STATE OF MINNESOTA
IN COURT OF APPEALS
A10-2159
A10-2172

In the Matter of the Welfare of the Child of: A. P. S. and R. J. S., Parents

Filed May 31, 2011
Affirmed in part, reversed in part, and remanded
Connolly, Judge

Watonwan County District Court
File No. 83-JV-10-2

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Considered and decided by Toussaint, Presiding Judge; Klaphake, Judge; and Connolly, Judge.

U N P U B L I S H E D O P I N I O N

CONNOLLY, Judge

These consolidated appeals arise from the district court's termination of appellants' parental rights based on a determination that their child experienced egregious harm. The county has filed a related appeal, arguing that the district court erred in not

terminating mother's parental rights to her three other children. Because we conclude that there is clear and convincing evidence that the nature, duration, and chronicity of the harm experienced by the parties' child while in their care shows that it is contrary to the child's well-being to be in father's care, we affirm in part. But because we conclude that the record lacks clear and convincing evidence that mother knew or should have known that the parties' child experienced egregious harm, we reverse the termination of her parental rights regarding the parties' child and remand. Finally, as to mother's three older children, the district court did not clearly err in determining that the best interests of these children do not support termination of mother's parental rights, and we affirm the refusal to terminate her parental rights to them.

FACTS

Appellant A.P.S. is the biological mother of A.V. (age 11), J.V. (age 9), L.K. (age 6), and C.S. (age 1). She met appellant R.J.S. in the summer of 2006; he moved in with her, A.V., J.V., and L.K. that July. R.J.S. is the biological father of C.S., but not of A.P.S.'s other children.[1]

I. CHIPS: A.V., J.V., and L.K.

In 2006, Brown County filed a petition alleging that A.V., J.V., and L.K. were children in need of protection or services (CHIPS). A.P.S. cooperated with Brown County, and the petition was subsequently dismissed. A second CHIPS petition was filed in 2007, and A.V., J.V., and L.K. were adjudicated CHIPS. This case was subsequently

[1] Their biological fathers waived their appearance in these proceedings and do not participate in this appeal.

dismissed because A.P.S. told Brown County that the family was moving to Iowa. The family moved out of Brown County, but remained in Minnesota, residing in Blue Earth County from August 2007 until April 2009. In April 2009, the family moved to respondent/cross-appellant Watonwan County (the county), where they have resided since.

II. C.S.

C.S. was born in October 2009. Between October 16 and December 15 of 2009, the family pets included a cat and two dogs, one weighing approximately 85 pounds and the other approximately 35 pounds.

At trial, R.J.S. testified that, on or about November 16, 2009, he fell down a flight of stairs while holding C.S. because a dog ran past him as it was chasing the cat. R.J.S. said he lost his footing and fell down approximately 20 uncarpeted wooden stairs. R.J.S. described the fall as "hard" and "violent," but said he was not injured. He noticed some bruising on C.S.'s right arm after the fall.

On November 18, 2009, A.P.S. brought C.S. to the family physician because she was concerned that C.S. bruised easily. She also reported that R.J.S. had fallen down the stairs while holding C.S. A "Babygram," a type of infant x-ray, was taken and no fractures or abnormalities were found.

On the night of December 12, 2009, R.J.S. told A.P.S. that the larger dog jumped up on the bed and landed on C.S. while R.J.S. was changing his diaper. A.P.S. and R.J.S. decided that C.S. should be taken to the emergency room because he was crying and "holding his leg at a peculiar angle." Around midnight, R.J.S. brought C.S. to the

emergency room, where he told the doctor that the family's larger dog had jumped up on the bed and landed on C.S.'s left foot and that C.S. had cried and been fussy since the incident. An x-ray was taken, no fractures were found, and C.S. was released.

R.J.S. returned to the emergency room with C.S. the following morning. He explained that C.S. had been fussy overnight and that A.P.S. had heard a popping sound in C.S.'s left hip while she was dressing him that morning. X-rays were again taken and no fractures were found. Two small bruises were observed on C.S.'s buttocks. C.S. was again released and the emergency-room staff said they would set up an appointment with a doctor specializing in pediatric orthopedics the next morning.

