

2014 IL App (2d) 140710-U  
No. 2-14-0710  
Order filed December 1, 2014

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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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<i>In re</i> ELLA H., a Minor	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	No. 11-JA-151
	)	
(The People of the State of Illinois, Petitioner- Appellee, v. Robert H., Respondent- Appellant.)	)	Honorable Mary Linn Green, Judge, Presiding.

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JUSTICE ZENOFF delivered the judgment of the court.  
Justices Schostok and Hudson concurred in the judgment.

**ORDER**

¶ 1 *Held:* Counsel's motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), was granted, and the trial court's order terminating respondent's parental rights was affirmed, where an examination of the record revealed no issue of arguable merit to support an appeal from the judgment.

¶ 2 The trial court found respondent, Robert H., to be an unfit parent and determined that it was in the best interest of his minor daughter, Ella H. (born March 2011), to terminate his parental rights. Robert appealed, and the trial court appointed counsel on his behalf. Counsel now moves to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), representing to this court that there is no issue of arguable merit to support an appeal. Counsel further states that she advised Robert of her opinion. We informed Robert that he had 30 days to respond to the

motion. That time is past, and he has not responded. For the following reasons, we grant counsel's motion to withdraw and affirm the judgment of the trial court.

¶ 3

### I. BACKGROUND

¶ 4 On May 11, 2011, the State filed a petition alleging that Ella was a neglected minor. Counts I and III of the petition related to the conduct of Autumn H. (Ella's mother and Robert's then-wife).<sup>1</sup> Count II alleged the existence of domestic violence between Robert and Autumn. Robert and Autumn waived their right to a shelter care hearing, and the court granted temporary guardianship and custody to the Department of Children and Family Services (DCFS).

¶ 5 On September 8, 2011, Autumn stipulated to an adjudication of neglect based on Count II of the petition, but Autumn and Robert agreed to engage in services for all counts. The court held a disposition hearing the same day, transferring legal custody to DCFS with the discretion to place Ella in foster care or with a responsible relative.

¶ 6

#### First Permanency Review

¶ 7 At the first permanency review hearing on March 6, 2012, caseworker Loni Wilson of Lutheran Social Services of Illinois testified that Ella was currently living with Carole G., the maternal grandmother. According to Wilson, over the past six months, Robert had consistently and appropriately attended weekly supervised visitation. He had also engaged in various services, including a parenting class, individual counseling, a substance abuse assessment, random drops, and parent abuse group therapy. However, Wilson noted that Robert's service providers were concerned that he had been "very inconsistent in the self-reports" and that he was going to undergo a psychological assessment. Furthermore, Wilson explained that while Robert

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<sup>1</sup> Autumn ultimately consented to Ella's adoption, and her parental rights are not at issue in this appeal.



visits. Specifically, Robert “fail[ed] to engage [Ella] appropriately or \*\*\* understand her emotions \*\*\* or her actions.” For example, if Ella went up to her highchair, Robert would not recognize that she was hungry. Additionally, Wilson said that Robert’s mental health was “very unstable” during this review period, explaining that he made reports that were delusional or paranoid, such as claiming to have been robbed at gunpoint at a gas station.

¶ 11 At the conclusion of the hearing, the court found that Robert had made reasonable efforts, but not reasonable progress. The court concluded that it was in Ella’s best interest to maintain the permanency goal as return home within 12 months. The court also ordered Robert to have no contact with Clarity Counseling until further order of the court.

¶ 12 Third Permanency Review

¶ 13 The third permanency hearing took place on March 4, 2013. Wilson testified that Robert underwent a parenting capacity assessment (PCA), which indicated that he “should not be or would not be able to adequately and safely care for Ella.” Moreover, Wilson said that Robert “was not able to meet a lot of the goals” of individual counseling. She reported that he had received parent coaching two times a month, but that he was not making progress. Specifically, Robert “can focus on one thing and then during the next visit that’s all he focuses on, so he’s not able to comprehend all of the skills that he’s being taught.”

¶ 14 At the conclusion of the hearing, the court once again found that Robert had made reasonable efforts, but not reasonable progress. The court changed the goal to substitute care pending court determination on termination of parental rights.

