

2012 IL App (2d) 120553-U
No. 2-12-0553
Order filed October 29, 2012

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

<i>In re</i> Z.M., a Minor)	Appeal from the Circuit
)	Court of Winnebago County.
)	
)	No. 09-JA-65
)	
(The People of the State of)	Honorable
Illinois, Petitioner-Appellee, v.)	Mary Linn Green,
Denise K., Respondent-Appellant).)	Judge, Presiding.

JUSTICE HUTCHINSON delivered the judgment of the court.
Presiding Justice Jorgensen and Justice Schostok concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court's rulings that respondent was shown to be unfit by clear and convincing evidence was not against the manifest weight of the evidence; the trial court's denial of respondent's motion to continue a hearing was not an abuse of discretion; and the trial court's decision that it was in the best interest of the minor that respondent's parental rights be terminated was not against the manifest weight of the evidence. We affirmed the judgment of the trial court.

¶ 2 This appeal arises from a juvenile court proceeding relating to the care and custody of the minor, Z.M., who was born February 27, 2009. On February 27, 2009, the State filed a petition in juvenile court against respondent, Denise K. (mother) and Z.M.'s father, alleging that Z.M. was a neglected minor because his parents created an environment injurious to his welfare, in that the

minor's parents engaged in domestic violence in the presence of the minor, thus placing the minor at risk of harm pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (the Act) (705 ILCS 405/2-3(1)(b) (West 2008)).¹ Respondent stipulated to the need for shelter care for Z.M. and later stipulated that the Z.M. was neglected. Respondent also stipulated to allow the Department of Children and Family Services (DCFS) to place the minor with a relative or in traditional foster care pending the resolution of this case. While Z.M. was initially placed with a family member, he was removed to a traditional foster home due to the failure of the family member to abide by the agreement that had been reached with DCFS concerning his care. After the trial court had conducted multiple permanency planning hearings, the State filed a petition on September 16, 2011, to terminate the parental rights of respondent and Z.M.'s father. On April 26, 2011, the trial court entered an order terminating the parental rights of respondent and Z.M.'s father. Respondent filed a timely notice of appeal. Z.M.'s father is not a party to this appeal. We affirm.

¶ 3 Z.M. was the third child of respondent identified in these proceedings. By the time of this petition, the oldest child was in a private guardianship arrangement with a family member. Respondent's second child was named in the same petition as Z.M., and she was placed in shelter care and found to be neglected. This second child was placed in a different traditional foster home, and the inability of respondent to schedule and maintain a visitation schedule with all of the children individually and together played a large part in the permanency proceedings and the termination proceedings.

¶ 4 As a result of the stipulation of respondent and Z.M.'s father, the trial court ordered that the parents were to remain free of all illegal drugs and alcohol. The parents were also ordered to sign

¹The petition as originally filed sounded in two counts. Only the count identified herein is at issue.

the necessary releases of information, and they were subjected to random drug tests and random Breathalyzer testing. Respondent and Z.M.'s father were ordered to submit themselves to all requested assessments and follow up with any recommended treatment. In light of the domestic violence allegations, anger management counseling was anticipated. Visitation between Z.M. and his parents would be exercised under the direction and supervision of the DCFS. Finally, neither parent was to use or allow anyone else to use any means of corporal punishment on Z.M.. The compliance with these conditions and other customary conditions incorporated in this order was to be reviewed at nine-month intervals under the permanency planning authority of the trial court.

¶ 5 The first permanency planning hearing this case was conducted on November 17, 2009. At the first permanency planning hearing, DCFS reported that respondent had met the criteria for remaining alcohol and drug free. She was also enrolled in a counseling program for anger and domestic violence issues. DCFS had a concern, however, about the consistency of respondent's scheduled visits with Z.M.. She was scheduled to visit Z.M. twice a week; however, she often called at the last minute to cancel visits based upon hair appointments, court hearings, or car troubles. DCFS also arranged for trips to Chicago for respondent and Z.M. at least once per month so that all of the siblings could visit with respondent in a family setting, but several of those visits were missed as well.

¶ 6 After respondent testified that she was employed and going to school at the same time, and after she offered sickness and a flat tire on her car as reasons for missing visitations, the trial court found that neither parent had made reasonable efforts to comply with the adjudicatory order and the supplemental protective order. However, the trial court did find that the goal of return home for Z.M. within 12 months was still viable.

