

NOTICE

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2014 IL App (4th) 140746-U

NO. 4-14-0746

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

December 30, 2014

Carla Bender

4th District Appellate

Court, IL

In re: B.B., a Minor,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Ford County
v.)	No. 11JA3
HEATHER BREEDEN,)	
Respondent-Appellant.)	Honorable
)	Kevin P. Fitzgerald,
)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.
Presiding Justice Pope and Justice Knecht concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court's findings (1) respondent was unfit under section 1(D)(m)(ii) of the Adoption Act and (2) it was in the minor child's best interest to have respondent's parental rights terminated were not against the manifest weight of the evidence.

¶ 2 In January 2014, the State filed a petition for the termination of parental rights of respondent, Heather Breeden, as to her minor child, B.B. (born in 2000). In April 2014, the Ford County circuit court entered a written order, finding respondent unfit. After a June 2014 hearing, the court concluded it was in B.B.'s best interest to terminate respondent's parental rights.

¶ 3 Respondent appeals, contending the trial court erred by finding (1) her unfit and (2) it was in B.B.'s best interest to terminate her parental rights. We affirm.

¶ 4 I. BACKGROUND

¶ 5 The June 2011 petition for adjudication of wardship alleged B.B. was neglected pursuant to (1) section 2-3(1)(a) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(a) (West 2010)), in that she was not receiving the proper or necessary support and education required by law; and (2) section 2-3(1)(b) of the Juvenile Court Act (705 ILCS 405/2-3(1)(b) (West 2010)), in that her environment was injurious to her welfare due to respondent's ongoing substance-abuse issues. In July 2011, the State filed an amended petition for adjudication of wardship, adding the allegation B.B. was also neglected under section 2-3(1)(b) of the Juvenile Court Act (705 ILCS 405/2-3(1)(b) (West 2010)), in that her environment was injurious to her welfare due to respondent lacking a permanent place for her and B.B. to stay and, on multiple occasions, respondent leaving B.B. in the care of others. B.B.'s father, Jason Adkins, had not been involved in her life, and at the time of the wardship petition, he was in prison. In December 2013, he surrendered his parental rights to B.B. Adkins is not a party to this appeal.

¶ 6 At an August 2011 adjudicatory hearing, respondent stipulated the minor child was neglected under section 2-3(1)(a) of the Juvenile Court Act due to a lack of parental support. The trial court accepted the stipulation. On November 1, 2011, the court entered a written dispositional order, finding respondent was unable to care for B.B. The court made B.B. a ward of the court and appointed DCFS as her guardian.

¶ 7 In July 2013, the State filed a petition seeking to terminate respondent's parental rights to B.B. The motion asserted respondent was unfit because she failed to make reasonable progress toward the return of the child within the nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2012)). In May 2014, the State filed an amended termination petition, adding a second count that respondent was unfit for failing to make

reasonable progress toward the return of the child during a nine-month period after the initial nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West Supp. 2013) (petition improperly listed section 1(D)(m)(iii)). That same month, the State filed a second-amended termination petition that added the nine-month period for count II was February 1, 2013, to November 1, 2013.

¶ 8 On June 11, 2014, the trial court held the fitness hearing. At the beginning of the hearing, the State noted it was only proceeding on count II of its second-amended termination petition, which alleged respondent was unfit for failing to make reasonable progress toward the return of B.B. during the nine-month period of February 1, 2013, to November 1, 2013. The State presented the testimony of (1) Johneisha Hobbs, Lutheran Social Services caseworker, and (2) B.B. At the State's request, the trial court also took judicial notice of the court file in respondent's misdemeanor case, No. 11-CM-148. The record on appeal lacks the court file for that case. At the fitness hearing, the State did note the record in the misdemeanor case would show that, at a May 6, 2013, "remission" hearing, respondent was sentenced to 40 days in the Ford County jail for testing positive for amphetamines and not having a substance-abuse evaluation. Moreover, on September 16, 2013, respondent was sentenced to 50 days in jail for testing positive for amphetamines. Respondent testified on her own behalf and presented the testimony of her boyfriend, Jason Berkler. Respondent also presented (1) the legal screening sheet for this case, (2) an individual counseling closing summary, (3) a February 2013 negative drug screen, (4) a March 4, 2013, drug screen negative for synthetic cannabinoids, (5) a March 4, 2013, drug screen positive for amphetamine, (6) a May 2013 negative drug screen, (7) a July 2013 negative drug screen, (8) an August 16, 2013, drug screen positive for amphetamines, and (9) an August 23, 2013, letter noting respondent had completed a substance-abuse assessment

and did not need treatment at that time. Additionally, at respondent's request, the trial court took judicial notice of the July 2012 and February 2013 service plans in the case.

