

2012 IL App (2d) 120346-U
No. 2-12-0346
Order filed August 17, 2012

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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

<i>In re</i> SHYDARIAN F.,)	Appeal from the Circuit Court
)	of Winnebago County.
a Minor.)	
)	No. 09-JA-109
)	
(The People of the State of Illinois,)	Honorable
Petitioner-Appellee, v. Amber K.,)	Mary Linn Green
Respondent-Appellant).)	Judge, Presiding.

PRESIDING JUSTICE JORGENSEN delivered the judgment of the court.
Justices Hutchinson and Burke concurred in the judgment.

ORDER

Held: Trial court's findings that respondent-mother was an unfit parent and that it is in the minor's best interest that respondent's parental rights be terminated are not contrary to the manifest weight of the evidence.

¶ 1 Respondent, Amber K., appeals the trial court's orders finding that: (1) she is unfit to parent her son, Shydarian F.; and (2) it is in Shydarian's best interest that respondent's parental rights be terminated. For the following reasons, we affirm.

¶ 2 I. BACKGROUND

¶ 3 A. Statement of Facts

¶ 4 According to a February 25, 2009, statement of facts drafted by the Department of Child and Family Services (DCFS), on April 30, 2008, police executed a search warrant for the home in which Amber and Shydarian were living. As a result of the search, police arrested Amber for possession of heroin, crack cocaine, and marijuana. Shydarian, who was less than three years old at the time (born May 25, 2005), was present during the search, “where 100 dirty and used heroin needles” and razor blades were found within his reach throughout the residence. The residence was set up for the use of heroin and other drugs, the garage was filled with garbage, and dirty dishes were in the kitchen. Amber was indicated by DCFS for 82 allegations of environmental neglect and 60 allegations of “substantial risk of physical injury/environment injurious to health and welfare by neglect.” Subsequently, Amber failed to submit to urine screens and failed to attend two ordered assessments.

¶ 5 Further, Shydarian was born with encephalocele, a medical condition in which part of his brain was outside of his skull. According to the statement of facts, at birth, Shydarian had a corrective surgery, followed by a second surgery to insert a shunt. “Due to her [*sic*] medical condition, Amber should have known [Shydarian] needed a helmet during all activity.” However, on June 6, 2008, Shydarian was admitted to the emergency room after falling off of a tricycle and suffering a seizure. He was not wearing a helmet. He was discharged from the hospital with a helmet, but, in February 2009, a DCFS worker observed Shydarian not wearing his helmet. Amber reported that she needed to get another helmet for Shydarian due to his head size and hairstyles. Amber failed to engage in substance abuse treatments or complete urine screens and was “thrown out” of her last known residence.

¶ 6 Due to Amber's resistance to services, drug and alcohol issues, and Shydarian's medical needs, DCFS concluded that the State should file a neglect petition, explaining:

“It is the Department's position that Amber's parenting and protective skills are a concern due to her lack of engagement and attending to Shydarian's medical well-being needs. Minor, Shydarian, is too young to protect himself and Amber has a history of placing him at risk of harm. Amber was indicated [in] November 2005 for medical neglect when Shydarian had fluid seeping from his incision and she did not take him to the doctor's office as instructed. Amber has three indicated reports. Despite Amber being aware of the consequences of not complying with the Department[,] she continues to not be consistent in contact and completing interventions and appears to have a very unstable lifestyle, moving frequently from relative to relative. This transient lifestyle and lack of compliance have been significant barriers to the Department ensuring the safety of Amber's child.”

¶ 7 B. Neglect Petition

¶ 8 On March 19, 2009, the State filed a two-count neglect petition, alleging that Shydarian was a neglected minor in that: (1) his environment is injurious to his welfare in that he was present when police entered the residence and located heroin, crack cocaine, marijuana, razor blades, and dirty needles throughout the residence and within his reach; and (2) Amber has a substance abuse problem which prevents her from properly parenting, thus, placing Shydarian at risk of harm.