¶ 7 At the next permanency planning hearing on May 18, 2010, a DCFS caseworker testified that respondent was allowed to visit twice per week since February 2010. However, respondent did not keep in contact with her caseworker during this period of time and failed to meet with her on a scheduled date. It was also reported that respondent was not consistent with her counseling during this period of time and that, because of her absences, it was unlikely that she could complete the program. The trial court found that the permanency goal of return home within 12 months was still viable, but that respondent had not made reasonable efforts to comply with the adjudicatory order and supplemental protective order.

¶ 8 On November 16, 2010, the DCFS caseworker again reported that respondent's visits were inconsistent, but when she did visit, the event went well. It was reported that transportation was an issue for respondent, even though a separate agency had been engaged to help her with transportation. It was also acknowledged that respondent was attending school full-time and working the third shift from 10 p.m. to 7 a.m. so that visits with Z.M. were often difficult to schedule. The trial court found that the parents had not made reasonable efforts to comply with the adjudicatory order and supplemental protective order, but the trial court left the permanency goal at return home within 12 months.

¶ 9 The next permanency planning hearing was May 17, 2011. The DCFS caseworker testified that respondent's visits remained inconsistent. In fact, respondent had not visited with Z.M. from July 2010 until October 2010, and then again from November 2010 to March 2011, even though an agency was engaged to help with transportation issues. It was reported that respondent was referred again to counseling and only needed to take a test to complete her anger management and domestic violence program, but as of the date of the May hearing, the test had not been completed. At the

conclusion of the hearing, the trial court found that respondent had not made reasonable efforts to visit with Z.M. or complete the court-ordered anger management and domestic violence training, and the trial court maintained the permanency goal of return home in 12 months. However, the trial court set the matter for a three-month permanency review after DCFS indicated that it would conduct a review of the case to consider whether a petition for termination of parental rights should be filed.

¶ 10 The final permanency planning hearing was conducted on August 16, 2011. The DCFS caseworker testified that respondent was not consistent in her weekly visits. On occasions, she just failed to show. When respondent and the caseworker did communicate, respondent usually related that, between her work schedule, which was set on a weekly basis, and her school schedule, she was just not able to make the scheduled visits. The caseworker indicated that they had implemented a new plan so that respondent could call DCFS on Friday with her schedule so that a reasonable visitation date and time could be set. The caseworker also testified that respondent had not asked for any additional referrals to complete her counseling programs. However, on cross-examination of the caseworker, there was some question about whether respondent had completed the testing.

¶ 11 The trial court expressed concern that the siblings were not visiting as often as they should, and it indicated that DCFS had to make an effort, notwithstanding the lack of effort by the parents, to ensure that the three children visited on a regular basis. The trial court found that the parents had not made reasonable efforts to comply with the adjudicatory order and supplemental protective order. The trial court also found that its concern now was permanency for Z.M. and that the permanency goal be changed to substitute care pending termination of parental rights.

¶ 12 On September 16, 2011, the State filed a petition requesting termination of parental rights. As it pertains to respondent, the petition alleged that she was unfit as follows:

- Count 1: She failed to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare;
- Count 2: She failed to protect the child from conditions within his environment injurious to the child's welfare;
- Count 3: She failed to make reasonable efforts to correct the conditions that were the basis for the removal of the child from her within nine (9) months after an adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act;
- Count 4: She failed to make reasonable progress toward the return of the child to her within nine (9) months after an adjudication of neglected or abused minor under Section 2-3 of the Juvenile Act of 1987 or dependent minor under Section 2-4 of the Act; and
- Count 5: She failed to make reasonable progress toward the return of the child to her during any nine (9) month period after the end of the initial nine (9) month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act.

¶ 13 After arraignment of the parties, time was spent exchanging discovery. The State tendered a disclosure of the nine-month intervals considered in this matter in compliance with section 1(m) of the Act (750 ILCS 50/1(m) (West 2008)) as follows:

February 20, 2010 to November 20, 2010; March 20, 2010 to December 20, 2010; April 20, 2010 to January 20, 2011; May 20, 2010 to February 2011; June 20, 2010 to March 20, 2011; July

20, 2010 to April 20, 2011; August 20, 2010 to May 20, 2011; September 20, 2010 to June 20, 2011; October 20, 2011 to July 20, 2011; November 20, 2010 to August 20, 2011; December 20, 2010 to September 20, 2011; January 20, 2011 to October 20, 2011; and February 20, 2011 to November 20, 2011.

