STATE OF MINNESOTA
IN COURT OF APPEALS
A13-1553

In the Matter of the Welfare of the Children of: J. L. P., J. E. P., and C. C., Parents

Filed April 28, 2014
Affirmed
Larkin, Judge

Kandiyohi County District Court
File No. 34-JV-12-161

John E. Mack, Mack & Daby P.A., New London, Minnesota (for appellant J.L.P.)

Thomas J. Nolan, Jr., Nolan Law Offices, Minneapolis, Minnesota (for respondent Kim Junkermeier)

Shane Baker, Kandiyohi County Attorney, Nathan C. Midolo, Assistant County Attorney, Willmar, Minnesota (for respondent Kandiyohi County Family Services)

Considered and decided by Kirk, Presiding Judge; Worke, Judge; and Larkin, Judge.

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

LARKIN, Judge

Appellant-mother challenges the district court's termination of her parental rights to three children, arguing that the district court erred by (1) ruling that reliable hearsay is admissible in a termination-of-parental-rights (TPR) proceeding, (2) failing to base its decision on conditions that existed at the time of the termination, and (3) determining that

termination is in the children's best interests. Because appellant did not raise her objection to the hearsay ruling in a new-trial motion, we do not consider the merits of that issue on appeal. And because appellant's other arguments do not establish a basis for reversal, we affirm.

FACTS

In August 2012, respondent Kandiyohi County Family Services (family services) petitioned the district court to terminate appellant-mother J.L.P.'s parental rights to three children. In March and June 2013, the district court held a trial on the county's petition and received 49 exhibits, heard testimony from 12 witnesses, including appellant, and took judicial notice of orders from an underlying child-in-need-of-protection-or-services (CHIPS) file. The district court then made detailed findings regarding appellant's history of child-protection involvement.[1]

Appellant is the biological mother of S.C., born 6/10/03, C.P., born 3/24/09, and K.P., born 2/12/10. In April 2008, family services received a child-protection report indicating that S.C. lacked parental supervision and that appellant's boyfriend had been violent towards her and S.C. Family services identified several areas of concern, including appellant's parenting skills, mental health, immediate risk of homelessness, and lack of structure for S.C. Family services provided appellant with a case plan and services to address her mental-health needs, developed a safety plan regarding S.C.'s tantrums and appellant's relationship with her boyfriend, and assisted with housing,

[1] Our statement of facts is based on the district court's post-trial findings of fact, which are not challenged on appeal.

budgeting, and transportation. Family services also referred an in-home child-development specialist to work with appellant.

Appellant did not make progress toward the goals identified in her case plan. It was unclear to the service providers whether appellant's lack of progress was the result of her mental-health problems, limited cognitive abilities, or lack of motivation. Family services' involvement with appellant ended in March 2009, because appellant and S.C. moved out of Kandiyohi County. At that time, appellant was pregnant with her second child.

In April 2009, family services received a child-protection report indicating that appellant's live-in boyfriend was a sex offender and that the reporter had heard fighting, screaming, and crying coming from appellant's apartment. In March 2010, family services received a child-protection report from law enforcement regarding a domestic assault involving appellant's boyfriend and her mother. The assault occurred while appellant's mother was holding K.P., who fell to the ground during the altercation.

Family services initiated a second family assessment and provided ongoing child-protection case management from March 2010 to January 2011, which included in-home family-based services from April 2010 to January 2011. Family services worked with appellant on issues related to domestic violence, housing instability, and her lack of parenting skills.

In March 2011, family services received a child-protection report regarding appellant's failure to supervise her children and the conditions of her home. In July, family services received another child-protection report regarding the condition of

appellant's home. Family services placed the children on a 72-hour hold and initiated a child-protection investigation. The district court found that:

> When the social worker and the law enforcement officers went to [appellant's] apartment, the floor was covered in dirt, garbage, spoiled food, and soiled clothing. The floor and other surfaces were sticky. The garbage receptacle was full of soiled clothing and smelled of urine. There were dirty plates and cups throughout the apartment. The residence was full of flies. The mattresses were wet and soiled with feces. The smell in the bedroom was so strong that the social worker and law enforcement officers could not breathe and their eyes watered. The condition of the residence was not safe for children. [Appellant] was informed that the children could not stay there until the residence was cleaned.