¶ 15 Petition to Terminate Parental Rights

¶ 16 On May 14, 2013, the State filed a petition to terminate Autumn’s and Robert’s parental rights. As it pertained to Robert, the petition alleged that he was an unfit parent in that he failed

to maintain a reasonable degree of interest, concern, or responsibility as to Ella's welfare (count I); make reasonable progress toward Ella's return within the nine month period after the adjudication of neglect (count II); and make reasonable progress toward Ella's return during the periods of November 11, 2011, to August 11, 2012, or August 11, 2012, to June 11, 2013<sup>2</sup> (count III). Count IV alleged that Robert was unable to discharge his parental responsibilities and that there was sufficient justification to believe that such inability would extend beyond a reasonable time period.

¶ 17 (A) Unfitness Hearing

¶ 18 The unfitness hearing proceeded over the course of seven days between December 11, 2013, and May 14, 2014. The evidence most relevant to counsel's motion to withdraw can be summarized as follows.

¶ 19 Dr. Valerie Bouchard's Testimony

¶ 20 The State first called Dr. Valerie Bouchard, a licensed clinical psychologist. On November 4, 2012, she administered a PCA to Robert, which consisted of a one hour parent-child observation, followed by an interview. One of the most significant things she observed was a lack of bonding between Robert and Ella, along with his inability to read the child's cues. An example that Bouchard provided of Robert missing cues was when he placed Ella on a bicycle despite the child making it clear that she did not want to be on it. Later in the evaluation, Ella got back on the bicycle and said "bye, bye," which indicated to Bouchard that the child did

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<sup>2</sup> During the unfitness hearing, the court granted the State's motion to amend the first time period listed in count III. Accordingly, the time periods at issue in count III are actually June 8, 2012, to March 8, 2013, or August 11, 2012, to June 11, 2013. We note that the second time period includes ten months rather than nine. That error does not affect our analysis.

not want to be there. Additionally, it appeared to her that Ella wanted to focus on watching television rather than connecting with her father.

¶ 21 Bouchard admitted that she observed one instance of bonding between Robert and Ella when they were playing on the floor. However, Ella did not make eye contact with Robert through most of the assessment, which was significant to Bouchard because this indicated “avoidant behavior.” Although Robert was appropriately protective as Ella explored the room, the child went to Bouchard, not Robert, for assistance. Bouchard additionally noticed regression in Robert’s behavior toward Ella. Specifically, there were times when Robert laughed in a child-like way, which Bouchard deemed to be “emotionally off for the situation.” At the conclusion of the visit, Ella did not indicate any signs of affection toward Robert.

¶ 22 Bouchard also explained that Robert’s mental status examination showed poor insight, poor judgment, an inability to fully take responsibility for the circumstances that led to DCFS involvement, and a seizure disorder. She believed that Robert had issues related to grandiosity, which she defined as “an inflated opinion of oneself and generally not realistic of one’s abilities.” She recalled that Robert told her a story about having taken care of nine godchildren, and she found this to be unbelievable in light of the fact that he had related the story differently in the past. She also identified issues with Robert’s support system, notably that “there didn’t seem to be anyone in the picture” to assist him. She admitted that it would be a positive factor if his family resided in relatively nearby Cook County and could provide assistance if needed. If Robert regularly talked on the phone with his mother, that would also be something that would potentially show a support structure.

¶ 23 Bouchard concluded that Robert would not be able to provide adequate day-to-day parenting for Ella. Asked whether Robert had a mental illness or developmental disability, she

testified that, based on her observations rather than on a diagnostic evaluation, she believed that there were “limitations present.” These limitations affected Robert’s ability to engage in his parental responsibilities, and, because they were possibly related to a brain injury, would extend beyond a reasonable time period. She had reviewed reports indicating that Robert exhibited paranoid thought patterns and impaired decision-making skills, and there was nothing in her evaluation that was inconsistent with those findings.

¶ 24 Autumn’s Testimony

¶ 25 Autumn testified for the State and explained that she had sought and received an order of protection against Robert in August of 2011. Her petition seeking the order of protection was admitted into evidence without objection. In the petition, Autumn alleged that Robert had been physically and emotionally abusive toward her.