¶ 9 The testimony presented at the fitness hearing relevant to the issues on appeal is set forth below. Hobbs testified she became the caseworker for this case in May 2013. She met with respondent one time, which was on July 1, 2013, and advised respondent to "get back into services." Respondent indicated she wanted to surrender her parental rights and would not engage in services again. At the next permanency hearing, respondent denied telling Hobbs she wanted to surrender her parental rights. Besides the visit, respondent never contacted Hobbs or her supervisor. Despite being entitled to weekly, supervised visitation, respondent did not have visitation with B.B. while Hobbs was the caseworker. Respondent also did not do any urine screens for DCFS while Hobbs was the caseworker. Hobbs further testified respondent did not do any individual counseling while she was the caseworker. Hobbs stated respondent was unsuccessfully discharged from individual counseling with Bill Fraley because she was inconsistent in meeting with him. Hobbs later explained how respondent's "neutral discharge" from individual counseling with Fraley was unsuccessful because respondent had not completed her treatment goals. Farley had recommended respondent attend family counseling with B.B., and respondent never did. Hobbs had talked with Farley but had not read his closing summary of respondent's individual counseling.

¶ 10 Hobbs further testified respondent had successfully completed substance-abuse treatment in April 2012. Respondent had also completed a parenting class, a domestic-violence class, and a psychological evaluation. Moreover, Hobbs stated respondent had been approved for unsupervised visits prior to Hobbs becoming the caseworker. Hobbs did not know when the visitation returned to supervised, two-hour visitation. However, she did testify the change in

visitation resulted from respondent's positive drug results from a test administered by the probation department. Additionally, Hobbs testified respondent needed to complete another substance-abuse assessment after the positive drug tests but had not done so. Hobbs continued to offer respondent services and visitation even after the goal in this case was changed to termination.

¶ 11 B.B. testified she had an overnight visit with respondent in early February 2013. When she woke up in the morning, Berkler was present. B.B. was surprised because she did not think he was supposed to be there. Berkler, who B.B. had known most of her life, did not do anything inappropriate during the visit. However, B.B. did report the incident to her foster mother. After that, B.B. did not have any more overnight visits with respondent. B.B. stated she did have one unsupervised visit with respondent in late July 2013. Moreover, respondent and B.B. talked about respondent surrendering her parental rights. B.B. told respondent she wanted her to surrender her parental rights. Respondent said she would surrender her parental rights since B.B. wanted her to do so. B.B. believed the talk was before the overnight visit at which Berkler was present.

¶ 12 Respondent testified B.B. had been removed from her care because respondent's substance-abuse problem had prevented her from getting B.B. up for school every day. Respondent testified she had completed a parenting class, substance-abuse treatment, and a domestic-violence class. She had also been discharged from individual counseling. Due to her March 2013 time in jail, respondent lost her job and residence. In July 2013, respondent got a job at Country Kettle as a waitress and still had that employment. She also got a job at Petersen's Trackside in October 2013. When she was released from jail, she moved into Berkler's residence and has lived there ever since. Her name is on the lease.

¶ 13 Moreover, respondent testified her two positive amphetamine tests were due to her taking an energy pill called Fastin. She denied taking any illegal substances. Respondent also stated she was no longer taking Fastin. After her last positive amphetamine test, respondent went to Prairie Center Health Systems for a substance-abuse evaluation and no further treatment was recommended. Respondent recalled giving the evaluation to probation but did not recall if she gave it to Hobbs. Respondent testified she no longer had a drug problem. Additionally, respondent testified she had called Lutheran Social Services frequently for over two months and no one told her where to go for a drug screen.

¶ 14 Respondent also denied refusing visitation with B.B. She also denied telling Hobbs she was going to surrender her parental rights. Respondent did acknowledge B.B. stated she wanted to stay with her foster mother when they discussed with whom B.B. wanted to live. Moreover, respondent stated Hobbs never called her to do drug tests or to arrange visitation. Respondent testified she lost overnight visitation due to going to jail. Respondent said no rules were in place preventing Berkler from being present during visitation. According to respondent, her visitation was at the foster mother's discretion, and she visited B.B. about 10 times during the nine-month period at issue. She also sent her cards and letters but admitted she did not have weekly contact with B.B. At most, she went a month during the nine-month period without any contact with B.B. Respondent also admitted that she did not stay "completely" in contact with her caseworker.

