2016 IL App (3d) 160292-U

Order filed October 31, 2016

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

2016

In re B.S.,	)	Appeal from the Circuit Court
	)	of the 21st Judicial Circuit,
a Minor	)	Iroquois County, Illinois.
	)	
(The People of the State of Illinois,	)	
	)	
Petitioner-Appellee,	)	Appeal Nos. 3-16-0292 and 3-16-0293
	)	Circuit No. 14-JA-11
v.	)	
	)	
Tara W. and Shaun S.,	)	
	)	The Honorable
Respondents-Appellants).	)	James B. Kinzer,
	)	Judge, presiding.

JUSTICE McDADE delivered the judgment of the court.
Presiding Justice O'Brien and Justice Holdridge concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court did not err when it found the respondents to be unfit parents and when it terminated their parental rights to the minor.

¶ 2 The circuit court entered orders finding the respondents, Tara W. and Shaun S., to be unfit parents and terminating their parental rights to the minor, B.S. On appeal, the respondents

argue that the circuit court erred when it: (1) found them to be unfit parents; (2) entered an order finding that the respondents were unfit parents on bases other than the bases on which the State proceeded at the unfitness hearing; and (3) found that it was in the minor's best interest to terminate the respondents' parental rights. We affirm and remand the case for the court to correct its written unfitness order.

¶ 3 FACTS

¶ 4 On October 3, 2014, the State filed an amended juvenile petition alleging that the minor (born August 28, 2014) was neglected by reason of an injurious environment. The petition alleged that the respondents, who were paramours, had engaged in incidents of domestic violence in the minor's presence. The petition also alleged that the respondent-mother's three other children had been taken into protective custody in June 2014 and that juvenile petitions alleging neglect and abuse had been filed regarding all three. Those three children are not part of this appeal, but they remain partially relevant to the outcome of this case. They are J.P. (born 2006), B.M. (born 2008), and A.W. (born 2011), and they were removed based on inadequate supervision allegations. The respondent-father, Shaun, is the father only of B.S.

¶ 5 On November 12, 2014, the circuit court held a hearing on the juvenile petition. The court found that the State had proven the allegations of the petition, and the court entered an order finding the minor neglected.

¶ 6 On December 8, 2014, the circuit court held a dispositional hearing. The court found the respondents to be unfit parents based on the allegations listed in the juvenile petition. The court also made the minor a ward of the court, granted guardianship to the Department of Children and Family Services (DCFS) with the right to place, and found that the service plan was appropriate.

¶ 7 On January 20, 2016, the State filed a motion to terminate the respondents' parental rights. With regard to the respondent-mother, the petition alleged that she failed to make (1) reasonable efforts to correct the conditions that were the basis for the removal of the minor from her care; and (2) reasonable progress toward the return of the minor to her care within nine months after the neglect adjudication. With regard to the respondent-father, the petition alleged that he failed to: (1) maintain a reasonable degree of interest, concern, or responsibility toward the minor's welfare; (2) make reasonable efforts to correct the conditions that were the basis for the removal of the minor from his care; and (3) make reasonable progress toward the return of the minor to his care within nine months after the neglect adjudication.

¶ 8 On April 27, 2016, the circuit court held a hearing on the termination petition. At the outset of the hearing, it was determined that the State was proceeding only on the reasonable progress ground for the respondents. The relevant nine-month period was from November 12, 2014, to August 12, 2015.

¶ 9 The State did not present any documents for admission into evidence or otherwise ask the circuit court to take judicial notice of any documents or proceedings. The entirety of the State's case consisted of the testimony of Susan Hipp, the Lutheran Child Family Services (LCFS) caseworker assigned to the minor's case. She said that prior to her involvement in the case, DCFS had been working with Tara and Shaun because in March 2014, they received a report that J.P. had missed an extensive amount of time at school and the reason was that she was staying home to babysit her 5-year-old and 2-year-old sisters while Tara and Shaun were at work. Apparently, this had occurred approximately 20 times. In addition, DCFS received a report in May 2014 that J.P. had lice. Then, in June 2014, DCFS received another report that Hipp described as follows:

> "Report had said that they had [J.P.] and [B.M.], they were strangers to the family, but that mom had allowed them to let the kids spend the night with them and then take them to church the next day and then later on they were seen at the park after they returned the kids home. And that there was a second call stating that the kids, [J.P.] and [B.M.], were at the park most days from sun up to sun down begging people for -- like people they knew and people they didn't know for food because they didn't want to go home."

