

¶ 4

A. Initial Proceedings

¶ 5

1. H.C.

¶ 6 In March 2018, the State filed a petition for adjudication of wardship, alleging the minor's environment was injurious to his welfare "in that the minor's father has unresolved domestic violence issues, some of which have occurred in front of the minor." See 705 ILCS 405/2-3(1)(b) (West 2016). Subsequently, the trial court granted the Department of Children and Family Services (DCFS) temporary custody and guardianship of H.C. In April 2018, the State filed a supplemental petition for adjudication of wardship, alleging the minor was also a neglected minor under section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2016)), due to respondent mother having "unresolved cannabis consumption issues with occurrences of said consumption having [taken] place in front of the minor."

¶ 7

In June 2018, the trial court entered an adjudicatory order finding H.C. neglected after respondent stipulated to paragraph seven of the supplemental petition for adjudication of wardship: H.C.'s environment was injurious to his welfare due to respondent mother's unresolved cannabis consumption. In a July 2018 dispositional order, the trial court (1) found respondent unfit, (2) made H.C. a ward of the court, and (3) granted DCFS guardianship and custody.

¶ 8

2. C.C.

¶ 9

In March 2018, the State filed a petition for adjudication of wardship, alleging the minor's environment was injurious to his welfare "in that the minor's father has unresolved domestic violence issues, some of which have occurred in front of the minor." See 705 ILCS 405/2-3(1)(b) (West 2016). Subsequently, the trial court granted DCFS temporary custody and

guardianship of C.C. In April 2018, the State filed a supplemental petition for adjudication of wardship, alleging the minor was also a neglected minor under section 2-3(1)(b) of the Juvenile Court Act (705 ILCS 405/2-3(1)(b) (West 2016)), due to respondent mother having “unresolved cannabis consumption issues with occurrences of said consumption having [taken] place in front of the minor.”

¶ 10 In June 2018, the trial court entered an adjudicatory order finding C.C. neglected after respondent stipulated to paragraph seven of the supplemental petition for adjudication of wardship: C.C.’s environment was injurious to his welfare due to respondent mother’s unresolved cannabis consumption. In a July 2018 dispositional order, the trial court (1) found respondent unfit, (2) made C.C. a ward of the court, and (3) granted DCFS guardianship and custody.

¶ 11 B. Termination Proceedings

¶ 12 In May 2020, the State filed petitions to terminate respondent’s parental rights. The petitions alleged respondent failed to (1) make reasonable efforts to correct the conditions that were the basis of removal of H.C. and C.C. from him within nine months after adjudication, specifically October 1, 2018, to July 1, 2019, and June 15, 2019, to March 15, 2020 (750 ILCS 50/1(D)(m)(i) (West 2018)) and (2) make reasonable and substantial progress towards the return of H.C. and C.C. within nine months after adjudication, specifically October 1, 2018, to July 1, 2019, and June 15, 2019, to March 15, 2020 (750 ILCS 50/1(D)(m)(ii) (West 2018)).

¶ 13 1. *Fitness Hearing*

¶ 14 On August 28, 2020, the trial court conducted a bifurcated hearing on the petitions for termination of parental rights, first considering respondent’s fitness. At the hearing, respondent stipulated he failed to make reasonable and substantial progress towards the return of

H.C. and C.C. within nine months after adjudication, specifically June 15, 2019, to March 15, 2020 (750 ILCS 50/1(D)(m)(ii) (West 2018)). Based on respondent’s stipulation and an extensive factual basis offered by the State, the court found respondent unfit by clear and convincing evidence.

¶ 15

2. Best-Interest Hearing

¶ 16

Over a two-day period in March 2021, the trial court held a best-interest hearing where the court heard testimony and received best-interest reports from Lutheran Social Services of Illinois (LSSI). The court also took judicial notice of respondent’s criminal record without objection. At the time of the hearing, respondent was incarcerated with the Illinois Department of Corrections at Stateville Correctional Center.

