2026 IL App (1st) 260342
No. 1-26-0342
Opinion filed November 19, 2026

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT, FOURTH DIVISION

In re L.W., a Minor

(The People of the State of Illinois, Petitioner-Appellee,

v.

Joski A., Respondent-Appellant).

Appeal from the Circuit Court of Cook County.
Honorable Patrick T. Murphy, Judge, Presiding.
No. 22-JA-182

JUSTICE NAVARRO delivered the judgment of the court, with opinion.
Justices Mitchell and Ocasio concurred in the judgment and opinion.

OPINION

¶ 1 Following a trial on the termination of parental rights, the trial court found respondent, Joski A., unfit and determined that terminating his parental rights was in the best interest of his son, L.W. Respondent appeals, contending that the court's finding of unfitness and its best interest determination are against the manifest weight of the evidence. For the reasons that follow, we affirm.

¶ 2 I. BACKGROUND

¶ 3 In May 2020, respondent was arrested on a charge of predatory criminal sexual assault of a child and other sex offenses and has been in Cook County jail awaiting trial ever since. Two months later, Jasmine W., who is not a party to this appeal, gave birth to L.W., a boy. In February

2022, the Chicago police found Jasmine and L.W. wandering outside in freezing cold temperatures; L.W. was not wearing any clothes. As a result, the State filed a petition for the adjudication of wardship on behalf of L.W., alleging, *inter alia*, that he was neglected due to an injurious environment because of Jasmine's mental health issues. The State's petition identified respondent as the putative father and stated that he was in Cook County jail. Upon the State's motion, the trial court ordered the guardianship administrator of the Department of Children and Family Services (DCFS) to take temporary custody of L.W. During the proceedings, respondent's paternity of L.W. was established.

¶ 4 In August 2022, the trial court held adjudicatory and dispositional hearings. Following the hearings, the court found L.W. neglected due to an injurious environment and noted that respondent was a noncustodial parent. The court then adjudged L.W. a ward of the court because respondent and Jasmine were unable, for some reason other than financial circumstances alone, to care for, protect, train, or discipline him. The court concluded it was in the best interest of L.W. to remove him from Jasmine's custody, terminated its temporary custody order, and ordered L.W. placed with the DCFS guardianship administrator. In the court's permanency order, it found that the appropriate permanency goal for L.W. was a return home within 12 months.

¶ 5 As the proceedings progressed, the trial court changed L.W.'s permanency goal to substitute care pending a court determination on the termination of parental rights. The court modified its permanency goal because respondent remained in jail, Jasmine failed to participate in services, and, as of May 2023, L.W. was doing well in a "fictive kin home." The placement was with respondent's girlfriend, Sherida C., who indicated she was willing to provide permanency for L.W. But approximately a month after the court modified its permanency goal, L.W. had to be removed from Sherida's care after a child in her home, J.W., passed away from accidental asphyxia

caused by unsafe sleeping conditions. Thereafter, L.W. temporarily lived with two other foster parents until eventually being placed with Nicole A. at some point around the summer of 2023.

¶ 6 In October 2023, the State moved to terminate respondent's and Jasmine's parental rights to L.W. and to appoint a guardian with the right to consent to his adoption. As to respondent, the State alleged various grounds of parental unfitness but ultimately proceeded on the grounds that respondent failed to maintain a reasonable degree of interest, concern, or responsibility for L.W.'s welfare and that his repeated incarceration prevented him from discharging his parental responsibilities.

¶ 7 Four months later, respondent's and Jasmine's termination of parental rights trial began. The State presented the testimony of Lisa O'Quinn, Rozalyn Shelton, Shanee Thurston, and Shshanna Moreno, all employees with Lutheran Child and Family Services (Lutheran Services). They collectively testified that respondent was in Cook County jail when Lutheran Services received L.W.'s case. As a result, Lutheran Services did not assess or provide respondent with services, though O'Quinn conceded that she should have contacted the social worker at the Cook County jail to see if any services were available to him. Shelton testified that she repeatedly called a number provided by respondent's attorney because she believed it was associated with a social worker in the Cook County jail but that no one answered. Because respondent was in jail, he did not have any visitation with L.W., though he did have telephone contact with L.W. weekly while L.W. was living with Sherida. According to Shelton, during a telephone conversation between her, Sherida, and respondent in the spring or summer of 2022, respondent stated that he would consent to Sherida adopting L.W., though no formal paperwork was presented in court.