¶ 9 On March 30, 2009, both Amber and Shydarian's father, Terry F. (Amber and Terry have never married) who lives in Miami, Florida, appeared in court in response to the neglect petition and for a shelter care hearing. After determining, based on the DCFS statement of facts, that there was

a factual basis supporting the petition, the court granted DCFS temporary custody of Shydarian, with discretion to place him with a responsible relative or in traditional foster care.

¶ 10 C. Adjudication and Termination Proceedings

¶ 11 On June 25, 2009, the court held a trial on the neglect petition. Neither Amber nor Terry appeared at trial. Two witnesses, a police officer and a DCFS caseworker, testified to the allegations in the neglect petition, including the conditions present in the home (filth, needles, razors, drugs within Shydarian's reach) when the April 2008 search was executed, and the fact that, despite her denial that she used drugs, Amber's drug tests returned positive for the presence of cocaine, heroin, opiates, and marijuana. The trial court adjudicated Shydarian neglected under both counts in the petition. Further, the court found that it was in Shydarian's best interests to make him a ward of the court, grant DCFS custody and guardianship over him, and set the case for a permanency review. Ultimately, Shydarian was placed with Amber's sister, Amanda Casson, and her husband, who served as his foster parents.

¶ 12 At permanency review hearings on December 15, 2009, and March 30, June 21, and December 20, 2010, the court found that Amber (and Terry) failed to demonstrate reasonable efforts or progress toward the goal of return home. The court changed the goal from return home to substitute care.

¶ 13 On February 4, 2011, the State petitioned to terminate Amber's and Terry's parental rights, alleging that they were unfit parents pursuant to several subsections of section 1(D) of the Adoption Act (Act) (750 ILCS 50/1(D) (West 2008)), including, as to Amber, subsection 1(D)(g) (failure to protect child from an injurious environment). 750 ILCS 50/1(D)(g) (West 2008). On June 25, 2011, the court commenced the unfitness portion of termination proceedings. There, the court heard

evidence that the house in which Shydarian was present during the 2008 search was dangerous to his health and safety, with one police officer testifying about the room in which Shydarian was found:

“the entire house gave me some concern, but [in] that room in particular there was a razor blade on the floor within a couple of feet of the bed and the entrance to the room, there were needles out in reach of a toddler, drug paraphernalia in reach of a toddler, there was probably [an] almost 24-inch tall water bong with dirty cannabis water in it and burnt cannabis residue, there were 23 crack rocks, approximately 14 grams, in the compartment of the bottom dresser drawer as well as a bag of cannabis.”

The officer testified further that the needles in the room appeared to have been used, and there was a lighter on the floor and a lighter and cigarettes on the night stand. The house was unkempt and, throughout the house, there were piles of laundry and dishes; the entire garage was filled with trash and there were bags of trash throughout the house; and additional drug paraphernalia and narcotics were located throughout the house: “I found prescription medication, over-the-counter medication, heroin, cannabis, more needles, used and unused, hypodermic syringes, additional lighters, and additional drug paraphernalia.” There were over 100 needles recovered from the home. Finally, hanging at about chair height and accessible to Shydarian was a bag containing numerous prepackaged bags of cannabis.

¶ 14 Amanda Casson (Shydarian’s aunt and foster mother), testified that, between March 2009 and November 2010 (approximately 20 months), Amber visited with Shydarian “maybe” between 5 and 10 times. Those visits were always supervised, and Amber was not left alone with Shydarian.

¶ 15 On December 9, 2011, the court found that the State proved by clear and convincing evidence Amber's unfitness pursuant to all five counts of its petition, including subsection 1(D)(g) of the Act. 750 ILCS 50/1(D)(g) (West 2008). As to Terry, the court found that the State proved by clear and convincing evidence that he was unfit on only one of the seven counts alleged in the petition; specifically, that, from March 2009 to October 2010, Terry failed to maintain a reasonable degree of interest, concern, or responsibility for Shydarian's welfare. 750 ILCS 50/1(D)(b) (West 2008).