¶ 17

a. Terri Stone

¶ 18

Terri Stone, H.C.’s foster mother, testified she and her wife, Dawn Stone, began fostering H.C., also known as Billy, at the end of September 2020. Stone testified that in the five months H.C. lived in her home, he fit in well with her family. Stone stated H.C. was doing “[r]elatively well” in school and was on track to graduate on time. Stone provided she had a teaching degree and helped H.C. with his studies along with a tutor. Stone also testified H.C. attended church. Stone testified she and her wife were committed to providing permanency to H.C. and ultimately, they wanted to adopt H.C. Stone also testified H.C. expressed wanting Stone and her wife to adopt him.

¶ 19

Stone ensured that on a day-to-day basis, H.C.’s basic needs were met. Stone testified, due to trauma in H.C.’s life,

“We’ve got him set up with a psychiatrist who is now getting meds on board with him so he is more stable. He sees a counselor

through [LSSI]. [LSSI] has already set up drug and alcohol counseling because he has a problem with pot. He knows it's not advocated by us, but he has been doing it for years since—he has told me since he was with his parents.”

Stone testified that in addition to H.C., she also fostered another child and had a 70-year-old roommate living in the house as well. H.C. had his own room and got along well with the other foster child. H.C. and the other foster child played basketball and video games and watched TV together.

¶ 20 Stone testified that although they have had issues with H.C.'s substance abuse, they were still willing to provide permanency for H.C. through adoption. Stone stated she and her spouse both love H.C. but when he gets in trouble, they discipline him. According to Stone, since H.C. entered her care, he had calmed down, was able to articulate his feelings instead of lashing out, and had a desire to change his bad habits that involved substance abuse issues. Stone testified, “We do have [a] concern about his father because Billy is very intimidated by his dad.”

¶ 21 On cross-examination, Stone testified H.C. dealt with issues such as substance abuse, stealing, and mental health issues. To help H.C. resolve some of those issues, H.C. saw doctors, psychiatrists, and counselors. Stone testified H.C. was not allowed to use any illegal substance in her household. However, she was aware that he used them outside the home. Stone testified, “I'm trying to get him off of it all.” Stone also testified both she and her wife did not work and she was on 100% disability with the military.

¶ 22 b. Sandra Brown

¶ 23 Sandra Brown, C.C.'s foster mother, testified she lived with her husband, an adopted foster child, and C.C., in a five-bedroom house. Brown stated she provided a safe home environment by making sure C.C. was kept clean, fed, and that he kept up with his school responsibilities. C.C. attended church, therapy, and various doctor appointments. Brown stated C.C. and his foster sibling got along one minute and not the next. However, she testified their relationship was improving. Brown stated C.C. had friends who they tried to keep him in contact with.

¶ 24 Brown testified C.C. had been in her care for about a year and she stated she and her husband were willing to provide a permanent home for C.C. Specifically, Brown testified they were interested in guardianship but not adoption due to inheritance issues. Brown stated they have been attempting to help C.C. but he had been through a lot, specifically, "He has had many different things come up. He has been in and out of the hospitals, he has been in and out of ERs. He has been suspended from school. He has been in detentions. It's been one thing after another." Brown testified, "I think it would be pretty devastating at this point if [C.C.] was to be moved, because I think we're building trust with him." Brown stated that although C.C. had some behavioral issues, he had made progress since he first came into their care. Brown testified that the only time they have had real issues with C.C. has been "when it has anything to do with his real family."

¶ 25 On cross-examination, Brown testified C.C. was in contact with respondent mother through a computer which they took away because he was not supposed to have unsupervised contact with her. Brown specified the times they have had trouble with C.C. have been when he is "away from us in school or out in the community." Brown stated she did not know C.C.'s grandfather from Tennessee. Brown testified C.C. loved respondent and would

“love nothing more than to be with his dad.” Brown believed communication between C.C. and respondent would be great for C.C. “[i]f his dad could have appropriate conversations and support his son and show him love, that would be great.”