Family services completed a child-protection assessment, substantiated neglect, and determined that services were needed. Next, family services worked with appellant to develop a case plan. Appellant completed a parental-capacity assessment and took four psychological tests. The tests indicated that appellant lacks empathy, which suggests that she has difficulty understanding her children's needs. The tests also indicated that appellant has dependent, borderline, and avoidant personality traits. Lastly, the tests indicated that appellant experiences depression, suspicion of others, distraction, and anger. Appellant reported that she had experienced depression and anxiety since her teenage years, that she had been on and off medications to treat her depression, and that she attempted suicide when she was 18 years old. The assessor concluded that appellant had not taken sufficient responsibility for her mental health, that she needed to address her mental health and parenting deficits, and that she would not be able to improve her parenting skills unless she also addressed her mental-health issues.

Appellant and the children moved in with appellant's mother after the power company shut off appellant's electricity. After approximately four days, appellant informed family services that she could not live with her mother any longer. Appellant also reported that her mother had assaulted her and that she needed to leave her mother's residence. Family services made arrangements for the children to stay in respite care while appellant stayed with a friend. Later, appellant and the children relocated to Safe Avenues.

Within weeks, family services arranged for appellant and the children to enter a full-family foster-care program through Kindred Family Services based out of Saint Cloud. A social worker identified appellant's goals in full-family foster care as follows:

> household management, including laundry and maintaining a clean living space; general parenting skills, exhibiting consistency, follow through, appropriate discipline, and healthy meal habits; independent living skills, such as obtaining employment and housing; and relationship goals, including building [appellant's] self-esteem so she would not be dependent on others as a parent.

The initial phase of the placement with the foster family was an assessment phase, and appellant did well. But after approximately one month, appellant left the full-family foster home to stay with a friend. Appellant signed a voluntary-placement agreement so the children could stay at the foster home in her absence. After four days, appellant told family services that she missed her children and wanted to return to the foster home. Family services transported appellant back to the foster home. The social worker and appellant reevaluated appellant's goals, and appellant signed a new agreement stating that if she chose to leave the foster home again, she would not be allowed to return.

Within weeks, appellant and her children had to leave the foster home because of allegations that the foster mother had inappropriately disciplined a child.[2] Appellant and the children went to a temporary foster placement until they were placed in another full-family foster home. The goals from the first full-family foster placement continued into the second full-family foster placement.

At the second full-family foster placement, appellant consistently struggled to meet her children's needs without significant prompting and assistance. She did not appropriately supervise her children or meet their basic needs for items such as clean diapers, clean clothing, and medications. Appellant failed to nurture the children without being prompted by the foster mother. The foster mother had to prompt appellant to clean the children's bottles before using them to feed the children. The foster mother also had to remind appellant to check on the children's whereabouts and safety. Appellant talked on the phone with her boyfriend approximately five times per day and did not supervise her children while she was on the phone. In addition, appellant did not appropriately handle conflict with S.C. If S.C. did something wrong, appellant would attempt to impose an unreasonable punishment or grab S.C. S.C. would then hit, pinch, or head-butt appellant, and the foster mother would intervene.

In January 2012, appellant informed family services that she wanted to leave the full-family foster placement because she needed to "get stable." She agreed to continue the children's foster placement. A social worker asked appellant to remain at the foster home until she signed a voluntary-placement agreement for the children, but appellant

[2] The child was not one of appellant's children.

wanted to leave immediately. The social worker asked appellant to come to the family-services office later that week to sign the placement agreement, but appellant did not do so. Appellant's boyfriend picked her up from the foster placement, and she lived with him for a period of time before moving in with her boyfriend's aunt. When appellant left full-family foster care, she had not met any of the placement goals.

The children remained in foster care and appeared to do well. S.C.'s anger issues improved after appellant left the placement, but they resurfaced when he began having visits with appellant. S.C. received individual therapy, and C.P. and K.P. received speech therapy. Appellant's phone contact with the children was sporadic after she left full-family foster care.

After appellant left the second full-family foster-care home, family services filed a CHIPS petition. The district court held an emergency protective care hearing, ordered that the children remain in their foster-care placement, and awarded temporary care, custody, and control of the children to family services. The court also ordered supervised visitation for appellant. Later, the district court held a two-day trial on the county's CHIPS petition and adjudicated the children CHIPS. The district court ordered family services to retain care, custody, and control of the children and ordered supervised visitation to continue. The county filed an out-of-home placement plan with the district court.