¶ 26 Wilson’s Testimony

¶ 27 Wilson was the family’s caseworker from 2011 until October 2013. When she first received the matter in May 2011, she worked with Robert regarding domestic violence, mental illness, and parenting. She related that during an integrated assessment interview in May 2011, Robert told her that he had supported over 40 godchildren. That seemed unusual to her, because he was unable to provide specific information regarding the circumstances and he indicated that he did not stay in touch with those people.

¶ 28 Wilson testified that many of the visitation issues related to Robert’s inability to prepare food appropriately. Although he would make progress in one area through parent coaching, different concerns would then arise. For example, Robert was told that he needed to prepare meals for Ella ahead of time so that he was not spending a lot of visitation time doing that. When Robert made progress in that area, then there was a problem with him not giving Ella

enough time to eat. Wilson said that Robert “would also regress at times and kind of go back to some of the concerns that had already been addressed.”

¶ 29 Furthermore, Wilson explained that Robert participated in two domestic violence groups at Clarity Counseling: the Helping Abusive Parents (HAP) group and the Partner Abuse Intervention Program (PAIP). He successfully completed the HAP group “with caution.” However, he did not complete PAIP, but instead was discharged from the group in August 2012. Wilson’s understanding was that Robert indicated to group members that he was wiretapped by the government and that he was there to report back about what was occurring in the group. She talked to Robert about the incident, and he denied making those comments. According to Wilson, even though Robert “attended pretty much everything that [she] asked him to attend,” there were concerns about his mental capacity, including paranoid or delusional thought patterns and his ability to incorporate the things he was learning into his visits with Ella.

¶ 30 **Matrice Williams’ Testimony**

¶ 31 Matrice Williams, a licensed clinical social worker, testified on Robert’s behalf. She had been Robert’s counselor since April 29, 2013, and she said that he ultimately completed domestic violence counseling with her in a satisfactory manner. However, she testified that as of June 11, 2013 (the end of the time period alleged in count III of the petition), Robert had not yet completed the counseling and still had progress to make. Nevertheless, she felt that from the time she first saw Robert in April until June 11, 2013, he made progress by taking responsibility for his role in having his daughter taken away and recognizing that verbal abuse constitutes domestic violence.

¶ 32 Williams also had the chance to observe two of Robert’s visits with Ella on August 11, 2013, and September 8, 2013. She was of the opinion that he was capable of being a qualified

parent and handling his parental responsibilities. She testified that Robert and Ella were “very bonded” and that Ella greeted him by saying, “Daddy, daddy.” When he went to the bathroom, Ella waited for him to come out. He appropriately praised Ella, was responsive to her cues, got down on the floor to interact with her, and tried to steer her away from danger when she took off running. During the course of working with Robert, Williams did not see any episodes of grandiosity or exaggeration.

¶ 33 Robert’s Testimony

¶ 34 Robert testified that Ella was six weeks old when she was taken into protective custody. As part of his service plan, he was asked to undergo mental health assessments and a neuropsychological evaluation. He also participated in counseling until approximately February 2013, when they wanted him to start grievance counseling regarding termination of parental rights. Around that time, he privately engaged the services of a counselor to continue services for purposes other than grievance and termination of parental rights. He wanted to make progress, and he believed that he had done so. He did not feel that there were any services that he had not completed successfully.

¶ 35 Robert also testified about his interactions with Ella, saying that she would greet him at the door during visits. He would monitor her to make sure that she did not get harmed, feed her, change her diaper, and instruct her not to climb on objects. He would also draw with her and work with her on colors, numbers, and letters. He explained that he had family in the Chicago area and that he tried to arrange for his mother to visit Ella, but he was declined permission by the foster parent.

¶ 36 Robert provided his version of the events leading to his discharge from PAIP, the domestic violence program. On August 29, 2012, he had a discussion with some of the group

members during a break. Later that day, he was discharged from the program for supposedly claiming to be wearing a wire. He denied saying this, testifying that he had actually said that he used to do subcontracting work involving rewiring places and hooking up security surveillance. He acknowledged that he was informed that he had been discharged from the program for other reasons as well, but he denied that the reasons provided were true. After he was discharged, he was never told to obtain domestic violence counseling from another provider.