¶ 8 Shelton had a second conversation with respondent in June 2023 after L.W. had to be removed from Sherida's care following J.W.'s death. During that conversation, Shelton asked

respondent if there were any other family members of his that could take L.W. Respondent gave Shelton the contact information for his father and a close female friend, but neither was a viable placement for L.W., according to Shelton. After being removed from Sherida's care, L.W. was placed in a temporary respite placement for two to three weeks, then another foster parent for approximately a week before being placed with Nicole, where he has remained since. After L.W. was removed from Sherida's care, respondent had no further contact with him, and Shelton had no way to communicate with respondent to arrange visitation. Thurston added that there were no attempts to set up visitation between respondent and L.W. once L.W. was placed with Nicole. The trial court adjourned the trial for two months.

¶ 9 In April 2024, the trial resumed. The State introduced, and the trial court admitted into evidence, certified copies of respondent's convictions. The records showed that respondent had prior felony convictions for aggravated robbery in 2005 and possession of a controlled substance in 2012 and 2014. Respondent testified and acknowledged that, because he had been in jail throughout L.W.'s life, he had not been physically present for everyday activities. But he testified that he signed a consent to adoption for Sherida to adopt L.W. After learning that L.W. had to be removed from Sherida's care, respondent repeatedly contacted Lutheran Services to report that his father and at least one sister were interested in fostering L.W., but the agency never responded. Respondent asserted that, while in jail, Lutheran Services did not offer him any services or tell him what services he needed to accomplish for parenting purposes. Respondent remarked that, from June 2023 until April 2024, he did not have any contact with L.W. and only in April 2024 did he have a virtual visit.

¶ 10 Following the testimony, the State observed that no trial had been scheduled for respondent's pending criminal case, which caused the trial court to express frustration with its

pace. The court then remarked that, due to the age of respondent's prior convictions, including the aggravated robbery conviction being almost 20 years old, it was "more interested" in seeing what happened with his current case. The court therefore continued the matter in the hope that respondent's criminal case would be resolved. The court, however, found Jasmine unfit as a parent and determined it was in L.W.'s best interest to terminate her parental rights.

¶ 11 When respondent's trial resumed in November 2025, his criminal case remained unresolved because, according to the State, the parties were still litigating pretrial motions. Although the court wanted a resolution to respondent's criminal case before determining whether to terminate his parental rights, the court believed his criminal case was progressing too slowly to justify a further delay. The court accordingly held one final trial day.

¶ 12 Shantika Robinson, L.W.'s most recent caseworker from Lutheran Services, testified that respondent had not visited with L.W. during the preceding five months. Robinson explained that visitation could not be coordinated because respondent was in jail and L.W. attended school full-time. Robinson acknowledged that respondent wanted to have visitation, but the times when L.W. was available, such as out of school, Lutheran Services was not open, and Nicole did not feel comfortable having visitation without Lutheran Services facilitating it. Nicole testified that respondent and L.W. had one virtual visit about a year earlier. Respondent had also sent L.W. money twice: $30 for his birthday and $40 for movies.

¶ 13 Following the presentation of evidence, the trial court found respondent an unfit parent based on his failure to maintain a reasonable degree of interest, concern, or responsibility for L.W.'s welfare and his repeated incarceration. As for the first basis, the court observed that respondent could have requested to go to trial at any point to accelerate his case, even if contrary to his attorney's advice, but chose not to. Because respondent had been in jail since L.W.'s birth,

he "has never had [L.W.]," which the court concluded demonstrated "a complete lack of responsibility." As to the second basis, the court asserted that it was "clear" he was an unfit parent due to his repeated incarceration and noted that it "suspect[ed]" that his current pretrial detention was due to his prior convictions. The court continued the matter for a best interest hearing.

