

NOTICE

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2016 IL App (4th) 160083-U
NOS. 4-16-0083, 4-16-0084 cons.

FILED
June 27, 2016
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

In re: A.F., a Minor,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Champaign County
v. (No. 4-16-0083))	No. 14JA21
SANDRA FINDLAY,)	
Respondent-Appellant.)	
-----)	
In re: A.F., a Minor,)	
THE PEOPLE OF THE STATE OF ILLINOIS,)	
Petitioner-Appellee,)	
v. (No. 4-16-0084))	Honorable
FRANK FINDLAY,)	John R. Kennedy,
Respondent-Appellant.)	Judge Presiding.

JUSTICE HOLDER WHITE delivered the judgment of the court.
Justices Turner and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, concluding the trial court's unfitness and best-interest findings were not against the manifest weight of the evidence.

¶ 2 In March 2015, the State filed a petition to terminate the parental rights of respondent mother, Sandra Findlay, and respondent father, Frank Findlay, as to their child, A.F. (born September 19, 2012). In October 2015, the trial court found respondents unfit. In March 2015, the court determined it was in the best interest of A.F. to terminate respondents' parental rights.

¶ 3 Respondents appeal, asserting the trial court erred in finding them unfit and determining it was in A.F.'s best interest to terminate their parental rights. For the following reasons, we affirm.

¶ 4 I. BACKGROUND

¶ 5 A. Initial Proceedings

¶ 6 In March 2014, the State filed a petition for adjudication of wardship, alleging A.F. was neglected in that her environment was injurious to her welfare (1) when she resided with respondents due to exposure to domestic violence (705 ILCS 405/2-3(1)(b) (West 2014)); and (2) due to respondents having failed to correct the conditions which resulted in a prior adjudication of parental unfitness to exercise guardianship or custody of A.F.'s three older siblings (705 ILCS 405/2-3(1)(b) (West 2014)). In May 2014, the trial court entered an adjudicatory order finding the State met its burden as to both counts. Following a June 2014 dispositional hearing, the court (1) found A.F. was neglected; (2) determined respondents were unfit and unable to care for A.F.; (3) made A.F. a ward of the court; and (4) placed guardianship of A.F. with the Department of Children and Family Services (DCFS). Frank appealed the court's adjudicatory and dispositional findings, and Sandra appealed the court's dispositional findings. In December 2014, this court affirmed the judgment. *In re A.F.*, 2014 IL App (4th) 140674-U, ¶ 1.

¶ 7 B. Termination Proceedings

¶ 8 In March 2015, the guardian *ad litem* filed a petition to terminate respondents' parental rights. The petition alleged both respondents, within the nine months following the adjudication of neglect, failed to (1) make reasonable efforts to correct the conditions that were

the basis for the removal of A.F. (750 ILCS 50/1(D)(m)(i) (West 2014)); and (2) make reasonable progress toward the return of A.F. (750 ILCS 50/1(D)(m)(ii) (West 2014)).

¶ 9 *1. Fitness Hearing*

¶ 10 In June, July, September, and October 2015, respondents' fitness hearing spanned six nonconsecutive days. The trial court heard the following evidence.

¶ 11 a. Tracy Hewitt

¶ 12 Tracy Hewitt testified she was the DCFS case manager from March 2014 to August 2014. According to Hewitt, both Frank and Sandra were given various recommendations and referrals for services, including (1) mental health assessments; (2) domestic violence classes; (3) parenting classes; (4) individual counseling; (5) drug testing and substance abuse screenings; and (6) psychological evaluations. While Hewitt was the case manager, neither parent engaged in any of these services. However, Hewitt testified Frank and Sandra were not approved for services until June 25, 2014, due to an internal DCFS delay.

¶ 13 b. Lisa Barkstall

¶ 14 Lisa Barkstall testified she was the DCFS case manager from August 2014 to July 2015. Barkstall testified the mental health assessments were only a recommendation; however, Frank and Sandra both completed the assessments in September 2014. According to Barkstall, Sandra and Frank had both been referred to Cognition Works for domestic violence and parenting classes. Barkstall had to re-refer Sandra and Frank because the original referrals expired. Thereafter, both Sandra and Frank were terminated from the domestic violence classes, necessitating a third referral. To Barkstall's knowledge, neither Sandra nor Frank successfully completed an approved domestic violence or parenting class. According to Barkstall, after

Sandra was terminated from the parenting class at Cognition Works, in January 2015, Barkstall referred Sandra to a parenting class at the Community Resource and Counseling Center.

