2017 IL App (1st) 170603-U

FOURTH DIVISION
October 19, 2017

No. 1-17-0603

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

In re Z.Y. and A.Y.,	)	Appeal from the
	)	Circuit Court of
Minors-Respondents-Appellees,	)	Cook County.
	)	
	)	
	)	Nos. 14 JA 482
	)	15 JA 361
	)	
(People of the State of Illinois, Petitioner-Appellee v.	)	
Sean Y., Father-Respondent-Appellant).	)	Honorable
	)	Rena Van Tine,
	)	Judge Presiding.

JUSTICE ELLIS delivered the judgment of the court.
Presiding Justice Burke and Justice McBride concurred in the judgment.

ORDER

¶ 1 *Held*: Trial court's findings that the father was unfit because he had failed to make reasonable progress toward the return of child was not against manifest weight of evidence. Trial court's finding that child's best interests were served by termination of father's rights was not against manifest weight of evidence.

¶ 2 Respondent father appeals the trial court's determination that he was unfit for failing to make reasonable progress toward the return of his minor children, Z.Y. and A.Y. We affirm the trial court's finding of unfitness, because the State proved by clear and convincing evidence that he failed to make reasonable progress toward the return of Z.Y. and A.Y. We also affirm the trial

court's finding that the interests of both children were best served by terminating respondent's rights, as the trial court's findings were not against the manifest weight of the evidence.

¶ 3 I. BACKGROUND

¶ 4 Respondent Sean Y. (respondent) and Laura G. are the biological mother and father to the two children involved in this appeal: Z.Y., a three-year-old girl, and A.Y., a two-year-old boy. Laura has been incarcerated since July 2015, expecting to be released in January 2018.

¶ 5 Respondent had three children with different partners when he was younger, one of whom is Stephanie. Respondent also had three more children later in life with Laura: E.Y., Z.Y., and A.Y. Now an adult, Stephanie looks after E.Y. and is currently guardian to Z.Y. as well. She has cared for Z.Y. since birth and plans to adopt him if the court allows. Also living in the house with Stephanie is her own biological child, Brittany Y.

¶ 6 Since a few days after his birth, A.Y. has been in the care of married foster fathers Mark W. and Brian N. Also living in that house is an eight-year-old foster brother, with whom A.Y. gets along well. Mark and Brian plan to adopt A.Y. if the court allows. They also coordinate with Stephanie to arrange sibling visits between Z.Y. and A.Y.

¶ 7 Late in May 2014, the State filed a petition for adjudication of wardship concerning Z.Y. As it relates to respondent, the petition alleged that the parents had ongoing domestic violence issues with each other, some of which had occurred while the mother was pregnant with Z.Y. Moreover, it alleged that not only had respondent been inconsistent with services for substance abuse treatment, individual therapy, and domestic violence classes, but respondent had tested positive for illegal substances twice in December, 2013, and had missed several random urine drops. Although paternity had not yet been established for Z.Y., respondent was allowed supervised visits. The mother was incarcerated at that time.

¶ 8 On January 8, 2015, the trial court issued an Adjudication Order finding Z.Y. neglected due to an abusive or injurious environment inflicted by her parents. This finding was based on stipulated testimony from Piper Caldwell (Caldwell), a caseworker working with Z.Y.'s brother E.Y. since September, 2013. Caldwell would have testified that respondent was inconsistent with three different services: substance abuse treatment, individual therapy, and domestic violence classes. The only services he completed were for anger management and a sixteen-hour parenting class.

¶ 9 Also stipulated was that Caldwell requested ten random drops, or drug tests, from respondent between December 2013 and March 2014. He missed eight of them. The two he did submit to tested positive for marijuana, but respondent maintained that they were not accurate.

¶ 10 Caldwell also would have testified that she observed, and was told by the mother of, incidents of domestic violence between the mother and respondent, some of which occurred during her pregnancy with Z.Y. While on the phone with the mother, she heard arguments and physical altercations between mother and father. One call in particular, on October 22, 2014, led Caldwell to call 9-1-1. Caldwell believed the parents were living together, and she tried working with the mother to find suitable alternative housing.

¶ 11 A Disposition Order for both Z.Y. and E.Y. was entered on January 8, 2015, the same day as Z.Y.'s adjudication. The trial court found both parents unable to care for them, and they were placed in the guardianship of the Department of Children and Family Services (DCFS).

