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IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

| | | |
|---------------------------------------|---|------------------|
| IN THE INTEREST OF KALEB W., |) | Appeal from the |
| |) | Court Circuit of |
| Minor-Respondent-Appellee, |) | Cook County. |
| |) | |
| (THE PEOPLE OF THE STATE OF ILLINOIS, |) | 13 JA 637 |
| |) | |
| Petitioner-Appellee, |) | |
| |) | |
| v. |) | The Honorable |
| |) | Robert Balanoff, |
| DAWNETTA W., |) | Judge Presiding. |
| |) | |
| Respondent-Appellant). |) | |

JUSTICE NEVILLE delivered the judgment of the court.
Presiding Justice Hyman and Justice Pierce concurred in the judgment.

O R D E R

¶ 1 **Held:** The erroneous admission of an exhibit into evidence does not provide grounds for reversal when the appellant fails to show that the exhibit had prejudicial effect. Mother's continuing inability to control her anger showed a lack of progress toward reunification, and supported the trial court's finding that mother was an unfit parent for her child. The evidence of the child's wishes and ties to his family and community also supported the trial court's finding that terminating the mother's parental rights would serve the child's best interests.

¶ 2 The State filed a petition for termination of Dawnetta W.'s parental rights with respect to her son, Kaleb W. At the hearings, all of the caseworkers and other witnesses agreed that Dawnetta loved her son, and that she worked hard to regain custody of him. She engaged in

all services the Department of Children and Family Services (DCFS) offered her. The trial court found that despite her efforts, Dawnetta failed to make reasonable progress towards reunification. The court found Dawnetta unfit as a parent for Kaleb, and that terminating Dawnetta's parental rights would serve Kaleb's best interests.

¶ 3 In this appeal, we hold that the finding of a lack of reasonable progress is not contrary to the manifest weight of the evidence because the record shows that Dawnetta could not effectively control her anger. We also uphold the finding concerning Kaleb's best interests. Accordingly, we affirm the judgment of the trial court terminating Dawnetta's parental rights.

¶ 4 **BACKGROUND**

¶ 5 On July 8, 2013, DCFS received a hot line call regarding Kaleb, who was then 6 years old. Kaleb told investigators that Dawnetta socked him in the ear and struck him repeatedly with an extension cord. Dawnetta admitted that she struck Kaleb with an extension cord. Doctors who saw Kaleb on July 8, 2013, observed "multiple welts and contusions over body except for hands, feet, face[,] buttock and genital area."

¶ 6 The State filed a petition for adjudication of wardship and a motion for temporary custody of Kaleb. The trial court granted temporary custody to DCFS, who placed Kaleb in the home of Dawnetta's mother, Rose W. DCFS recommended for Dawnetta individual and family therapy, anger management and parenting classes, and parenting coaching. Dawnetta completed parenting classes by November 13, 2013, and she completed anger management classes by October 2, 2013.

¶ 7 DCFS arranged for Dawnetta to receive further services through One Hope United. At a hearing in December 2013, Keith Wheeler of One Hope United said that Dawnetta had made

some progress with parenting coaching, and she was "doing much better, as far as interacting with the minor." Wheeler said that the agency had decided to end some of her visits with Kaleb early, because Dawnetta "was either screaming or raising her voice at the minor, and he became upset." The court made Kaleb a ward of the court and set returning Kaleb to his mother's care within 12 months as the permanency goal.

¶ 8 Gladys Croom, a psychologist, evaluated Dawnetta for DCFS in March 2014. Croom found that Dawnetta suffered from posttraumatic stress disorder (PTSD) and a schizotypal personality disorder. Dawnetta, in her childhood, suffered physical abuse by Rose, who sometimes struck Dawnetta with extension cords and punched her. In 1986 and 1987, DCFS intervened because Rose left her children, including Dawnetta, without adequate food or supervision. Dawnetta also suffered PTSD due to sexual abuse by Dawnetta's father, Darnell W., and by Rose's uncle. Both Darnell and Rose's uncle had forced Dawnetta to engage in oral sex. The abuse took place before Dawnetta turned 10.

