hearing on the petition; and, (2) whether a petition must be entered into evidence to be considered in a district court's determination that a child is need of protection or services. Respondent H.D.G., the child's mother, failed to appear at a pretrial hearing and appellant Rice County Social Services requested to proceed by default pursuant to Minn. R. Juv. Prot. P. 18. The district court granted that request over the objection of mother's attorney, and after taking testimony, found that mother's child was in need of protection or services.

On appeal, mother did not challenge the district court's decision to proceed by default; rather, she asserted that the allegations in the County's petition could not be considered in determining whether the County met its burden of proof. Then, she argued that, absent considering the County's petition, the evidence was insufficient to establish that the child was in need of protection or services. The court of appeals agreed with mother and reversed the district court's decision. Because we conclude that the district

court properly considered the allegations of the petition in this case, and the County proved the allegations of the petition by clear and convincing evidence, we reverse.

FACTS

H.D.G. is the mother of I.D.-Q. On June 24, 2020, Rice County Social Services filed a Petition for Child in Need of Protection Services (CHIPS) on behalf of the child, who was 5 years old at the initiation of these proceedings. Before filing the petition, the County had received multiple child protection reports alleging neglect of the child, from January to May 2020. The County completed one family assessment and one child-protection investigation before the petition was filed.[1]

The petition alleged that mother has a history of housing instability; for example, in the 3 months before the petition was filed, mother moved six times between four different addresses. In May 2020, the County received a report that mother had left the child with a relative for 3 weeks, with no follow up or contact by mother during that time. Mother had originally told the relative to watch the child for 1 week. After 3 weeks, the relative could no longer keep the child and she contacted the county for assistance.

The petition alleged that mother had unresolved mental health and chemical dependency issues. A few weeks before the petition was filed, a psychiatric evaluation showed that the mother was experiencing auditory hallucinations or delusions, was positive for psychosis, and had stopped taking her medications despite being diagnosed with

[1] This summary of the facts comes from the record on appeal, which in addition to the testimony at the pretrial hearing, includes the petition and reports filed with the district court. *See* Minn. R. Civ. App. P. 110.01 (stating the record on appeal includes the documents filed in the trial court).

conditions that required her to do so. She had been diagnosed with alcohol and substance abuse disorders, ranging from moderate to severe. Although she had received substance abuse treatment, she had a history of noncompliance and was unable to remain sober.

The petition alleged incidents of violence and physical threats of danger that put the child's well-being at risk. For example, mother and the child had resided with a man who faced charges for domestic assault. In January 2020, mother was arrested after she assaulted the child's father, in the child's presence. In May 2020, mother went to her own mother's residence after midnight, with a knife and a replica BB gun in her purse, and threatened to kill her. As a condition of her release from jail on this charge, mother was prohibited from possessing or consuming alcohol. County investigators reported, however, that the child stated that mother was drinking too much and, on occasion, yelling at the child.

In late May 2020, a Steele County Deputy responded to a report that mother was wandering around neighborhoods, "having a hard time walking, carrying two bags and possibly a razor." The deputy found her walking through a wooded area on a muddy path, smelling strongly of alcohol. The deputy described mother as "very emotional and irrational."

The County's petition was filed in Rice County District Court on June 24, 2020, alleging that the child was in need of protection or services pursuant to Minn. Stat. § 260C.007, subd. 6(3), (8)–(9) (2020). The juvenile court held an Emergency Protective

Care (EPC) hearing, pursuant to Minn. R. Juv. Prot. P. 42, on June 26, 2020.[2] The court found the petition stated a prima facie case that a child protection matter existed, that mother's child was the subject of the matter, and that the child would be endangered if she were returned to mother's care. *See* Minn. R. Juv. Prot. P. 42.08, subd. 1(a)–(b) (explaining prima facie determinations). The court continued the child's temporary legal and physical custody with the County. Mother, represented by counsel, requested a continuance to allow for "the accumulation or presentation of evidence," *see* Minn. R. Juv. Prot. P. 42.01, subd. 2, and to allow the County to visit the housing she had recently secured to determine its suitability for the child. The district court granted this request, and also required mother to submit to chemical testing at the County's request.