¶ 12 On April 10, 2015, a petition for adjudication of wardship was filed for A.Y., alleging he was neglected based on an environment injurious to his welfare, and faced a substantial risk of physical injury. The petition alleged that, though domestic violence services were ongoing, the parents had a history of domestic violence against each other. It also alleged the mother tested

positive for marijuana while pregnant with A.Y., and that respondent had failed to complete an updated substance abuse assessment and was non-complaint with treatment. Both parents were allowed only supervised visit with their children in DCFS guardianship.

¶ 13 An Adjudication Order for A.Y. was entered on October 5, 2015, citing neglect based on an injurious environment, and abuse based on a substantial risk of physical injury. The order also found that the parents had not completed or made substantial progress toward reunification with A.Y.'s siblings, nor did either establish stable housing.

¶ 14 On the same day, the trial court also entered a Disposition Order for A.Y., making him a ward of the court. Respondent appealed the adjudication and disposition orders, but the appellate court issued a summary order affirming the trial court.

¶ 15 On July 18, 2016, the trial court entered a permanency goal, for both Z.Y. and A.Y., of substitute care pending court determination on termination of parental rights.

¶ 16 On September 6, 2016, the State filed Motions for the Appointment of a Guardian with the Right to Consent to Adoption. They alleged that respondent was unfit for two reasons: "Ground b," "for failing to maintain a reasonable degree of interest, concern, or responsibility for Z.Y. and A.Y.'s welfare"; and "Ground m," "for failing to make reasonable efforts to correct conditions that were the basis for their removal or to make reasonable progress toward their return within any 9 month period after adjudication." 750 ILCS 50/1(D) (West 2014). The State also recommended that it was in the best interests of both children to terminate parental rights and appoint a guardian with the right to consent to adoption.

¶ 17 A proceeding to terminate a party's parental rights under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2014)) occurs in two stages. First, the State must establish that the parent is "unfit to have a child" under one or more of the grounds in the Adoption Act. *In re*

D.T., 212 Ill. 2d 347, 352 (2004); see 750 ILCS 50/1(D) (West 2014) (setting out bases for finding of unfitness). At the unfitness hearing, the State bears the burden of proving, by clear and convincing evidence, that the parent is unfit to have a child. See *In re D.W.*, 214 Ill. 2d 289, 315 (2005); *In re D.T.*, 212 Ill. 2d at 366. The reason for this heightened burden of proof is rooted in the notion that "the right of parents to control the upbringing of their children is a fundamental constitutional right." *D.W.*, 214 Ill. 2d at 310.

¶ 18 If the trial court finds the parent to be unfit, the proceedings advance to the second stage, where the court determines whether it is in the best interests of the minor for the parent's rights to be terminated. *D.T.*, 212 Ill. 2d at 352. At the best-interests hearing, the burden of proof is the lower preponderance-of-the-evidence standard. *D.W.*, 214 Ill. 2d at 315; *D.T.*, 212 Ill. 2d at 361. A lower standard is appropriate because, once the State proves parental unfitness, the focus shifts to the child, and the interests of parent and child diverge. *D.W.*, 214 Ill. 2d at 315.

¶ 19 In this case, the court conducted the unfitness hearing on February 1 and 2, 2017, and the best-interests hearing on February 2 and 6, 2017. The results of each hearing are challenged on appeal, and thus we will consider them separately.

¶ 20 A. Unfitness Hearing

¶ 21 1. *Live Testimony*

¶ 22 a. Piper Caldwell

¶ 23 As noted above, Piper Caldwell is a caseworker with the Hephzibah Children's Association who was assigned to the family's case beginning September 2013. When Z.Y. and A.Y. came into the system, she asked respondent to complete a variety of services, namely for substance abuse, domestic violence, individual therapy, and parent coaching. He successfully completed services both for substance abuse and a referral for a partner abuse intervention

program (PAIP) at Salvation Army. He did not, however, complete services for individual therapy or for two later referrals for domestic violence services.

¶ 24 Caldwell indicated that the relationship between respondent and the mother ended in November 2014. But she began referring respondent for domestic violence services in 2013 for the PAIP program at Sarah's Inn. He failed to complete this program due to lack of attendance.