Later that evening, A.P.S. noticed that C.S.'s left leg was very swollen, hard, and warm to the touch. C.S. was also fussy and cried often. A.P.S. called the emergency room and asked what should be done. It was ultimately recommended that C.S. be taken to the hospital. At the hospital, A.P.S. explained that C.S.'s left leg was swollen and that he had been guarding it for the last few days. During the examination, C.S. cried when his leg was pulled straight. Another x-ray was taken and this time a closed fracture was discovered in C.S.'s left leg. A splint was placed on the leg, and C.S. was again released.

III. Suspected child abuse

The following day, further examination of C.S.'s x-ray revealed a second, older fracture in his left leg. The county was informed of the injuries as suspected child abuse and C.S. was removed from the home. A.P.S. told the police officer and social worker who came to remove C.S. that she believed the dogs caused his injuries; R.J.S. also said the dogs must have caused the injuries. But, when he described his fall down the stairs,

R.J.S. claimed the stairs were carpeted. A.P.S. and R.J.S. had no other explanation for C.S.'s injuries.

C.S. was subsequently taken to the Mayo Clinic, where a skeletal survey was performed. Doctors discovered multiple bone fractures which appeared to be at different stages of healing. Doctors ultimately identified seven different fractures in C.S.: left clavicle, right humerus, left humerus, two in the left tibia, and two posterior ribs. The injuries generally fell into two groups: the injuries to the left clavicle, right humerus, and rib fractures were the oldest, while the injuries to the left humerus and the left leg were more recent. Genetic causes of the fractures were ruled out.

As a result of the discovery of C.S.'s injuries, A.V., J.V., and L.K. were also removed from the home.

IV. Petition to terminate parental rights

The county sought to terminate both parents' rights to C.S. based on a determination that he had experienced egregious harm. The county also sought to terminate A.P.S.'s rights to A.V., J.V., and L.K. *See* Minn. Stat. § 260C.301, subd. 3(a) (2010) (stating that "[t]he county attorney shall file a termination of parental rights petition within 30 days of the responsible social services agency determining that a child . . . is determined to be the sibling of another child of the parent who was subjected to egregious harm"). During the trial, both parents denied harming C.S.

A pediatric orthopedic surgeon, a pediatric radiologist, a nurse practitioner, and a guardian ad litem who had seen C.S. also testified. The surgeon testified that the fractures appeared to be in multiple stages of healing. She identified one leg fracture as a

"corner fracture," which "is highly indicative of non-accidental trauma" and "strongly indicates that a child was shaken or jarred" and a dog was unlikely to cause this type of injury. She also testified that the factures in the left clavicle and right arm indicated non-accidental trauma, such as shaking and squeezing the chest, and that it was extremely unlikely that these injuries occurred during R.J.S.'s fall down the stairs.

The radiologist who examined C.S.'s x-ray images and bone scans likewise identified one of the fractures in C.S.'s left leg as a corner fracture, a fracture requiring a "flailing" force and "acceleration/deceleration back and forth repeatedly," and testified that this type of injury "is highly indicative of non-accidental trauma." Similarly, the radiologist opined that the rib fractures would require a compressive force and that the injuries to C.S.'s arm would be caused by flailing or being shaken. The radiologist testified that, although the rib fractures could have been caused by R.J.S. holding C.S. tightly as he fell down the stairs, such a fall was less likely to account for the clavicle and right arm fractures. The radiologist also stated that it was unlikely that a dog jumping up on C.S. would cause the injury to his left leg.

The nurse practitioner was a member of the Mayo Clinic's child-and-family-advocacy team, which specializes in cases involving suspected child abuse. She described C.S.'s rib fractures as "especially concerning" because these types of fractures are seen "in abusive trauma when a baby is squeezed or shaken." She also testified that the cause of one of the left tibia fractures would be "[p]utting a lot of force onto the leg, twisting the leg." The nurse practitioner testified regarding additional tests that were

performed on C.S.'s liver, head, and eyes, which all appeared normal, and stated that C.S. did not have shaken-baby syndrome.

The guardian ad litem expressed the opinion that "it is in the best interests of the children to terminate the parental rights of [A.P.S.] to all the children and the rights of [R.J.S.] as to [C.S]." The guardian ad litem also acknowledged that she had not personally observed the parents interact with any of the children.