¶ 9 Croom wrote:

"Dawnetta's unresolved and re-triggered PTSD coupled with her personality disorder diagnoses[] drive her behavior. Her fear for her son causes her to attempt to be protective, however, her limitations and poor parenting by her mother and father[] cause her to use inappropriate defenses and strategies. ***

* * *

*** She can say that she makes mistakes, but she minimizes those, or does not appreciate the full impact that her decisions and/or behavior ha[ve] on her son. Furthermore, she does not see the relationship between how she behaves toward

her son and how she was treated; even when she does, she lacks the ability to stop her self from being inappropriate. She also normalizes how she was treated such that she does not always see it as abuse. ***

She has poor impulse control as it pertains to her son. When she is anxious, embarrassed or stressed, she lashes out verbally and throws tantrums which sometimes have to be addressed by taking her away from her son and helping her calm down."

¶ 10 Croom recommended that Dawnetta should have further therapy for PTSD and further parenting classes, because "she clearly seems to have failed to internalize developmental information as it pertains to her son." Croom noted that Dawnetta needed to "demonstrate[] her ability to be more appropriate with her son."

¶ 11 Gwen Seals worked as Dawnetta's parenting coach. In March 2014, Seals wrote that Dawnetta "ha[d] not made satisfactory progress," because Dawnetta's "ability to control her emotions has become increasingly tenuous during this report period *** resulting in behaviors ranging from crying outbursts, to ineffectual efforts to show affection, to anger and hostility throughout each visit." Seals explained that "the impact on Kaleb is *** disturbing *** as on one occasion when [Kaleb] asked with a plaintive voice 'mommy why are you looking at me like that' and [Dawnetta] was observed to be inches from his face with an almost menacing smile."

¶ 12 Seals wrote:

"Kaleb's behavior and demeanor indicate that while he can relax and be affectionate with his mother during those moments when she is relaxed and nonthreatening, he is always wary and his mother frightens him.

*** Kaleb *** had become physically ill on the way home after the particularly difficult visit on February 20th (with more orders to chant, badgering regarding grades, and what clothes to [wear]).

On the visit of March 6th, [Dawnetta] *** informed Kaleb that she would be recording their visits. *** [Dawnetta] pulled Kaleb close [to] her and told him to look and talk into the camera/phone reminding him that she was recording what he said and asked 'are you afraid of me['] (pulled him closer as he pulled back) and again [']are you afraid of me, you're not afraid of me are you' and Kaleb answered 'yes, kind of.' " (Emphasis omitted).

¶ 13 Seals concluded that Dawnetta's "negative behavior indicates that she is not receptive to parenting coaching at this time." DCFS reduced Dawnetta's visits from two per week to one per week in March 2014, and it reduced the length of each visit from 2 hours to 1 hour. One Hope United suspended the coaching in June 2014.

¶ 14 Also in June 2014, One Hope United assigned the case to Devin Dittrich, a foster care supervisor. In the report dated June 9, 2014, One Hope United's treatment team found "minimal progress to report, as [Dawnetta] continues to fail to recognize the role she played that resulted in DCFS [intervention], but instead continues to blame others and refuses to recognize that she was abusive towards her child."

¶ 15 Dittrich reported that during a visit with Kaleb in August 2014, Dawnetta yelled at Kaleb, who began crying and hyperventilating. One Hope United suspended Dawnetta's visits for one month.

¶ 16 After a hearing in March 2015, the court changed the permanency goal to substitute care pending the court's decision on the State's petition to terminate Dawnetta's parental rights. The court ruled out the prior goal of returning Kaleb to Dawnetta's home due to Dawnetta's lack of progress in services. After a further hearing in August 2015, the court again found no substantial progress.

¶ 17 **Fitness Hearing**

¶ 18 The court began the hearing on the State's petition for termination of Dawnetta's parental rights in June 2016. The court first heard evidence on Dawnetta's fitness as a parent. Dawnetta testified that on July 7, 2013, the day before DCFS took custody of Kaleb, Dawnetta left Kaleb in Rose's care when Dawnetta went to work. Kaleb came home shortly after Dawnetta returned from work. Dawnetta testified:

"Kaleb was penetrating his thumb in and out of his mouth like he was sucking on a penis ***. My father was training him to do that. He made him suck on his finger. I asked Kaleb, where did you get that from?