At the continued EPC hearing on July 6, 2020, the district court granted mother's request to return the child to her care if, after inspection, the County determined that mother's residence was safe and appropriate for the child. Mother also had to demonstrate her sobriety through a urinalysis test and continue to submit to chemical testing at the County's request. The district court combined the EPC hearing with the admit/deny hearing, *see* Minn. R. Juv. Prot. P. 43, subd. 1, and thus Mother entered a denial to the allegations of the County's petition at the hearing.[3]

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[2] The child's father, J.R.Q., appeared for this hearing but did not participate in the appeal at the court of appeals or before us.

[3] The child was returned to mother's care on July 9, 2020, after mother provided one clean urinalysis test and the guardian ad litem approved mother's new home. The child's placement as of this date is not at issue before us.

On July 8, 2020, mother received notice of the pretrial hearing that was scheduled for August 14, 2020. The notice stated that the mother was "expected to appear" at the hearing "fully prepared." If she did not appear, the notice stated that the district court could "conduct the hearing without" her, "find that the factual allegations and statutory grounds set forth in the Petition have been proved," and grant "the relief requested in the Petition."

Mother did not appear for the pretrial hearing held on August 14, 2020. Mother's attorney explained on the record that she spoke to mother three times the previous day, that the instructions for the hearing (which was held by Zoom) were sent to mother, and she knew that mother intended to appear at the hearing. However, mother's attorney stated that her phone calls that morning were "going straight to voicemail" and she did not know mother's whereabouts.

The County expressed concern about mother's absence from the hearing, noting that the child had been returned to mother as directed at the July 6 hearing. Thus, the County asked the district court to proceed by default pursuant to Minn. R. Juv. Prot. P. 18. The child's guardian ad litem agreed with the County's request to proceed by default, noting that mother had missed appointments the guardian had scheduled with her after the July 6 hearing. The court, over the objection of mother's attorney, granted the County's request to proceed by default.

The County called two witnesses to testify. A Rice County social worker testified under oath that he prepared and signed the petition. He also testified that he had participated in a family assessment and an investigation, both in 2020, regarding mother and her child. He testified that the petition included the "numerous contacts" he had with

mother in 2020. Finally, he testified that everything stated in the petition was true and correct, and based on all of the information in the petition he believed the child was in need of protection or services. Mother's attorney did not object to this testimony or cross-examine the witness.

The next witness, the mother's Rice County case manager, confirmed that the child was returned to mother's care on July 9, 2020, after the home was inspected and determined to be safe, and after mother provided a negative urinalysis test. Thereafter, the witness testified, mother had been inconsistent in her disclosures to the County, difficult to contact, and unwilling to meet with the County. For example, mother disclosed an incident of potential violence involving the child's father, which occurred while the child was present, but mother would not commit to a date and time on which the County could see the child. Mother also reported to the case manager that she had moved most of her belongings to a new residence, but would not provide her new address. The witness also testified that mother had missed two appointments with her probation officer for urinalysis tests. Mother's attorney did not cross-examine this witness.

The County then rested its case. Mother's attorney did not present any witnesses or any evidence.

After hearing closing arguments, the district court found that the County "proved by clear and convincing and uncontroverted evidence" that the child was in need of protection or services pursuant to Minn. Stat. § 260C.007, subd. 6(3), (8)–(9). The court noted that mother had been "out of contact" with the social worker, her probation officer,

and the guardian ad litem after July 9, 2020, thus making it "impossible" to ensure the child's safety in mother's care.

Mother appealed to the court of appeals. She asserted that the testimony of the County's witnesses was insufficient to demonstrate by clear and convincing evidence that the child was in need of protection or services. The County contended that the evidence before the district court included its petition and that, because mother failed to appear for pretrial hearing, the allegations in the petition were effectively admitted. In response, mother argued that the district court could not consider the allegations in the petition because the petition itself was not entered into evidence.

The court of appeals agreed with the mother, holding that the juvenile protection rules do not allow for relief in a default proceeding "based solely on the pleadings," and the County must still prove the allegations of a petition by clear and convincing evidence. *In re Welfare of Child of H.G.D.*, 953 N.W.2d 735, 740 (Minn. App. 2021). It also held the district court could not consider the allegations in the petition as true when deciding whether the County had shown by clear and convincing evidence that the child is in need of protection or services. *Id.* at 741. Because it found that the district court could not consider the allegations of the petition in its decision, the court of appeals concluded that the evidence was insufficient to adjudicate the child in need of protection or services. *Id*. at 741–43. Accordingly, the court of appeals reversed the district court. *Id*. at 743.