The district court concluded that, based on medical testimony regarding the force necessary to cause the injuries, the parents' explanation that C.S.'s injuries were caused by the family dogs was "not plausible." The district court also concluded that "[t]he parents' testimony that [C.S.] was only 'fussy' after he sustained the injuries that the medical experts and evidence establish that he sustained is not believable." While questioning whether R.J.S. indeed fell down the stairs while holding C.S., the district court found that the fall could not satisfactorily explain the extent or pattern of C.S.'s injuries. As a result, the district court determined that C.S.'s injuries "were caused by human action." In addition, the district court noted that it was "less likely that [A.P.S.] inflicted [C.S.'s] injuries" and more likely they were inflicted by [R.J.S.] because (1) there was no evidence to show that egregious harm had been inflicted on any of A.P.S.'s other children; (2) C.S.'s injuries occurred while R.J.S. was residing in mother's household; and (3) R.J.S. "is larger and presumably more physically powerful" than A.P.S.

The district court concluded that there was clear and convincing evidence that C.S. experienced egregious harm in mother and father's care, that one of the parents caused

the injuries, and "that the other parent must have known that [C.S.] was being injured." The district court terminated both parents' rights to C.S., observing that "the description of what had happened [to C.S.] given by [C.S.'s] parents to multiple medical care providers was not true and appears to have been a story concocted by them to serve their own self-interests, rather than the best interests and safety of [C.S]."

The district court also concluded that termination of A.P.S.'s parental rights to them was not in the best interests of her older children. The district court stated that mother's method of disciplining with a spatula did not amount to egregious harm and that there was nothing in the record to show that these children "sustained any significant physical injury by reason of corporal punishment." The district court found that A.P.S. appeared to meet the basic needs of these children and, in contrast to their multiple moves while in foster care, she had provided the relatively stable environment that the children greatly need.

A.P.S. and R.J.S. separately appealed the termination of their parental rights to C.S. *In re Welfare of Child of A.P.S.*, Nos. A10-2159, A10-2172, at 1 (Minn. App. Dec. 30, 2010) (order). The county filed a notice of related appeal, seeking review of the district court's denial of the county's petition to terminate A.P.S.'s parental rights to A.V., J.V., and L.K. *Id.* at 1-2. We consolidated the appeals. *Id.* at 2.

D E C I S I O N

I. Termination of parental rights to C.S.

This court "review[s] the termination of parental rights to determine whether the district court's findings address the statutory criteria and whether the district court's

findings are supported by substantial evidence and are not clearly erroneous." *In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008). While considerable deference is given to the district court's decision to terminate parental rights, this court closely examines the record to determine whether there was clear and convincing evidence to support the decision. *Id.* "Termination of parental rights will be affirmed as long as at least one statutory ground for termination is supported by clear and convincing evidence and termination is in the child's best interests." *In re Welfare of Children of R.W.*, 678 N.W.2d 49, 55 (Minn. 2004). The paramount consideration is the best interests of the child. Minn. Stat. § 260C.001, subd. 3 (2010).

The district court may terminate a parent's rights to his or her child upon finding "that a child has experienced egregious harm in the parent's care which is of a nature, duration, or chronicity that indicates a lack of regard for the child's well-being, such that a reasonable person would believe it contrary to the best interest of the child or of any child to be in the parent's care." Minn. Stat. § 260C.301, subd. 1(b)(6) (2010). Here, the district court terminated both parents' rights because it determined that (1) C.S. experienced the requisite level of harm, (2) the harm occurred while he was in a parent's care, and (3) the harm was of a nature, duration, or chronicity that indicated a lack of regard for C.S.'s well-being.

A. Level of harm while in a parent's care

"Egregious harm" is defined as "the infliction of bodily harm to a child or neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care." Minn. Stat. § 260C.007, subd. 14 (2010). Egregious harm includes "the

infliction of 'substantial bodily harm' to a child" as set forth in the criminal code. *Id.*, subd. 14(2) (citing Minn. Stat. § 609.02, subd. 7a (2010)). Accordingly, egregious harm includes "bodily injury which . . . causes a fracture of any bodily member." Minn. Stat. § 609.02, subd. 7a (defining "substantial bodily harm").