¶ 14 The first witness to testify was a Rockford police officer who responded to respondent's home on February 24, 2009. He testified that he observed a young girl, later identified as Z.M.'s sister, with several bruises on her left arm, a small one-inch laceration on her left forearm, and four bruises on her right arm. When asked about the bruises, respondent indicated that she believed that her daughter fought a lot at school and she got them there. However, respondent also indicated that she had just noticed the bruises that day even though they appeared to be several days old. Respondent also told the officer that she had an infant son, Z.M., and she had his father pick him up because she knew DCFS was on the way and she did not want him to be taken into custody. Respondent was asked about her relationship with Z.M.'s father, and she said that she had been abused by him the month before. Respondent also told the officer that she was aware that Z.M.'s father was not to be in the house with Z.M., yet she allowed him to take the infant from her care and somewhere out of the house.

¶ 15 A second Rockford police officer testified that, on January 20, 2009, he responded to a 9-1-1 hang up. When he arrived at the apartment related to that call, he found two children, Z.M. and his sister, and he observed an overturned table, some broken glass and a steak knife on the counter. He also testified that Z.M.'s father was present, and he denied battering respondent. Instead, he said that the broken and overturned items were the result of respondent's actions toward him.

¶ 16 This same officer also spoke with the young girl who was approximately seven years of age at that time. She told the officer that respondent had the steak knife and that Z.M.'s father was hitting or kicking respondent. The young girl also told the officer that she heard respondent asking for the phone back and repeating "please, please, please." Finally, she told the officer that she and her little brother Z.M. were present during the entire altercation.

¶ 17 The DCFS caseworker testified next, and her testimony was consistent with the information that she presented in writing and upon questioning during the permanency planning hearings. In addition, she testified that she found out that, during the course of this juvenile proceeding, respondent had been arrested and convicted for possession of cannabis, but she also testified that she did not learn of this issue from respondent. The caseworker testified that if she had known about the drug offense at the time, she would have referred respondent to additional services. She also testified that, while respondent completed the domestic violence classes in 2010 and successfully took the final test in August 2011, she never engaged in or completed a course of individual counseling.

¶ 18 When respondent did visit with Z.M., the visits were supervised. Because she missed so many visits or failed to schedule visits after it was determined that her job may have caused problems with the visitation schedule, her visits with Z.M. remained supervised during the almost three years that this case was pending.

¶ 19 The trial court entertained immediate argument from counsel upon the close of the State's case. The trial court found that the State had proved the allegations contained in all five counts by clear and convincing evidence. Before the close of the hearing that day, Z.M.'s paternal grandmother asked the trial court why she was not allowed to maintain a foster care relationship with Z.M.. The

trial court asked the State to address this question, and it was revealed that, while Z.M. was with his grandmother early in the proceedings, Z.M.'s father was not to be present in her home without a DCFS caseworker to supervise. The State reported that sometime during a home visit, it was determined that Z.M.'s father was staying at his mother's home and he was found sleeping in the basement. As a result of the violation of the agreement for placement, Z.M. was removed to a traditional foster home.

¶ 20 On February 29, 2012, the parties and counsel appeared for the best interest hearing. However, DCFS and the parents asked for additional time to prepare reports and prepare for hearing. DCFS also related that Z.M. was going to be moved to a new traditional foster placement, so evidence of a permanent placement was not yet available. In addition, the former foster parents had filed an appeal relating to the removal of Z.M. from their care, and that hearing was set for early March 2012. After much discussion, the trial court continued the matter to April 26, 2012.