LCFS then got involved. J.P., B.M., and A.W. were removed from the home and service plans were created.

¶ 10 Hipp also testified that with regard to the case involving B.S., the respondents had numerous service plan tasks during the relevant nine-month period. She stated that she went over the service plans numerous times with the respondents and that they understood what was being required of them.

¶ 11 First, Shaun had been tasked with obtaining a substance abuse assessment and following any associated recommendations.[1] While he completed the assessment before the relevant nine-month period—in August 2014—the assessment recommended that he obtain a psychological evaluation because he had self-reported that he had been diagnosed as bipolar. The evaluator believed that Shaun needed to be medicated before he could receive substance abuse services. Hipp stated that Shaun needed to obtain a medical card before he could get the psychological

[1] Tara had also been ordered to complete this task, but she completed her substance abuse assessment prior to the relevant nine-month period, and the assessment did not contain any recommendations for her.

evaluation. Hipp said that Shaun had applied for one in June 2014, but by August he still did not have one.

¶ 12 Second, the respondents were tasked with completing domestic violence assessments and following any associated recommendations. Tara did not attend appointments related to this task, and Shaun made no progress.

¶ 13 Third, the respondents were tasked with obtaining mental health assessments and following any associated recommendations. Tara did not attend appointments related to this task, and Shaun made no progress. Hipp also stated that Tara had been given money for transportation to these appointments and her domestic violence assessment appointments; she was given $5 for each of four or five visits.

¶ 14 Fourth, the respondents were tasked with participating in and completing parenting classes. LCFS would not allow the respondents to begin these services until they got their mental health assessments. Because the respondents did not get their mental health assessments, they made no progress on this task.

¶ 15 Fifth, the respondents were ordered to undergo anger management counseling. Tara completed this task in June 2015. Shaun pursued anger management counseling in Indiana (the respondents had moved from Illinois to Indiana in December 2014). The program Shaun started included substance abuse counseling simultaneously with anger management counseling. Hipp stated that while LCFS accepted the substance abuse counseling portion, they would not accept the anger management counseling portion because they wanted it to be done separately, whereas the Indiana provider "thought that they were interchangeable."

¶ 16 Sixth, the respondents were tasked with obtaining and maintaining consistent income and a stable living arrangement. Tara was unemployed until December 2014 when the respondents

moved to Indiana; she obtained a job there that she worked until April 2015. Shaun reported that he had been working at Denny's, but he later said he had been laid off and he had not provided any proof of employment. However, Hipp also stated that they had occasionally provided proof of income and she ultimately said that they had a stream of income from December 2014 to August 2015. With regard to the residential portion of the task, Hipp stated that the respondents were tasked with, *inter alia*, providing proof that they were paying utilities, creating a family budget, and refusing to allow anyone in the home to abuse alcohol or use illegal drugs. Hipp stated that the respondents never provided her with a budget and did not create a safety plan to protect the children should an episode of domestic violence occur. Also, with regard to providing proof of medical insurance, Tara told Hipp she had obtained an insurance card in August 2014 and had obtained medical insurance through her employer on April 1, 2015. Hipp stated that Shaun had lost his insurance when he lost his job, but he did have it between February and August 2015.

¶ 17 Seventh, Shaun was tasked with complying with his parole conditions. Shaun was on parole in Indiana, and he had refused to provide Hipp with information on his parole officer. Hipp said that Shaun told her it was none of her business.

¶ 18 Eighth, the respondents were tasked with performing random drug testing. Hipp stated that the respondents had both completed drops in August 2014, which came back negative. Hipp had asked them to perform another drop in April 2015 through their Indiana provider, but they refused, saying that they did not have a problem. This refusal continued through the end of the relevant nine-month period. Hipp stated that the respondents did not perform any drops during the relevant nine-month period.

¶ 19 Ninth, Shaun was tasked with attending court hearings. He missed the dispositional hearing.

¶ 20 Tenth, Shaun was tasked with providing Hipp with his work schedule to facilitate the scheduling of visitation. He did provide his schedule between January and March 2015, but he had refused to do so several other times. After March 2015, his compliance with this task was sporadic.

¶ 21 Eleventh, the respondents were tasked with signing all consents required by LCFS. Hipp said that Tara had signed all of them, but Shaun had signed only one, related to substance abuse services, in June or July 2015.