After trial, family services encouraged appellant to return to the full-family foster home. Appellant returned to the home for a trial home visit and lived in the basement apartment with her children. The trial home visit ended because appellant was unable to

properly care for her children or follow through with a daily schedule. Appellant was unable to consistently supervise the children, maintain a clean and appropriate living space, parent the children, or take her mental-health medications regularly. Family services provided appellant with many in-home and external services to assist her during the full-family foster-care trial home visit. Yet, appellant used the computer and phone excessively, would not supervise her children, and did not keep her home clean. There were bugs in the apartment, and the foster parents observed moldy food in the refrigerator, moldy and dirty dishes in the sink, and saw appellant feed K.P. from a moldy bottle.

Appellant also left the children unattended, resulting in situations in which they could have been seriously harmed. For example, one of the children pushed another child out of a window and one of the children tried to consume a household cleaner. On another occasion, one of the children was sick and appellant did not give him medication as instructed. When the foster mother checked on the child, his temperature was 103 degrees, he was struggling to breathe, and the child eventually had to be taken to the hospital.

After appellant left the full-family foster home, she agreed to have weekly telephone calls with the children and to visit them every other week. Appellant indicated that she would live with her father and that he would assist her to obtain mental-health services, as well as financial assistance from Pope County. Appellant did not visit the children, had inconsistent phone contact, and did not obtain mental-health services or

financial assistance for several months. The foster mother invited appellant to events and appointments for the children, but appellant attended few of them.

A social worker observed that while appellant was around the children, K.P. and C.P. reverted to screaming and yelling, and S.C. appeared more agitated with increased aggression. But when appellant left, the children's communication skills improved and S.C. was not as aggressive. During supervised visits, S.C. did not acknowledge appellant and she did not acknowledge him. K.P. acted out when appellant was present, but not when she was absent. C.P. and K.P. could not concentrate on an activity for more than five minutes when appellant was present. The most recent foster mother testified at the TPR trial that the children had come a long way since appellant left the foster home.

As summarized by the district court in its findings, appellant's circumstances at the time of trial were as follows. Appellant had been in relationships with men who were alcoholics, domestic abusers, and sex offenders. She suffered from recurrent severe depression, anxiety, post-traumatic stress disorder, borderline intellectual functioning, a history of substance abuse, dependent personality disorder, panic disorder, nicotine dependence, and she had attempted suicide. Appellant understood her mental-health issues, but failed to regularly attend therapy appointments or take her medications. Appellant was overly dependent on others and lacked motivation or interest in caring for her children, despite all of the in-home and out-of-home services that were provided to improve her parenting abilities. The district court noted that appellant's belief that she was stable at the time of trial and in a position to parent the children with full services tapering over time was exactly the approach that had been used on multiple occasions

from 2008 to 2013, yet appellant was unable to adequately parent her children or stabilize her mental-health issues. From 2008 to 2013, family services created plans for appellant and updated those plans in an attempt to reunify the family. The district court found that

> even with all the services provided, case plans in place, and the structured environments provided to [appellant] for parenting her children, she continually failed to follow through with the case plans and act in the best interests of her children. In fact, since the first attempt to aid [appellant] in parenting her child, five (5) years have elapsed in which to allow her to give the children permanency with her.

The district court found that family services had made reasonable efforts to provide appellant with appropriate and sufficient services for her rehabilitation as a parent and for reunification with the children. The district court further found that reasonable efforts had failed to correct the situation and rehabilitate appellant such that she could sufficiently meet the needs of the children and that reunification of the children with appellant would not be possible in the reasonably foreseeable future.

The district court made specific findings regarding the children's best interests that addressed the children's current functioning and behaviors; the children's medical, educational, and developmental needs; the children's history and past experience; the children's religious and cultural needs; the children's connection with community, school, and faith; the children's interests and talents; the children's relationship to current caretakers, parents, siblings, and relatives; and the reasonable preferences of the children. The district court also made specific findings regarding the children's interests in preserving the parent-child relationship, the parent's interest in preserving the parent-

child relationship, and any competing interests of the children. The district court ultimately found that:

> It is in the best interests of the three children to terminate the parental rights of [appellant]. [Appellant] is not capable of appropriately caring for the children now or in the foreseeable future. [Appellant] will likely require many years of therapy and taking her medications on a regular basis without prompting before she is stable. It is possible that she may never be capable of parenting appropriately. The children need stability and security in their lives now. There is no less restrictive alternative than termination of the parental rights of [appellant] to meet the best interests of the children.