¶ 26 c. H.C.

¶ 27 H.C. testified he went by the nickname Billy and that he felt safe and happy living with his foster family. He stated he went to counseling and was in the process of attempting to resolve his substance abuse issues. He testified his foster parents did not allow him to use any illegal substances in the house and disapproved of his substance use. H.C. stated he loved his foster family and the other foster child in the home was like a brother to him. H.C. testified he wanted his foster family to adopt him.

¶ 28 On cross-examination, H.C. testified he did not have a relationship with his grandfather who lives in Tennessee. Specifically, H.C. stated he did not speak with his grandfather. H.C. testified he wanted to stay with his foster family because he had been in 17 different foster homes and he finally now felt like he was in a “stable, happy environment[.]” H.C. stated he had been making progress with school and was on track to graduate on time. Regarding respondent, H.C. testified, “I will always love my dad. He is a great man. But he got to get his head on straight. He can’t be 4 years old anymore. He is 40 years old, not 4. I respect him as my father. I always will. But he got to grow up. I have to, he has to.” H.C. also stated he only wanted supervised contact with his father until he trusted him again.

¶ 29 d. Respondent

¶ 30 Respondent testified he was presently incarcerated and had been in custody since January 2020. Prior to being incarcerated, respondent alleged he completed every service required of him. However, since January 2020 he had not participated in services. Respondent

stated terminating his parental rights would be harmful to his children because he had raised both of the minors and they were attached to him. Respondent testified that at the time of the hearing he would still be incarcerated for a year and a half to two years. Respondent stated the minors could be placed with his father in Tennessee. Respondent testified C.C. was familiar with his grandfather and they would get along very well. Respondent also testified H.C. and his grandfather stayed in contact through Snapchat. Respondent's father owned a mechanic shop and lived in a five-bedroom house with a large yard.

¶ 31 On cross-examination, respondent admitted H.C. and C.C. had not had physical contact with their grandfather since before March 2018. Respondent testified he suffered from mental health issues and would often not take his prescribed medication. Respondent agreed this case started because of domestic violence issues. Respondent also agreed that because of his incarceration he could not provide for the minor's daily needs such as food, housing, or taking them to doctor's appointments. Respondent admitted he pleaded guilty to a prior misdemeanor for harboring the minors as runaways.

¶ 32 e. Trial Court's Findings

¶ 33 After hearing the evidence, the trial court found it was in H.C.'s and C.C.'s best interest to terminate respondent's parental rights. The court gave an extensive oral pronouncement where it weighed the statutory best-interest factors. As to the factor of physical safety and welfare, the court found respondent's incarceration prohibited him from providing food, shelter, healthcare, and clothing for the minors. The court determined H.C.'s substance abuse problem was not the foster parents' fault where he came into their care with the issue. Further, H.C. was making good process in his foster family's care. As to C.C., the court stated although C.C. had some "profound needs[,] the foster mother was a great placement because

she had a psychiatric nursing background and was “very attentive” to C.C.’s needs. The court determined the physical safety and welfare factor weighed in favor of termination.

¶ 34 As to the development of the child’s identity, the trial court stated H.C.’s identity was well established, but as to C.C., the court stated, “I think this cuts against termination in that regard as far as [C.C.] goes.” As to the child’s background, ties, and sense of attachment, the court stated those factors weighed in favor of termination. The court noted the minors’ background was “chaos” and respondent abducted the children which caused an extreme detriment to them. The court found both foster families provided the minors with love, attachment, and a sense of security. The court also found H.C.’s testimony evidenced he lacked a sense of security in his relationship with respondent.

¶ 35 As to the children’s wishes and long-term goals, the trial court determined H.C.’s testimony clearly favored termination where H.C. expressed that he wanted his foster family to adopt him. As to C.C., the court stated it did not give a lot of weight to this factor where C.C. had significant mental health and emotional issues. The court found the minors’ community ties also favored termination because both minors were doing well in their foster homes, making progress in school, and attended church.