¶ 22 Twelfth, the respondents were tasked with weekly visitation. Tara missed only three or four visits during the relevant nine-month period. Shaun, however, missed 15. He claimed that his absences were due to either illness or work. During visits, Tara would pay a lot of attention to B.S. and would largely ignore her daughters. Shaun was very loving and attentive toward B.S., who appeared to enjoy himself.

¶ 23 Shaun testified that he and Tara had a second child, S.S., who was seven months old at the time of the hearing. He also had three other children, who were not Tara's, aged 14, 11, and 10 years old, who lived elsewhere. With regard to his service plan tasks, he stated that he was not employed in November 2014 but he later obtained a part-time job at Denny's. He and Tara were evicted from their apartment in Illinois around November and December 2014, and they currently were living in an apartment in Indiana, which was furnished with necessities for a baby. He also stated that he had brought toys and clothes to visits with B.S.

¶ 24 Shaun admitted that he did not complete the anger management requirement during the relevant nine-month period. He claimed that he gave Hipp his parole officer's name and contact

information, and that she had talked to his parole officer. However, he clarified that he did not give Hipp this information during the relevant nine-month period.

¶ 25 Shaun also claimed that he could not obtain a mental health assessment in Illinois because he no longer had Illinois insurance. He stated that he had given Hipp receipts, check stubs, and child support payment information, but no matter what he gave her, it was not enough to meet the agency's requirements for financial information and work schedules. He stated that he complied with all requests for signing for information except one, which was for "any and all social history." He also stated that he tried to get a mental health assessment; he had to wait to get an insurance card due to a high number of applicants for Illinois insurance. He then had an appointment scheduled in November 2014, but it had been cancelled because he had moved out of Illinois so his Illinois insurance was no longer valid. He stated that he had tried to get a mental health assessment in Indiana, but he was placed on a three to four-month waiting list. He admitted that his wait would have been over in February or March 2015, but that he still did not get the assessment done by the end of the relevant nine-month period.

¶ 26 Shaun also testified that he performed two to four drug drops during the relevant nine-month period, and that all of his results were negative. He stated that he had looked for a provider for anger management services, but the fact that he did not have a vehicle was an issue.

¶ 27 At the close of the hearing, the circuit court issued its ruling. The court found Hipp to be credible and specifically found that: (1) the respondents failed to provide a safety plan for the children in the event of a domestic violence episode; (2) Shaun's parenting at visits was fine, but Tara's was not; (3) the respondents' failure to provide a budget was only a minor concern; (4) the respondents failed to get mental health evaluations; (5) the respondents failed to obtain domestic violence assessments; (6) the respondents failed to complete parenting education; (7)

Tara completed anger management, but Shaun did not; (8) the respondents had satisfied their income requirement; and (9) the respondents' failure to submit to random drug testing was problematic. Accordingly, the court found that the respondents had been proven to be unfit parents by clear and convincing evidence.

¶ 28 On April 27-28, 2016, the circuit court held a best interest hearing. The minor's foster mother, Christine G., testified that she and he husband are in their mid-40s and live in a house in Frankfort. Both Christine and her husband had been employed in the same positions for more than 10 years. Also living with them in their house were their two biological children, S.G. (age 12) and A.G. (age 10), and their two foster children, A.W. (age 4) and B.S. (age 20 months). Tara is the biological mother of the two foster children. Christine stated that they got A.W. in June 2014 when she was two years old. They got B.S. in August 2014 the day after he was born.

¶ 29 Christine stated that she is the youngest of five children and all but one of her siblings live nearby. The families get together on children's birthdays and once per year at Christine's house. Christine also has other family members in the area. Also, Christine stated that one of A.W.'s aunts would sometimes text her to ask how things were going with the children. Christine would respond and would not try to restrict that contact.

¶ 30 The neighborhood in Frankfort in which they live is quiet and has a lot of children. Christine stated that she and her husband were members of a church, but they were not really practicing members.

¶ 31 Christine testified that the family enjoyed engaging in activities together, both inside and outside the home. Steven played football in the community and Alexis was involved in cheerleading, and the family enjoyed going to watch baseball games. The children shared rooms

by gender. The family was physically affectionate and loving. B.S. was in a stage in which he wanted to be picked up often and put back down.

¶ 32 Neither A.W. nor B.S. had special needs, although A.W. had a speech therapist. A.W. was in pre-kindergarten that was combined with daycare. B.S.'s weight was very low at birth, but Christine and her husband have monitored him along with medical professionals and he is doing well. B.S.'s physical development appeared to be on-track.