¶ 14 In January 2026, on the date of respondent's best interest hearing, his criminal case still remained unresolved. Robinson testified that L.W. was now five years old, was in kindergarten, and had been living with Nicole in a safe and appropriate environment. According to Robinson, L.W. recently received an individualized education program (IEP) to address behavioral issues that emerged at the beginning of the 2025 school year, including difficulty concentrating and disrupting his classmates and teachers. Robinson noted that, in one incident, L.W. "head[-]butted" a teacher, which resulted in a suspension from school and prompted the IEP. To address his behavioral issues, L.W. began seeing two therapists and taking medication for attention deficit hyperactivity disorder (ADHD), which he took as prescribed. Robinson stated that, since beginning therapy and medication, L.W.'s behavior had improved, as the behavioral outbursts were not as frequent as before. In Robinson's interactions with Nicole and L.W., she observed them having a loving relationship with no concerns. In fact, Robinson noted that L.W. called Nicole "mom" and hugged her frequently. Although Robinson never directly asked L.W. where he wanted to live, L.W. told her that he "likes living" with Nicole. Robinson added that L.W. did not ask about respondent. Robinson testified that, in a recent conversation, respondent asked about L.W.'s behavioral issues and requested additional visitation. In December 2025, respondent and L.W. had a virtual visit, where they communicated well. Robinson testified that Lutheran Services recommended that respondent's parental rights be terminated and Nicole be allowed to adopt L.W.

¶ 15 Nicole testified that she had been L.W.'s foster parent for multiple years and wanted to adopt him. She acknowledged that he had behavioral issues, including being aggressive toward his teacher by head-butting her, hitting her, and pushing her. Nicole remarked that the most recent incident occurred the day prior. Nevertheless, Nicole asserted that he was a loving and empathetic child, who called her "Mom." She noted that he was currently taking medication for ADHD, which had improved his behavior. Nicole testified that L.W. had improved in his ability to concentrate, sit still, and complete his homework and that he had become less aggressive, although she acknowledged that his behavior could still improve.

¶ 16 Nicole had three other foster children in her home, ranging in age from five months to four years. Nicole discussed various activities she enjoyed with L.W. and her family, including movie nights and outings to Disney on Ice and Monster Trucks. Through these family events, according to Nicole, L.W. made meaningful relationships with her extended family, including calling her mother "Grandma" and her oldest daughter "sister." While L.W. had never been aggressive toward Nicole, he had been toward the other children in her home in the beginning, but such aggression had since dissipated. Although Nicole signed a permanency commitment for L.W., she had yet to sign such commitments for the other three children. Nicole, however, asserted she would if asked. Nicole, a single foster parent, identified her 30-year-old daughter, who lived down the street with several of her own children, as her backup caregiver. According to Nicole, L.W. did not talk about respondent.

¶ 17 Respondent testified that his lack of visitation with L.W. was not for his lack of trying. According to respondent, while L.W. lived with Sherida, respondent talked to L.W. frequently on the phone, and L.W. would call him "Daddy." Respondent's contact with L.W. became minimal after L.W. was removed from Sherida's residence. According to respondent, he gave Shelton the

name of his sister as an alternative foster placement after L.W. had to be removed from Sherida's residence. Respondent stated that his sister filled out an application to foster L.W. but that she never received a response. Respondent asserted that he still wanted to be involved in L.W.'s life. While conceding his criminal case was still pending after six years, respondent let his attorney dictate the pace of the proceedings. Respondent acknowledged L.W.'s behavioral issues and noted that he also had similar issues as a child.

¶ 18 After respondent testified, the trial court expressed continued concern about the delay in his criminal case but stated that it had to focus on L.W.'s best interest. In doing so, the court found that L.W. was currently in "a great foster home" and remaining there was "clearly" in his best interest. Accordingly, in a written order, the court determined it was in the best interest of L.W. for respondent's parental rights to be terminated and that the DCFS guardianship administrator be appointed with the right to consent to L.W.'s adoption.

¶ 19 This appeal follows. Public records from the Cook County Department of Corrections indicate that, as of the date of this opinion, respondent's criminal case apparently remains unresolved. See *People v. Thomas*, 2025 IL App (1st) 232035, ¶ 68 (recognizing that judicial notice may be taken of public information from departments of corrections).

¶ 20 II. ANALYSIS

¶ 21 Respondent first contends that the trial court's finding of unfitness based on repeated incarceration and his failure to maintain a reasonable degree of interest, concern, or responsibility for L.W.'s welfare is against the manifest weight of the evidence. He further posits that, even if the court's finding of unfitness is to be affirmed, its determination that it was in L.W.'s best interest to have his parental rights terminated is against the manifest weight of the evidence.

¶ 22 "A biological parent's right to raise his or her child is a fundamental liberty interest." *In re Gwynne P.*, 215 Ill. 2d 340, 353 (2005). Accordingly, a trial court terminating parental rights is "a drastic measure." *Id.* To this end, the policy in Illinois is that a parent has the "superior right to the custody of" his own child. *In re E.B.*, 231 Ill. 2d 459, 464 (2008). Termination of parental rights involves a two-stage process: first, determining parental fitness and, second, determining the child's best interest. *In re M.I.*, 2016 IL 120232, ¶ 20.