We granted the County's petition for review.

ANALYSIS

The primary issue presented by this appeal is whether there is sufficient evidence to support the district court's determination that the child is in need of protection or services. Mother concedes that the district court did not err by proceeding in default based on her failure to appear at the pretrial hearing. But to determine whether the evidence is sufficient, we must first resolve the parties' dispute over the relevance of the County's petition to the district court's decision.

I.

Before the court of appeals, the County asserted that mother's failure to appear allowed the district court, once it proceeded by default, to consider the allegations of the petition deemed admitted. In the appeal to our court, the County asks us to adopt a rule of law that "when a district court proceeds by default in a juvenile protection matter, the defaulting party is deemed to have admitted the facts in the petition by virtue of their default."

Mother disagrees. She asserts that even when a parent does not appear at a noticed hearing, the County's burden of proof is unchanged: the allegations of a petition must be shown by clear and convincing evidence. Further, she argues that the district court could not consider the County's petition in this case because it was never offered into evidence.

A.

Relying on *Thorp Loan & Thrift Co. v. Morse*, 451 N.W.2d 361 (Minn. App. 1990), *rev. denied* (Minn. Apr. 13, 1990), the County argues that on appeal from a default judgment, the appellant "may not assert facts on appeal which were not asserted below."

Id. at 363 (emphasis omitted). Thus, before the court of appeals, the County argued that the facts alleged in its petition should be accepted as true in considering whether clear and convincing evidence supports the district court's decision. The court of appeals disagreed, stating that the rules that govern juvenile protection proceedings "do not allow for relief based solely on the pleadings" and even when a parent defaults by failing to appear or defend, the petitioner retains the "burden to present evidence proving the allegations in the petition." *In re Welfare of Child of H.G.D.*, 953 N.W.2d at 740. Thus, the court held that the district court could not consider the allegations in the County's petition as true in making its determination. *Id*. at 741.

The County asks us to adopt the rule of law stated in *Thorp Loan & Thrift Co.*, asserting that the court of appeals has consistently applied this rule in appeals from default orders in juvenile protection matters. The County also notes that the petition is part of the record on appeal, *see* Minn. R. Civ. App. P. 110.01, and should be considered in reviewing the district court's decision. Mother disagrees. She argues that the petition was never offered into evidence or admitted and cannot be considered in reviewing the district court's decision.

The Rules of Juvenile Protection Procedure govern child protection cases. *See* Minn. R. Juv. Prot. P. 1.01. Their purpose is to "provide a just, thorough, speedy, and efficient determination of each juvenile protection matter before the court and ensure due process for all persons involved in the procedures." Minn. R. Juv. Prot. P. 1.02(b). The interpretation of the Rules of Juvenile Protection is a legal question that we review de novo. *In re Welfare of Child of R.K.*, 901 N.W.2d 156, 159 (Minn. 2017).

We have applied the rules of civil procedure on occasion in juvenile protection matters, including in the context of proceedings in which a parent has defaulted by failing to appear.[4] *See In re Welfare of Children of Coats*, 633 N.W.2d 505, 510 (Minn. 2001) (considering whether the district court erred in denying a parent's motion under Minn. R. Civ. P. 60.02 to vacate a default judgment in a parental termination case). But we have not applied the default standard used in civil cases, *see* Minn. R. Civ. P. 55, to a parent's failure to appear in juvenile protection matters because the Rules of Civil Procedure do not apply in these cases unless a rule of juvenile protection procedure states otherwise. *See* Minn. R. Juv. Prot. P. 3.01.

Under the Rules of Civil Procedure, when a party fails to appear, plead, or otherwise defend against a claim for which "affirmative relief is sought," a default judgment is entered if the failure to appear or defend is shown by affidavit. Minn. R. Civ. P. 55.01. Under this rule, judgment is entered based solely on the failure to appear or defend. As a result, the "party in default may not deny facts alleged in the complaint when such facts were not put into issue below," *Thorp Loan & Thrift Co.*, 451 N.W.2d at 363, and the "default judgment is equivalent to an admission by the defaulting party to properly pleaded claims and allegations," *State by Humphrey v. Ri-Mel, Inc.*, 417 N.W.2d 102, 110 (Minn. App. 1987), *rev. denied* (Minn. Feb. 17, 1988). *See also Doud, Sons & Co. v. Duluth*

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[4] Other than for the admit/deny hearing, when a denial may be entered by counsel, Minn. R. Juv. Prot. P. 47.02, subd. 1, Minn. R. Juv. Prot. P. 56.02, subd. 1, parents are required to personally appear at child protection hearings, even if represented by counsel. *See* Minn. R. Juv. Prot. P. 18.01; *see also In re Welfare of Children of Coats*, 633 N.W.2d 505, 509 n.2 (Minn. 2001).