¶ 33 Christine stated that A.W. still expressed love for Tara; Christine described the situation as appearing as if A.W. wanted both her foster parents and Tara. A.W. called Christine and her husband mom and dad. The foster children saw their older sister, J.P., once per month for around three hours; they interacted well with their sister. Christine also stated that there have been no visits between A.W., B.S., and S.S.

¶ 34 Jacqueline Jennings testified that she was the caseworker from Indiana assigned to S.S.'s case. When she got involved, she checked on the Illinois case and learned that the three children there had been removed from the respondents' care due in part to lack of supervision. Based on the Illinois background, and the fact that S.S. had been born with tetrahydrocannabinol (THC) in his system, the services her agency provided for the respondents in regard to S.S. were: (1) domestic violence education; (2) parenting education; (3) random drug screens; (4) substance abuse evaluations; and (5) individual counseling. Jennings testified that Tara and Shaun had performed approximately four drug drops since S.S.'s birth, and all of the test results were negative. She also testified that Tara and Shaun's visitation with S.S. had progressed to unsupervised visits three times per week, with one of those visits being overnight. Their apartment was adequate and Jennings had no concerns with the apartment even if Tara had all four children returned to her. Jennings also testified that Tara had been working, but had been

laid off, and that Shaun had been working full-time at a restaurant since January 2016 when he was released from jail. She believed that S.S. could be returned to Tara and Shaun's care within a few months.

¶ 35 Shaun testified that he completed a substance abuse assessment and parenting classes in January 2016. He completed domestic violence treatment in April 2016. He was also taking a medication that had been recommended to him from a mental health assessment. He confirmed that he had a steady income from his job; he also stated that Tara had been looking for work and had been providing the caseworker with proof of her searches. He also stated that he had pled guilty to domestic battery in September 2015; he stated the following with regard to the incident: "there was no way around it. I got in an argument with my neighbor, Tara stepped in and stopped it, she got bumped. He called the cops, pressed charges against me and since I did bump Tara I got domestic violence."

¶ 36 Shaun also testified that he and Tara were living in Kentland, Indiana, and that he had no family in that area. His mother and her husband's family lived in Earl Park, Indiana, and his father lived in Logansport, Indiana. He did not think that Tara had any family in the Kentland area.

¶ 37 During closing arguments, the circuit court commented that "all of [Shaun's] progress in anger management and everything else was to stay out of jail, not to get his kids back."

¶ 38 After closing arguments, the court issued its ruling. The court stated that Shaun cared only about himself and staying out of jail; that he did not care about the children enough to get his ordered tasks done. The court also stated that the lack of interest he showed in J.P. and A.W. was an indication of how he would approach S.S. if he got him back. The court found that Shaun was ok with Tara keeping nine-year-old J.P. home from school to babysit. With regard to Tara,

the court noted that she ignored J.S. and A.W. at visits, which showed that she had not incorporated her parenting education into her life. The court also found that neither Tara nor Shaun seemed to be interested in making progress in this case. The court found that permanence for A.W. and B.S. was best served by termination and adoption. Accordingly, the court ruled that it was in A.W. and B.S.'s best interest to terminate parental rights.

¶ 39 On April 29, 2016, the circuit court entered a written order terminating the respondents' parental rights to the minor. In that order, the court stated that the respondents had been found unfit based on the failure to make reasonable efforts and reasonable progress. The respondents appealed.

¶ 40 ANALYSIS

¶ 41 The respondents' first argument on appeal is that the circuit court erred when it found them to be unfit parents. The respondents contend that the State failed to prove that they failed to make reasonable progress toward the return of the minor to their care during the relevant nine-month period.

¶ 42 One way in which a parent can be found unfit is 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 or abused minor ***." 750 ILCS 50/1(D)(m) (West 2014). That section further provides:

> "If a service plan has been established *** to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, 'failure to make reasonable progress toward the return of the child to the parent' includes the parent's failure to substantially fulfill his

> or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period following the adjudication***." *Id.*

A court is to assess whether reasonable progress has been made under an objective standard and in relation to the conditions that existed at the time the minor was removed from the parent's care. *In re A.S.*, 2014 IL App (3d) 140060, ¶ 17. Minimally, reasonable progress means that a parent has made measurable or demonstrable movement toward the return of the child to his or her care, but that progress must still be assessed in light of the best interest of the child. *Id.* Our supreme court has also stated that progress includes the parent's compliance with the service plan, in light of the conditions that gave rise to the minor's removal and other conditions that may have arisen since that time that would prevent the court from returning the minor to the parent. *In re C.N.*, 196 Ill. 2d 181, 216-17 (2001). "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." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067 (2006).