¶ 23 A. Parental Fitness

¶ 24 During the first stage, the State must prove by clear and convincing evidence that the parent is "unfit" under the Adoption Act (750 ILCS 50/1(D) (West 2024)). 705 ILCS 405/2-29(2) (West 2024). Although the Adoption Act lists several grounds of unfitness, the two relevant here are a parent's "[f]ailure to maintain a reasonable degree of interest, concern or responsibility" for his child's welfare and "repeated incarceration" that prevents the parent "from discharging" parental responsibilities. 750 ILCS 50/1(D)(b), (s) (West 2024). At this stage, the sole focus is on the conduct of the parent. *In re D.T.*, 212 Ill. 2d 347, 364 (2004). Each case is *sui generis* (see *In re Adoption of Syck*, 138 Ill. 2d 255, 279 (1990)), and we will not reverse the court's finding of unfitness unless it is against the manifest weight of the evidence. *M.I.*, 2016 IL 120232, ¶ 21. In other words, we cannot reverse unless the opposite conclusion is clearly evident. *Id.*

¶ 25 We begin with the trial court's finding of unfitness under section 1(D)(s) of the Adoption Act (750 ILCS 50/1(D)(s) (West 2024)). Under this section, a parent is unfit when

> "[t]he child is in the temporary custody or guardianship of [DCFS], the parent is incarcerated at the time the petition or motion for termination of parental rights is filed, the parent has been repeatedly incarcerated as a result of criminal convictions,

and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child." *Id.*

Under the statute, the State must prove four elements by clear and convincing evidence to establish unfitness based on repeated incarceration: (1) the child must be in the temporary custody or guardianship of DCFS, (2) the parent must be "incarcerated" at the time the State filed its motion to terminate his parental rights, (3) the parent must have "been repeatedly incarcerated as a result of criminal convictions," and (4) the repeated incarceration prevented the parent from exercising his parental responsibilities. *Id.* Respondent challenges only the second element, arguing that the State failed to establish he was incarcerated when it filed its motion to terminate his parental rights. Accordingly, we consider only whether the State proved that element.

¶ 26 Respondent argues that, although he was in Cook County jail on pretrial detention when the State filed its motion to terminate his parental rights, pretrial detention does not constitute being "incarcerated." Because the Adoption Act does not define "incarcerated" (see 750 ILCS 50/0.01 *et seq.* (West 2024)), we must determine the term's meaning through statutory interpretation.

¶ 27 When interpreting a statute, our primary objective is to determine and give effect to the legislature's intent in enacting it. *Cassidy v. China Vitamins, LLC*, 2018 IL 122873, ¶ 17. "The statutory language, given its plain and ordinary meaning, is generally the most reliable indicator of that legislative intent ***." *Id.* Where the critical words of a statutory provision are not defined by the statute, we interpret them using their common and ordinary meaning. *Midwest Sanitary Service, Inc. v. Sandberg, Phoenix & Von Gontard, P.C.*, 2022 IL 127327, ¶ 24. When construing a particular provision of a statute, we do not view the provision in isolation; instead, we view it within the larger context of the statute. *Lawler v. University of Chicago Medical Center*, 2017 IL

120745, ¶ 12. When statutory language is unambiguous, we must apply its plain language and meaning and may not "read[ ] into it exceptions, limitations, or conditions that the legislature did not express." *Id.* However, if the statutory language is ambiguous, we may utilize aids of statutory construction and other sources to determine the legislature's intent. *In re Marriage of Heroy*, 2017 IL 120205, ¶ 13. Statutory interpretation presents a question of law. *Midwest*, 2022 IL 127327, ¶ 19. Accordingly, our review is *de novo.* See *id.*