¶ 15 Berkler testified he was respondent's fiancé and they had been in a relationship for 14 years. He stated that, up until her removal, he was a father figure to B.B. Berkler testified he was also part of the service plan initiated by Lutheran Social Services. According to Berkler, he had successfully completed everything the service plan required him to do. He also testified he

had never been directed not to have contact with B.B. As to respondent, Berkler testified she had made dramatic changes in her life over the past year and a half. She developed better people skills and had stability in her home, work, and personal relationships. Respondent also handled her responsibilities better. He had not observed respondent use illegal substances. Berkler thought respondent had monthly visitation with B.B. but did not know for sure because he was not part of the visits as of December 2012.

¶ 16 In rebuttal, Hobbs testified she had voicemail, and if she did not return a call within 48 hours, a client could call her supervisor. According to Hobbs, respondent only called her before a September 2013 hearing, and Hobbs returned the call. Hobbs also explained respondent was to only have visitation supervised by Hobbs and respondent was aware of that. Hobbs further testified that, at the July 2013 meeting, she did not go over the services respondent needed to complete because respondent indicated she was going to surrender her parental rights. When Hobbs took over the case, respondent was told to contact Hobbs for visitation, and respondent did not do so. Additionally, Hobbs testified she never received the August 2013 substance-abuse assessment.

¶ 17 At the conclusion of the hearing, the trial court found the State had proved by clear and convincing evidence respondent was unfit for failing to make reasonable progress toward the return of the child during the period of February 1, 2013, to November 1, 2013. A written order was not entered.

¶ 18 On July 29, 2014, the trial court held the best-interest hearing. The State presented the testimony of B.B.; Hobbs; and Ashley Adams, B.B.'s godmother and foster mother. It also presented the Lutheran Social Service July 2014 permanency report and asked the trial court to take judicial notice of the entire court file, which the court did without objection. The

permanency report recommended the termination of respondent's parental rights. Respondent testified on her own behalf and presented the testimony of Alan Robertson, Berkler's stepfather. Respondent also presented her drug screens from February, March, April, and May 2014, which were negative except for prescribed medication. Additionally, respondent presented her paystubs.

¶ 19 B.B. testified she had lived with Adams for about two years. She shared a bedroom with one of Adams's two daughters. Adams also had a son. B.B. refers to Adams's children as her sisters and brother. The four walk to school together in nice weather. B.B. had a mentor through a program at school who took her to school in bad weather. At school, B.B. was involved in chorus. On Wednesday nights, B.B. and one of Adams's daughters attended church functions together. Adams helped B.B. with her homework and supported her extracurricular activities. Adams had a boyfriend that occasionally spent the night. B.B. had a good relationship with him. B.B. did testify no one in Adams's household had a driver's license.

¶ 20 B.B. also testified she wanted to live with Adams permanently. She noted her grades had improved since living with Adams. It was also easier for B.B. knowing (1) when her next meal would be, (2) she would wake up in the same home, and (3) she would have clothes to wear. She did not have those things with respondent. B.B. testified she wanted respondent to maintain stable employment and housing for more than a year.

¶ 21 Hobbs testified that, since living with Adams, B.B.'s school attendance and grades had improved. B.B. was also no longer guarded and would express her feelings. B.B. really liked living with Adams and the stability that Adams provided her. B.B. told Hobbs she did not want to return to respondent. Adams wanted to adopt B.B., and B.B. wanted to be adopted by Adams.

¶ 22 Adams testified she had three biological children, who were 12, 10, and 9 years old. Adams had known B.B. her entire life, and B.B. had lived with her for 2 1/2 years. Adams wanted to adopt B.B. She loved B.B. as she loved her own children. B.B. was part of their family. Adams had worked for a house cleaning company for more than a year and had sufficient income to provide for her children and B.B. Adams testified she was able to provide for B.B.'s needs and supported B.B.'s extracurricular activities. Adams explained she lost her driver's license for failing to pay a ticket. She was working on paying off the ticket so she could get her license back. In addition to her income, she received a subsidy from DCFS for B.B. and child support for her other children. Adams testified she could survive without the subsidy from DCFS.

