2016 IL App (4th) 160129-U

NOs. 4-16-0129, 4-16-0130 cons.

FILED
June 23, 2016
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: C.C., a Minor,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Macon County
v. (No. 4-16-0129)	)	No. 12JA122
CHAD CUTLER,	)	
Respondent-Appellant.	)	
_____	)	
In re: I.C., a Minor,	)	No. 12JA123
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-16-0130)	)	Honorable
CHAD CUTLER,	)	Thomas E. Little,
Respondent-Appellant.	)	Judge Presiding.

JUSTICE STEIGMANN delivered the judgment of the court.
Justices Turner and Pope concurred in the judgment.

ORDER

¶ 1 *Held*: In this parental termination case, the appellate court affirmed the trial court's best-interest determination to terminate respondent's parental rights.

¶ 2 In July 2015, the State filed amended petitions to terminate the parental rights of respondent, Chad Cutler, as to his children, C.C. (born February 24, 2001) and I.C. (born November 13, 2003). Following a July 2015 fitness hearing, the trial court found respondent unfit. At a best-interest hearing held immediately thereafter, the court terminated respondent's parental rights. On appeal, we affirmed the trial court's fitness finding but vacated its best-interest determination because the court did not allow the parties an opportunity to present evidence at the best-interest hearing. *In re C.C.*, 2016 IL App (4th) 150653-U.

¶ 3 On remand, in February 2016, the trial court conducted a new best-interest hear-

ing, after which it terminated respondent's parental rights. Respondent appeals.

¶ 4 I. BACKGROUND

¶ 5 We limit our discussion to those facts relevant to the trial court's best-interest determination. (For a comprehensive discussion of the proceedings prior to the best-interest hearing, see *id.*)

¶ 6 In February 2016, the trial court conducted a best-interest hearing. Melanie Ishmael testified that she was the caseworker for C.C. and I.C. through the Webster-Cantrell Hall agency. Ishmael explained that C.C. and I.C. had been placed in different foster homes. C.C. was placed with his great-aunt and great-uncle and was "doing excellent" at home and in school. I.C. was placed in a foster home with nonrelatives. I.C. lived with a family of two daughters, whom I.C. referred to as her "sisters," and two parents, whom I.C. referred to as "Mom and Dad." Both children were attached to their new living situations and considered them "home." In their new living situations, C.C. and I.C. were able to visit each other at least once a month and to visit family for holidays and other occasions. Both children felt secure and loved by their foster families. Although I.C. "had some issues with her placement," she felt most comfortable in her new home and wanted to remain there. Ishmael explained that C.C. was 15 years old at the time of the hearing and preferred to pursue a guardianship relationship with his great-aunt and great-uncle instead of an adoptive relationship. Ishmael stated that terminating respondent's parental rights was necessary for C.C. and I.C. to achieve permanency. Ishmael noted that respondent recently had been sentenced to serve a term of 45 years in the Illinois Department of Corrections.

¶ 7 The court-appointed special advocate, Christina Trump, testified that she agreed with Ishmael's testimony and believed that both children were "in the best possible place for

them." Trump stated that she had nothing to add to Ishmael's testimony but noted that C.C. and I.C. were "very settled and comfortable" and "doing very good."

¶ 8 Upon the State's request, the trial court agreed to consider reports prepared by Ishmael and Trump, which reiterated and expanded on their testimony. Trump's report explained that C.C. "knows more than anything, that he is loved unconditionally and that has given him security, confidence[,] and pride." Trump's report noted that I.C. was involved in several extra-curricular activities, was doing well in school, and went on trips with her foster family. The report explained further that within the past year, I.C. and her foster parents had "struggled with issues," which resulted in her foster parents giving notice that they wanted I.C. removed from their care. However, the foster parents retracted that notice a few weeks later and were now committed to achieving permanency and adopting I.C. Trump's report concluded by recommending that both children remain in their current placements and that respondent's parental rights be terminated.

¶ 9 Respondent did not present evidence at the best-interest hearing.

¶ 10 The trial court determined that it was in the children's best interest to terminate respondent's parental rights. In reaching that determination, the court found the following facts particularly persuasive: (1) both children were doing well in school; (2) both children felt secure and loved in their foster homes; (3) C.C. and his foster family regularly attended or hosted family gatherings; and (4) both foster families were committed to providing the children with permanency.

¶ 11 This appeal followed.

¶ 12 II. ANALYSIS

¶ 13 Respondent argues that the trial court's best-interest determination was against the

manifest weight of the evidence.

¶ 14 At the best-interest stage of parental-termination proceedings, the State bears the burden to prove by a preponderance of the evidence that termination of the respondent's parental rights is in the child's best interest. *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 290-91 (2009). Section 1-3(4.05) of the Juvenile Court Act of 1987 (705 ILCS 405/1-3(4.05) (West 2014)) provides 10 factors that the trial court must consider when making a best-interest determination. We will not reverse the trial court's best-interest determination unless it is against the manifest weight of the evidence. *Jay. H.*, 395 Ill. App. 3d at 1071, 918 N.E.2d at 291. A best-interest determination is against the manifest weight of the evidence only if the facts clearly demonstrate that the court should have reached the opposite result. *Id.*

¶ 15 In this case, the trial court's determination to terminate respondent's parental rights was not against the manifest weight of the evidence. As to C.C., the evidence unequivocally established that he was flourishing with his great-aunt and great-uncle. He was doing well in school, felt loved and secure, and was developing attachments. In addition, C.C. reported that he wished to continue living with his great-aunt and great-uncle. As to I.C., she was doing well in school and participating in several extracurricular activities. She was in a safe and secure environment where she felt attached and loved. Although her placement with her foster family had some prior difficulties, the family was now committed to permanency and to adopting I.C.

¶ 16 In comparison, respondent recently had begun serving a 45-year prison sentence. Further, respondent presented no evidence to establish that terminating his parental rights was not in C.C.'s or I.C.'s best interest. Based on the evidence presented, the trial court's best-interest determination was not against the manifest weight of the evidence.

¶ 17 III. CONCLUSION

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

¶ 19 Affirmed.