¶ 15 Barkstall testified Frank and Sandra were attending couple's counseling at Kevin Elliott Counseling. According to Barkstall, respondents ceased couple's counseling in January 2015 and began individual counseling in March 2015. Barkstall testified there was some delay in Frank and Sandra entering into individual counseling, but nothing unusual or out of the ordinary.

¶ 16 Respondents were required to submit to substance abuse screenings and random drug testing. After the first substance abuse screening, Prairie Center Health Systems did not recommend further services. However, both respondents tested positive for marijuana in October 2014. Following a second referral for substance abuse screenings, Prairie Center Health Systems determined respondents did not meet the criteria for treatment.

¶ 17 Barkstall testified she made the referral for the psychological evaluation at the end of September 2014. Frank's psychological evaluation was done in February 2015, and Sandra's was done in March 2015. According to Barkstall, the delay was "typical" and not attributable to either Frank or Sandra

¶ 18 According to Barkstall, respondents were consistent in their weekly supervised visitation with A.F. Respondents traveled two to three hours to attend these visits in southern Illinois.

¶ 19 c. Jennifer Ball

¶ 20 Jennifer Ball, a licensed clinical social worker with Community Elements, testified Sandra came to the walk-in clinic on September 30, 2014, for a mental health assessment recommended by DCFS. According to Ball, Sandra reported a history of verbal and

emotional abuse and physical altercations with Frank. Sandra additionally reported the most recent incident of physical abuse was September 6, 2014. According to Ball, Sandra said an altercation with family members led to DCFS involvement in this case. Ball recommended Sandra continue couple's counseling at Kevin Elliott Counseling.

¶ 21 d. Jacqueline Thomas

¶ 22 Jacqueline Thomas, a clinician at Community Elements, testified Frank came for a comprehensive mental health evaluation on September 30, 2014. According to Thomas, Frank reported being in couple's counseling but felt it was not necessary. Thomas testified Frank told her DCFS was involved because his mother-in-law called the police after misunderstanding a verbal altercation he had with Sandra. Frank reported a prior diagnosis of bipolar and narcissistic personality disorder from more than 10 years before.

¶ 23 e. Debbie Nelson

¶ 24 Debbie Nelson, a facilitator at Cognition Works, assessed Sandra on August 28, 2014, and referred her to the Options program for women in abusive relationships. Sandra started the Options program on October 8, 2014. According to Nelson, Sandra completed 7 of 18 sessions and was terminated from the program in January 2015 following 3 unexcused absences.

¶ 25 f. Marya Burke

¶ 26 Marya Burke, a facilitator at Cognition Works, testified she conducted an intake assessment for Frank in August 2014. On October 8, 2014, Frank started the Change program, designed to help people recognize maladaptive thinking patterns that lead to irresponsible choices. Frank was temporarily removed from the program twice for failing to (1) properly complete his homework, and (2) accept responsibility for his choices. In January 2015, Frank

was terminated from the program after attending 10 of 26 weekly sessions. According to Burke, Frank showed no willingness to change or openness to the program.

¶ 27 g. Officer Kyle Gregg

¶ 28 Rantoul police officer Kyle Gregg testified he was dispatched to respondents' address shortly after 1:30 a.m. on December 20, 2014. According to Gregg, he heard screaming and yelling coming from the mobile home when he arrived. Respondents continued to argue after Gregg's arrival, so he separated them in order to conduct his investigation. Gregg testified Sandra told him the argument was verbal only and she threw a cup in frustration, which shattered. According to Gregg, Sandra had the odor of alcohol on her breath and her speech was slurred.

¶ 29 Gregg then spoke to Frank and observed scratches on the side of Frank's face. Frank told Gregg he and Sandra argued over her consumption of alcohol and DCFS involvement with their children. Gregg testified Frank told him the argument turned physical and Sandra scratched Frank's face with her fingernails. According to Gregg, Frank admitted he and Sandra had prior domestic violence issues requiring police involvement. Following this discussion, Gregg placed Sandra under arrest.

¶ 30 h. Conrad Hayes

¶ 31 Conrad Hayes, a facilitator at Cognition Works, testified Sandra started a parenting education group on October 8, 2014. According to Hayes, participants are allowed two unexcused absences. Sandra was terminated in January 2015 following her third unexcused absence. Hayes testified Sandra was willing to do some assignments but not others. According to Hayes, even if Sandra had not been terminated due to absences, she would have been re-

referred to the program because her participation and understanding of the material were insufficient.