The district court concluded that there was clear-and-convincing evidence supporting the termination of appellant's parental rights under Minn. Stat §§ 260C.301, subd. 1(b)(2) (failure to comply with parental duties), (4) (palpable unfitness), and (5) (failure of reasonable efforts to correct conditions leading to out of home placement) (2012). The district court also concluded that the county had established by clear-and-convincing evidence that termination of appellant's parental rights was in the children's best interests. The district court terminated appellant's parental rights to the children, and this appeal follows.[3]

D E C I S I O N

I.

Appellant first argues that "[t]he district court erred in ruling that reliable hearsay is admissible in a termination of parental rights proceeding." At trial, appellant objected to portions of the guardian ad litem's testimony as hearsay. The district court ruled:

[3] The children's biological fathers voluntarily terminated their parental rights.

"Your objection is noted. Since reliable hearsay is admissible in this type of proceeding, I'll allow you to testify. The objection is overruled. I'll make note that it's a standing objection . . . ." As best we can tell, appellant argues that some of the guardian ad litem's testimony is hearsay because it is based on the guardian's review of documents prepared by other individuals. The county contends that the issue is not properly before this court because appellant failed to move for a new trial. "[E]videntiary rulings are subject to appellate review only if there has been a motion for a new trial in which such matters have been assigned as error." *In re Welfare of D.N.*, 523 N.W.2d 11, 13 (Minn. App. 1994) (quotation omitted), *review denied* (Minn. Nov. 29, 1994). Because appellant did not move for a new trial based on the district court's hearsay ruling, her challenge to the ruling is not properly before this court on appeal. *See id*.

Appellant nonetheless asks this court to review the ruling under *In re Welfare of S.R.A.*, 527 N.W.2d 835 (Minn. App. 1995), *review denied* (Minn. Mar. 29, 1995). There, this court "consider[ed an evidentiary ruling in the interests of justice] on a direct appeal from a termination [of parental rights] order even though the parent . . . failed to move for a new trial." *S.R.A.*, 527 N.W.2d at 837. For the reasons that follow, we do not provide such review in this case.

"The benefits of requiring motions for a new trial are twofold: (1) they may eliminate the need for appellate review; or (2) if appellate review is sought, they facilitate development of critical aspects of the record." *Alpha Real Estate Co. of Rochester v. Delta Dental Plan of Minnesota*, 664 N.W.2d 303, 309 (Minn. 2003) (quotation omitted).

> More specifically, motions for a new trial focus the district court's attention on the specifics of an objection; give the district court the time and the opportunity to consider the context in which the alleged error occurred and the effect it might have had upon the outcome of the litigation; and provide the district court with the opportunity to correct its own errors.

Id. (quotation omitted). "The motion for a new trial gives the court time to consider the context of the objection and the effect the error may have had on the outcome of the case." *Id*. at 310. "This permits the court to more fully develop the record for appellate review or to correct its own mistake and alleviate the need for appellate review." *Id*.

It is not clear from the district court's on-the-record ruling that the court erroneously concluded—as appellant contends—that the hearsay rule does not apply at a TPR trial. *See In re Child of Simon*, 662 N.W.2d 155, 160 (Minn. App. 2003) ("Although generally inadmissible, hearsay statements may be admissible under one of several exceptions to the general rule . . . ."); *see also* Minn. R. Juv. Prot. P. 3.02, subd. 1 ("Except as otherwise provided by statute or these rules, in a juvenile protection matter the court shall only admit evidence that would be admissible in a civil trial pursuant to the Minnesota Rules of Evidence."). The guardian ad litem argues that the district court could have relied on Minn. Stat. § 260C.193, subd. 2 (2012), which states: "Before making a disposition in a case, terminating parental rights . . . the court may consider any report or recommendation made by the . . . guardian ad litem . . . or any other information deemed material by the court." The county argues that the district court could have relied on Minnesota Rules of Evidence 803(6) or 807. *See* Minn. R. Evid. 803(6) ("A memorandum, report, record, or data compilation, in any form, of acts, events,

conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness."), 807 ("A statement not specifically covered by rule 803 or 804 but having equivalent circumstantial guarantees of trustworthiness, is not excluded by the hearsay rule, if the court determines that (A) the statement is offered as evidence of a material fact; (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (C) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence.").