¶ 16 After announcing its fitness rulings, the court immediately commenced a hearing regarding whether it was in Shydarian's best interest to terminate parental rights. The court received testimony from Casson that she was willing to adopt Shydarian and would be open to his having continuing relationships with both of his biological parents. According to Casson, while Amber did not previously maintain regular contact with Shydarian or even visit him during his multiple hospitalizations, Amber had recently (*i.e.*, approximately two years after he had been removed from her care) been engaging in regular contact with Shydarian, frequently telephoning him, visiting every other weekend with Casson's supervision, and bringing him little gifts. Casson testified that Shydarian called Amber "Mom," and, in Casson's opinion, Shydarian was attached to Amber and it would be detrimental to him to lose contact with her. Casson also testified that Terry had maintained regular contact with Shydarian, Shydarian is excited when he sees Terry, and Shydarian knows Terry's children who live in Florida (*i.e.*, his half-siblings) and talks with them on the phone.

¶ 17 Tracy Mitchell, Shydarian's caseworker, testified that Amber had not completed any of the required services, including substance-abuse treatment, to have Shydarian returned to her care. Mitchell testified that she did not personally inform Amber of any of Shydarian's hospital visits since the time she took over the case (in July 2011), nor did she inform Amber of any of Shydarian's

parent-teacher conferences (which Amber did not attend). She was not aware whether the prior caseworker informed Amber of any of these or other similar appointments. Mitchell testified that she never personally observed a visit between Amber and Shydarian, but, based on the case file, Shydarian has had very little contact with Amber and does not have a strong attachment to her.

¶ 18 Mitchell testified that, although Shydarian had a positive relationship and an “emotional tie” with Terry, she was concerned that placing Shydarian with Terry in Florida would negatively impact Shydarian’s bond and attachment to Casson, with whom he had lived for years. Mitchell agreed that Florida’s child welfare agency performed a home study to assess Terry’s household environment and approved the home. Mitchell also agreed that Terry and his family had “a strong desire” to care for Shydarian. Further, she noted that Shydarian, age six at the time of the hearing, had informed Casson that he wanted to live with Terry. Finally, Mitchell agreed that there was no indication that, if Shydarian lived with Terry in Florida, he would be “cut off” from his extended family (*i.e.*, Casson and others) in Illinois.

¶ 19 Charity Flint, Terry’s wife, testified that she has been in a relationship with Terry for seven years, they have been married for two years, and they have two children together. That relationship began in Rockford, and, so, Charity knew Shydarian when he was an infant and before she and Terry moved to Florida. Charity testified that Shydarian knows her and hugs her when she and Terry see him. Charity testified that she was prepared to have Shydarian live with them, understands his medical and educational needs, has been searching for appropriate schools in Florida to address those needs, and that Shydarian is very close with Terry and his half-siblings.

¶ 20 The best-interest hearing was continued and re-commenced three months later, on March 2, 2012. The court received a DCFS report written by Mitchell and dated March 1, 2012, explaining

that, during the hearing's continued period, she had accompanied Shydarian to Florida to visit Terry. She observed Shydarian with Terry and in Terry's home on that visit. Based on those observations, Mitchell and DCFS supported and recommended that Shydarian be placed with Terry. The report concluded that termination proceedings against Terry should cease, but that termination should continue for Amber.

¶ 21 Terry testified that Shydarian's visit to Florida was a happy one, where Shydarian was comfortable with Terry, Charity, and his half-siblings, and that Shydarian was also comfortable being away from Casson. Terry agreed that Shydarian's safety is a concern, particularly as it relates to contact with Amber; he understood that "it's not just something that we are giving lip service to, that Shydarian was actually in danger in the past." Terry testified that: (1) if Amber's rights were terminated, he is in a position to be protective toward Shydarian and to not allow Amber to have unsupervised contact with him; (2) he favors termination of Amber's parental rights; and (3) he is prepared to be a father for Shydarian and understands that Shydarian's protection rests entirely on his shoulders. Further, given the concerns regarding Amber's ability to protect Shydarian, Terry testified that he would put in place plans to continue to protect Shydarian in the event that anything should happen to him (Terry). While he preferred that Amber's rights be terminated, Terry testified that he would allow contact between Shydarian and Amber only if it was "always" supervised. Recognizing the bond between Shydarian and the Casson family, Terry testified that he intended to continue and foster that relationship, as well as relationships with other extended family in Illinois, and that he trusts Casson to be protective of Shydarian. Terry testified that he and Charity had not, at that point, discussed whether Charity would possibly adopt Shydarian if Amber's rights were terminated. However, he testified that, if Shydarian were returned to him, those discussions may