¶ 43 In this case, the respondents challenge the sufficiency of the evidence presented as proof of their parental unfitness. On review in this type of situation, we will not disturb the circuit court's unfitness determination unless it is against the manifest weight of the evidence. *In re C.W.*, 199 Ill. 2d 198, 211 (2002). "A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident." *In re Arthur H.*, 212 Ill. 2d 441, 464 (2004).

¶ 44 Our review of the record in this case reveals no error in the circuit court's unfitness determination. Initially, we note that there were some discrepancies between Hipp's testimony and Shaun's testimony regarding Shaun's progress. In this regard, the following principles must be remembered:

> "Under a manifest weight of the evidence standard, we give deference to the trial court as the finder of fact because it is in the best position to observe the conduct and demeanor of the parties and the witnesses and has a degree of familiarity with the evidence that a reviewing court cannot possibly obtain. A reviewing court, therefore, must not substitute its judgment for that of the trial court regarding the credibility of witnesses, the weight to be given to the evidence, or the inferences to be drawn." *In re D.F.*, 201 Ill. 2d 476, 498-99 (2002).

Here, the circuit court found that Hipp was credible, and we see nothing in the record to disturb that credibility determination. See, *e.g.*, *id.*

¶ 45 It is important to remember that the minor was removed from Tara and Shaun's care due to domestic violence issues and supervision issues as evidenced by Tara's other children. Significantly, neither Tara nor Shaun made any progress on their domestic violence and parenting education tasks during the relevant nine-month period. We do recognize that both of the respondents made some progress on some of their other tasks—Tara completed anger management, she signed consents for releases of information, and she regularly attended visitation; Shaun did provide some work schedules and exhibited good parenting skills at visits; and both of the respondents performed well with obtaining and maintaining steady income and stable housing. However, they also struggled with other tasks—Tara exhibited poor parenting skills at visits; and Shaun did not obtain the psychological assessment recommended by his substance abuse evaluation, did not complete anger management services, refused to provide Hipp with his parole officer's information, did not sign consents for releases of information, and

he missed 15 of the weekly visits over the relevant nine-month period. In addition, neither of the respondents obtained a mental health assessment or performed any drug drops. Coupled with the significant failures the respondents had with their domestic violence and parenting education tasks, the evidence presented in this case certainly supported a finding that the respondents failed to make reasonable progress toward the return of the minor to their care within the nine-month period of November 12, 2014, to August 12, 2015. Accordingly, we hold that the circuit court did not err when it found the respondents to be unfit parents.[2]

¶ 46 The respondents' second argument on appeal is that the circuit court erred when it entered an order finding that the respondents were unfit parents on bases other than the one on which the State proceeded at the unfitness hearing. Specifically, the respondents contend that because the State proceeded only on reasonable progress grounds at the unfitness hearing, the court's written order is incorrect in that it states that the respondents were found unfit on both reasonable progress and reasonable efforts grounds. The State concedes error.

¶ 47 The respondents are correct that the circuit court erred when it included reasonable efforts as a ground upon which the respondents were found unfit. To ensure that this error is corrected, we remand the case for the circuit court to modify its written order to reflect that the respondents have been found unfit only on reasonable progress grounds.

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[2] In arriving at this conclusion, we reject an argument Tara posits on appeal that her failures to complete her domestic violence and mental health assessment tasks were largely irrelevant because (1) she was not the perpetrator of the domestic violence; and (2) she had no history of mental illness and the task was ordered merely because she self-reported as feeling depressed. Tara's argument is untimely, as she did not challenge the imposition of these conditions when she had the chance. See *In re Chyna B.*, 331 Ill. App. 3d 591, 597-98 (2002) (discussing the imposition of conditions to a dispositional order); *In re L.W.*, 2016 IL App (3d) 160092, ¶ 20 (citing *In re J.N.*, 91 Ill. 2d 122, 127 (1982) for the proposition that a dispositional order is a final, appealable judgment).