¶ 37 Furthermore, Robert testified that Ella's behavior during the PCA was affected by Bouchard's instruction not to feed Ella, noting that the child "became a little agitated because she was hungry." Addressing the prior testimony about certain statements he made about his godchildren, he clarified that there were "nine children that are considered by their parents as being [his] godchildren but none of them legally." However, he was unable to recall the last names of some of these children.

¶ 38 Stephanie Carey's Testimony

¶ 39 Stephanie Carey, a counselor at Clarity Counseling, testified as a rebuttal witness for the State. Robert was enrolled in two of her domestic violence groups beginning in December of 2011. He successfully completed the HAP group, and he was at all times engaged during that program. However, in August 2012, he was unsuccessfully discharged from PAIP for "potentially breaking the confidentiality of other group members." She recalled that Robert "stepped outside with another group member and was blaming this group member for ruining his chance at getting his child back." Several group members told her that Robert said that he was getting paid by the State to wear a wire tap and to get the counselors to acknowledge that they were taking money under the table.

¶ 40 Moreover, Carey testified that, even if Robert had not been discharged from PAIP for the potential breach of confidence, he would not have completed the program, because he had not taken responsibility for his behaviors. She recalled that on one occasion, Robert was presenting homework when a man challenged him, and he responded by getting out of his chair, yelling, and cussing. On other occasions, if he did not like what somebody said or if somebody challenged him, he would make comments under his breath such as “you just don’t know what you are talkin’ about” or call someone an “ass.”

¶ 41 Court’s Findings on Unfitness

¶ 42 The court found that the State proved each of the four counts against Robert by clear and convincing evidence. As to count I, the court found that, while Robert exhibited an interest in Ella, he did not maintain a reasonable degree of concern or responsibility, emphasizing the evidence of domestic abuse and Robert’s failure to take responsibility for his actions. As to count II (reasonable progress in the first nine months following adjudication), the court found that Robert “made no progress on those \*\*\* domestic violence issues and continued to blame the mother for any domestic violence.” The court noted that there was “no movement to return home of the minor” and that Robert was unsuccessfully discharged from domestic violence services. The court also indicated that it had “some questions as to [Robert’s] credibility,” recalling Robert’s testimony about his godchildren and his inability to remember all of their names. Regarding count III (reasonable progress during subsequent nine month periods), the court once again emphasized that Robert did not complete domestic violence services. Additionally, the court questioned the qualifications of Williams, Robert’s new counselor, observing that she “had little training in domestic violence.” Finally, as to count IV, the court noted that Bouchard and Wilson established that Robert would be unable to discharge his

parental responsibilities due to his mental health issues. Although the court acknowledged that Williams provided contrary testimony, the court found Bouchard's opinions, testimony, and credentials to be "clearly superior."

¶ 43 (B) Best Interest Hearing

¶ 44 At the best interest hearing, the court took judicial notice of the evidence introduced during the unfitness proceedings and of a report dated June 3, 2014, authored by Wilson and Bethany Edwards, a child welfare specialist. In the report, Wilson and Edwards addressed each of the statutory best interest factors. They noted that Ella had resided with Carole, her maternal grandmother, since May 2011, and that Carole was providing a safe, nurturing environment for the child. They also stated that, although Ella was not old enough to express her wishes, she had become acclimated to her home, referring to Carole as "mommy" and saying "I love you" to her. In contrast, Ella would refer to Robert as "Ms. Jen," which is the name of the aide who supervised their visits. However, Wilson and Edwards acknowledged that Ella would call Robert "daddy" when prompted. According to the report, Carole had facilitated visitation arrangements with Robert as well as with Ella's two half-sisters. Carole was willing to adopt Ella, and Wilson and Edwards believed that it was in Ella's best interest to terminate Robert's parental rights.

¶ 45 Robert's counsel cross-examined Edwards regarding the report. Edwards said that while Ella appeared to enjoy the time she spent with Robert and that he made the child laugh, there did not appear to be a secure attachment. Additionally, counsel asked Edwards whether it had been reported to her that Ella had called Carole a "monster," and Edwards said that it had not. Edwards also testified that she received conflicting reports about whether Ella had attempted to leave with Robert following the last visit. Specifically, while Carole reported that Ella had

packed a bag, asked to leave with Robert, and then got upset when she was told no, the aide said that Ella was just trying to go into the car.