¶ 32 i. Dr. Susan Minyard

¶ 33 Dr. Susan Minyard, a licensed clinical psychologist, testified she completed a psychological evaluation of Sandra in March 2015. According to Dr. Minyard, Sandra denied any symptoms of mental illness. In Dr. Minyard's opinion, this denial was "pretty much over the top." Dr. Minyard testified Sandra reported an idealized view of her life and tried to put herself in the best light possible. According to Dr. Minyard, Sandra's responses were unusual for someone involved with DCFS. Dr. Minyard diagnosed Sandra with delusional disorder, partner relational problems, neglect of a child, and personality disorder not otherwise specified with histrionic and dependent characteristics. In Dr. Minyard's opinion, Sandra's prognosis was poor because she did not recognize any problems, thought nothing in her life needed to change, and thought DCFS had no reason to be involved now or in the past.

¶ 34 Dr. Minyard completed a psychological evaluation of Frank in February 2015. According to Dr. Minyard, Frank minimized problems, blamed others for his involvement with DCFS, and was grandiose in his presentation. Dr. Minyard diagnosed Frank with partner relational problems, neglect of a child, and narcissistic personality disorder. In Dr. Minyard's opinion, Frank's prognosis was poor because he did not acknowledge any problems.

¶ 35 j. Stephenie Austin

¶ 36 Stephenie Austin, a child and family therapist at the Community Resource and Counseling Center, testified she began counseling Sandra in March 2015. These sessions occurred approximately three times per month. According to Austin, Sandra was still in counseling at the time of the June 2015 hearing.

¶ 37

k. Renee Sinclair

¶ 38 Renee Sinclair, a licensed marriage and family counselor, testified she provided counseling services for Frank and Sandra at Kevin Elliott Counseling. In February 2014, respondents sought counseling services through Frank's employee assistance program. In February and April 2014, respondents attended six or eight counseling sessions before the employee assistance program no longer covered the cost. From July 2014 to February 2015, DCFS assisted with the cost of the couple's counseling. The counseling sessions focused on anger management and parenting interventions and communication between Sandra and Frank.

¶ 39 In February 2015, DCFS moved respondents into individual therapy and respondents could no longer afford to attend couple's counseling. In Sinclair's opinion, both Sandra and Frank made progress. However, Sinclair would have preferred to continue working with respondents.

¶ 40

l. Frank Findlay

¶ 41 Frank Findlay testified he and Sandra began couple's counseling in February or March 2014 at the suggestion of a DCFS investigator. His testimony regarding the timeline of couple's therapy was consistent with Sinclair's testimony. Frank testified he began individual counseling in March 2015 and he was continuing to attend weekly sessions at the time of the October 2015 hearing. According to Frank, both he and Sandra were referred for psychological evaluations, cooperated with the referral, and did nothing to cause any delay.

¶ 42

Frank testified he attended 10 or 12 domestic violence classes before he was terminated due to issues with his homework. With regard to the issues he had with the Cognition Works employees and his homework, Frank testified:

"Oh, the problems I had with them, they really didn't accept the homework. Example, I filled the homework out on a different page. They did not like that. They wanted it on the page they gave to me. They didn't accept some of the answers I put down, so it had to be re-done. Then I had other issues in the same manner. I'd re-do it and they wouldn't like that answer ***."

According to Frank, he and Sandra had trouble getting in touch with Barkstall to get re-referrals for their services. Their many phone calls and voice messages went unanswered. In June 2015, Frank completed an eight-hour online domestic violence course. The trial court admitted the certificate of completion into evidence.

¶ 43 Initially, Frank could not attend the required parenting classes due to his work schedule. Barkstall referred Frank to a morning parenting class, and Frank missed two classes—once due to car trouble and once due to a court hearing. He was terminated from the parenting class for his absences. However, Frank offered, and the trial court admitted into evidence, certificates of completion for a 2005 parenting class he took. Frank's work schedule had since changed, but he had not contacted the caseworker to inquire about a re-referral for a parenting class.

¶ 44 Finally, Frank testified he traveled 3 ½ hours each way to attend weekly visitation with A.F. He missed only two or three visits due to inclement weather and illness.