¶ 21 As the proceedings began on April 26, 2012, respondent's counsel requested a continuance. She indicated that Z.M. was going to be moved to another foster home, and his client would be willing to sign consents for that foster parent to adopt, but that those consents could not be signed until the child was moved and evaluated in that home. She also indicated that Z.M. would be placed in a home with at least one of his siblings, and if the consents could be signed, no appeal would be necessary and the final adoption could move forward. The State objected, arguing that it had been ready to proceed the last time the parties were in court and that, if respondent was serious about signing consents in the child's best interest, she could sign general consents that day. The State argued that the issue pending was best interest of the child, and the State further argued that it was

in the best interest of the child to proceed to hearing so that permanent options for the child could be pursued. The trial court agreed with the State, and the matter proceeded to hearing.

¶ 22 The same DCFS caseworker submitted her written report and testified that Z.M. would not be returned to the traditional foster home from which he was removed. Instead, he had been in a new foster placement since February 6, 2012, and that the new foster mother had expressed an interest in adopting him. She testified that Z.M. was doing well in that home, and subject to additional review and investigation, this placement could result in a permanent situation for Z.M. The caseworker also testified that DCFS was also seriously exploring placing Z.M. in the home where his older brother was subject to a private guardianship with his grandmother. Although this person was not Z.M.'s biological family member, both his older brother and his sister were living successfully in this home. Therefore, if Z.M. was placed in the home, all three siblings would be reunited again in a long-term permanent situation.

¶ 23 The caseworker further testified that the older brother's guardian had recently moved to the Rockford area from Chicago, and that the delay in placing Z.M. with her related to her need for some additional furniture (specifically beds) for the children. DCFS had processed a request for vouchers for this furniture, and DCFS was hoping for an accelerated response to that request. In the meantime, respondent had offered to purchase the beds for the guardian if that would move the proceedings along.

¶ 24 Respondent also testified at the hearing. She acknowledged that she wanted the guardian of her older son to adopt Z.M. and that she would do what she could to accomplish that. She felt the children should be together, and her other two children were happy with the guardian. Respondent testified that she believed that it was not in Z.M.'s best interest to terminate her parental rights

because they had bonded, but she did acknowledge that she had missed visitations with him. She also testified that the visits that she did have with all of the children, including Z.M., were positive, loving, and appropriate. She testified that the agency contracted by DCFS for transportation and supervision caused some of the problems, but she acknowledged that she had also missed other visitations not related to that agency. Upon cross-examination, respondent admitted that she was pregnant and that it was her intention to move to California with the father of this child.

¶ 25 The parties presented their arguments. The State did not challenge that the visits that did occur were happy and successful. Instead, the State argued that, after almost three years, Z.M. was entitled to some permanency. He had lived away from respondent for most of his young life, and while an appropriate adoption possibility was available, it could not be perfected due to certain physical needs of the proposed adoptive parent. The State repeated much of its argument from the earlier permanency hearings and the unfitness segment of these proceedings. Counsel for Z.M. agreed with the State and recommended terminating the parental rights of respondent and Z.M.'s father, stressing that permanency was the important factor to be considered in this case, even though Z.M. did have some relationship with his mother. Respondent's counsel stressed that the more current problems with visitation, an obvious issue in this case, were not always her client's fault. Problems with the "red tape" involved between DCFS and a contract agency that was to supervise and aid in the visitation process as well as respondent's work and school schedules often caused the problems. Counsel argued that the visits respondent did have with Z.M. were positive, loving and caring. In concluding her argument, counsel did not make any reference to respondent's current plan to leave Illinois.

¶ 26 The trial court indicated that it had considered the statutory best interest factors and all of the evidence and testimony that had been presented. The trial court also indicated that it had taken judicial notice of the evidence from the unfitness segment of the hearing. The trial court found that respondent had testified that Z.M. would be well served by being adopted by the guardian of her older son. The trial court stated that it was impressed that DCFS had found not just one, but two, possible adoption situations, and it found that the State had established, by a preponderance of the evidence, that it would be in Z.M.'s best interest to terminate the parental rights of respondent and Z.M.'s father.

¶ 27 In an unusual moment, the guardian of the older son asked the trial court if she could explain something about the need for beds for the children. The trial court allowed her to speak, and she said that it wasn't that she did not have beds but that the beds were still in Chicago and she needed her sons to help move them to Rockford. She went on to say that she had spent money that she had not counted on when she had to procure the services of an exterminator in Rockford to get rid of the snakes. Finally, the guardian said that she believed that the problem was now solved, and she thought that her sons could get the furniture out from Chicago soon.