¶ 23 Robertson testified he had lived in the area until 2007 and saw respondent and B.B. every week before the move. Respondent and B.B. had a good bond and showed affection for each other. Robertson testified that, since B.B. was removed, respondent had cleaned herself up and done the things she needed to do. He had a great relationship with B.B. and loved her. Robertson did not think it would be in B.B.'s best interest to have respondent's parental rights terminated. He felt respondent deserved a second chance.

¶ 24 Respondent testified she had grown up a lot since B.B. was removed. She learned a lot in her parenting classes and quit using substances. Respondent also explained she was taking as directed a generic prescription for Adderall, which is an amphetamine. She also took the generic form of Prozac. Respondent stated she no longer had a substance-abuse problem and functioned as a normal person. She had worked at Country Kettle for over a year and at Peterson's Trackside for six months. Respondent had been in a relationship with Berkler for 14 years. They rented a home together and owned one car. Berkler was also employed at Peterson's

Trackside. B.B. had a good relationship with Berkler and called him "dad." B.B. also enjoyed visiting Berkler's parents.

¶ 25 Respondent further testified that, during B.B.'s first 11 years of life, they had a very close relationship. After B.B.'s removal, their visitation went well. When respondent went to jail, she lost her house and job. Since then, it has been hard for her to gain B.B.'s trust back and get visitation back on the right track. If B.B. was returned to her, respondent would support B.B.'s extracurricular activities and would not undermine B.B.'s relationship with Adams's children. In respondent's opinion, B.B.'s self-esteem would be damaged if respondent's parental rights were terminated because B.B.'s other biological parent was in prison for the rest of his life. Respondent noted she had fixed her problems and still wanted to be B.B.'s mother.

¶ 26 At the conclusion of the hearing, the trial court found it was in B.B.'s best interest to terminate respondent's parental rights. On August 22, 2014, respondent filed a timely notice of appeal in sufficient compliance with Illinois Supreme Court Rule 303 (eff. May 30, 2008). See Ill. S. Ct. R. 660(b) (eff. Oct. 1, 2001) (providing the rules governing civil cases govern appeals from final judgments in all proceedings under the Juvenile Court Act, except for delinquency cases). Thus, this court has jurisdiction pursuant to Illinois Supreme Court Rule 304(b)(1) (eff. Feb. 26, 2010).

¶ 27 **II. ANALYSIS**

¶ 28 Under section 2-29(2) of the Juvenile Court Act (705 ILCS 405/2-29(2) (West 2012)), the involuntary termination of parental rights involves a two-step process. First, the State must prove by clear and convincing evidence the parent is "unfit," as that term is defined in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West Supp. 2013)). *In re Donald A.G.*, 221 Ill. 2d 234, 244, 850 N.E.2d 172, 177 (2006). If the trial court makes a finding of unfitness,

then the State must prove by a preponderance of the evidence it is in the child's best interest that parental rights be terminated. *In re D.T.*, 212 Ill. 2d 347, 366, 818 N.E.2d 1214, 1228 (2004).

¶ 29 Since the trial court has the best opportunity to observe the demeanor and conduct of the parties and witnesses, it is in the best position to determine the credibility and weight of the witnesses' testimony. *In re E.S.*, 324 Ill. App. 3d 661, 667, 756 N.E.2d 422, 427 (2001). Further, in matters involving minors, the trial court receives broad discretion and great deference. *E.S.*, 324 Ill. App. 3d at 667, 756 N.E.2d at 427. Thus, a reviewing court will not disturb a trial court's unfitness finding or its best-interest determination unless it is contrary to the manifest weight of the evidence. See *In re Gwynne P.*, 215 Ill. 2d 340, 354, 830 N.E.2d 508, 516-17 (2005) (fitness finding); *In re Austin W.*, 214 Ill. 2d 31, 51-52, 823 N.E.2d 572, 585 (2005) (best-interest determination). A trial court's decision is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent. *Gwynne P.*, 215 Ill. 2d at 354, 830 N.E.2d at 517.