¶ 45 m. Sandra Findlay

¶ 46 Sandra Findlay's testimony was largely consistent with Frank's with regard to counseling, psychological evaluations, their difficulty getting in touch with Barkstall, and

visitation with A.F. Sandra testified she attended weekly individual counseling sessions, beginning in March 2015 and continuing through the October 2015 hearing date.

¶ 47 Sandra testified she began domestic violence classes in October 2015 and attended 10 of the 12 weekly sessions. According to Sandra, she called to explain her absences and once received no response and once was told not to bother coming if she was going to be even one minute late. Sandra was terminated from the domestic violence class due to her absences. In her attempts to reschedule her domestic violence class, Sandra testified she called Barkstall three times per week for six weeks with no response. In June 2015, Sandra completed the same online domestic violence course as Frank and the trial court admitted the certificate of completion into evidence.

¶ 48 According to Sandra, she attended 16 of 18 weekly parenting classes before she was terminated in January 2015. The trial court admitted into evidence certificates of completion for a 2005 parenting class she took. Sandra testified she was currently taking a parenting class at the Community Resource and Counseling Center.

¶ 49 n. Trial Court's Findings

¶ 50 After hearing the evidence, the trial court found respondents unfit. The court identified the time between May 29, 2014, and March 1, 2015, as the nine-month period at issue. The court found, by clear and convincing evidence, both respondents failed to (1) make reasonable efforts to correct the conditions that were the basis for removal of A.F., and (2) make reasonable progress toward the return of A.F. The court noted the primary issue leading to A.F.'s removal was domestic violence. Specifically, both respondents failed to complete the domestic violence courses to which DCFS referred them. Moreover, the court also noted evidence of Sandra's December 2014 arrest for domestic violence. The court found the respondents' failure

to complete parenting classes also showed a failure to make reasonable efforts or reasonable progress. The court further addressed the delay in the psychological evaluations and found the delay did not stand in the way of respondents complying with other requirements of the service plan, which they failed to do.

¶ 51 *2. Best-Interest Hearing*

¶ 52 In January 2016, the trial court held a best-interest hearing. The State moved to admit into evidence a Rantoul police department report detailing Sandra's December 2015 arrest for driving under the influence of alcohol. The court admitted the report over objection.

¶ 53 The trial court considered DCFS' best-interest report. The report indicated A.F. resided with a relative foster placement along with her two oldest siblings. A.F. was 18 months old at the time she was placed in her relative foster home. In this placement since March 2014, A.F. was well adjusted, happy, and had a strong bond with her paternal grandparents. The grandparents were willing to provide A.F. permanency in the form of adoption.

¶ 54 DCFS' best-interest report indicated Frank was presently in the Champaign County jail. At the hearing, Frank offered an update to the report. Specifically, counsel represented that Frank pleaded guilty to a misdemeanor charge of violation of bail bond and pending domestic battery charges were dismissed in Champaign County case No. 15-CM-1114. Frank testified he was released from jail on December 30, 2015. According to Frank, he attempted to contact the caseworker regarding resuming visitation with A.F. following his release from jail and received no response.

¶ 55 The report indicated Frank and Sandra had separated following the domestic violence incident which led to Frank's incarceration. At the January 2016 hearing, Sandra testified she was living with Frank and some friends and her relationship with Frank continued.

¶ 56 The trial court found, by a preponderance of the evidence, it was in the best interest of A.F. to terminate respondents' parental rights. The court found A.F.'s placement provided her with familial ties to her siblings, "stability, safety, [and] long-term permanency, without disruption."

¶ 57 Both parties filed timely notices of appeal. We docketed Sandra's appeal as 4-16-0083 and Frank's appeal as 4-16-0084. We have consolidated respondents' cases for review.

¶ 58 II. ANALYSIS

¶ 59 On appeal, respondents argue the trial court erred in finding them unfit and determining it was in A.F.'s best interest to terminate their parental rights. We address these arguments in turn.

