2016 IL App (2d) 160037-U
No. 2-16-0037
Order filed June 2, 2016

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re KAYELYNN B., a Minor	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	No. 12-JA-224
	)	
(The People of the State of Illinois, Petitioner-Appellee, v. Melisa B., Respondent-Appellant, and Shane B., Respondent.)	)	Honorable
	)	Mary Linn Green,
	)	Judge, Presiding.

In re KEEGEN B., a Minor	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	No. 12-JA-225
	)	
(The People of the State of Illinois, Petitioner-Appellee, v. Melisa B., Respondent-Appellant, and Shane B., Respondent.)	)	Honorable
	)	Mary Linn Green,
	)	Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Presiding Justice Schostok and Justice McLaren concurred in the judgment.

ORDER

¶ 1 *Held*: Counsel's motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *In re Alexa J.*, 345 Ill. App. 3d 985 (2003), 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, Melisa B., to be an unfit parent and determined that it was in the best interest of her minor children, Keegen B.[1] and Kayelynn B., to terminate her parental rights. Respondent appealed, and the trial court appointed counsel on her behalf. Counsel now moves to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *In re Alexa J.*, 345 Ill. App. 3d 985 (2003).

¶ 3 In her motion to withdraw, counsel states that after "carefully read[ing] the entire record" and researching applicable law, there are no meritorious issues to be raised on appeal. Counsel submitted a memorandum of law outlining proposed issues that she determined lack merit. She further states that she served respondent with a copy of the motion by certified mail at respondent's last known address and informed respondent of her opportunity to present additional material to this court within 30 days. This court also advised respondent that she had 30 days to respond to the motion, which she failed to do. For the following reasons, we grant counsel's motion to withdraw and affirm the judgment of the trial court.

¶ 4 I. BACKGROUND

¶ 5 Rather than provide a detailed recitation of the facts here, we will briefly outline the procedural background and address the relevant facts in the analysis section below.

¶ 6 On July 30, 2012, the State filed neglect petitions with respect to Keegen and Kayelynn. Following a shelter care hearing, the court found that there was probable cause to believe that the children were neglected, and it ordered temporary guardianship and custody of the children to be placed with the Department of Children and Family Services (DCFS). On December 13, 2012, respondent stipulated that her children were neglected pursuant to section 2-3(1)(b) of the

[1] Respondent's counsel spells his name "Keegan" but the record makes it clear that his name is spelled "Keegen."

Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3(1)(b) (West 2012)). The factual basis for the stipulation was that respondent and her ex-husband, Shane B.,[2] had a history of domestic violence that placed the children at risk. The court thus adjudicated the children neglected. Following a dispositional hearing held on January 31, 2013, the court made the children wards of the court and continued guardianship and custody with DCFS.

¶ 7 The court held six permanency reviews. At the first hearing on May 7, 2013, the court found that respondent had not made reasonable efforts to correct the conditions that caused her children to be removed from her care. At the second hearing on September 23, 2013, the court found that respondent had made reasonable efforts. As to respondent's progress toward correcting the conditions that led to the children's removal, the court made separate findings for each child; respondent had made reasonable progress as to Kayelynn, but the court deferred a reasonable progress finding as it related to Keegen. The court held the third hearing on January 16, 2014, and found that respondent had made reasonable efforts with respect to both children, but no reasonable progress as to Keegen. The court deferred a reasonable progress finding as to Kayelynn. The fourth hearing occurred on April 24, 2014, and the court again found that respondent had made reasonable efforts as to both children, but no reasonable progress as to Keegen, and it again deferred a reasonable progress finding as to Kayelynn. At the fifth hearing on December 2, 2014, the court found that respondent had made reasonable efforts but not reasonable progress for both children. At the last hearing on August 18, 2015, the court found that respondent had not made reasonable efforts or reasonable progress for both children, and it

[2] Shane, the children's father, was also a respondent in the proceedings, but he signed consents to adoption during the pendency of the proceedings. Respondent and Shane divorced during the proceedings, as well.

changed the goal from return home within 12 months to substitute care pending termination of parental rights.