I felt like my whole life came crumbling down ***. [It] didn't even cross my mind that he [might go to] my dad's house or [be] around my father. But I knew that's where he had got that from. *** So he said, Nowhere, Mommy. Nowhere.

I s[aw] the cord. I was upset. I wasn't upset with Kaleb, but I was upset, very upset about it. I hit Kaleb with the cord. He rolled down to the ground. I said,

Remember Mommy told you about good touch, bad touch? Don't keep anything like that from me. You got that from somewhere. *** So he said, Mommy, nowhere. I hit him again. I hit him twice.

He snatched the cord out of my hand. And he said, Okay. Mommy, I'll tell you. It was Grandpa. So I got up. I got him up off the floor and I was crying. *** And I said, Tell me what happened, Kaleb. ***

He said, Uncle took me to Grandpa's house. *** And Grandpa and me were on the back porch. ***.

*** Grandpa had his hands in his shorts telling Kaleb to penetrate his [finger] in and out of his mouth. He said, Grandpa was moving his hands around in his shorts and he was making funny noises."

¶ 19 Dawnetta testified that she completed anger management classes and parenting classes. She testified that she tried to protect Kaleb from "being further abused by [her] father." She never got angry with Kaleb, although she felt considerable anger about the treatment she received from One Hope United. She added, "to be honest, I didn't learn anything from the anger management." She chose to obtain a psychological assessment from a different social service agency. Her individual therapist from One Hope United had not helped Dawnetta. Dawnetta said, "All she wanted to talk about was me being abused sexually as a child, about my father ***. She was just too much into my business, my personal business about my past, me being abused." Dawnetta said she started to make progress in therapy with the therapist

from the new agency. The parenting coach from One Hope United also failed to help Dawnetta.

¶ 20 Dittrich testified that Dawnetta was fully committed to Kaleb's welfare and to visiting him as much as she could. One Hope United never started the family therapy that DCFS made part of the service plan. Dittrich explained that the participants in family therapy need to make progress in individual therapy, and Dawnetta's lack of progress led her therapist not to recommend family therapy. One Hope United rated Dawnetta's progress as "unsatisfactory because there were instances during visitation that she would become kind of emotionally unwound and upset, even blaming the agency for stuff in front of her child, yelling, raising her voice, shouting."

¶ 21 Dittrich recounted the office visit in August 2014, when Dawnetta yelled at Kaleb and Kaleb cried. Dawnetta told Dittrich that Dawnetta threatened to beat Kaleb unless he told her the truth about another trip to the home of Dawnetta's father. Dawnetta interrupted the testimony, saying, "She's not telling the whole thing." Dittrich later discussed the decrease in visitation times from 2 hours to 1 hour. The transcript shows the following:

"[Dittrich]: *** [S]he understands and she has some sort of insight into that visits after a certain period of time don't go well. And she actually self-identified in that meeting that the visits that are shorter tend to go better and the visits that are more structured –

[Dawnetta]: She is lying. She is lying.

THE COURT: *** I'm going to have to ask you not to make the comments out loud. You can write them down. *** But the court reporter only takes down what one person at a time –

[Dawnetta]: She remember stuff I said but she don't remember the important stuff. She can't –

THE COURT: You will have *** an opportunity when your attorney calls you, all right.

[Dawnetta]: BS but not nothing important.

THE COURT: I can't hear the testimony *** if you're talking."

¶ 22 Felicia Shell of One Hope United testified that she worked on Kaleb's case from August 2014 through March 2015. Shell described a visit from October 2014:

"[Dawnetta] questioned why [Kaleb] looked dirty, took a belt off of him, said the belt was raggedy, threw it in the garbage, *** made a comment about her mother getting paid and why her mother's not taking care of him ***.

Kaleb asked to go to the bathroom ***.

* * *

*** Kaleb was uncomfortable with it. He told me after the visit that that made him uncomfortable, he's old enough *** to take care of his grooming issues.

* * *

*** [M]y assessment is that she is demeaning the minor. *** [T]hat was his favorite belt."

¶ 23 The assistant State's Attorney asked about how Kaleb tried to take control during visits.