¶ 60 A. Fitness Finding

¶ 61 The State has the burden of proving parental unfitness by clear and convincing evidence. *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067, 808 N.E.2d 596, 604 (2004). A reviewing court will not overturn the trial court's finding of unfitness unless it is against the manifest weight of the evidence. *Id.* The court's decision is given great deference due to "its superior opportunity to observe the witnesses and evaluate their credibility." *Id.*

¶ 62 Under section 1(D)(m)(i), (ii), a parent may be found unfit due to a failure to make either (1) reasonable efforts to correct the conditions that were the basis for the removal of the minor, or (2) reasonable progress toward the return of the child during the initial nine-month period following the adjudication of neglect. 750 ILCS 50/1(D)(m)(i), (ii) (West 2014). Each ground requires a separate analysis. *In re J.A.*, 316 Ill. App. 3d 553, 564, 736 N.E.2d 678, 687 (2000). However, "[o]nly one ground of unfitness needs to be proved by clear and convincing evidence in order to find a parent unfit." *In re R.L.*, 352 Ill. App. 3d 985, 998, 817 N.E.2d 954,

966 (2004). "Reasonable effort" is a subjective standard, and the focus is on whether a particular parent's efforts to correct the conditions that caused removal were reasonable. *Id.* In contrast, "reasonable progress" is an objective standard that considers the progress made toward the goal of returning the child to the parent. *In re M.A.*, 325 Ill. App. 3d 387, 391, 757 N.E.2d 613, 615 (2001). The evidence regarding reasonable progress is limited to the parent's conduct in the nine-month period following the adjudication of neglect. *In re D.F.*, 208 Ill. 2d 223, 241, 802 N.E.2d 800, 811 (2003).

¶ 63 Unfortunately, we must note the case the State cites regarding the "reasonable progress" standard (*In re L.P.S.*, 2015 IL App (3d) 140750-U) is an unpublished order under Illinois Supreme Court Rule 23 (eff. July 1, 2011). We remind the State such an order is not precedential and may not be cited by any party except in the limited circumstances allowed under Rule 23(e)(1). As such, we decline to consider the facts or resolution in *L.P.S.* We now turn to the finding of unfitness as to each parent.

¶ 64 1. *Sandra*

¶ 65 The trial court found Sandra unfit on two separate grounds: her failure to (1) make reasonable efforts to correct the conditions that were the basis for removing A.F. (750 ILCS 50/1 (D)(m)(i) (West 2014); and (2) make reasonable progress toward the return of A.F. within the initial nine-month period following the adjudication of neglect (750 ILCS 50/1 (D)(m)(ii) (West 2014). We turn first to the second ground, as we find it dispositive.

¶ 66 Sandra contends there is no objective way in which to measure her progress. As the trial court correctly acknowledged, the primary reason for A.F.'s removal was domestic violence between Sandra and Frank. Sandra contends the evidence did not establish the times,

dates, or details of the episodes of domestic violence and, therefore, there was no benchmark to measure her progress against. We disagree.

¶ 67 The trial court adjudged A.F. neglected based on an environment injurious to her welfare due to exposure to domestic violence. The "progress" Sandra made in addressing this issue in the relevant time period included: (1) a self-report to Ball of a domestic violence incident on September 6, 2014; (2) three referrals to the Options program; (3) her ultimate termination from the domestic violence class in January 2015; and (4) her December 2014 arrest for domestic violence. While there was evidence of Sandra addressing the domestic violence through couple's counseling, the record does not support the conclusion the couple's counseling effected positive progress. The evidence of continued incidents of domestic violence and Sandra's failure to successfully complete the domestic violence class supports the court's determination Sandra did not make reasonable progress.

¶ 68 Moreover, the "reasonable progress" standard looks not only to the progress in addressing the conditions that were the basis for removal. Rather, the court must consider the progress made toward the goal of returning the child to the parent. *M.A.*, 325 Ill. App. 3d at 391, 757 N.E.2d at 615. The record shows Sandra complied with the service plan in that she attended counseling, obtained mental health evaluations, submitted to drug screens, and obtained substance abuse evaluations. However, the record also shows Sandra (1) required three referrals to the parenting class; (2) ultimately failed to successfully complete the parenting class within the nine-month time frame; and (3) tested positive for marijuana, necessitating a second substance abuse evaluation. This evidence, coupled with Sandra's lack of progress regarding domestic violence, is sufficient to support the trial court's conclusion the evidence clearly and convincingly showed Sandra failed to make reasonable progress toward A.F.'s return to her

parental custody. Accordingly, we conclude the court's finding of unfitness was not against the manifest weight of the evidence.