The hearsay rule is subject to numerous, fact-specific exceptions. *See* Minn. R. Evid. 803 (listing over 20 hearsay exceptions), 804 (listing additional hearsay exceptions), 807 (setting forth the residual exception to the hearsay rule). For that reason, the supreme court has said that decisions regarding the application of hearsay exceptions are not well suited to appellate determinations in the first instance. *See State v. Manthey*, 711 N.W.2d 498, 504 (Minn. 2006) ("The number and variety of exceptions to the hearsay exclusion make objections to such testimony particularly important to the creation of a record of the [district] court's decision-making process in either admitting or excluding a given statement. The complexity and subtlety of the operation of the hearsay

rule and its exceptions make it particularly important that a full discussion of admissibility be conducted at trial.").

In this case, it is difficult to review the district court's hearsay ruling for an abuse of discretion when the basis for that ruling is not clear and appellant failed to move for a new trial, which may have clarified the ruling. *See Alpha Real Estate Co. of Rochester*, 664 N.W.2d at 310 (stating that a new-trial motion "permits the court to more fully develop the record for appellate review"). For that reason, we are not inclined to review the ruling.

Moreover, "[a] new trial will be granted because of an improper evidentiary ruling only if the complaining party demonstrates prejudicial error." *Simon*, 662 N.W.2d at 160. It does not appear that the objected-to portions of the guardian ad litem's testimony were prejudicial. *See S.R.A.*, 527 N.W.2d at 838 (refusing to reverse a TPR for a harmless evidentiary error). Here, much of the testimony in question was duplicative of other evidence that was received without objection. And there was substantial evidence—from witnesses other than the guardian ad litem—regarding appellant's child-protection history and the issues that prevented appellant from adequately parenting her children. It therefore does not appear that the purported evidentiary error would warrant reversal. *See id.* (concluding that any error in the admission of certain evidence was harmless because it was cumulative of other evidence and therefore not prejudicial).

In sum, this case does not call for an exception to the general rule requiring appellant to bring a new-trial motion to obtain review of an alleged evidentiary error. We therefore do not address the merits of the hearsay ruling.

II.

Appellant next argues that "[t]he district court erroneously based its findings and order [on her] mental status when that status is no longer applicable." Appellant's argument essentially raises issues regarding the sufficiency of the evidence to sustain the termination; specifically, the conditions existing at the time of termination and the county's reasonable efforts to reunify appellant and her children.

"[P]arental rights may be terminated only for grave and weighty reasons." *In re Welfare of Child of W.L.P.*, 678 N.W.2d 703, 709 (Minn. App. 2004). "The court must make its [termination] decision based on evidence concerning the conditions that exist at the time of termination and it must appear that the conditions giving rise to the termination will continue for a prolonged, indeterminate period." *In re Welfare of Child of T.D.*, 731 N.W.2d 548, 554 (Minn. App. 2007) (quotation omitted). An appellate court "exercises great caution in termination proceedings, finding such action proper only when the evidence clearly mandates such a result." *In re Welfare of S.Z.*, 547 N.W.2d 886, 893 (Minn. 1996). On appeal we examine the record to determine whether the district court applied the appropriate statutory criteria and made findings that are not clearly erroneous. *In re Welfare of D.L.R.D.*, 656 N.W.2d 247, 249 (Minn. App. 2003). We give the district court's decision considerable deference, but "closely inquire into the sufficiency of the evidence to determine whether it was clear and convincing." *In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008). An appellate court affirms the district court's termination of parental rights "when at least one statutory ground for termination is supported by clear and convincing evidence and termination is in the best interests of

the child, provided that the county has made reasonable efforts to reunite the family." *Id.* (citations omitted).

As to the conditions at the time of termination, appellant argues that the diagnostic report from her most recent therapist, Sharon Jensen, was "quite favorable" and that the county's evidence regarding her mental health was outdated. Appellant asserts that Jensen "testified that she believed [*appellant*] would be able to function properly if she had reasonable community support." (Emphasis added.) The record does not support that assertion. First, the testimony cited by appellant regards individuals in general and not appellant in particular. For example, Jensen responded affirmatively when appellant's attorney asked, "With [community-based mental health] services in place do you feel that *a person* who otherwise might be unable to function, can function because of the assistance of those services?" (Emphasis added.)

Second, Jensen testified that although she met with appellant ten times, appellant failed to attend eight scheduled appointments. Jensen also testified that it was appellant's responsibility to schedule and cancel appointments, but that appellant's father generally scheduled the appointments for her. Jensen further testified that appellant's mental-health issues are "chronic," appellant has been dealing with them "since about 2006," and she has concerns about appellant caring for children independently. In sum, the testimony of appellant's current therapist was not as favorable as she suggests.