¶ 8 On September 11, 2015, the State filed petitions to terminate respondent's parental rights with respect to Keegen and Kayelynn. Following an unfitness hearing that proceeded on October 30, 2015, December 9, 2015, and January 8, 2016, the court found that the State proved by clear and convincing evidence that respondent was an unfit parent. Specifically, the court found that respondent was unfit because she failed to: (1) maintain a reasonable degree of interest, concern, or responsibility as to the children's welfare (750 ILCS 50/1(D)(b) (West 2014)); make reasonable efforts to correct the conditions that caused the children to be in care within a specified nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(i) (West 2014)); make reasonable progress toward the return of the children within two separate nine-month periods after the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2014)); and (4) protect the children from an environment injurious to their welfare (750 ILCS 50/1(D)(g) (West 2014)). Following a best interest hearing, the court found that it was in Keegen and Kayelynn's best interests that respondent's parental rights be terminated. Accordingly, the court terminated respondent's parental rights and granted DCFS the power to consent to adoption. Respondent timely appealed, and appellate counsel was appointed.

¶ 9 II. ANALYSIS

¶ 10 The termination of parental rights is 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 a parent is unfit under any single ground listed in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2014)). *C.W.*, 199 Ill. 2d at 210. If the trial court finds that a parent is unfit, the matter proceeds to a second hearing at which the State must prove by a preponderance of the evidence that

termination of parental rights is in the minor's best interest. *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 80. Because the trial court is in the best position to make credibility assessments and weigh the evidence, we will not overturn its findings at a termination hearing unless they are against the manifest weight of the evidence. *Julian K.*, 2012 IL App (1st) 112841, ¶¶ 65, 66. A trial court's decision is against the manifest weight of the evidence only where the opposite result is clearly evident from a review of the record. *Julian K.*, 2012 IL App (1st) 112841, ¶ 66.

¶ 11 A. Unfitness

¶ 12 In her motion to withdraw, counsel maintains that respondent is unable to raise an issue of arguable merit to support an appeal from the trial court's finding of unfitness.

¶ 13 In the petitions to terminate parental rights, the State alleged, among other things, that respondent was unfit because she failed to make reasonable progress toward the return of Keegen and Kayelynn to her care within two separate nine-month periods following the adjudication of neglect. See 750 ILCS 50/1(D)(m)(ii) (West 2014). Specifically, the State alleged that respondent failed to make reasonable progress between: (1) February 27, 2014, and November 27, 2014; and (2) November 28, 2014, and August 28, 2015.

¶ 14 Reasonable progress toward the return of the minor to the parent is judged by an objective standard. *In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. It is measured from the conditions that existed at the time custody was taken from the parent. *Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. At a minimum, reasonable progress requires measurable or demonstrable movement toward the goal of reunification. *Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. The standard for measuring progress is to consider the parent's compliance with service plans and court directives in light of the conditions that led to the minor's removal, as well as subsequent conditions that would prevent the court from returning the minor to the custody of the parent.

Jacorey S., 2012 IL App (1st) 113427, ¶ 21. Ultimately, reasonable progress exists when the court can conclude that it will be able to order the minor returned to the parent in the near future. *Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21.

¶ 15 Here, respondent's service plan required her to participate in and complete substance abuse treatment, individual counseling, parenting classes, domestic violence services, and services with the National Alliance on Mental Illness (NAMI). She was also required to obtain and maintain employment, provide safe and adequate housing, and engage in consistent visitation with her children.

¶ 16 Respondent testified at the unfitness hearing that she did "absolutely every service" that she was required to do under her service plan. Dr. Valerie Bouchard – a licensed clinical psychologist who conducted a comprehensive psychological evaluation on respondent – testified that although respondent may have engaged in or physically completed some services, she failed to make actual progress in those services.

¶ 17 During the pendency of the proceedings, respondent mainly resided in her mother's house, which was considered an inappropriate placement for the children. Courtney Miller, the specialized caseworker from Children's Home and Aid Society of Illinois (CHASI), testified that respondent had trouble maintaining employment, although she consistently sought employment opportunities.

¶ 18 As to visitation, Miller testified that respondent regularly visited with Kayelynn, who was four years old at the time of the hearing. Respondent had unsupervised visits with Kayelynn, but those visits became supervised in April 2014 after respondent resorted to corporal punishment. Respondent testified that "Kayelynn wasn't listening and I barely swatted her." Miller further testified that visitation with Kayelynn was moved from the community to CHASI in March

2015, because respondent had trouble managing the visits in the community. Specifically, Kayelynn was "out of control" in respondent's presence. The length of respondent's visitation with Kayelynn was reduced from three hours to two hours, because it appeared that both respondent and Kayelynn "were bored after the two hours." Miller also testified that as Kayelynn got older, she would become aggressive in the foster home and in daycare after visits with respondent.

