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**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-1432**

In the Matter of the Welfare of the Children of: B. L. and E. L., Parents.

**Filed February 10, 2009
Affirmed
Stoneburner, Judge**

Brown County District Court
File No. JV0895

Paul E. Grabitske, Eskens, Gibson & Behm Law Firm, Chtd., Suite 610, 151 St. Andrews Court, Box 1056, Mankato, MN 56002-1056 (for appellants B.L. & E.L.)

John Yost, Assistant Brown County Attorney, Brown County Courthouse, 14 South State Street, New Ulm, MN 56073 (for respondent county)

Sarah Nelson, 501 South Minnesota Avenue, St. Peter, MN 56082 (guardian ad litem)

Considered and decided by Shumaker, Presiding Judge; Stoneburner, Judge; and Collins, Judge.*

UNPUBLISHED OPINION

STONEBURNER, Judge

Appellants challenge termination of their parental rights to three children, arguing that because the district court failed to make a finding that they have the ability to comply with the duties imposed on them by the parent and child relationship, the court erred in finding that their failure to comply with those duties is a legal basis for terminating

* Retired judge of the district court, serving as judge of the Minnesota Court of Appeals by appointment pursuant to Minn. Const. art. VI, § 10.

parental rights. Appellants also argue that the district court erred in finding them to be palpably unfit because the district court's findings of fact indicated that they do not lack the ability to be parents but only that they have engaged in poor decision-making that results from ongoing mental-health issues. We affirm.

FACTS

Appellants B.L. (mother) and E.L. (father), (parents) have been receiving both voluntary and court-ordered parenting assistance from Brown County Family Services (BCFS) since 1997. Their three children, D.L., born on May 22, 1997, A.L., born on November 19, 1999, and H.L., born on May 17, 2002, were adjudicated children in need of protection or services of the court in 2001, 2004, 2006, and 2008. On May 20, 2008, BCFS petitioned for termination of parental rights under Minn. Stat. § 260C.301, subd. 1(b)(2) (substantially, continuously, or repeatedly refusing or neglecting to comply with the duties imposed on a parent by the parent and child relationship), and (b)(4) (palpable unfitness to be a party to the parent and child relationship) (2006). After trial, the district court, based on 102 findings of fact detailing the parents' parenting difficulties, the family's history with BCFS, and the best interests of the children, concluded that both of the alleged statutory bases for termination exist, reasonable efforts have failed to correct the conditions such that the children could be returned to parents, and that it is in the best interests of the children that parental rights be terminated. This appeal followed.

DECISION

I. Standard of review

We review an order terminating parental rights “to determine whether the district court’s findings address the statutory criteria and whether those findings are supported by substantial evidence and are not clearly erroneous.” *In re Children of T.A.A.*, 702 N.W.2d 703, 708 (Minn. 2005) (quoting *In re Welfare of P.R.L.*, 622 N.W.2d 538, 543 (Minn. 2001)). We give considerable deference to the district court’s decision because the district court is in the best position to assess the credibility of witnesses. *In re Welfare of L.A.F.*, 554 N.W.2d 393, 396 (Minn. 1996).

The juvenile court may terminate all rights of a parent to a child if it finds that one or more of the statutory grounds listed in Minn. Stat. § 260C.301, subd. 1 (2006) exist; that termination of parental rights (TPR) is in the best interests of the child, Minn. Stat. § 260C.301, subd. 7 (2006); and reasonable efforts to reunify the child and parent have failed, Minn. Stat. § 260C.301, subd. 8 (2006). *See In re Welfare of T.D.*, 731 N.W.2d 548, 553–54 (Minn. App. 2007) (stating the grounds for which a court may involuntarily terminate parental rights). In this case, parents do not challenge the district court’s finding that TPR is in the best interests of their children and that reasonable efforts by BCFS have failed to make reunification possible.

II. Palpable unfitness

One of the statutory grounds that will support TPR is a finding:

that a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly

relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child.

Minn. Stat. § 260C.301, subd. 1(b)(4). Parents argue that the district court's findings demonstrate that they are able to appropriately care for their children. We disagree. The record supports the district court's findings that despite eleven years of services provided to parents including, at one point, 70 hours of personal-care-attendant services per week, father and mother lack the ability, skills, and motivation to understand and meet their children's needs. The record reveals a consistent pattern of inability to appropriately attend to the children's safety, hygiene, school attendance, behavior, and physical- and emotional-health issues. The record supports the district court's findings and the findings amply describe parents' palpable unfitness.

Because one statutory basis is sufficient to affirm TPR, we decline to address parents' arguments under Minn. Stat. § 260C.301, subd. 1(b)(2), except to note that the record supports the district court's implicit finding that parents' inadequate parenting is not due to physical or financial inability to parent and the district court's explicit finding that inability to parent is caused by parents' immaturity and failure to address their emotional problems.

Affirmed.