Milling Co., 56 N.W. 463, 463–64 (Minn. 1883) (recognizing that a district court may enter a default judgment against a defendant who does not answer a complaint or appear in court so long as the allegations in the complaint are "proper").

By contrast, Rule 18 of the Rules of Juvenile Protection Procedure does not permit entry of judgment based solely on a failure to appear. Instead, if a parent fails to appear, the court "may receive evidence in support of the petition," and if it does so, "may enter an order granting the relief sought in the petition" if the allegations of the petition are "proved by the applicable standard of proof." Minn. R. Juv. Prot. P. 18.01–.02. Nothing in the language of this rule relieves the County from its burden to prove the allegations of the petition by the appropriate standard of proof; to the contrary, the language of Rule 18.02 expressly requires proof of the allegations by the relevant standard, even when the parent fails to appear. In this case, that standard is clear and convincing evidence. Minn. R. Juv. Prot. P. 49.03; Minn. Stat. § 260C.163, subd. 1(a) (2020); *see also In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008) (applying clear and convincing standard to parental termination decision).

The default at issue here is a failure to appear for a noticed hearing, *see* Minn. R. Juv. Prot. P. 18.01 (allowing the district court to "receive evidence in support of the petition" when a party "fails to appear for an admit-deny hearing, a pretrial hearing, or a trial" after receiving notice of the hearing). Further, unlike the procedure authorized in civil cases when a party "fail[s] to plead or otherwise defend," Minn. R. Civ. P. 55.01, mother appeared for the hearing held on July 6, 2020, and entered a denial to the allegations of the petition. *See* Minn. R. Juv. Prot. P. 46.01 ("An admit/deny hearing is a hearing at

which the statutory grounds set forth in the petition are admitted or denied pursuant to Rule 47."). Therefore, we cannot agree with the County that the allegations in the petition are deemed admitted *after* mother denied those allegations, simply because mother did not appear for the pretrial hearing.

Accordingly, we agree with the court of appeals that the district court could not simply accept the allegations in the County's petition as true when mother failed to appear for the pretrial hearing. Even when a district court decides to proceed by default pursuant to Rule 18, the County is required to prove the allegations of the petition by clear and convincing evidence.

B.

We next consider whether the district court could consider the allegations of the County's petition once evidence was received in support of that petition. In other words, even if the allegations of the petition are not deemed true simply because mother failed to appear, are those allegations nonetheless part of the record of information that supports the County's request to determine that the child is in need of protection or services?

The court of appeals concluded that the "district court could not rely on the allegations" in the County's petition, and thus considered whether the County met its burden of proof by looking "only to the evidence presented at" the hearing. *In re Welfare of Child of H.G.D.*, 953 N.W.2d at 741. The County argues that the court erred in this narrowed focus because a witness for the County testified under oath that the allegations of the petition were true, which was sufficient for the court to consider those allegations. Mother disagrees. She argues that the district court could not consider the petition and

could only consider the testimony offered at the pretrial hearing because Rule 18 requires the evidence offered when a parent defaults to be "in support of the petition." Minn. R. Juv. Prot. P. 18.01. This requirement, she asserts, means that the evidence offered must be independent of the petition.

We start with the court of appeals' statement that the County did not "present evidence to prove the allegations in the petition." *In re Welfare of Child of H.G.D.*, 953 N.W.2d at 740–41. Under the Rules of Juvenile Protection Procedure, "[a] child in need of protection or services matter is commenced by filing a petition with the court." Minn. R. Juv. Prot. P. 44.01. The petition must "be verified by a person having knowledge of the facts, and may be verified on information and belief." Minn. R. Juv. Prot. P. 45.02, subd. 1. The petition must have "a statement of facts that, if proven, would support the relief requested in the petition." *Id.*, subd. 1(a).