¶ 28 As noted, "incarcerated" is not defined by the Adoption Act. See 750 ILCS 50/0.01 *et seq.* (West 2024). In turn, we must give the word its plain and ordinary meaning. See *Midwest*, 2022 IL 127327, ¶ 24. In giving words their plain and ordinary meaning, our supreme court frequently utilizes Black's Law Dictionary and Merriam-Webster. See, *e.g.*, *People v. Whitehead*, 2023 IL 128051, ¶ 20; *People v. Hill*, 2020 IL 124595, ¶ 30; *In re Marriage of Zamudio*, 2019 IL 124676, ¶ 19; *Rosenbach v. Six Flags Entertainment Corp.*, 2019 IL 123186, ¶ 32. While Black's Law Dictionary does not define "incarcerated," it does define "incarceration" as "[t]he act or process of confining someone." Black's Law Dictionary (12th ed. 2024). Merriam-Webster defines "incarcerated" as "confined in a jail or prison." Merriam-Webster Online Dictionary, https://www.merriam-webster.com/dictionary/incarcerated (last visited Nov. 16, 2026) [https://perma.cc/Y3XE-4AML]. Thus, the dictionary definitions demonstrate that "incarcerated" includes confinement in jail during pretrial detention and confinement in prison following conviction.

¶ 29 Nevertheless, in *In re M.H.*, 2015 IL App (4th) 150397, the appellate court relied on the New Oxford American Dictionary, which identified "imprison" as a synonym of "incarcerate." See *id.* ¶ 28 (citing New Oxford American Dictionary 858 (2001)). As a result, the appellate court concluded that "strictly speaking, being 'imprisoned' means being put in a prison, not in a jail."

Id. Relying on *M.H.*, the appellate court recently stated that "pretrial detention does not constitute 'incarceration' as used in the Adoption Act." *In re A.H.*, 2025 IL App (4th) 250026, ¶ 41 (citing *M.H.*, 2015 IL App (4th) 150397, ¶ 28). These two cases provide the basis for respondent's argument that pretrial detention does not constitute being "incarcerated" for purposes of the second element of section 1(D)(s) of the Adoption Act.

¶ 30 Whereas our supreme court frequently utilizes Black's Law Dictionary and Merriam-Webster (see, *e.g.*, *Whitehead*, 2023 IL 128051, ¶ 20; *Hill*, 2020 IL 124595, ¶ 30; *Zamudio*, 2019 IL 124676, ¶ 19; *Rosenbach*, 2019 IL 123186, ¶ 32), only one time has it cited to the New Oxford American Dictionary. See *People v. Davison*, 233 Ill. 2d 30, 42 (2009). Although our supreme court rarely cites the New Oxford American Dictionary, that dictionary defines "incarcerate" as "imprison or confine" and "incarceration" as "the state of being confined in prison." New Oxford American Dictionary 877 (2010). To the extent the conflicting dictionary definitions render "incarcerated" ambiguous, we may consult other aids of statutory construction to determine the legislature's intent. *Heroy*, 2017 IL 120205, ¶ 13.

¶ 31 In doing so, we highlight that *M.H.*, 2015 IL App (4th) 150397, ¶¶ 24-29, involved section 1(D)(r) of the Adoption Act (750 ILCS 50/1(D)(r) (West 2024)), which the appellate court explicitly noted. See *M.H.*, 2015 IL App (4th) 150397, ¶ 28 ("Whenever section 1(D)(r) speaks of 'incarceration' *** ."). That section involves whether a parent's incarceration "will prevent [him] from discharging his *** parental responsibilities for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights." 750 ILCS 50/1(D)(r) (West 2024). Additionally, that section provides three more elements that the State must establish to prove a parent is unfit, including the second element that "the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed."

Id. In section 1(D)(r), the term "incarcerated" is qualified by the phrase "as a result of criminal conviction" when describing the parent's status at the time the State files its motion to terminate parental rights. *Id.* Compare the language of section 1(D)(r) to section 1(D)(s), where there is nothing qualifying the word "incarcerated" when describing the parent's status at the time the State files its motion to terminate parental rights. See *id.* § 1(D)(s).

¶ 32 We must give effect to the legislature's decision to include the phrase "as a result of criminal conviction" in the second element of section 1(D)(r) but omit it from the second element of section 1(D)(s). See *Chicago Teachers Union, Local No. 1 v. Board of Education of Chicago*, 2012 IL 112566, ¶ 24 ("When the legislature includes particular language in one section of a statute but omits it in another section of the same statute, courts presume that the legislature acted intentionally and purposely in the inclusion or exclusion ***."). Moreover, interpreting "incarcerated" to mean only imprisonment would render the phrase "as a result of criminal conviction" in section 1(D)(r) superfluous, contrary to established principles of statutory construction. See *Schultz v. St. Clair County*, 2022 IL 126856, ¶ 27 ("An established principle of statutory interpretation provides that every clause of a statute must be given a reasonable meaning, if possible, and should not be rendered meaningless or superfluous."). Accordingly, we agree with *M.H.* that, for purposes of the second element of section 1(D)(r), the term "incarcerated" refers only to imprisonment because it is qualified by the phrase "as a result of criminal conviction." But we disagree with *A.H.* to the extent the decision suggests that pretrial detention can never constitute being "incarcerated" under the Adoption Act.