¶ 46 Robert then testified consistently with his testimony during the unfitness portion of the proceedings. He additionally reported that he had seen Ella jokingly call him “Miss Jen” and then call the aide “Daddy.” At the end of visits, Ella would usually want to go home with him. Specifically, for the last seven months, she said “let’s go,” and prior to that she would push at the door. Furthermore, during one visit, Ella told him that she was scared that she would not see him again and looked as if she were going to cry. During his last visit, referring to Carole, Ella said, “Mommy is a monster.” Ella kept saying that she was scared of the monster and that the monster wakes her up.

¶ 47 The State called Wilson as a rebuttal witness. Of particular relevance, she testified that Ella is not able to put together sentences as described by Robert, although she is able to use those words. She also said that there was no report from the caseworker, Carole, or from anyone else about Ella using those kinds of sentences or words during visits with Robert.

¶ 48 At the conclusion of the evidence, the court found that it was in Ella’s best interest to terminate Robert’s parental rights. Robert timely appealed.

¶ 49

## II. ANALYSIS

¶ 50 Involuntary termination of parental rights under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2012)) involves a two-step process. *In re C.W.*, 199 Ill. 2d 198, 210 (2002). The State must first prove by clear and convincing evidence that the parent is unfit under any single ground listed in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2012)). 705 ILCS 405/2-29(2) (West 2012); *C.W.*, 199 Ill. 2d at 210. If the parent is unfit, the matter proceeds to a second hearing, at which the State must prove by a preponderance of the evidence

that it is in the best interest of the minor to terminate parental rights. *In re D.T.*, 212 Ill. 2d 347, 352, 366 (2004). The trial court is in the best position to make factual findings and credibility assessments, and we will not disturb a finding of unfitness unless it is against the manifest weight of the evidence. *In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 19. “A decision is against the manifest weight of the evidence where the opposite result is clearly evident from the record.” *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1064 (2006).

¶ 51 We agree with counsel that there is no issue of arguable merit to support an appeal from the trial court’s finding of unfitness. The court determined that Robert was unfit for, among other things, failing to make reasonable progress toward Ella’s return during the periods between June 8, 2012, to March 8, 2013, or August 11, 2012, to June 11, 2013.<sup>3</sup> In *Jacorey S.*, the court explained the concept of reasonable progress as follows:

“[R]easonable progress is judged by an objective standard based upon the amount of progress measured from the conditions existing at the time custody was taken from the parent. Reasonable progress requires, at minimum, measurable or demonstrable movement toward the goal of reunification. The standard for measuring a parent’s progress is to consider the parent’s compliance with the service plans and the court’s directives in light of the conditions that led to the child’s removal, and subsequent

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<sup>3</sup> The petition, which the State filed on May 14, 2013, alleged in count III that Robert was unfit under section 1(D)(m)(iii) of the Adoption Act (750 ILCS 50/1(D)(m)(iii) (West 2012)) for failing to make reasonable progress during nine month periods after the initial nine month period following the adjudication of neglect. Effective January 1, 2014, the statute was amended by Public Act 98-532 so that both the initial nine month period following the adjudication of neglect and subsequent periods are addressed in section 1(D)(m)(ii).

conditions that would prevent the court from returning custody of the child to the parent. Reasonable progress exists when the trial court can conclude that it will be able to order the child returned to parental custody in the near future.” (Internal citations and quotation marks omitted.) *Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21.

¶ 52 The evidence at the unfitness hearing showed that Robert was discharged from the PAIP domestic violence program at Clarity Counseling in August 2012. According to Carey, Robert was discharged due to a potential breach of confidentiality. Specifically, several group members told her that Robert mentioned having a wiretap tap on him to try to get counselors to acknowledge that they were taking money under the table. Additionally, Carey was clear that, even apart from that incident, Robert would not have successfully completed the program, because he was not taking responsibility for his actions. Carey also testified that if somebody challenged Robert during the group, he would make comments under his breath. On one occasion, he got out of his chair and yelled and cussed when a group member challenged him while he was presenting his homework. Although Robert disputed this version of events, the trial court specifically questioned Robert’s credibility, and we defer to that finding. See *In re April C.*, 345 Ill. App. 3d 872, 889 (2004) (“We defer to the trial court for factual findings and credibility assessments because it is in the best position to make such findings.”)