The County alleged three separate grounds on which the child was in need of protection or services: first, the child was "without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent . . . is unable or unwilling to provide that care," Minn. Stat. § 260C.007, subd. 6(3); second, the child was "without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent," *id.*, subd. 6(8); and, third, the child's "behavior, condition, or environment is such as to be injurious or dangerous to the child or others," *id.*, subd. 6(9). The allegations in the County's petition detailed mother's transient housing, multiple relocations to different residences over a span of several weeks, and decision to leave the child with a relative for an extended period

without any contact from mother. The petition included allegations regarding mother's longstanding substance abuse disorder, inability to remain sober, lack of compliance with treatment evaluations and programs, and the adverse impact of mother's chronic and severe substance abuse on the child's mental and emotional stability. Finally, the petition included allegations of domestic violence and mother's dangerous behaviors that put the child's mental and physical health and well-being in danger.

Before the pretrial hearing, the district court found that the County's petition established a prima facie case that the child was in need of protection or services. Mother, as noted above, had entered a denial of the allegations in that petition. Then, at the pretrial hearing, the social worker who prepared the petition testified that he had participated in a family assessment and protection investigation, and that the petition recited his numerous contacts with mother and the child. He also testified that everything stated in the petition was true and correct. Finally, he testified that based on the allegations in the petition, he believed the child is in need of protection or services. Mother's attorney did not object to this testimony, nor did she cross-examine him.

A second witness for the County testified that mother had been "very inconsistent" in her disclosures to the County regarding her housing and location after the child was returned to her care, and there were concerns regarding the child's safety given a recent report of violence between the parents. The witness testified that it was difficult to contact mother, and "there's always a reason she is unable to meet," thus preventing the County from seeing the child. The witness was unable to convince mother to provide a urinalysis sample, and based on text and voicemail messages from mother, was concerned that mother

was using alcohol or drugs in the child's presence. Again, mother's attorney did not cross-examine this witness. She also did not offer any testimony or evidence to refute the allegations in the County's petition.

Thus, before the pretrial hearing, the allegations in the petition were just that: allegations. Further, to be clear, the petition was not evidence because it was not offered or admitted into evidence. *Cf.* Minn. R. Evid. 402 (explaining that relevant evidence is "admissible"). If the County had offered no evidence in support of the petition, then, as mother argues, the allegations in the petition would have been unproven and there would have been no basis for a CHIPS adjudication. But given the unrefuted testimony in this case that the allegations in the petition were true and correct, and the additional testimony that was consistent with the allegations in the petition—housing instability, possible substance use, lack of contact, and possible violence—the district court was not precluded from considering the allegations in the petition in making its decision. The petition was filed with the district court and was therefore part of the case record before the court. Minn. R. Juv. Prot. P. 2.01(18) (defining "case records" as "all records regarding a particular juvenile protection matter filed with . . . the court"). The district court could therefore consider those allegations in making a disposition on that petition.[5] Minn. Stat.

[5] At the court of appeals, the County asserted that the district court could take judicial notice of the petition. *See* Minn. R. Juv. Prot. P. 3.02, subd. 3 (stating that in addition to the notice authorized under the Rules of Evidence, the district court can "take judicial notice only of findings of fact and court orders in the juvenile protection court file and in any other proceeding in any other court file involving the child or the child's parent or legal custodian"). The court of appeals disagreed, stating that the district court cannot take judicial notice simply because the petition was filed with the court. *In re Welfare of Child*

§ 260C.193, subd. 2 (2020) (allowing the court to consider "any report or recommendation made by the responsible social services agency, probation officer, licensed child-placing agency. . . or any other information deemed material by the court.").[6]

Therefore, a petition alleging a child is in need of protection or services need not be entered into evidence for the district court to consider the allegations of that petition in its determination. Rather, we hold that the district court can consider the allegations of that petition if evidence establishes the reliability of those allegations. Here, the unrebutted witness testimony presented at the hearing established that the allegations of the petition were true and correct.

II.