¶ 19 Respondent had not been offered visitation with Keegen since September 2012. Miller testified that after Keegen was removed from respondent's care at the age of four, he had been diagnosed with severe post-traumatic stress disorder (PTSD). The record shows that during the play therapy that followed his diagnosis, Keegen gradually reported instances of domestic violence that he witnessed or suffered at the hands of respondent and his father, Shane. For instance, Keegen disclosed, among other things, that respondent chained him, locked him in a closet, and burned him with a stick from a campfire; Keegen also reported that respondent took him to purchase crack cocaine, and he demonstrated knowledge of how to smoke crack cocaine.

¶ 20 Respondent testified on cross-examination that she had once taken Keegen with her to retrieve Shane and his paramour while they were attempting to flee from the police; a fight ensued between respondent and Shane's paramour and Keegen was struck by a thrown beer bottle. Miller further testified that Keegen had continuously met with a psychiatrist and two therapists after he was removed from respondent's care. Beginning in September 2012, those professionals made ongoing recommendations that Keegen not have visitation with respondent, because any forced reunification with her could lead to a psychiatric breakdown. Miller testified that Keegen would often suffer mental breakdowns at even the mention of respondent's name, and he would engage in aggressive behavior against others or defecate on himself after receiving

gifts or letters from respondent.[3] Respondent testified that she continually requested visitation with Keegen, but she accused CHASI and Keegen's medical team of offering "one excuse after another after another" as to why she could not have visitation.

¶ 21 Additionally, respondent received individual counseling through a therapist at CHASI. Miller testified that respondent was unsuccessfully discharged from counseling in June 2015 because of inconsistent attendance and her failure to maintain sobriety. Before she was discharged, respondent failed to acknowledge or accept any responsibility on the issues that her children were experiencing. Dr. Bouchard similarly testified that respondent failed to comprehend or acknowledge the concerns that were raised throughout the proceedings concerning her failure to make progress in services. Specifically, respondent displayed an inability to exhibit proper judgment, failed to take responsibility for her actions, and failed to comprehend her role in the circumstances that led to DCFS involvement. Respondent testified that her children were always safe while they were in her care.

¶ 22 Miller and Dr. Bouchard testified that respondent's most significant shortcoming in individual counseling was her failure to understand the severity of Keegen's PTSD or the role that she played in the trauma he experienced. Miller testified that respondent blamed DCFS for Keegen's behavioral and mental health issues, and she blamed the foster parents for Keegen's reluctance to return to her care. Dr. Bouchard similarly testified that respondent believed that Keegen's medical team was incorrect in their assessment that he was not emotionally stable, and

[3] One of Keegen's symptoms associated with his PTSD was Encopresis, which entailed him holding his bowels to the point of pain and then frequently smearing his feces. Just a few of his numerous other symptoms included difficulty sleeping, night terrors, anxiety, "flashback-like symptoms," and self-mutilating behavior.

she refused to acknowledge that any psychological or physical harm could befall Keegen through contact with her. Respondent testified that Keegen "deserve[d]" reunification with her and that "DCFS does have some responsibility for how Keegen is now, because [he] doesn't go from being a mama's boy to hating his mom when he wasn't like that when he was home."

¶ 23 Moreover, Miller testified that respondent began receiving parental coaching through CHASI in June 2014. Respondent was unsuccessfully discharged for lack of progress in August 2015, once the goal was changed to substitute care pending termination of parental rights. A July 2015 progress report that was admitted into evidence showed that respondent was physically and verbally inappropriate when trying to interact with or control Kayelynn's behaviors during visitation. Respondent would say things in public settings that caused shame or embarrassment to Kayelynn. The progress report also stated that respondent failed to demonstrate an understanding of the need to restrain from using corporal punishment, and she would use "blaming and shaming" rather than effective behavioral parenting. Furthermore, respondent failed to demonstrate proper parental supervision. For instance, respondent left Kayelynn unsupervised in a public play-place at a McDonalds restaurant when she went to the bathroom for nearly fifteen minutes.[4] Respondent also failed to demonstrate an attachment to Kayelynn, as she would refuse to talk during mealtimes and would become engrossed in activities to the exclusion of Kayelynn. In contrast, respondent testified that she was a "good mom" and that she could care for her children.