¶ 28 On appeal, respondent contends that (1) the trial court's decision finding her unfit was against the manifest weight of the evidence; (2) the trial court's denial of her motion to continue the best interest portion of the termination proceedings was a manifest abuse of discretion; and (3) the trial court's decision to terminate her parental rights was against the manifest weight of the evidence.

¶ 29 Proceedings to terminate parental rights have two distinct segments. *In re Julian K.*, 2012 IL App (1st) 112841. First, the trial court must find, by clear and convincing evidence, that the parent is unfit. *Id.* ¶ 63. Then the trial court must determine, by a preponderance of the evidence,

what is in the best interest of the subject minor; that is, should the trial court terminate the parental rights based on the best interest of the minor. *Id.* These proceedings are very fact specific (*In re Joshua S.*, 2012 IL App (2d) 120197, ¶ 44), and credibility of the witnesses plays a significant part in the ultimate judgment of the trial court (*In re D.F.*, 201 Ill. 2d 476, 498-99 (2002)). Therefore, this court will only reverse the trial court's findings if they are against the manifest weight of the evidence. *In re Joshua S.*, 2012 IL App (2d) 120197, ¶ 44. A decision is against the manifest weight of the evidence only where the opposite conclusion is clearly the proper result. *Id.*; see also *In re D.T.*, 212 Ill. 2d 347, 354 (2004).

¶ 30 A trial court will customarily enter findings on each count of a petition for termination of parental rights. However, a trial court's determination to terminate parental rights may be affirmed if the evidence supports any one of the grounds alleged. *In re A.H.*, 359 Ill. App. 3d 413, 180 (2005) (citing *In re D.D.*, 196 Ill. 2d 405, 422 (2001)).

¶ 31 Here, the trial court found the State had proved respondent unfit based upon the allegations of all five counts. We affirm on the basis that the trial court's ruling on count 5 was not against the manifest weight of the evidence. In count 5 it was alleged that respondent failed to make reasonable progress toward the return of Z.M. to her during any nine-month period after the end of the initial nine-month period following the adjudication of neglected or abused minor under section 2-3 of the Act or dependent minor under section 2-4 of the Act.

¶ 32 While the evidence presented at each permanency planning hearing contained some evidence that respondent had done some work to meet the conditions set out in the adjudicatory and supplemental protective order, no condition was completed in a timely fashion. The evidence established that respondent did not test positive for drugs or alcohol, but the State proved that she

had been convicted of a drug offense during the pendency of these proceedings. Respondent completed the domestic violence classroom work, but failed to take the final test until the termination proceedings were looming. Respondent never sought or completed any individual counseling that DCFS referred her to. Most important to the trial court and this court, however, was respondent's apparent attitude toward consistent visitation. She never denied that she missed visitation due to hair appointments, and not until almost the end of the permanency planning process did she identify with any certainty that her work schedule made weekend visitations difficult. When she did, DCFS immediately implemented a plan to work around her work schedule, and clearly, that was something that could have been done earlier if DCFS had known. This court is also concerned that early in the adjudicatory proceedings, respondent attempted to conceal Z.M. from DCFS officials by having Z.M.'s father, a person she described as abusing her recently, take the child to whereabouts apparently unknown. Accordingly, the trial court's finding that respondent was unfit was not against the manifest weight of the evidence.

¶ 33 Next, respondent contends that the trial court erred when it did not grant another continuance for the hearing on best interests. A trial court enjoys discretion whether to grant or deny a continuance motion, and the court's "decision will not be disturbed absent manifest abuse or palpable injustice." *In re Anaya J.G.*, 403 Ill. App. 3d 875, 882 (2010) (citing *In re K.O.*, 336 Ill. App. 3d 98, 104 (2002)). There is no absolute right to a continuance. *Id.* "The denial of a request for continuance is not a ground for reversal unless the complaining party has been prejudiced by such denial." *Id.*