¶ 33 Whether we rely on the plain and ordinary meaning of "incarcerated," as defined in Black's Law Dictionary and Merriam-Webster, or established canons of statutory interpretation, a parent held in jail on pretrial detention is incarcerated for purposes of the second element of section

1(D)(s). Because respondent was detained in Cook County jail when the State filed its motion to terminate his parental rights, the State proved the second element of section 1(D)(s) by clear and convincing evidence. As respondent does not challenge the State's proof on the remaining three elements under section 1(D)(s), he has forfeited any argument that the State failed to prove them by clear and convincing evidence. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) ("Points not argued are forfeited ***."). Consequently, the trial court's finding that respondent was unfit based on repeated incarceration is not against the manifest weight of the evidence.

¶ 34 Because the trial court properly found respondent unfit based on repeated incarceration and proof of only one ground of unfitness is necessary to terminate parental rights, we need not address the court's alternative finding that respondent failed to maintain a reasonable degree of interest, concern, or responsibility for L.W.'s welfare. See *Gwynne P.*, 215 Ill. 2d at 363.

¶ 35 B. Best Interest of L.W.

¶ 36 Having concluded that the trial court properly found respondent unfit, we turn to L.W.'s best interest. Respondent argues that the court's determination is against the manifest weight of the evidence because it ignored the option of a guardianship and the evidence weighing against termination.

¶ 37 When determining what is in the best interest of a child, "[t]he issue is no longer whether parental rights *can* be terminated; the issue is whether, in light of the child's needs, parental rights *should* be terminated." (Emphases in original.) *D.T.*, 212 Ill. 2d at 364. To this end, "at a best-interests hearing, the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *Id.* In other words, the child's best interest takes precedence over all other considerations, including the biological parents' interests. *In re E.V.*, 2026 IL App (1st) 251072, ¶ 60. At this stage, the State must establish the child's best interest by

a preponderance of the evidence, rather than the clear-and-convincing standard required to prove parental unfitness. *D.T.*, 212 Ill. 2d at 366. But like a finding of unfitness, we will not reverse the court's best interest determination unless that determination is against the manifest weight of the evidence. *E.V.*, 2026 IL App (1st) 251072, ¶ 59. Given the standard, we begin our review of the court's best interest determination with a strong presumption that the court made the correct determination. *In re Mo. J.*, 2026 IL App (1st) 251573, ¶ 84.

¶ 38 In determining whether termination of parental rights is in a child's best interest, the trial court must consider several statutory factors in light of the

"child's age and developmental needs:

> (a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
>
> (b) the development of the child's identity;
>
> (c) the child's background and ties, including familial, cultural, and religious;
>
> (d) the child's sense of attachments, including:
>
> (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
>
> (ii) the child's sense of security;
>
> (iii) the child's sense of familiarity;
>
> (iv) continuity of affection for the child;
>
> (v) the least disruptive placement alternative for the child;

(e) the child's wishes and long-term goals, including the child's wishes regarding available permanency options and the child's wishes regarding maintaining connections with parents, siblings, and other relatives;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures, siblings, and other relatives;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child, including willingness to provide permanency to the child, either through subsidized guardianship or through adoption." 705 ILCS 405/1-3(4.05) (West 2024).

No one factor is decisive. *E.V.*, 2026 IL App (1st) 251072, ¶ 58.