¶ 24 In connection with substance abuse treatment, Miller testified that respondent initially complied with substance abuse treatment and completed outpatient treatment through Project

[4] The report further indicated that respondent exhibited "suspicious" behavior when she used the bathroom and left Kayelynn unsupervised for an extended period of time.

Safe in early 2014. Nevertheless, respondent was required to continue to submit to random drug drops. Miller testified that respondent tested positive for cocaine in October 2014. As a result, respondent was re-referred to the Rosecrance Ware Center, but she did not meet with representatives from Rosecrance Ware until February 2015. Respondent was then asked to re-enroll in outpatient treatment at Project Safe. Respondent failed to attend and her treatment was "closed" by the provider on March 25, 2015. Miller further testified that respondent again tested positive for cocaine on March 27, 2015. Based on that positive test, respondent was required to complete another substance abuse assessment, and she was referred to another outpatient treatment program. Miller testified that respondent failed to attend three different intake appointments for that outpatient treatment, and the provider unsuccessfully discharged her in July 2015.

¶ 25 Respondent testified that she had a "drug problem." She had been using cocaine regularly in October 2014 and March 2015, thus resulting in the positive drug drops and her failure to complete other required drops. Respondent also testified that she tested positive for cocaine in October 2015, after the goal was changed to substitute care pending termination of parental rights. Nevertheless, respondent testified that she was in "recovery." Dr. Bouchard testified that respondent's substance abuse history included "extensive use" of cocaine. Dr. Bouchard further testified that respondent was unable to identify any reasons for either of her relapses, and respondent was unable to articulate any protective action that she would take in the future to prevent another relapse. Dr. Bouchard also testified that during the pendency of the proceedings, respondent failed to remain sober for six consecutive months, which would be considered "an early remission" while a full year of sobriety would be considered the "beginning of a stable recovery."

¶ 26 Nevertheless, Miller testified that respondent did complete domestic violence classes through Clarity Counseling. She also completed NAMI classes, but she failed to follow through with subsequent NAMI counseling. As to domestic violence, Dr. Bouchard testified that respondent had acknowledged that her children witnessed domestic violence and sexual activity while they lived with her. Respondent testified that she and Shane had a "very toxic relationship" and "treated each other horribly." She nevertheless testified that she had not been in a relationship or had any police "contact" since February 2014. Dr. Bouchard, however, testified that respondent reported that she was "fooling around" with Shane after they separated, and she exhibited indications of dishonesty when discussing her relationships.

¶ 27 The foregoing evidence establishes that respondent failed to make reasonable progress toward the return of Keegen and Kayelynn during either of the two nine-month periods alleged in the State's petitions. Simply stated, respondent's failure to complete or progress in services prevented any demonstrable movement toward her children being returned to her care. Importantly, respondent failed to show any progress during the time that she received individual counseling, and she was unsuccessfully discharged for inconsistent attendance and failure to maintain sobriety. The record overwhelmingly demonstrates that respondent failed to acknowledge the role that she played in the trauma that her children experienced or otherwise appreciate the severity of Keegen's PTSD. Respondent continually blamed the foster parents, DCFS, and the medical team for Keegen's behavioral and mental health problems. Respondent testified that Keegen's behavioral issues did not "make sense" to her, and she even testified that DCFS and the medical team offered "one excuse after another after another" as to why she could not visit with him. Per the July 2015 individual counseling progress report, respondent believed that she could simply "undo" any damage that Keegen had experienced if he would be returned

to her care. Indeed, respondent testified that Keegen "didn't have a lot of his behavioral issues that he has now. He did not act that way when he was at home with me. *** I'm just saying that they keep blaming everything all on me. He's taken out of a home where he was loved, where he was, you know, safe." Moreover, respondent rejected the idea that Kayelynn had experienced any trauma while in her care, because Kayelynn was only 18 months old before she was removed.

¶ 28 Moreover, respondent was unsuccessfully discharged from parental coaching for lack of progress when the permanency goal was changed. The record shows that respondent believed that she was a "great mother" and refused to accept direction from her parent coach. Respondent failed to appreciate the need to refrain from corporal punishment or otherwise provide appropriate parental supervision, which was one of the underlying reasons for respondent's current and previous involvement with DCFS.[5] She failed to effectively control Kayelynn's behavior or establish boundaries, and she became easily frustrated with Kayelynn. The record also shows that respondent would tell Kayelynn that she did not have to listen to the foster parents because they were not her "real parents."