¶ 30 A. Respondent's Fitness

¶ 31 In this case, the trial court found respondent unfit under section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West Supp. 2013)), which provides a parent may be declared unfit if he or she fails "to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected *** minor under Section 2-3 of the Juvenile Court Act." Illinois courts have defined reasonable progress as "demonstrable movement toward the goal of reunification." (Internal quotation marks omitted.) *In re Reiny S.*, 374 Ill. App. 3d 1036, 1046, 871 N.E.2d 835, 844 (2007) (quoting *In re C.N.*, 196 Ill. 2d 181, 211, 752 N.E.2d 1030, 1047 (2001)). Moreover, they have explained reasonable progress as follows:

" [T]he benchmark for measuring a parent's "progress toward the return of the child" under section 1(D)(m) of the Adoption Act encompasses the parent's compliance with the service plans and the court's directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later became known and which would prevent the court from returning custody of the child to the parent.' " *Reiny S.*, 374 Ill. App. 3d at 1046, 871 N.E.2d at 844 (quoting *C.N.*, 196 Ill. 2d at 216-17, 752 N.E.2d at 1050).

Additionally, this court has explained reasonable progress exists when a trial court "can conclude that *** the court, in the *near future*, will be able to order the child returned to parental custody. The court will be able to order the child returned to parental custody in the near future because, at that point, the parent *will have fully complied* with the directives previously given to the parent in order to regain custody of the child." (Emphases in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991).

¶ 32 In determining a parent's fitness based on reasonable progress, a court may only consider evidence from the relevant time period. *Reiny S.*, 374 Ill. App. 3d at 1046, 871 N.E.2d at 844 (citing *In re D.F.*, 208 Ill. 2d 223, 237-38, 802 N.E.2d 800, 809 (2003)). Courts are limited to that period "because reliance upon evidence of any subsequent time period could improperly allow a parent to circumvent her [or his] own unfitness because of a bureaucratic delay in bringing her case to trial." *Reiny S.*, 374 Ill. App. 3d at 1046, 871 N.E.2d at 844.

¶ 33 The evidence was undisputed that, at the beginning of the nine-month period, respondent was successfully completing services and having unsupervised visits with B.B.

However, a month later, respondent went to jail for a drug screen positive for amphetamines. As a result of going to jail, she lost her job, her home, and ceased visitation with B.B. through Lutheran Social Services. Moreover, according to B.B., respondent had only one visitation with B.B. between March and November 2013. Respondent herself said she had only 10 visits with B.B. during the relevant nine-month period. Respondent did get new employment and housing after her first release from jail, but she again went to jail a few months later for another positive drug screen for amphetamines. The record is unclear, but respondent may have gone to jail three times during the relevant nine-month period. Additionally, according to Hobbs, respondent would not return her calls, and during the only time they did meet, respondent indicated she wanted to surrender her parental rights and did not want to engage in services. While respondent denies telling Hobbs she wanted to surrender her parental rights, her actions of not seeking visitation with B.B. and maintaining contact with Hobbs supports Hobbs's testimony.

¶ 34 While respondent insists she was not using illegal drugs and the probation department and caseworkers treated her positive drug screen differently than they had in the past, the fact remains respondent had at least two positive drug screens within the nine-month period, which undermines her claim that going to jail was not her fault. Regardless of whether she was taking illegal substances, her multiple periods in jail show a lack of stability for B.B. Moreover, the periods in jail do not justify respondent's failure to both maintain contact with her caseworker and visit consistently with B.B. after her release. Additionally, it is undisputed respondent did not complete family counseling with B.B. as recommended by Farley. In this case, respondent did not comply with all of the directives and later-discovered conditions (respondent's incarceration and lack of visitation) existed, both of which prevented the court from being anywhere near returning B.B.'s custody to respondent during the relevant nine-month period.

See *Reiny S.*, 374 Ill. App. 3d at 1046, 871 N.E.2d at 844 (quoting *C.N.*, 196 Ill. 2d at 216-17, 752 N.E.2d at 1050).

¶ 35 Accordingly, we find the trial court's unfitness finding was not against the manifest weight of the evidence.

¶ 36 B. B.B.'s Best Interest

¶ 37 Respondent also challenges the trial court's best-interest finding. The State contends the court's finding was proper.