¶ 34 Here, with some serious reservation, the trial court had already granted a continuance of the best interest hearing to allow DCFS to complete some reports and continue to work on a permanent

placement for Z.M. When DCFS and respondent again asked for a continuance to now allow Z.M. to be placed with a person that respondent was willing to have adopt him, the State objected. The State correctly pointed out that Z.M. was entitled to permanency and respondent could sign general consents to adopt on the spot if she was concerned about her son. This court is more concerned with counsel's argument that, without a continuance to allow placement of Z.M. with the guardian of respondent's oldest child, it was likely that an appeal of any adverse order would further delay the permanency to which Z.M. was entitled. While parties who experience adverse trial court rulings are entitled to file a timely appeal (see, *e.g.*, Ill. S. Ct. R. 301 (eff. Feb. 1, 1994)), using the threat of an appeal to further delay permanency to a child who has lived most of his tender years away from his siblings and with little support from his mother is unprofessional and contrary to the purpose of the Act. See *In re Angela D.*, 2012 IL App (1st) 112887, ¶ 40 (stating that the fundamental purpose behind the Act is to secure permanency for minors as early as possible) (citing 705 ILCS 405/1-2(1) (West 2010)).

¶ 35 Finally, if the need for a continuance could have been avoided because of respondent's assistance in either buying beds for the children or transporting the guardian's furniture to Rockford, this court wonders why she had not taken any steps to accomplish those tasks over the almost three months that ensued between the unfitness hearing and the April 2012 hearing. Based upon a review of the record and the specific information and arguments presented at the April 2012 hearing, we conclude that the trial court did not abuse its discretion in denying the motion for a continuance of that hearing.

¶ 36 Respondent's last contention is whether the trial court's finding that it was in Z.M.'s best interest to terminate her parental rights was against the manifest weight of the evidence. Under the

Act, the best interest of a child is the paramount consideration. *In re I.H.*, 238 Ill. 2d 430, 445 (2010). Even the superior right of a natural parent must yield unless it is in accord with the best interest of the minor involved. *In re Angela D.*, 2012 IL App (1st) 112887, ¶ 35.

¶ 37 The Act sets forth the factors to be considered whenever a trial court enters a best interest judgment. These factors include (1) the physical safety and welfare of the child; (2) the development of the child's identity; (3) the child's family, cultural, and religious background and ties; (4) the child's sense of attachments, including feelings of love, being valued, and security, and taking into account the least disruptive placement for the child; (5) the child's own wishes and long term goals; (6) the child's community ties, including church, school, and friends; (7) the child's need for permanence; (8) the uniqueness of every family and child; (9) the risks attendant to entering and being in substitute care; and (9) the wishes of the persons available to care for the child. 705 ILCS 405/1-3(4.05) (West 2010). All of these factors must be considered in the context of the child's age and developmental needs. See 705 ILCS 405/1-3(4.05) (West 2010).

¶ 38 Here, Z.M. was four years old by the time of the best interest hearing in April 2012. It was reported at several permanency planning hearings that he had no particular developmental issues, but it was undisputed that he had been in three foster placements since the inception of these proceedings. The initial placement with his paternal grandmother was terminated when his father was allowed contact with Z.M. without DCFS supervision. The second and longest placement ended when DCFS observed what was described as inappropriate conduct by the foster parent. The placement in effect at the time of the hearing was going well, and the foster parent was interested in adoption, but DCFS was also considering an adoption that would allow Z.M. to be with his siblings.

¶ 39 In its oral ruling, the trial court indicated that it had considered the statutory factors in light of the testimony that had been presented. The trial court's ultimate determination that permanency for Z.M. was necessary now, and DCFS was ordered to accomplish that end. The trial court acknowledged that respondent and Z.M. had a relationship, but the trial court also indicated that it was taking judicial notice of the testimony from the unfitness segment of these proceedings. That testimony clearly established that respondent was seriously inconsistent in her efforts to visit with Z.M. and to have Z.M. visit with her and his siblings. Furthermore, testimony at this hearing was clear that respondent was again pregnant and that her immediate future plans were to leave Illinois and leave her older son and her daughter in Illinois. Because the trial court and respondent believed that the siblings should be together, respondent's current relocation plans were not consistent with that end. Finally, the trial court considered respondent's position that Z.M. would best be served by being placed with and adopted by the guardian of the older son. Accordingly, we hold that the trial court's finding that it was in the best interest of Z.M. to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 40 For the reasons stated, we affirm the judgment of the circuit court of Winnebago County terminating respondent's parental rights.

¶ 41 Affirmed.