¶ 29 Respondent also failed to successfully complete substance abuse treatment, as evidenced by two positive drug drops for cocaine and her subsequent discharges from treatment for failure to attend. Additionally, although respondent testified that she was ready to have the children returned to her as of the date that the permanency goal was changed, she lived in her mother's house. The record shows that DCFS and CHASI deemed respondent's mother's house to be an inappropriate placement for the children, because of respondent's volatile relationship with her

[5] Respondent had been indicated three separate times before the children were removed from her care.

mother; DCFS had observed inappropriate parenting behavior by respondent's mother; and respondent's mother was another trigger for Keegen's PTSD symptoms.[6]

¶ 30 We are mindful that respondent completed domestic violence services and NAMI classes. Nevertheless, Clarity Counseling expressed its concerns on numerous occasions about respondent's lack of progress in its program, despite her attendance. Specifically, it was concerned with her "susceptibility to choosing unhealthy relationships," as well as her lack of insight regarding the impact that her choices had on her children. As to NAMI classes, respondent failed to follow through with counseling services, and as mentioned above, the record clearly demonstrates that respondent failed to understand or appreciate the severity of Keegen's PTSD.

¶ 31 Thus, we agree with counsel that there is no issue of arguable merit with respect to the court's finding that respondent is an unfit parent pursuant to section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2014)).

¶ 32 Counsel raises one additional potential issue concerning unfitness in her motion to withdraw, which she maintains lacks arguable merit. Counsel claims that respondent could potentially challenge one of the four statutory grounds upon which the trial court found respondent unfit. Specifically, the trial court found that respondent was unfit because she had not made reasonable efforts to correct the conditions that were the basis for the children's removal between November 28, 2014, and August 28, 2015. Counsel contends that respondent could argue that she made reasonable efforts during "at least 2 months" during that nine-month

[6] In July 2012, respondent's mother moved to intervene in these proceedings, seeking physical custody of the children. That motion was denied based on these concerns.

period. Counsel maintains, however, that this argument lacks merit because only one ground of unfitness, sufficiently proven, is sufficient to affirm a trial court's finding of unfitness. We agree.

¶ 33 As mentioned above, any single ground under section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2014)) is sufficient to support a finding of parental unfitness. See *In re Tiffany M.*, 353 Ill. App. 3d 883, 889 (2004). When parental rights are terminated based upon clear and convincing evidence of a single ground of unfitness, the reviewing court need not consider the additional grounds of unfitness relied on by the trial court. *Tiffany M.*, 353 Ill. App. 3d at 891. Because we have already held that the State proved by clear and convincing evidence that respondent was unfit under section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2014)), we need not consider the other three grounds of unfitness found by the trial court, such as respondent's reasonable efforts under section 1(D)(m)(i) (750 ILCS 50/1(D)(m)(i) (West 2014)).

¶ 34 B. Best Interests

¶ 35 Counsel similarly maintains that respondent is unable to raise an issue of arguable merit to support an appeal from the trial court's finding that it was in Keegen and Kayelynn's best interests that respondent's parental rights be terminated.

¶ 36 Once a parent is found unfit, the focus shifts to the child, and the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life. *In re D.T.*, 212 Ill. 2d 347, 364 (2004). The Act sets forth the factors to be considered whenever a best interests determination is required: (1) the physical safety and welfare of the child; (2) the development of the child's identity; (3) the child's familial, cultural, and religious background; (4) the child's sense of attachments; (5) the child's wishes and long-term goals; (6) the child's community ties, including church, school, and friends; (7) the child's need for

permanence, which includes the need for stability and continuity of relationships; (8) the uniqueness of every family and child; (9) the risks attendant to substitute care; and (10) the preferences of the persons available to care for the child. 705 ILCS 405/1-3(4.05) (West 2014). Also relevant are the nature and length of the minor's relationship with his or her present caretaker and the effect that a change in placement would have upon the child's emotional and psychological well-being. *In re William H.*, 407 Ill. App. 3d 858, 871 (2011).

¶ 37 The best interests hearing took place on January 8, 2016. At the time of the hearing, Keegen was seven years old and Kayelynn was five years old. Both children had been placed with the same foster parents since July 2012, and Miller testified that they were "very close" and "love[d] each other very much." Miller also testified that the foster parents met the children's basic needs. At school, Keegen had an Individualized Education Plan (IEP) for behavioral issues, and Kayelynn had an IEP for speech therapy. The foster parents attended the educational meetings for the children's IEPs, and they also advocated for the children at parent/teacher conferences. Miller testified that the foster parents arranged for and transported the children to their individual counseling sessions with their respective therapists. The foster parents signed permanency commitment forms for both children, and the parents' commitment to providing permanency for the children had not wavered despite Keegen's severe mental health and behavioral issues. Miller ultimately opined that it was in both Keegen and Kayelynn's best interests that respondent's parental rights be terminated and that the foster parents adopt them.