Alternatively, appellant suggests that the county did not make reasonable efforts to provide mental-health services. *See T.D.*, 731 N.W.2d at 554 ("A court may not terminate parental rights unless it also finds that social-service agencies made reasonable

efforts to reunify the parent and child."). Appellant asserts that "[a]lthough psychiatric or psychological treatment was regularly recommended for [her], there is no indication that the county provided, or even attempt[ed] to provide, such treatment." The record refutes that assertion. The record provides clear-and-convincing support for the district court's conclusion that family services made reasonable efforts, which included services to address appellant's mental health. For example, a family-services social worker testified that she "set up services [for appellant] with Woodland Centers" and that she "personally transported her to and from her counseling sessions for the . . . weeks prior to her going to full family foster care." The social worker testified that after appellant entered full-family foster care, she attended weekly therapy sessions at Lighthouse Children and Family Services. Those therapy sessions were intended to help appellant address her mental-health issues, including depression. The social worker testified that appellant was "pretty much always on an antidepressant."

In addition, appellant received mental-health services, including individual therapy, during her stay in the second full-family foster home. After appellant left the second full-family foster home, she received mental-health therapy through Northern Pines in Brainerd. The family-services social worker testified that, during that time, she called appellant "at least three times per week to . . . remind her of the appointments" and that "transportation was arranged for each of those appointments."

The social worker testified that there was a gap in services in May 2012 because, as part of a court order, appellant was responsible for scheduling her May appointments, but she had "left the residence she was residing in and moved to a shelter." Nonetheless,

according to the social worker, the "service was available and [appellant] could've had that weekly counseling continued until she returned to full family if she would've scheduled those visits." A mental-health therapist at Riverwood Centers testified that she and a colleague worked with appellant in June and July 2012. In August, after appellant left the full-family foster home for the last time, mental-health services were initiated for appellant in Pope County with Jensen.

In sum, the termination was based on conditions that existed at the time of trial and the record provides clear and convincing support for the district court's reasonable-efforts determination.

III.

Lastly, appellant argues that "[t]he best interests of the children do not require termination of [her] parental rights and the district court used the wrong set of criteria to determine those best interests." A district court's order terminating parental rights must include a finding that termination is in the children's best interests. *In re Welfare of Child of D.L.D.*, 771 N.W.2d 538, 546 (Minn. App. 2009). In any TPR proceeding, "the best interests of the child must be the paramount consideration." Minn. Stat. § 260C.301, subd. 7 (2012). "The 'best interests of the child' means all relevant factors to be considered and evaluated." Minn. Stat. § 260C.511(a) (2012). "We review a district court's ultimate determination that termination is in a child's best interest for an abuse of discretion." *In re Welfare of Children of J.R.B.*, 805 N.W.2d 895, 905 (Minn. App. 2011), *review denied* (Minn. Jan. 6, 2012).

The district court recognized that the best-interests determination is governed by Minn. Stat. § 260C.511. The district court used the factors under Minn. Stat. § 260C.212, subd. 2(b) (2012), and Minn. R. Juv. Prot. P. 39.05 to determine the children's best interests. Minn. Stat. § 260C.212, subd. 2(b) sets forth ten best-interests factors to be considered when placing a child in foster care. The district court considered each of the ten factors. Rule 39.05, subd. 3(b)(3), applies specifically to TPR proceedings and states that "[b]efore ordering termination of parental rights, the court shall make a specific finding that termination is in the best interests of the child and shall analyze: (i) the child's interests in preserving the parent-child relationship; (ii) the parent's interests in preserving the parent-child relationship; and (iii) any competing interests of the child." The district court considered each of those factors.

Appellant nonetheless contends that the district court erred, arguing that it should have also considered the best-interests factors listed in Minn. Stat. § 518.17 (2012), which applies to child-custody disputes in dissolution proceedings. But appellant cites no authority supporting her position. We conclude that the district court did not err by using the best-interests factors that specifically apply to TPR decisions and decisions regarding foster-care placements. *See* Minn. Stat. § 260C.212, subd. 2(b); Minn. R. Juv. Prot. P. 39.05. The district court made detailed, specific findings regarding those factors, which thoughtfully addressed the children's best interests. And the district court did not abuse its discretion by determining that termination is in the children's best interests.

Affirmed.