"[Q.] During visits did Kaleb have any signals to you when he wanted to leave?

A. He would tell me he had to go to the washroom. He would tell me he wanted to get a drink of water. Sometimes he would just make eye contact and I'd say okay, you want to get a drink of water? He'd say yeah, and he would be able to leave the room.

Q. Why did you have those signals and code words?

A. That was established during his *** individual therapy, because sometimes he would get overwhelmed and anxious in his visits with mom.

* * *

THE COURT: Let me ask how did you know he was uncomfortable or anxious?

[Shell:] He later would tell me and so therefore I would learn the signals that he would give me. So after the visit we would talk about the visit and he would say I was uncomfortable, *** I was intimidated. He would use those words. During the next visit I would know to look for signs and watch for his facial expressions."

¶ 24 According to Shell, Dawnetta never accepted responsibility for the beating that led to DCFS's involvement with Kaleb. Dawnetta told Shell, "I spank[ed] Kaleb but it was because he wouldn't tell me the truth, I spank[ed] Kaleb but it was because he was molested by my dad and he wouldn't tell me that he was."

¶ 25 Stephanie Covarrubias of One Hope United worked on Kaleb's case from March 2015 to January 2016. Covarrubias testified that at a team meeting with Dawnetta in June 2015, Dawnetta "was yelling through out much of the *** meeting, not really letting anybody else discuss anything. So, at that point, we had needed to end the *** team meeting because we

couldn't really get anywhere." The team rated Dawnetta's progress as unsatisfactory due to her inability to regulate her emotions and her inability to understand and address the conduct that led DCFS to intervene in the case. Covarrubias said, "There were times where [Dawnetta] could be extremely appropriate with [Kaleb]. And they would have great times. There would be lots of laughter. They appeared to have a great bond." But Covarrubias added:

"[Kaleb] often looks to me during visits and [Dawnetta] did not like the fact that he looked at me during visits. I had asked him as to why he does look at me during visits. And he said that sometimes *** he feels uncomfortable. That's why he might look at me to kind of let me know he feels uncomfortable with the current situation."

¶ 26 Covarrubias testified that Kaleb told her he felt safe living in his foster home with Rose.

¶ 27 Janet Sandoval, a foster care manager, testified that she started to work on the case in January 2016, after DCFS transferred the case from One Hope United to ChildLink. The assistant State's Attorney asked Sandoval to identify several documents as the service plans prepared by One Hope United. Dawnetta's attorney objected that Sandoval could not provide the necessary foundation, because she did not work for the agency that created the documents, and she offered no testimony to show that she knew the procedures One Hope United used to create and maintain the documents. The trial court overruled the objection and admitted the documents into evidence.

¶ 28 Sandoval said that Dawnetta had not made sufficient progress in individual therapy for the agency to recommend family therapy. Sandoval said that because Dawnetta remained

unable to regulate her emotions, the agency had never recommended unsupervised visits between Dawnetta and Kaleb.

¶ 29 Dawnetta testified that in August 2014, Kaleb told her Rose intended to take Kaleb to the home of Darnell, Dawnetta's father, for a celebration. Dawnetta testified:

"That made me very angry. *** I called my mom. And I said, You're taking him to grandpa's house? And she hung up the phone. ***

Kaleb was taken out of the room at that time. And I began to cry and I was upset and I was angry. And I said, I told you all and I keep telling my mom, Stop taking my son around my father. I yelled and screamed."

¶ 30 The trial court found that the State proved, by clear and convincing evidence, that Dawnetta failed to make reasonable progress in each of the nine month periods alleged in the State's petition: December 10, 2013 to September 10, 2014, September 10, 2014 to June 10, 2015, and June 10, 2015 to March 10, 2016. The court found Dawnetta unfit as a parent for Kaleb.

¶ 31 Best Interest Hearing

¶ 32 The court next heard evidence on whether termination of Dawnetta's parental rights would serve Kaleb's best interests. Rose testified that her daughter Keisha helped her take care of Kaleb. Kaleb usually stays at Keisha's house from the time he gets out of school until after dinner, when Rose comes home from work. Kaleb sees his cousins every other weekend. Rose admitted that Kaleb loves Dawnetta and looks forward to their visits, and Dawnetta always shows up for scheduled visits.