¶ 53 It is true that Williams, Robert’s new counselor, opined that Robert was taking responsibility for his role in having his daughter taken away and recognizing that verbal abuse constitutes domestic violence. However, Williams did not begin treating Robert until April 2013, so she could not speak to his progress from June 8, 2012, to March 8, 2013. Moreover, Williams treated Robert for only approximately five weeks during the second period alleged in count III of the petition, and she admitted that he still had progress to make at that point.

Additionally, the trial court discounted Williams' testimony due to her limited training in domestic violence. Once again, the trial court was in the better position to assess the witnesses' credibility and resolve factual disputes.

¶ 54 The trial court reasonably could have found that, between June 8, 2012, to March 8, 2013, or in a nine month period between August 11, 2012, and June 11, 2013, Robert failed to make progress toward the return of Ella, particularly in the area of domestic violence. The court's findings on count III of the petition were not against the manifest weight of the evidence, and we agree with counsel that there is no arguable issue of merit to support an appeal from the unfitness finding. Accordingly, we need not consider whether the State met its burden with respect to the other counts. See *Daphnie E.*, 368 Ill. App. 3d at 1064 ("A finding of unfitness will stand if supported by any one of the statutory grounds set forth in section 1(D) of the Adoption Act.").

¶ 55 Furthermore, we agree with counsel that there is no issue of arguable merit to support an appeal from the trial court's determination that it was in Ella's best interest to terminate Robert's parental rights. The focus shifts to the child after a finding of parental unfitness, and "the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *D.T.*, 212 Ill. 2d at 364. At the best interest hearing, the trial court considers:

"(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 \*\*\* (e) the child's wishes and long-term goals; (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 and with 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.” 705 ILCS 405/1-3(4.05) (West 2012).

We will not overturn the trial court’s finding that termination of parental rights is in the child’s best interest unless it is against the manifest weight of the evidence. *In re Shru R.*, 2014 IL App (4th) 140275, ¶ 24.

¶ 56 The evidence showed that Ella had resided with Carole, her maternal grandmother, since May 2011, when Ella was less than two months old, and that Carole was willing to adopt her. Carole has been Ella’s primary caretaker during this time, and the State introduced evidence that Carole provides a safe, nurturing home for the child. Ella is not old enough to express her wishes, but she refers to Carole as “mommy” and says “I love you” to her. Although Robert testified that Ella is scared of Carole and has called her a “monster,” nothing in the record corroborates Robert’s testimony or indicates that Carole has provided anything other than a loving home. Moreover, Wilson testified that Ella is not capable of putting sentences together in the way that Robert suggests. The trial court was tasked with assessing the credibility of the witnesses, and the court reasonably could have accepted the caseworkers’ testimony over Robert’s as to the strength of the bond between Carole and Ella and the quality of the home life that Carole offers.

¶ 57 Furthermore, the record is clear that Robert loves Ella and that he has actively and consistently participated in visitation. Nevertheless, Wilson, who was the caseworker from 2011 until October 2013, testified that there were concerns about Robert being able to retain the skills that he learned in his services. Additionally, Bouchard conducted a PCA in late 2012 and

concluded that Robert would not be able to provide adequate day-to-day parenting for Ella. Bouchard also observed a lack of bonding between Robert and Ella and that Robert missed some of the child's cues. As previously explained, the trial court reasonably credited Bouchard's testimony.

¶ 58 The trial court's determination that it was in Ella's best interest to terminate Robert's parental rights was not against the manifest weight of the evidence. Therefore, we agree with counsel that there is no issue of arguable merit to support an appeal.

¶ 59 **III. CONCLUSION**

¶ 60 For the reasons stated, we hold that this appeal presents no issue of arguable merit. Accordingly, we grant counsel's motion to withdraw and affirm the judgment of the circuit court of Winnebago County.

¶ 61 Affirmed.