¶ 25 Caldwell referred respondent to another PAIP program in 2014, this time at the Salvation Army, and successfully completed the program. But Caldwell also testified that this program did "not assess whether the client has internalized the concept," just whether they completed the course successfully. So, conducting her own assessment, Caldwell discovered that respondent "was unable to express what he had learned in relation to himself." Respondent also remarked that he did not have to tell her what he learned from the Salvation Army PAIP.

¶ 26 Because of this conversation, in June 2015 Caldwell again referred respondent for domestic violence services with Dr. Douglass at Gilead Behavioral Health (Gilead), where respondent already was receiving individual therapy as well. A month later, respondent reported to Caldwell that he was responding well to Dr. Douglass's approach, and that the mother's behavior during their relationship—paranoid thought, delusions, and some possible hallucinations—was what "made him put his hands on her." Despite this self-described progress, respondent did not successfully complete domestic violence services at Gilead, and was discharged in April 2016 due to lack of attendance in therapy and domestic violence counseling.

¶ 27 In June 2016, Caldwell recalled two more incidents where respondent used aggressive language with her, suggesting that he could talk to her in whatever manner he chose as long as his children were not present. Based on her training and experience, she believed respondent felt he could talk to her in this manner because she was alone. As such, Caldwell referred respondent

for domestic violence services with a PAIP for a third time, but respondent did not complete the program. She testified that she did not refer respondent for anger management courses, because that service is not available for someone suspected of perpetuating domestic violence.

¶ 28 Caldwell first noticed that respondent had begun a relationship with a new woman in December 2015. The bottle of shampoo she found on the bathroom counter seemed out of place to Caldwell, since respondent shaves his head. Respondent at first denied her existence, but later admitted through a text message that he had been seeing a woman named Amanda G. (Amanda) for almost a year. Because the relationship was becoming serious, he wanted to involve her in the case with his children, and possibly even to have Amanda watch the kids while he was at work. Amanda subsequently participated in a child and family team meeting in January 2016 and in a supervised visit in March 2016.

¶ 29 Beyond those events, however, Amanda had no further involvement in respondent's visitations or services, as the relationship ended in "March or April 2016." Respondent told Caldwell that Amanda was terminally ill, and he felt he would not be able to adequately care for her. But when Caldwell was conducting a routine search ahead of a permanency planning hearing, she obtained police reports indicating three 911 calls involving altercations around Amanda. When confronted by text message, respondent denied the validity of those reports and stated that Caldwell should not have obtained them. Caldwell determined that respondent was not arrested or convicted in relation to these incidents.

¶ 30 Because of these events, Caldwell questioned respondent's honesty regarding Amanda's terminal illness. Respondent remarked that Amanda "had been drunk or high most of the time and he did not think that was appropriate to be around the children," but still maintained that Amanda was dying.

¶ 31 In addition to treatment for domestic violence, Caldwell testified that respondent was receiving individual therapy at Gilead. And for a time, he was making "significant progress," but that progress stalled around January 2016 due to his lack of attendance. After these services ended, Caldwell referred respondent to two other locations for individual therapy—Thrive Counseling Center and Cicero Family Services. But due to some confusion in June 2016, respondent could only be placed on the waiting list at Thrive, and was unable to take advantage of services at Cicero Family Services.

¶ 32 Respondent did, however, seek treatment from another provider, Sarah Litz (Litz), but neglected to mention it to Caldwell. Nevertheless, Caldwell discovered the treatment through an assessment of his parenting capacity. But when she sent respondent a blank release of information form so that she could receive treatment information from Litz, Caldwell never received a response.

¶ 33 Caldwell also testified regarding respondent's parent-child visitation schedule and his interactions with his children. Respondent was participating in weekly three-hour visits as of January 2015. In May 2016, however, the worker supervising one of those visits observed respondent "shov[ing] a wet wipe in [Z.Y.]'s mouth because she was yelling." Caldwell spoke with respondent soon after. Respondent agreed that that action was not appropriate, but denied having done it, and stated that he would not do that.

¶ 34 When asked how he handles Z.Y.'s tantrums, Caldwell testified that respondent's reaction to these tantrums would vary depending on the reason for the tantrum. If the tantrum was the result of being accidentally hit by a sibling, for instance, respondent would pick up Z.Y. and hug her. But if it was the product of impatience because a juice box was not opened quickly enough, respondent would redirect Z.Y. verbally, telling her to stop screaming and to be quiet.