¶ 33 Sandoval testified that Rose interacted well with Kaleb, and she could provide for Kaleb as he grows. The assistant State's Attorney asked whether Sandoval had talked to Kaleb about where he wants to live. Sandoval answered, "[Kaleb] told me that he wanted to stay with grandma. When I asked him why, he said because grandma can keep me safe; my mom can't." The transcript shows the following:

"[Sandoval:] During my last home visit, I *** mentioned to Kaleb that we were moving toward for him to stay with grandma. He said that he would like that. And then I asked him if he would like to go back to mom. He said no. When I asked why, he mentioned because his mom had told him that once this was over and he was back home with mom, that they were going to move away.

[Dawnetta]: I have a right to tell him that. I have a right to tell him that. I'm his mother.

THE COURT: Stop. Stop.

[Dawnetta]: You all violating my Constitutional rights. I'm in my child's best interest, and I'm coming after you. You're violating my Constitutional rights. Yeah, smile, smile. You're violating my Constitutional rights. I'm in my child's best interest.

THE COURT: *** [Y]ou will have a chance –

[Dawnetta]: And I'm coming after you. You're violating my Constitutional rights. Yeah, smile, smile. I'm in my child's best interest.

THE COURT: What I'm smiling about is I'm hoping that you don't keep talking like that.

[Dawnetta]: I'm in my child's best interest. You all don't scare me. You all don't scare me. You all violating my Constitutional right. Get it on the record.

THE COURT: You will have a right to get what you want on the record. Okay? You just have to let other people testify just –

[Dawnetta]: Let other people lie on me and lie on my child.

THE COURT: I'm going to let you testify. I'm going to let you testify also.

[Dawnetta]: You said I'm unfit. That's what you said. You said I'm unfit, and they showed clear and convincing evidence that I'm unfit.

THE COURT: And, *** as I'm sure your attorney will explain to you --

[Dawnetta]: And that's a lie. And that's a lie.

THE COURT: If I'm wrong --

[Dawnetta]: No, you said it. You are not going on facts. This is rigged. This is rigged. And there's a higher court.

THE COURT: You get to appeal it to a higher court. There is a higher court.

[Dawnetta]: There is a higher court. This is a small court.

THE COURT: I understand. And you can appeal it.

[Dawnetta]: You all have been dogging me since I've been here. I've been here because I need my son.

THE COURT: But part of it, Ms. [W.] --

[Dawnetta]: You all being biased because I'm gay. That's what this whole thing is about.

THE COURT: Ms. [W.] --

[Dawnetta]: My mother's gay. Did she share that with you all?

THE COURT: You won't be able to appeal it unless you finish --

[Dawnetta]: She allowed my child around a pedophile in her house, my father.

THE COURT: You won't be able to appeal unless you let me finish.

[Dawnetta]: All this stuff that happened in her house. I whipped him one time.

He's broken his tooth. He got child pornography. And you all are going to let my mother get my son.

THE COURT: Ms. [W.], do you want to take a break?

[Dawnetta]: No.

THE COURT: Then you have to stop talking so we can finish this.

[Dawnetta]: This is unfair, and it's unconstitutional.

THE COURT: You have a right to appeal, but just let me finish, so you can go ahead and appeal it to the higher court.

[Dawnetta]: You're not going on facts.

THE COURT: Thank you.

[Dawnetta]: Why should I have to appeal?

THE COURT: *** I'm asking you one more time.

[Dawnetta]: It's going to make you look bad, not me.

THE COURT: I understand that. I'll accept that.

[Dawnetta]: I'm going to push it.

THE COURT: Let's try to continue. ***

[Dawnetta]: I get no due process.

THE COURT [addressing Dawnetta's attorney]: *** [I]s there anything I can do for your client?

[Dawnetta]: I'm done. As long as that's on the record everything I said."

¶ 34 Sandoval testified, "Kaleb said that he did not want to move away because he had family that he cared for." On cross-examination, Sandoval admitted that Kaleb had a strong bond with Dawnetta, and he looked forward to their visits.