occur. Further, Terry testified that, if something were to happen to him and Charity had not already adopted Shydarian, she would be in a position to assume guardianship.

¶ 22 Casson returned to the stand and testified that she supported returning Shydarian to Terry and that she believed that it would be “very detrimental” to Shydarian to terminate Terry’s rights. In contrast, and although she testified that there was a bond between Amber and Shydarian and that he knew Amber as “Mom,” Casson supported terminating Amber’s rights.

¶ 23 Amber testified that she supported Shydarian being returned to Terry and that she did not want Terry’s rights terminated. However, Amber testified that she also has a bond with Shydarian, does not believe that her rights should be terminated, and that terminating her rights would have a detrimental effect on Shydarian. Amber testified that, even if her rights were terminated, she believed that Terry would allow her to have supervised contact with Shydarian.

¶ 24 In closing arguments, it was noted that Terry’s support of termination of Amber’s rights was likely “to assuage any concern that if something were to happen to him that it would not be [Amber] that would have access to the child as a surviving parent.” The attorneys for the State, both biological parents, and DCFS, and Shydarian’s representative all agreed that it was in Shydarian’s best interest to be returned to Terry. Accordingly, DCFS asked the court to “cease and desist” termination proceedings against Terry.

¶ 25 With the exception of Amber’s attorney, however, everyone agreed that terminating Amber’s rights was in Shydarian’s best interest. For example, the State noted:

“as to the mother, Amber [K.], I believe it is incumbent on the Court, regardless of what you decide as to [Terry] to terminate her rights. This child cannot be returned to Amber [] in any way, shape or form. As the Court knows, she was in jail as recently as this

summer for violating her probation, which was based on the testimony you heard about her drug involvement. We know that she exposed this child to numerous unsafe conditions. And she did not do drug drops. She did not do treatment. She has not done anything to correct the conditions. And there would be no way that she could safely care for Shydarian.

If the Court chooses to terminate the rights of Amber [], we believe that movement towards [Terry] as placement can be made safely. We do not believe that that's possible if [Amber's] rights are not terminated, because God forbid anything happen to the biological father, but if mom's rights are left intact, she steps right in, there is no court action, there is no probate action, she is the biological parent, and she has rights to Shydarian and nobody looks twice, he goes and lives with her. That is why it is imperative that, regardless of what the Court does with the rights of [Terry], you have to terminate the rights of [Amber]."

In addition, DCFS noted that it, too, had "concerns as to the legal status of Shydarian if something were to happen to [Terry], because this is a blended family, we would not want for Shydarian to basically fall through the cracks and go back to his mother, who has not to this day corrected conditions that brought him into care. It was because of her actions and behavior from the beginning that we're even here today." DCFS requested a five-month period of transition before Shydarian would be returned to Terry's care.

¶ 26 The court took judicial notice of the evidence presented at the unfitness portion of the proceedings. The court found that the State met its burden "by more than a preponderance of the evidence" that it was in Shydarian's best interest to terminate Amber's rights. In contrast, the court found that it was not in Shydarian's best interest to terminate Terry's parental rights, dismissed the

case against him, and concluded that it was in Shydarian's best interest that he be returned to Terry after a five-month transition period. Amber appeals.

¶ 27

II. ANALYSIS

¶ 28

A. Unfitness

¶ 29 On appeal, Amber challenges the court's order finding her unfit. A trial court's finding that the State established unfitness by clear and convincing evidence will not be disturbed on review unless it is contrary to the manifest weight of the evidence. *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005). A finding is contrary to the manifest weight of the evidence where it is unreasonable or not based on the evidence presented. *In re D.F.*, 201 Ill. 2d 476, 498 (2002).