¶ 48 The respondents' third argument on appeal is that the circuit court erred when it found that it was in the minor's best interest to terminate the respondents' parental rights. The respondents contend, *inter alia*, that the court improperly based its decision regarding the respondent-father on facts about his parole that were not in evidence and that the State presented no evidence other than permanence to demonstrate that termination was in the minor's best interest.

¶ 49 Our supreme court has stated the following regarding best interest hearings:

> "Once the State proves parental unfitness, the interests of the parent and the child diverge. [*Santosky v. Kramer*, 455 U.S. 745, 760 (1982)]. Thus, at a best-interests hearing, the parent and the child may become adversaries, as the child's interest in a loving, stable and safe home environment become more aligned with the State's interest in terminating parental rights and freeing the child for adoption. Although the parent still possesses an interest in maintaining the parent-child relationship, the force of that interest is lessened by the court's finding that the parent is unfit to raise his or her child." *In re D.T.*, 212 Ill. 2d 347, 363-64 (2004).

Accordingly, even though "the full range of the parent's conduct can be considered" at the best interest hearing (*In re C.N.*, 199 Ill. 2d 198, 217 (2002)), the focus at a best interest hearing is the child, not the parent (*D.T.*, 212 Ill. 2d at 364). "The issue is no longer whether parental rights *can* be terminated; the issue is whether, in light of the child's needs, parental rights *should* be terminated. Accordingly, at a best-interests hearing, the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *Id.*

¶ 50 Section 1-3(4.05) of the Juvenile Court Act of 1987 provides that the circuit court must consider the following factors when making a best interest determination: (1) the minor's physical safety and welfare, including food, shelter, health, and clothing; (2) the development of the minor's identity; (3) the minor's familial, cultural, religious background and ties; (4) the minor's sense of attachments, including love, attachment, security, familiarity, continuity of affection, and the least disruptive placement for the minor; (5) the minor's ties to his or her community, including church, school, and friends; (6) the minor's need for permanence, including the need for stability and continuity of relationships with parental figures, siblings, and other relatives; (7) the uniqueness of the minor and the family; (8) the risks from entering and remaining in substitute care; and (9) the preferences of the persons available to care for the minor. 705 ILCS 405/1-3(4.05) (West 2014).

¶ 51 The State has the burden at a best interest hearing to prove, by a preponderance of the evidence, that it is in the minor's best interest to terminate parental rights. *D.T.*, 212 Ill. 2d at 366. We will not disturb a circuit court's best interest determination unless it is against the manifest weight of the evidence. *In re Austin W.*, 214 Ill. 2d 31, 51-52 (2005). A ruling is against the manifest weight of the evidence if the opposite conclusion is clearly apparent. *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005).

¶ 52 Our review of the record reveals no error in the circuit court's best interest determination. The testimony presented showed that the foster parents were providing for the minor's basic needs. Based on the foster mother's testimony regarding the family interactions, it was clear that bonding was occurring and that the young minor was beginning to develop an identity with the foster family, with whom he had lived since the day after he was born. The foster family was establishing ties for the minor to his community and extended foster family, and his placement

included one of his biological sisters. This was a very stable situation for the minor and one that promised permanence for him, as the foster parents expressed their desire to adopt him. The respondent fails to point to anything in the record to suggest that the State did not meet its burden by a preponderance of the evidence or that the conclusion opposite to that reached by the circuit court was clearly apparent.

¶ 53 In arriving at this conclusion, we reject the respondents' argument that the circuit court based its best interest determination on facts about Shaun's parole that were not in evidence. Even if it were unreasonable to assume that parole would require the parolee to comply with all orders entered by a court that involve the parolee—something with which a circuit court judge would clearly be familiar—what the respondents fail to recognize is that while a parent's progress on service plan tasks is relevant and can be considered at the best interest hearing, that evidence is only one aspect of the decision. The overarching consideration at the hearing is what decision is in the best interest of the minor. When assessing the statutory factors in that light, it is clear that the reasons why a parent decides whether to make progress on service plan tasks, including after the relevant nine-month period, is at most a minor consideration and could even be irrelevant.

¶ 54 Under the circumstances of this case, we hold that the circuit court did not err when it ruled that it was in the minor's best interest to terminate the respondents' parental rights.

¶ 55 CONCLUSION

¶ 56 The judgment of the circuit court of Iroquois County is affirmed and the cause is remanded for the correction of the court's written unfitness order.

¶ 57 Affirmed; cause remanded.