¶ 35 In April 2016, E.Y., another son of respondent, informed Caldwell over the phone that "daddy spanked me hard" in the bathroom at the library. Caldwell spoke with respondent, letting him know that while it is possible a three-year-old could make up such a story, the issue is still a concern nonetheless. Moving forward, respondent was informed that Caldwell would supervise all diaper changes and bathroom time just to be sure none of the children had an opportunity to make similar statements. E.Y. made no further reports of spanking.

¶ 36 As the result of an incident in June 2016, respondent's visitation schedule had to be changed from Saturday visits to a weekday arrangement. During a mediation session, respondent made verbally aggressive statements toward Caldwell, such as: referring to her as the devil, accusing her of "lying through [her] blue eyes," and stating that he would do anything to get her off his case. So Caldwell no longer felt safe to supervise weekend visits alone. And because staffing levels were not sufficient to support two staffers on Saturdays, respondent's visitation needed to be moved to a weekday, so a second worker could be present.

¶ 37 At first, respondent respected this decision, and even suggested a time on Wednesday afternoons. But about ten minutes after the initial dialogue, respondent called Caldwell individually and, in an "aggressive tone," told her "that he would not be losing his Saturday visits, that he would not be participating in visitation during the week," and that the previous plan would not work. Caldwell testified that when she pointed out the change in his tone, respondent replied that it shouldn't matter if his kids were not present. He also did not provide alternative times for a new visitation arrangement.

¶ 38 Respondent's last Saturday visit was June 4, 2016. Caldwell testified that visitation was reduced from weekly to monthly when the goal changed to substitute care pending court determination on termination of parental rights. Respondent was given the option to choose any

time of any day during the week, but he informed Caldwell a month later that he would not allow weekly visitations to interfere with his work schedule. He did participate in a visitation in mid-June, but canceled on two others, citing sickness and work. He has, however, participated in every monthly visit since August 2016.

¶ 39 Caldwell testified that although her agency had discretion to allow respondent unsupervised visits with his children, respondent was unable to obtain it for either Z.Y. or A.Y. In her opinion, there were ongoing concerns regarding respondent's honesty with Caldwell, his history of domestic violence, and ability to control his anger. These concerns meant Caldwell "could never fully assess whether he would be able to provide the minors with a safe environment."

¶ 40 Caldwell also testified that respondent enrolled in a parent coaching course, completing a class with Circle Family Care in late May 2013. But despite completing this course, Caldwell still had concerns regarding respondent's ability to redirect and supervise all of the minors—Z.Y., A.Y., and E.Y.—at the same time, including an inability to be consistently affectionate with them. For instance, Caldwell was able to recall three occasions when she needed to remind respondent not to lift the children into their strollers by just one arm. So Caldwell referred respondent for parenting coaching with the Mary & Tom Leo agency, and he began that program in April 2016.

¶ 41 Respondent also participated in and completed services for substance abuse. Caldwell testified that respondent tested positive for drugs twice in September 2015, and once in August 2015. Caldwell spoke with respondent after the test in August, but he did not acknowledge using drugs. He had a test in July 2015, but it was rendered invalid due to a broken seal. Respondent

did not acknowledge that he had broken the seal, either. Caldwell did say, however, that all tests were clean after September 11, 2015.

¶ 42 b. Sarah Litz

¶ 43 Sarah Litz is a therapist with the Courage to Connect Therapeutic Center. Litz testified that she provided respondent with weekly individual therapy at the Center for ten to twelve sessions between June 2016 and November 15, 2016. After November 15, they took a break with sessions so respondent could catch up on paying his bills for these services—services for which he was paying on his own—but he committed to resuming them the following week.

¶ 44 At the start of the therapy, Litz established two treatment goals: to continue to build a positive relationship with his children and to work through issues of custody and parental rights. Litz testified that it took three to four weeks to establish a trusting therapeutic relationship with respondent. And despite characterizing him as "very engaged" and "open and honest" with her, she wrote a note in June 2016 that respondent still "was vague on many details of his past." Nor was she ever able to get those details during treatment sessions, either. Litz did not feel, however, that incomplete details of respondent's past restricted her ability to provide him individual therapy, because, overall, she felt respondent "was very forthcoming with what was happening in his life at the moment."

¶ 45 Relative to his drug use, respondent acknowledged to Litz that he made mistakes in the past, but as of June 2016, had not tested positive for about a year. He later admitted to Litz that he had tested positive "once or twice," but he said they were false drops, and that he had completed drug treatment. For her part, Litz testified that she never observed respondent to be under the influence of illegal substances, that she asked him whether he was abstaining from illegal substances, and that she believed his denials.