¶ 39 Although the trial court's best interest analysis was brief and its only express rationale was that L.W. was in "a great foster home," the court's conclusion that terminating respondent's parental rights was in L.W.'s best interest was not against the manifest weight of the evidence. The evidence showed that L.W. experienced instability from birth because of his mother's mental health issues and respondent's pretrial detention, resulting in multiple foster placements before he was placed with Nicole in approximately the summer of 2023. Since then, Nicole has provided L.W. with a stable and permanent home. L.W. calls Nicole "mom," reflecting the strong bond they have formed. See 705 ILCS 405/1-3(4.05)(g) (West 2024) (identifying "the child's need for permanence" as a best interest factor); *In re L.T.P.*, 2026 IL App (4th) 250856, ¶ 63 (affirming the termination of parental rights as in the best interest of the child where he had bonded with his

foster parents, called them "mom" and "dad," and they satisfied the child's need for attachment and permanence). Robinson, L.W.'s most recent caseworker at Lutheran Services, testified that she observed a loving relationship between Nicole and L.W. and had no concerns about the placement. See 705 ILCS 405/1-3(4.05)(a), (d) (West 2024) (identifying "the physical safety and welfare of the child" and "the child's sense of attachments" as best interest factors). Although Robinson never directly asked L.W. where he wanted to live, he told her that he "likes living" with Nicole. See *id.* § 1-3(4.05)(e) (identifying "the child's wishes" as a relevant best interest factor).

¶ 40 In addition, Nicole executed a permanency commitment, demonstrating her willingness to adopt L.W. See *id.* § 1-3(4.05)(j) (identifying "the preferences of the persons available to care for the child, including willingness to provide permanency to the child" as a best interest factor). L.W. also has developed meaningful familial connections while living with Nicole. He lives with other young children, is around Nicole's grandchildren who live nearby, calls Nicole's mother his grandmother, and refers to Nicole's daughter as his sister. L.W. has found not only a permanent home but also a family and a sense of belonging. See *id.* § 1-3(4.05)(c), (d) (identifying "the child's background and ties, including familial" and "the child's sense of attachments" as relevant best interest factors). Furthermore, L.W. has behavioral challenges that require medication and therapy. Both Nicole and Robinson testified that those behaviors were improving while he was in Nicole's care. Given L.W.'s needs, disrupting his placement would jeopardize the stability and continuity that had contributed to his progress. See *id.* § 1-3(4.05)(a), (g). Based on the foregoing, the evidence supports the trial court's conclusion that adoption by Nicole—and, consequently, termination of respondent's parental rights—was in L.W.'s best interest.

¶ 41 Nevertheless, respondent argues that the trial court failed to demonstrate that it considered the statutory best interest factors. Although the court's analysis was brief, it was not required to

discuss every statutory factor expressly, and we may affirm on any basis supported by the record. *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19. Because the evidence sufficiently demonstrates that termination of respondent's parental rights was in L.W.'s best interest, the court reached the correct result despite its abbreviated explanation. Respondent also contends that the trial court relied solely on his pretrial detention in terminating his parental rights. The record does not support that assertion. While the court referred to respondent's pretrial detention during the best interest hearing, it did so only when recounting the procedural history, not when analyzing L.W.'s best interest.

¶ 42 Respondent further argues that the trial court failed to consider evidence weighing against termination, including L.W.'s behavioral problems and aggressive episodes while living with Nicole, Nicole's status as a single parent caring for three other foster children, and the fact that her only identified backup caregiver is her adult daughter, who has several children of her own. Although this evidence arguably weighed against termination, it did not outweigh the substantial evidence supporting the court's determination that terminating respondent's parental rights was in L.W.'s best interest. Finally, respondent contends that the court failed to consider guardianship as an alternative to terminating his parental rights. While guardianship is a permissible permanency option in lieu of terminating parental rights (see 705 ILCS 405/2-28 (West 2024)), the record amply supports the court's decision that terminating respondent's parental rights, rather than a guardianship, best served L.W.'s interest. Because the evidence supports the trial court's determination that termination was in L.W.'s best interest, the opposite conclusion is not clearly evident. See *In re A.M.*, 2025 IL App (1st) 250467, ¶ 55.

¶ 43 III. CONCLUSION

¶ 44 For the foregoing reasons, we affirm the judgment of the circuit court of Cook County.

¶ 45 Affirmed.

Decision Under Review:	Appeal from the Circuit Court of Cook County, No. 22-JA-182; the Hon. Patrick T. Murphy, Judge, presiding.
Attorneys for Appellant:	Myra A. Foutris, of Foutris Law Office, Ltd., of Chicago, for appellant.
Attorneys for Appellee:	Eileen O'Neill Burke, State's Attorney, of Chicago (John E. Nowak, Gina DiVito, and Erica Hoogewerf, Assistant State's Attorneys, of counsel), for the People. Charles P. Golbert, Public Guardian, of Chicago (Kass A. Plain, Carrie Fung, and Jessica K. Larsen, of counsel), guardian *ad litem*.