¶ 30 We need not consider all of the grounds under which the trial court found Amber unfit, as any one of them, if not contrary to the manifest weight of the evidence, is sufficient to affirm the court's finding. *In re Gwynne P.*, 215 Ill. 2d at 350 ("A parent's rights may be terminated if even a single alleged ground for unfitness is supported by clear and convincing evidence"); *In re Angela D.*, 2012 IL App (1st) 112887, ¶ 29 (where State met its burden of proving unfitness on one ground, court declined to consider whether the parent was also unfit on other grounds). Here, we conclude that the court's unfitness finding pursuant to subsection 1(D)(g) of the Act, a failure to protect the child from an injurious environment, is not contrary to the manifest weight of the evidence, and we affirm the unfitness finding on that basis.

¶ 31 Amber notes that, in 2009, Shydarian was placed in foster care and that he remained there through the 2011 unfitness hearing. Accordingly, she argues, subsection 1(D)(g) was unavailable as a ground to find her unfit because Shydarian was no longer in her care. Specifically, Amber cites *In re J.D.*, 314 Ill. App. 3d 1109, 1110 (2000), for the proposition that, where a child has been in

foster care for several years, the failure to protect him or her from an injurious environment is not available as a basis for terminating parental rights. While Amber is correct that a parent generally cannot be held responsible for failing to protect a child from an injurious environment *after* that child has been removed and placed in foster care, a parent may be found unfit under section 1(D)(g) of the Act for the same conduct that resulted in the *initial removal* of the child. *C.W.*, 199 Ill. 2d 198, 212, 216 (2002) (disagreeing that a court is precluded from finding unfitness based on the conduct that led to the child's removal, and noting "there is no requirement under section 1(D)(g) that a parent be permitted a period of time to correct or improve an injurious environment before he or she may be found unfit on this ground"). *Id.* at 216.

¶ 32 Here, the record was replete with evidence that Amber failed to protect Shydarian from an injurious environment, resulting in his removal from her care. Shydarian was found living in a filthy home, with narcotics, drug paraphernalia, razors, and hundreds of needles, some used, within his reach. Further, despite knowledge that Shydarian's serious medical condition required protection of his head, Shydarian was permitted to ride a tricycle without a helmet and, after falling, suffered seizures. The court's conclusion that Amber was unfit under section 1(D)(g) was not contrary to the manifest weight of the evidence. Accordingly, we affirm the court's unfitness finding.

¶ 33 B. Best Interest

¶ 34 Amber next challenges the court's finding that it is in Shydarian's best interest that her parental rights be terminated. "Once a finding of unfitness has been made, all considerations must yield to the best interest of the child." *In re O.S.*, 364 Ill. App. 3d 628, 633 (2006). At this stage, the State must prove by a preponderance of the evidence that termination is in the child's best interest. *In re D.T.*, 212 Ill. 2d 347, 366 (2004). In making a best-interest determination, the trial

court must consider the factors set forth in section 1-3(4.05) of the Juvenile Court Act of 1987 (705 ILCS 405/1-3(4.05) (West 2008)), including the child's physical safety and welfare; need for permanence, stability and continuity; sense of attachments, love, security, and familiarity; and his or her background and ties, including familial, cultural, and religious. *In re Janira T.*, 368 Ill. App. 3d 883, 894 (2006). Again, the court's determination that termination is in the child's best interest will not be disturbed on review unless it is contrary to the manifest weight of the evidence. *Id.*