¶ 36 As to the minors’ need for permanence, the trial court determined the factor favored termination because respondent was not able to care for the children due to his incarceration. The court found H.C.’s foster family provided the permanence and stability he needed. The court expressed concern with C.C.’s foster family not wanting to adopt C.C. due to inheritance issues. However, the court determined the foster family provided C.C. with stability and continuity of relationship. The court rejected the idea of the minors moving to live with their grandfather in Tennessee. The court also analyzed several additional factors, including

uniqueness of every family and child, risks attendant to being in substitute care, and preference of the persons available to care for the child. The court determined those factors weighed in favor of termination. Ultimately, the court found by a preponderance of the evidence that it was in the best interest of the minors to terminate respondent's parental rights.

¶ 37 This appeal followed. We docketed respondent's appeal in regard to C.C. as case No. 4-21-0206 and respondent's appeal in regard to H.C. as case No. 4-21-0207. We have consolidated respondent's cases for review.

¶ 38 II. ANALYSIS

¶ 39 On appeal, respondent argues the trial court's best interest finding, which terminated his parental rights, was against the manifest weight of the evidence. For the following reasons, we affirm.

¶ 40 A. Standard of Review

¶ 41 "At the best-interest stage of termination proceedings, the State bears the burden of proving by a preponderance of the evidence that termination [of parental rights] is in the child's best interest." *In re Jay H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 290-91 (2009). The reviewing court will not reverse the trial court's best-interest determination unless it was against the manifest weight of the evidence. *Id.* A best-interest determination is against the manifest weight of the evidence only if the facts clearly demonstrate the court should have reached the opposite result. *Id.* Ultimately, the trial court is in the best position to determine the credibility of the witnesses. *In re K.B.*, 314 Ill. App. 3d 739, 748, 732 N.E.2d 1198, 1206 (2000).

¶ 42 At the best-interest stage of termination proceedings, " 'the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving

home life.’ ” *In re T.A.*, 359 Ill. App. 3d 953, 959, 835 N.E.2d 908, 912 (2005) (quoting *In re D.T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004)). The trial court takes into consideration the best-interest factors in section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2018)).

¶ 43 B. Best-Interest Finding

¶ 44 Respondent argues the trial court “did not pay much attention to the evidence” that the minors’ grandfather would provide for them and that the “uncontroverted testimony” of respondent showed he had a desire to fully engage with services for the return of his children. We disagree with respondent. As evidenced by the trial court’s lengthy ruling, it adequately weighed all the relevant statutory best-interest factors and properly determined the factors weighed in favor of terminating respondents’ parental rights.

¶ 45 The trial court rejected the claim that the minors’ placement with their grandfather would be in the minors’ best interest where they did not appear to have a relationship with their grandfather. Respondent admitted at the best-interest hearing that the minors had not had physical contact with their grandfather since before March 2018. H.C. testified he had no relationship with his grandfather. Further, the grandfather was not present at the best-interest hearing.

¶ 46 Moreover, the court found both H.C.’s and C.C.’s foster placements provided them with stability and permanence. H.C. and his foster family both expressed the desire to move toward adoption. While C.C.’s foster family stated they did not want to adopt C.C., they expressed a desire to continue providing him permanency through guardianship. Both H.C. and C.C. appeared to be doing relatively well in their placements, considering the circumstances.

¶ 47 Lastly, the record refutes respondent’s “uncontroverted testimony” that he had a desire to fully engage in services for the return of his children where he previously admitted he was unfit to do so. Respondent testified that for the foreseeable future he would not be able to provide H.C. or C.C. the care they needed because of his incarceration.

¶ 48 Accordingly, the trial court’s finding it was in the minors’ best interest to terminate respondent’s parental rights was not against the manifest weight of the evidence. Therefore, we affirm the court’s judgment.

¶ 49 III. CONCLUSION

¶ 50 For the foregoing reasons, we affirm the trial court’s judgment.

¶ 51 Affirmed.