¶ 38 During the best-interest hearing, the trial court focuses on "the child's welfare and whether termination would improve the child's future financial, social, and emotional atmosphere." *In re D.M.*, 336 Ill. App. 3d 766, 772, 784 N.E.2d 304, 309 (2002). In doing so, the court considers the factors set forth in section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West Supp. 2013)) in the context of the children's age and developmental needs. See *In re T.A.*, 359 Ill. App. 3d 953, 959-60, 835 N.E.2d 908, 912-13 (2005). Those factors include the following: the child's physical safety and welfare; the development of the child's identity; the child's family, cultural, and religious background and ties; 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; the child's own wishes and long-term goals; the child's community ties, including church, school, and friends; 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; the uniqueness of every family and child; the risks attendant to entering and being in substitute care; and the wishes of the persons available to care for the child. 705 ILCS 405/1-3(4.05) (West Supp. 2013).

¶ 39 We note a parent's unfitness to have custody of her child does not automatically

result in the termination of her legal relationship with the child. *In re M.F.*, 326 Ill. App. 3d 1110, 1115, 762 N.E.2d 701, 706 (2002). As stated, the State must prove by a preponderance of the evidence the termination of the respondent's parental rights is in the minor's best interest. See *D.T.*, 212 Ill. 2d at 366, 818 N.E.2d at 1228. "Proof by a preponderance of the evidence means that the fact at issue *** is rendered more likely than not." *People v. Houar*, 365 Ill. App. 3d 682, 686, 850 N.E.2d 327, 331 (2006).

¶ 40 In this case, as the trial court found, several of the factors were neutral because respondent lived in the same community as B.B. and B.B.'s foster mother was her godmother, who had known her all her life. The remaining factors favored termination as B.B. had lived with Adams for more than two years and viewed Adams's children as her siblings. B.B.'s attachments were to Adams and her family. The evidence showed B.B. had done well in her care and liked the stability Adams's home provided. Respondent questions Adams's stability as she changed employment frequently, had a new boyfriend who spent the night, and lacked a driver's license. However, the record contains no evidence those facts affected B.B.'s stability. In fact, B.B. explained how she always had what she needed in Adams's care and enjoyed that stability. B.B. expressly stated she wanted to live with Adams and not respondent. Adams was willing to provide permanency for B.B. through adoption. Thus, B.B. would benefit from the termination of respondent's parental rights as she would gain a permanent and stable home.

¶ 41 Respondent notes all of her recent progress of maintaining a residence and a job for more than a year and having negative drug screens. However, in the recent past, respondent had made progress to the point of unsupervised visitation with B.B. and then shortly thereafter went to jail. As a result, she lost her home and employment. More important, after jail, she did

not have an official visit with B.B. for an entire year. The evidence showed respondent had failed to demonstrate consistency in her stability and involvement in B.B.'s life.

¶ 42 Respondent argues the trial court did not give adequate consideration to her bond with B.B. In support of that argument, she cites the Third District's decision *In re B.B.*, 386 Ill. App. 3d 686, 899 N.E.2d 469 (2008). While the reviewing court reversed the trial court's best-interest finding in that case due to, *inter alia*, the undisputed strong mutual bonds between the mother and the children, the facts of that case are vastly different from this one. *B.B.*, 386 Ill. App. 3d at 703, 899 N.E.2d at 483-84. There, the mother lived in the same household as the foster parent for many months, and the children had only been separated from the mother for 10 months after placement with a second foster family. *B.B.*, 386 Ill. App. 3d at 702-03, 899 N.E.2d at 483-84. During that 10-month period, the children were displaying significant emotional responses at being separated from their mother, who was employed, completing services, and struggling to remain substance free. *B.B.*, 386 Ill. App. 3d at 703, 899 N.E.2d at 484. Moreover, in reversing the best-interest finding, the reviewing court noted, in addition to the strong mother-child bond, the legislative timeline that governed the fitness issue in that case, the unique facts of the case, and the minimal evidence presented by the State during the best-interest hearing. *B.B.*, 386 Ill. App. 3d at 703, 899 N.E.2d at 484. Unlike the situation in *B.B.*, the child in this case had been separated from respondent for three years, which is longer than the legislative timeline discussed in *B.B.*, and the evidence showed the child was doing well in her foster home where she preferred to live. While B.B. loved her mother, the court noted B.B. did not trust respondent to make changes on a long-term basis. The trial court gave adequate consideration to respondent and B.B.'s bond.

¶ 43 Accordingly, we conclude the trial court's finding it was in B.B.'s best interest to

terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 44

III. CONCLUSION

¶ 45

For the reasons stated, we affirm the Ford County circuit court's judgment.

¶ 46

Affirmed.