The district court determined that C.S. experienced egregious harm based on testimony regarding C.S.'s multiple, non-accidental bone fractures. Both parents argue that the record does not contain clear and convincing evidence to support this determination. We disagree. It is undisputed that C.S. suffered multiple bone fractures. A.P.S. specifically testified that she had no reason to dispute the medical testimony regarding C.S.'s fractures, and R.J.S. does not dispute that the fractures existed. Further, the district court's finding that the bone fractures were non-accidental is amply supported by the testimony of two physicians and a nurse practitioner who all concluded that C.S.'s injuries were non-accidental and that, while it was possible, it was unlikely that the family dogs or R.J.S.'s fall down the stairs could have caused them. The seven fractures show that substantial bodily harm was inflicted on C.S. and that the harm rose to the level of egregious harm. *See* Minn. Stat. §§ 260C.007, subd. 14, 609.02, subd. 7a; *see also In re Welfare of Children of M.L.A.*, 730 N.W.2d 54, 59 (Minn. App. 2007) (findings sufficient to conclude that child suffered egregious harm based on mother's admission that child suffered nine fractures in her care).

The record further establishes that the harm occurred while C.S. was in a parent's care. "[T]he term 'care' [in this context] is properly understood in the broader sense of the parent and child relationship, including providing for the well-being of a child in

ways that do not require a parent to be physically present with the child." *In re Welfare of Child of T.P.*, 747 N.W.2d 356, 361 (Minn. 2008). Egregious harm is considered to have occurred to a child while in his parents' care if the child's parents (1) have an ongoing relationship, (2) live together with the child, and (3) acknowledge that they are the child's primary caretakers. *See id.* It is not disputed that C.S.'s injuries occurred while his parents had an ongoing relationship, lived together with C.S., and were his primary caretakers.

B. Nature, duration and chronicity of harm as indicating a lack of regard for the child's well-being

In addition to finding that the child has experienced egregious harm in the parent's care, the district court must also find that the harm "'is of a nature, duration, or chronicity that indicates a lack of regard for the child's well-being, such that a reasonable person would believe it contrary to the best interests of the child or of any child to be in the parent's care.'" *Id.* at 361-62 (quoting Minn. Stat. § 260C.301, subd. 1(b)(6)).

1. R.J.S.

The district court found that there was "clear and convincing evidence that one of the parents inflicted egregious harm" on C.S and that "the testimony of the medical professionals and the medical records easily establish that [C.S.'s] injuries were caused by non-accidental trauma." The record is clear that the harm occurred on at least two occasions and that these occasions resulted in multiple broken bones. Clear and convincing evidence supports the district court's conclusion that father's "fall down the stairs while holding [C.S.] cannot satisfactorily explain" C.S.'s injuries, and we defer to

the district court's credibility determination that the family dogs were not a plausible source of the harm. *See In re Welfare of L.A.F.*, 554 N.W.2d 393, 396 (Minn. 1996) (stating the "district court is in a superior position to assess the credibility of witnesses"). The district court found that at least some of R.J.S.'s testimony was not credible:

> [T]he inconsistency between [his] testimony at trial and his initial statement to [police] with respect to whether the stairs were carpeted, and [his] seeming exaggeration at trial about the forces involved in the fall down the stairs (not mentioned in such great detail and differently described to [police]), gives the Court significant reason to doubt [his] version of the events. It is questionable whether there even was such a fall. If there was a fall at all, the Court is convinced that the fall was not of such a nature as to have broken multiple bones in [C.S.] . . . .

The district court's conclusion that C.S. "sustained serious and multiple injuries while in [R.J.S.'s] care, the injuries likely having been caused by [R.J.S.]" is supported by the record. R.J.S. was the *only* parent present at the time of the injuries resulting from his own alleged fall and from the large dog jumping onto C.S. As a result, the only reasonable inference is that R.J.S. was the source of the harm.

R.J.S. contends that "[t]he county failed to provide any credible evidence that [R.J.S.] intentionally inflicted egregious harm on C.S." The district court determined that multiple incidents of non-accidental, human-inflicted trauma resulting in several broken bones constituted harm of a sufficient nature, duration, or chronicity to indicate a complete lack of regard for C.S.'s well-being, such that a reasonable person would believe it contrary to the best interest of C.S. or of any child to be in R.J.S.'s care. *See* Minn. Stat. § 260C.301, subd. 1(b)(6). R.J.S. has not provided, and we are not aware of,

any authority or other basis that would allow us to reverse this determination, particularly because R.J.S. was the only parent with the child when the injuries occurred.

R.J.S. additionally asserts that the district court erred in including the finding of egregious harm in its analysis of C.S.'s best interests. R.J.S. is correct that, if the district court's finding that C.S. experienced egregious harm were clearly erroneous, termination of R.J.S.'s parental rights would not be warranted because termination of parental rights requires both a statutory basis and a determination that termination is in the child's best interests. *See R.W.*, 678 N.W.2d at 55; *see also In re Welfare of R.T.B.*, 492 N.W.2d 1, 4 (Minn. App. 1992) ("Although the best interests of the child cannot be the sole justification for the termination of parental rights, it is an important factor to be considered by the [district] court."). But the district court's finding that C.S. experienced egregious harm is not clearly erroneous.