¶ 35 Amber argues that, where the State failed to present evidence establishing either that: (1) Shydarian would benefit from terminating contact with her; or (2) that Shydarian would be harmed by continued contact with her, termination is inappropriate. Amber asserts that, where she agreed that Shydarian should be placed with Terry and where the evidence reflected that Terry would continue to allow her supervised contact with Shydarian, the State did not establish that the act of terminating her rights would improve Shydarian's welfare. Rather, she notes, the crux of the State's argument in favor of termination was that, since Amber could not care for Shydarian, there *might* be problems *if* something were to happen to Terry. Specifically, Amber argues, the apparent basis for terminating her rights was the State's "doomsday" scenario wherein something happens to Terry and child welfare agencies in both Illinois and Florida allow Shydarian to "fall through the cracks." Amber asserts that, "anticipated incompetence of state agencies should not be a basis to terminate a parent's rights" and, therefore, she concludes the court's best-interest finding was merely speculative and not supported by any evidence.¹

¹The State does not directly respond to this argument or to the cases upon which Amber relies, instead arguing, more generally, that the evidence reflected that Amber was unfit to care for Shydarian and that it was in Shydarian's best interest to live with Terry. This, however, does not

¶ 36 Amber primarily relies on *In re M.F.*, 326 Ill. App. 3d 1110 (2000), to support her arguments. In that case, the respondent-mother was found unfit to parent her two children, M.F. and T.R., because she suffered from a mental disability (schizophrenia) that would continue to prevent her from discharging parental duties beyond a reasonable period. *In re M.F.*, 326 Ill. App. 3d at 1115. As to best interests, the appellate court affirmed termination as to M.F. Specifically, as to M.F., the appellate court noted that the evidence showed that: M.F. was nine months old when placed in foster care; the bond between the respondent and M.F. was not yet great; it was highly unlikely that the respondent would ever be able to parent M.F. without a great deal of help and supervision; and adoptive placement was available for M.F. *Id.* at 1117.

¶ 37 As to T.R., however, the court reversed the trial court's finding that termination was in T.R.'s best interest. The court noted that the evidence reflected that, although the respondent had not had custody of T.R. since her divorce in 1993, she had exercised visitation in her home every other weekend for four hours on Saturday and four hours on Sunday (*i.e.*, for approximately seven years). The evidence further reflected that the respondent and T.R. had an ongoing and developed relationship, and that the respondent was a relatively engaged parent during visitation, playing games, visiting parks, and talking about school. *Id.* In addition, the court noted that, *in camera* and with attorneys present, T.R. expressed that she liked visiting with the respondent and did not want to see the visits terminated. *Id.* at 1118.

answer the question because Amber is not challenging Shydarian's placement with Terry or the court's decision to not terminate Terry's rights. Instead, she is arguing that, in light of the foregoing, terminating *her* rights was, essentially, unnecessary and improper.

¶ 38 Further, the court rejected a caseworker's argument that termination was in T.R.'s best interest because, if something were to happen to T.R.'s father and the respondent's rights were not terminated, there could be "problems." *Id.* at 1117. Instead, the court considered that the respondent had most recently experienced only supervised visitation with T.R. and was not asking for anything more. *Id.* at 1118. The court noted that, because T.R. had been living with her father since 1993, terminating the respondent's rights would not serve to provide T.R. with any increased stability in her life (noting that, in fact, T.R.'s life with her father added instability to her life, given that, since the divorce, he had lived with four different women over eight years), and the only result of termination was to deprive T.R. of an already-established relationship with her mother. *Id.* In sum, the court held that, where the evidence reflected that visitation had benefitted T.R. by preserving a relationship with her mother, "a noncustodial parent who loved her child and was only prevented from a more hands-on relationship by her mental disability," and where there was no evidence that any benefit or increased stability would inure to T.R. upon termination, termination was not in T.R.'s best interests. *Id.*