We now turn to whether the district court erred in finding that the child is in need of protection or services. To adjudicate a child in need of protection or services, the county must prove, by clear and convincing evidence, the existence of one of the statutory child-protection grounds under Minn. Stat. § 260C.007, subd. 6, and that the child needs

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of H.G.D., 953 N.W.2d at 741, n.3. The court of appeals reads the judicial notice rule too narrowly. The plain language of the rule permits the district court to take judicial notice as allowed under the Rules of Evidence, and *in addition*, to take notice of "findings of fact and court orders in the juvenile protection court file." Minn. R. Juv. Prot. P. 3.02, subd. 3 ("In addition to the judicial notice permitted under the Rules of Evidence . . . ."). Under the Rules of Evidence, the district court can also take notice of facts that are not subject to reasonable dispute based on, among other things, "sources whose accuracy cannot reasonably be disputed." Minn. R. Evid. 201(b).

[6] Relying on this statutory provision, amicus curiae Minnesota County Attorneys Association argues that the district court can consider a petition because it is a "report." Having determined that the allegations in the petition are supported by the unrebutted witness testimony, we do not need to decide whether the petition is also a "report" under this statute.

protection or services as a result. Minn. Stat. § 260C.163, subd. 1(a); Minn. R. Juv. Prot. P. 49.03. We review the district court's decision that a child is in need of protection or services to determine whether the findings "address the statutory criteria and whether the district court's findings are supported by substantial evidence and not clearly erroneous." *In re Welfare of Children of S.E.P.*, 744 N.W.2d at 385. While we will "closely inquire" into the sufficiency of the evidence, *In re Welfare of J.M.*, 574 N.W.2d 717, 724 (Minn. 1998), we also defer to the district court, which "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 held that the child is in need of protection or services pursuant to Minn. Stat. § 260C.007, subd. 6(3), (8)–(9). Based on our review of the record, we conclude that the district court did not err in finding that the child is in need of protection or services pursuant to all three statutory grounds.

We start with the first basis for the County's petition: that the child "is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent . . . is unable or unwilling to provide that care." Minn. Stat. § 260C.007, subd. 6(3). The record establishes as follows. Mother's and child's housing was unstable in the first half of 2020, when they moved six times between four different residences. At one point, they were "living in a home without income, adequate furniture, and [they were] sleeping on the floor with just pillows and blankets." The child had been left with a relative for three weeks, without any contact from mother, who had lost her housing and was observed to be intoxicated and in a declining state of mental health. This evidence is clear and convincing, and therefore the district

court did not err in adjudicating the child in need of protection or services pursuant to Minn. Stat. § 260C.007, subd. 6(3).

As a second basis, the County alleged that the child "is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent." Minn. Stat. § 260C.007, subd. 6(8). The record includes detailed documentation of mother's six known chemical dependency evaluations, history of alcohol abuse, and "long history of noncompliance [with treatment programs] and inability to maintain sobriety." Mother's documented and severe alcohol abuse led the child to ask others to tell her mother to stop drinking and to report that her mother drank too much. The district court found that "Mother's documented pattern of chronic and severe use of alcohol has adversely affected the Child's basic needs and safety and has inflicted mental injury and emotional harm," as well as left the child with unstable and inadequate housing. The record also includes details on mother's documented, but unresolved, mental health issues, as well as incidents of violence or threatened violence against other family members, some of which occurred in the child's presence. Based on this clear and convincing evidence, the district court did not err in adjudicating the child in need of protection or services pursuant to Minn. Stat. § 260C.007, subd. 6(8).

Finally, the petition alleged that the child's "behavior, condition, or environment is such as to be injurious or dangerous to the child or others." Minn. Stat. § 260C.007, subd. 6(9). A dangerous environment includes the child's exposure to criminal activity in the child's home. *Id*. As noted above, the district court found that the mother's pattern of alcohol abuse left the child without a safe home and had caused serious mental and

emotional harm to the child. The record also provides details on the multiple occasions in which mother threatened harm to others, including her own mother and the child's father. At least one of those instances occurred while the child was in the home. Finally, the record shows that mother and the child lived with a man who had been charged with domestic assault. Therefore, the district court did not err in adjudicating the child in need of protection or services pursuant to Minn. Stat. § 260C.007, subd. 6(9).

Based on our analysis, we hold that the district court did not err in finding that the child is in need of protection or services pursuant to Minn. Stat. § 260C.007, subd. 6(3), 6(8), and 6(9), because clear and convincing evidence in the record supports that determination. We therefore reverse the court of appeals' decision on mother's challenge to the sufficiency of the evidence.

CONCLUSION

For the foregoing reasons, we reverse the decision of the court of appeals.

Reversed.