¶ 35 Yvonne Cordero, case supervisor for ChildLink, testified that Rose provided a safe and appropriate home for Kaleb. Cordero believed termination of Dawnetta's parental rights and adoption by Rose would serve Kaleb's best interests, because "Kaleb has been in the system for way too long."

¶ 36 Dawnetta testified:

"[M]y mother think[s] that Kaleb is her baby. ***

* * *

*** My mother let a known pedophile, her uncle, come and live with us. He molested me. It didn't come out what my father did until after I seen what he did to Kaleb. *** [M]y mother knows this, she constantly let my father come over to the house, buy Kaleb gifts, coats, takes him to the church around my father. ***

* * *

*** She's turning [Kaleb] biased against the fact that I've been gay, and I told my son I have been gay all my life. ***

THE COURT: I thought you just said your mother was gay? Didn't you yell that at me?

THE WITNESS: She is gay, but she's not out gay. ***

* * *

*** My mother set the whole thing up. *** I was doing everything I could to keep him safe. They knew that I didn't want Kaleb around my father. I was at work. I had no idea my son was at my dad's house that day. *** I made a mistake *** [in] how I handled it. ***

*** I made an honest mistake to whip him, but I was hurt because all I thought was he's going to remember this. He's six. He's going to remember. He's going to remember what grandpa did this time. *** And I have been doing everything to correct that with One Hope United. And like I said once again, they didn't do anything to make sure me and my son got reunification."

¶ 37 The trial court found that termination of Dawnetta's parental rights would serve Kaleb's best interests. The court set adoption by Rose as the permanency goal. Dawnetta now appeals.

¶ 38 ANALYSIS

¶ 39 Dawnetta argues on appeal that the evidence does not support the trial court's findings concerning fitness and best interests, and the trial court should not have admitted certain exhibits into evidence.

¶ 40 Exhibits

¶ 41 Dawnetta objected at trial to the State's motion to admit into evidence some service plans One Hope United prepared in 2014 and 2015, a caseworker note from 2014, and an integrated assessment from August 2013. The trial court found the exhibits admissible as business records. The trial court has discretion to decide whether to admit exhibits into evidence, and the appellate court will not disturb the trial court's ruling unless the appellant shows that the trial court abused its discretion and the ruling prejudiced the appellant. *People v. Barnes*, 2013 IL App (1st) 112873, ¶ 41.

¶ 42 Dawnetta argues that Sandoval could not provide the requisite foundation for the documents, because Sandoval had no familiarity with One Hope United's business and its procedures. See *In re A.B.*, 308 Ill. App. 3d 227, 234-35 (1999). However, Dawnetta has not shown any prejudice from the admission into evidence of the contested documents. She identifies the documents, but she does not discuss their contents. The record does not show that the trial court relied on any of the contested documents for its findings concerning fitness and best interests. On this record, we cannot say that the trial court committed reversible error when it admitted the contested exhibits into evidence. See *A.B.*, 308 Ill. App. 3d at 237.

¶ 43 Fitness

¶ 44 The trial court found Dawnetta unfit to act as Kaleb's parent because she failed to make reasonable progress towards reunification with Kaleb in the nine month periods from December 10, 2013 to September 10, 2014, from September 10, 2014 to June 10, 2015, and from June 10, 2015 to March 10, 2016. See 750 ILCS 50/1(D)(m) (West 2012). The appellate court will not reverse the trial court's finding of unfitness unless the finding is

contrary to the manifest weight of the evidence. *In re B'yata I.*, 2013 IL App (2d) 130558, ¶ 29. The State bears the burden of proving unfitness by clear and convincing evidence. *B'yata I.*, 2013 IL App (2d) 130558, ¶ 29.

¶ 45 The Adoption Act establishes that the trial court may find a parent unfit if the parent fails to make reasonable progress towards reunification with her child in any nine month period following the adjudication of her child as neglected or abused. 750 ILCS 50/1(D)(m) (West 2012); *B'yata I.*, 2013 IL App (2d) 130558, ¶ 40. "[R]easonable progress is judged by an objective standard based upon the amount of progress measured from the conditions existing at the time custody was taken from the parent." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067 (2006). "A parent will be found to have made reasonable progress if and only if his or her actions during that period indicate that the court will be able to order that the child be returned home in the near future." *In re Phoenix F.*, 2016 IL App (2d) 150431, ¶ 7. This court should affirm a finding of unfitness if the parent failed to make reasonable progress in any nine month period following the neglect adjudication. *Phoenix F.*, 2016 IL App (2d) 150431, ¶ 7.