R.J.S. also argues that the record lacks clear and convincing evidence that concerns for C.S.'s safety while in R.J.S.'s care outweigh R.J.S.'s interest in maintaining the parent-child relationship with C.S.

> In analyzing the best interests of the child, the court must balance three factors: (1) the child's interest in preserving the parent-child relationship; (2) the parent's interests in preserving the parent-child relationship; and (3) any competing interests of the child. Competing interests include such things as a stable environment, health considerations and the child's preferences.

Id. (citation omitted). In considering C.S.'s best interests and the relationship between C.S. and R.J.S., the district court concluded:

> There is clear and convincing evidence that it is in the best interests of [C.S.] that the parental rights of [R.J.S.] be terminated. [C.S.] was removed from the home when he was only two months old and since then has resided with [a foster family]. He is more familiar with the [foster-family] home than with his former family home. He sustained serious and multiple injuries while in [R.J.S.'s] care, the injuries likely having been caused by [R.J.S.]. [C.S.'s] interest in preserving the relationship with [R.J.S.] is at this point extremely low. [R.J.S.] of course has an interest in preserving his relationship with [C.S]. However, parental rights are not absolute and can be outweighed by other compelling concerns. The compelling and overwhelming concern in this matter is [C.S.'s] interest in being safe. [C.S.] has an extremely important and obvious interest in not being in danger of suffering serious and painful injuries while in the care of his [father]. Therefore, it is in [C.S.'s] best interests that [R.J.S.'s] parental rights to him be terminated.

"The purpose of laws relating to permanency and termination of parental rights is to ensure" a safe and permanent placement for the child. Minn. Stat. § 260C.001, subd. 3 (2010). Because C.S.'s interest in being safe outweighs R.J.S.'s interest in preserving the parent-child relationship, the district court did not err in concluding that termination of R.J.S.'s parental rights is in C.S.'s best interests. *See R.W.*, 678 N.W.2d at 55. We therefore affirm the termination of R.J.S.'s parental rights.

2. A.P.S.

The district court concluded that C.S.'s injuries

> were of a severity and occurred on several occasions, such that the other parent must have known that [he] was being injured. There is no way that [C.S.] was merely 'fussy' after sustaining the injuries that he did. *He must have been in significant distress, such that the other parent must have suspected that [C.S.] was being injured.* That other parent failed to intervene to stop [C.S.] being injured and failed to notify authorities of the fact of injury. Therefore, the

> statutory ground of egregious harm has been proven with respect to both parents.

(Emphasis added.) But a parent's knowledge of *harm* is not a sufficient basis for a termination of parental rights.

> Where a parent has not personally inflicted egregious harm on the child, it is difficult to conceive how the "nature, duration, or chronicity" of that harm could indicate that parent's lack of regard for the well-being of the child unless that parent were somehow aware of the harm and its cause. Stated differently, the mere fact that a child experienced egregious harm does not indicate a lack of regard for the well-being of the child on the part of a parent who did not personally inflict the egregious harm, did not actually know about the harm, and could not have been expected to know about the harm. *Interpreting the egregious harm provision to permit termination where a parent did not know and could not have been expected to know that a child experienced egregious harm would contradict the statutory requirement that the "nature, duration, or chronicity [of the egregious harm] indicates a lack of regard for the child's well-being."* Minn. Stat. § 260C.301, subd. 1(b)(6).

T.P., 747 N.W.2d at 362 (emphasis added) (modification in original). Moreover,

> where a parent who has not inflicted egregious harm but who either knew or should have known that a child experienced egregious harm, the nature, duration, or chronicity of the egregious harm may not necessarily indicate a lack of regard by that parent for the child's well-being. That such a parent either knew or should have known that a child experienced egregious harm is necessary, but not sufficient, to satisfy that statutory requirement. Other factors will be relevant to whether that requirement is met in a given case.

Id. at 362 n.4 (quotation and citation omitted). The finding that a parent knew or should have known that a child experienced egregious harm must be supported by clear and

convincing evidence. *Id.* at 362. The record does not support a finding that A.P.S. knew or should have known that C.S. experienced egregious harm.