¶ 69

2. Frank

¶ 70 The trial court found Frank unfit on two separate grounds: his failure to (1) make reasonable efforts to correct the conditions that were the basis for removing A.F. (750 ILCS 50/1 (D)(m)(i) (West 2014); and (2) make reasonable progress toward the return of A.F. within the initial nine-month period following the adjudication of neglect (750 ILCS 50/1 (D)(m)(ii) (West 2014). We also find the second ground dispositive here and, accordingly, we turn to the court's determination regarding Frank's reasonable progress toward reunification.

¶ 71 Frank argues he demonstrated reasonable progress by substantially complying with the service plan.

¶ 72 The record shows Frank complied with the following components of the service plan: (1) a mental health evaluation, (2) counseling, (3) substance abuse assessments, and (4) visitation with A.F. However, the record also shows Frank was terminated from the domestic violence class due to problems with his homework. Frank argues he eventually completed an eight-hour online domestic violence class. Frank completed this class in June 2015, outside the nine-month period at issue. See *D.F.*, 208 Ill. 2d at 241, 802 N.E.2d 811 (evidence is limited to the nine-month period following the adjudication of neglect). Moreover, even if this evidence could properly be considered, the record is devoid of any evidence DCFS approved of the program or that it was equivalent to the 26-week Change program Frank failed to complete.

¶ 73 In addition to Frank's failure to successfully complete the domestic violence class, the record also reflects Frank did not take a required parenting class due to his work schedule. When Barkstall found a morning parenting class to accommodate Frank's schedule, he was

terminated due to absences. Moreover, Frank testified his work schedule had changed but he had not attempted to reenroll in or complete a parenting class. Given Frank's failure to complete these required classes after multiple referrals, we cannot say the trial court's determination Frank failed to make reasonable progress was against the manifest weight of the evidence.

¶ 74 Because we have upheld the trial court's findings as to one ground of unfitness for both respondents, we need not review the remaining grounds. See *In re D.H.*, 323 Ill. App. 3d 1, 9, 751 N.E.2d 54, 61 (2001) ("When multiple grounds of unfitness have been alleged, a finding that any one allegation has been proved is sufficient to sustain a parental unfitness finding.").

¶ 75 B. Best-Interest Finding

¶ 76 Respondents next assert the trial court erred in terminating their parental rights. We disagree.

¶ 77 Once the trial court determines a parent to be unfit, the next stage is to determine whether it is in the best interest of the minor to terminate parental rights. *In re Jaron Z.*, 348 Ill. App. 3d 239, 261, 810 N.E.2d 108, 126 (2004). The State must prove by a preponderance of the evidence that termination is in the best interest of the minor. *Id.* The court's finding will not be overturned unless it is against the manifest weight of the evidence. *Id.* at 261-62, 810 N.E.2d at 126-27.

¶ 78 The focus of the best-interest hearing is determining the best interest of the child, not the parent. 705 ILCS 405/1-3(4.05) (West 2014). The trial court must consider the following factors, in the context of the child's age and developmental needs, in determining whether to terminate parental rights:

"(a) the physical safety and welfare of the child, including
food, shelter, health, and clothing;

(b) the development of the child's identity;

(c) the child's background and ties, including familial, cultural, and religious;

(d) the child's sense of attachments ***[;]

* * *

(e) the child's wishes and long-term goals;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child." *Id.*

¶ 79 Here, the record demonstrates A.F. had been with her relative foster placement since she was 18 months old and has developed a close bond with her paternal grandparents and her two siblings. Her grandparents are willing to provide A.F. permanency by adopting her if she is unable to return home to Frank and Sandra.

¶ 80 Conversely, Frank and Sandra cannot provide safety, stability, and permanence for A.F. Near the time of the best-interest hearing, Sandra was arrested for driving under the influence and Frank had recently been released from jail following his arrest for a domestic

violence incident. The best-interest report reflected Frank's incarceration at the time the report was compiled and indicated Sandra was committed to extricating herself from the abusive relationship. However, at the hearing, Sandra testified she was living with Frank and "some friends," and, she continued her romantic relationship with Frank. We recognize respondents testified as to their love for A.F. and their desire to retain their parental rights. Unfortunately, despite their love for A.F., the continued domestic violence and legal issues show Sandra and Frank cannot provide A.F. with the necessary safety, stability, and permanence she deserves.

¶ 81 Accordingly, we conclude the trial court's finding that it was in A.F.'s best interest to terminate respondents' parental rights was not against the manifest weight of the evidence.

¶ 82 III. CONCLUSION

¶ 83 For the foregoing reasons, we affirm the trial court's judgment.

¶ 84 Affirmed.