¶ 39 Simply put, *In re M.F.* is significantly distinguishable from the case before us. Whereas in *In re M.F.* the strength of the bond between T.R. and the respondent weighed against termination, there was no evidence here of any such bond between Amber and Shydarian. We acknowledge that there was evidence reflecting that Shydarian knew Amber as "Mom," and there was testimony from Amber and Casson that there was a bond. However, the caseworker testified that, although she did not personally witness an interaction between Amber and Shydarian, the case file reflected that Shydarian had very little interaction with Amber and there did not appear to be a strong attachment. Shydarian was removed from Amber's care at a young age, and Amber rarely exercised visitation

thereafter, at one point visiting him only 5 to 10 times in a 20-month period. Amber did not attend Shydarian's multiple surgeries and medical appointments, nor did she visit him in the hospital or attend parent-teacher conferences. Even if those absences may be excused based on Amber's suggestion that she was not (apparently repeatedly) notified of those appointments, the fact remains that Amber's sporadic visitation, occasional gifts to Shydarian, and the fact that he knows that she is his biological mother, do not reflect the sort of strong attachment and engagement that mitigated against termination in the *In re M.F.* decision.² We further note that, to the extent that Shydarian does feel a bond with Amber, Terry's willingness to permit supervised contact between Shydarian and Amber, and the stability and support he will receive in his new family life, will mitigate against any potential trauma to Shydarian in that regard. *In re Angela D.*, 2012 IL App (1st), ¶ 41; see also *In re D.T.*, 212 Ill. 2d at 364, and *In re Allen*, 172 Ill. App. 3d 950, 959 (1988) (the court's concern in the best interest determination is the interests of the child, not the parent, and the parent's interest in maintaining the relationship must yield to the child's interest in a stable home life).

¶ 40 Further, while Amber argues that there will be no increased benefit to Shydarian by terminating her rights, this is, in our view, an overly simplistic assessment of the situation. In

²For similar reasons, this case is also significantly distinguishable from the other case cited by Amber, wherein: only one witness testified that the respondent's rights should be terminated; the respondent and the child had a "very close" and "very affectionate" relationship" and a "strong bond;" the child wished to be with the respondent daily; the respondent was appropriately concerned and set boundaries during visitation; and there existed "substantial" evidence that the respondent had completed numerous services and therapies and attended "all" visitation with the child. See *In re D.T.*, 338 Ill. App. 3d 133, 155 (2003).

making the best interest determination, the court was obligated to consider all of the circumstances, including Shydarian's need for permanency and stability. Indeed, "the fundamental purpose behind the Act is to secure permanency for minors as early as possible[.]" *In re Angela D.*, 2012 IL App (1st), ¶ 40.

¶ 41 Here, in contrast to the child in *In re M.F.* (who had lived in an unstable environment with her father for almost seven years such that terminating the respondent's rights would not serve to improve stability), Shydarian has never lived with Terry and will be moving from Illinois to Florida. Unlike in *In re M.F.*, Shydarian will be transitioning from the only life he has known, *i.e.*, with Casson's family in Illinois, to a new life, as he begins living with Terry, Charity, and their children, *i.e.*, his half-siblings, and as he enters a new school with services for his special needs. Unlike the family life created by the father in *In re M.F.*, Shydarian's new family life with Terry will not be an unstable one such that terminating Amber's rights will not alter Shydarian's level of security. Rather, Terry and Charity have been in a relationship for almost a decade, they are married with children, and employed, and, if something were to happen to Terry, Charity will be in a position to assume guardianship or even adopt Shydarian. However, if Amber's rights were left intact, the semblance of permanency and stability of that situation would be jeopardized. For example, in the event that something were to happen to Terry (or *even if not*) Amber would retain the *ability*, should her approval of Shydarian's placement cease, to potentially uproot Shydarian from Florida and his new family life. Thus, regardless of whether the State's "doomsday" scenario is speculative, stability and permanency are affected by the mere fact that, unless Amber's rights are terminated, there always remains the possibility that she could someday seek to alter Shydarian's life in Florida. Any proceedings related thereto would, in and of themselves, disrupt stability and permanency.

Accordingly, the court's determination that leaving intact Amber's ability to challenge custody and/or Shydarian's placement in the future would serve only to negatively effect Shydarian's sense of stability and permanency in his father's home, was not contrary to the manifest weight of the evidence. We affirm the court's finding that terminating Amber's parental rights is in his best interest.

¶ 42

III. CONCLUSION

¶ 43 For the foregoing reasons, the judgment of the circuit court of Winnebago County is affirmed.

¶ 44 Affirmed.