¶ 38 Furthermore, Miller testified that Keegen's medical team had determined that it was in his best interest that he not have visitation with respondent due to his fragile mental state. In any event, Keegen expressed his desire to have the court proceedings finish so that he could remain with his foster parents "forever."

¶ 39 As to Kayelynn, Miller testified that respondent and Kayelynn were bonded, and they exhibited signs of a loving and caring relationship. Nevertheless, there was a "difference" between Kayelynn's interactions with respondent as opposed to her foster parents. For instance, at the last visit before the best interests hearing, Kayelynn told Miller that she did not want to visit respondent and that she wanted to return to her foster parents. Once they arrived at visitation, Kayelynn was hesitant to approach respondent. On the other hand, Kayelynn habitually approached her foster parents without hesitation and sought their attention for affection. Kayelynn told Miller that she loved her foster parents, whom she referred to as "mommy" and "daddy," and expressed her desire to remain with them.

¶ 40 Respondent testified that Kayelynn called her "mommy" and always immediately ran to her for hugs and kisses. She asked about her children's medical and educational appointments, but she was not allowed to attend. Respondent testified that her mother attended portions of the visitations with Kayelynn, and Kayelynn had a close and loving relationship with her maternal grandmother. She further testified that she always had a close relationship with Keegen, and before visitation was suspended, Keegen cried at the end of visits and fought efforts to return him to the foster parents. Although respondent acknowledged that the foster parents took good care of her children and met their daily needs, she ultimately testified that it was in the children's best interests that they be returned to her care.

¶ 41 Based on a careful review of the record we agree with counsel that there is no issue of arguable merit with respect to the trial court's best interests findings. Although the record shows that respondent cared about her children, the evidence as a whole overwhelmingly established that it was in Keegen and Kayelynn's best interests to terminate respondent's parental rights. For nearly four years, the foster parents provided food, clothing, medical care, educational

assistance, and safety to both children. The foster parents advocated for both children in school and in counseling sessions. The foster parents also received specialized education and training to more effectively handle Keegen's severe PTSD and resulting behavioral problems. Indeed, the record shows that the foster parents spent considerable time attending classes, reading literature, and watching educational programs to better understand how to parent a child who has been diagnosed with PTSD and behavioral issues.

¶ 42 Moreover, the record shows that Keegen suffered mental breakdowns and engaged in troubling behavior whenever he received letters or gifts from respondent. At the mere mention of respondent's name, Keegen would regress in his behavior and engage in fecal smearing, self-mutilating behavior, or aggressive behavior toward peers and adults. The psychiatrist and therapists who treated Keegen strongly felt that any reunification with respondent would likely lead to a psychiatric hospitalization. The record shows that Keegen had never expressed a desire to visit with respondent, but had explicitly stated that he wanted to remain with his foster parents "forever." Kayelynn similarly expressed her desire to remain with the foster parents permanently.

¶ 43 Finally, both children have a strong attachment to each other. The record shows, for example, that Keegen's school allowed him to check on Kayelynn periodically throughout each school day. Additionally, the children became attached to the foster parents. They called the foster parents "mom" and "dad" and they had been incorporated into both sides of the foster parents' extended family. The record also shows that Keegen would remain in the same school if he were to be adopted, where he showed improvement in his behavioral difficulties and bonded with other students and staff. Kayelynn, who was in preschool at the time of the hearing,

would remain in the same school district. Ultimately, the foster parents expressed a sincere desire to provide permanency for the children.

¶ 44 Accordingly, the trial court's finding that it was in Keegen and Kayelynn's best interests to terminate respondent's parental rights is not against the manifest weight of the evidence.

¶ 45 III. CONCLUSION

¶ 46 After examining the record, counsel's motion to withdraw, and counsel's memorandum of law in support of her motion to withdraw, we hold that this appeal presents no issue of arguable merit. We grant counsel's motion to withdraw and affirm the judgment of the circuit court of Winnebago County finding respondent unfit and terminating her parental rights.

¶ 47 Affirmed.