¶ 46 All of the witnesses agreed that Dawnetta and Kaleb love each other and share a strong bond. Dawnetta visits Kaleb as much as the court permits. Most of the visits go well. Dawnetta has shown that she will work consistently towards reunification. She completed parenting classes and anger management classes within a few months of the neglect adjudication.

¶ 47 However, the therapists and caseworkers agree that Dawnetta has not made progress controlling her anger, she has never adequately handled the traumas she suffered as a child,

and she has minimized her responsibility for injuring Kaleb. Dawnetta admitted that she learned nothing from the anger management class. Her many outbursts in court show that often she cannot control her anger. At least once, her anger, apparently triggered by reminders of the sexual abuse she suffered as a child, caused her to injure her child severely.

¶ 48 More than three years after the neglect adjudication, Dawnetta has not progressed in therapy to the point that any of her therapists will recommend even unsupervised visits with Kaleb. The trial court found that the State proved, by clear and convincing evidence, that Dawnetta will not be ready to take care of Kaleb in the near future. We cannot say that the manifest weight of the evidence compels a contrary finding. The trial court did not commit reversible error in finding Dawnetta unfit under section 50/1(D)(m) of the Adoption Act.

¶ 49 Best Interests

¶ 50 Finally, Dawnetta contends that the trial court erred when it found that termination of her parental rights would serve Kaleb's best interests. The State bears the burden of proving, by a preponderance of the evidence, that termination of parental rights would serve the child's interests. *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 18. The court should look to all matters bearing on the child's welfare for its best interests determination. *Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19. The Juvenile Court Act instructs the court to consider the child's safety, the child's family and community ties, the child's wishes, and the child's need for stability and permanence. 705 ILCS 405/1-3(4.05) (West 2012). The appellate court will not reverse the trial court's finding regarding best interests unless the finding is contrary to the manifest weight of the evidence. *Tajannah O.*, 2014 IL App (1st) 133119, ¶ 20.

¶ 51 Kaleb, by his actions and words, has shown that he feels safer with Rose than with Dawnetta. Two caseworkers separately testified that Kaleb told them that Dawnetta sometimes makes him feel anxious during their visits, and when he feels anxious, he wants the caseworker to help him regain some control of the situation. A caseworker testified that Kaleb said he wants to stay with Rose because Rose can keep him safe, and Dawnetta cannot. Rose has fostered ties between Kaleb and his cousins. Dawnetta said in court that she intends to move away from the Chicago area with Kaleb. The move would sever the family and community ties that Kaleb values. Most significantly, by the time of the best interests hearing, Rose had acted as Kaleb's primary caretaker for three years. As the case supervisor said, "Kaleb has been in the system for way too long." The trial court found that termination of Dawnetta's parental rights and adoption by Rose would serve Kaleb's best interests. We cannot say that the finding is contrary to the manifest weight of the evidence.

¶ 52 CONCLUSION

¶ 53 Dawnetta did not show that the introduction into evidence of certain exhibits had any prejudicial effect. Dawnetta's conduct during the visits with Kaleb and her outbursts in court support a finding that, within the near future, Dawnetta will not likely gain enough control over her emotions to provide Kaleb the parenting he needs. The court's finding that the State proved by clear and convincing evidence that Dawnetta failed to make reasonable progress towards reunification with Kaleb in the periods from December 10, 2013 to September 10, 2014, from September 10, 2014 to June 10, 2015, and from June 10, 2015 to March 10, 2016, is not contrary to the manifest weight of the evidence. The manifest weight of the evidence also sufficiently supports the finding that termination of Dawnetta's parental rights and

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adoption by Rose would serve Kaleb's best interests. Accordingly, we affirm the judgment of the trial court terminating Dawnetta's parental rights with respect to Kaleb.

¶ 54 Affirmed.