To terminate A.P.S.'s parental rights, it must be shown not only that she knew C.S. was injured, but also that she knew or should have known that his injuries "occurred as a result of some conduct satisfying the 'egregious harm' definition." *Id.* at 363. While the district court found "that the other parent [i.e., A.P.S.] must have suspected that [C.S.] was being injured," a finding that a parent must have suspected that the child was being injured does not equate to a finding that the parent should have known that *egregious* harm was occurring. The district court's conclusion that "[i]t is doubtless the case that [C.S.] experienced severe pain when he sustained these injuries and that any parent or other person minding the child would have easily been able to observe and know that" is likewise insufficient. There are scenarios in which a child may experience severe pain, but the injury that produced the pain does not meet the legal definition of "egregious harm" under Minn. Stat. § 260C.007, subd. 14.

Here, the harm to C.S. occurred outside of A.P.S.'s physical presence. She never saw R.J.S. inflict harm on C.S., and she had no reason to doubt his explanations of C.S.'s injuries; an average parent does not expect the other parent to be abusing their child.

Moreover, after examining C.S., doctors repeatedly reassured his parents that he was fine and released him. If the egregious nature of his harm was not readily apparent to three trained, medical professionals on three separate occasions, it would not necessarily have been apparent to a layperson such as A.P.S. We conclude that the record lacks clear and convincing evidence that A.P.S. knew or should have known that

C.S. experienced egregious harm. *See T.P.*, 747 N.W.2d at 362 ("The language of the egregious harm provision, taken as a whole, does not support termination of parental rights where a parent neither knew nor should have known that a child experienced egregious harm.").

Therefore, we reverse the termination of A.P.S.'s parental rights and remand to the district court so that she may be reunited with C.S. under such conditions, if any, as the district court deems appropriate pursuant to Minn. Stat. § 260C.312 (2010); *see also* Minn. R. Juv. Prot. P. 39.05, subd. 3(a) ("If the court finds that the statutory grounds set forth in the petition are not proved, the court shall either dismiss the petition or determine that the child is in need of protection or services.").

II. A.P.S.'s three older children

The county argues that the district court erred when it declined to terminate A.P.S.'s rights to A.V., J.V., and L.K. because a finding that egregious harm was experienced by one child in a parent's care necessarily entails a finding that no child should remain in that parent's care. We disagree.

For purposes of this analysis, we assume (notwithstanding our reversal) that A.P.S. knew or should have known of the egregious harm inflicted on C.S. so that the statutory basis for termination of her rights to her other children was satisfied, and we turn to whether the termination would be in the best interests of A.V., J.V., and L.K. Termination is ultimately warranted only if it is in the best interests of the child. *See R.W.*, 678 N.W.2d at 55. "Considering a child's best interests is particularly important in a termination proceeding because a child's best interests may preclude terminating

parental rights even when a statutory basis for termination exists." *In re Termination of the Parental Rights of Tanghe*, 672 N.W.2d 623, 625-26 (Minn. App. 2003) (quotation omitted). "[T]he best interests of the child must be the paramount consideration." Minn. Stat. § 260C.301, subd. 7.

The district court concluded that termination of A.P.S.'s parental rights was not in the best interests of A.V., J.V., and L.K, finding that "[t]he situation of the older three children is fundamentally different from [C.S.'s] situation," while noting the absence of clear and convincing evidence that these children experienced egregious harm, the detrimental effect of the children's multiple placements since their removal, and A.P.S.'s apparent ability to meet their basic needs. The district court's findings reflect that it considered the importance of stability in the children's lives. *See R.T.B.*, 492 N.W.2d at 4. The county argues that "[n]o evidence . . . support[s] the court's finding that terminating [A.P.S.'s] parental rights would result in additional placements other than into an adoptive home." But the record chronicles the multiple intrastate and interstate placements these children have experienced since the termination proceedings began. This history of multiple placements provides clear and convincing evidence to support the district court's conclusion that a stable environment is a predominant interest for them. The district court did not err in declining to terminate A.P.S.'s parental rights to these three children.

We affirm the termination of R.J.S's parental rights to C.S. and the decision not to terminate A.P.S.'s parental rights to her older children; we reverse the termination of

A.P.S.'s parental rights to C.S. and remand for further proceedings in regard to their reunification.

Affirmed in part, reversed in part, and remanded.