¶ 46 Litz testified that she was under the impression respondent's treatment for domestic violence was complete, even though she never saw the certificate indicating completion. She noted that he "appropriately" expressed frustration with the court process, such that he felt he was "following through on everything that was asked of him and still feeling like it was difficult to make any progress." Respondent admitted he experienced issues with anger in the past and acknowledged that he was forced to completed domestic violence services because the children's mother claimed he slapped her, despite his denials. Despite these reflections, however, respondent neglected to share with Litz that he had a continuing need for domestic violence services, nor did he accept or acknowledge any of his own faults regarding domestic violence issues.

¶ 47 c. Laura G.

¶ 48 Laura G., the mother of Z.Y. and A.Y., testified that she and respondent were secretly living together at his house. Exactly which period that was is difficult to establish from the record, but at some point, respondent told her she needed to move out. Laura admitted she became incarcerated beginning July 2015, and is scheduled for release on January 8, 2018.

¶ 49 2. *Exhibits*

¶ 50 The State submitted eleven exhibits in total, seven of which pertained to respondent or E.Y. These seven exhibits included client service plans and Court Reports, as well as reports from the various social service providers with which respondent engaged.

¶ 51 From these providers, and relative to respondent, the trial court admitted: reports from the Cook County Juvenile Court Clinic (CCJCC) by Dr. Anne Devaud, the evaluating psychologist; records from Mary and Tom Leo Associates, Inc., for parent coaching; documents from Fortes Laboratory, for drug testing; and notes from Litz from the Courage to Connect Therapeutic

Center, for individual therapy. Copies of the adjudication, disposition, and termination orders concerning E.Y. were also included. We will discuss the report from Dr. Devaud of the CCJCC and the records from Mary and Tom Leo Associates, Inc., as testimony from the others has already been mentioned.

¶ 52 a. Dr. Devaud's Report

¶ 53 Dr. Devaud centered her clinical summary of respondent around the four questions posed her by the court: 1) What are the protective factors and parenting strengths of respondent, as well as his risk factors and parenting weaknesses?; 2) What is recommended to decrease the risk factors and parenting weaknesses?; 3) What is the likelihood respondent will make the gains necessary to achieve his goal of Return Home?; and 4) If the goal remains Termination of Parental Rights**,** or is changed back to Return Home within twelve months, what impact might this have on Zenea and Aiden, and what is recommended in this situation?

¶ 54 Dr. Devaud first listed several strengths. Respondent appears to have a "fond relationship" with both Z.Y. and A.Y., and they seem to enjoy time with him. He also successfully completed parenting classes through Circle Family Care, displaying a genuine care and concern for his children, with the primary goal to reestablish himself as their primary caregiver. Scores on his parenting assessment were within the normal range. And during a parent-child observation session, Dr. Devaud noticed that respondent was able to monitor Z.Y. and A.Y. appropriately, which involved feeding them at a library and supervising their play at a public park.

¶ 55 She also noted that per records from Caldwell, respondent has had negative toxicology reports since October 2015. Moreover, respondent insisted that the positive drops were in fact "dirty," and that he was taking sobriety seriously. Dr. Devaud indicated that Litz, his therapist,

believes that "at first, he stopped because he was told to, but now I think he knows it's in his best interest not only for him, but also for his family…[H]e has *insight* into how it's good that he stopped."

¶ 56 The report also notes that respondent maintains stable employment and housing—recently purchasing a two bedroom house in Chicago and working as a truck driver for years. Dr. Devaud observed that respondent seemed to enjoy discussing work and the fulfillment he felt when training others. This stability in residence and employment, according to Dr. Devaud, "increases the likelihood that the children's basic needs for shelter, clothing and food will be met."

¶ 57 But Dr. Devaud also listed a number of risk factors and parenting weaknesses hindering respondent's goal of Return Home. According to her, respondent "does not appear to genuinely integrate what he has addressed in therapy and sessions at Gilead," with Litz, or from the Salvation Army's domestic violence PAIP program. Moreover, respondent "seemed to minimize issues regarding problems in relationships, conflict aggression and domestic violence," and that "his credibility was poor regarding those topics." Dr. Devaud also wrote that even after four years of therapy and participation in domestic violence programs, respondent still opts for "hostile and aggressive manners," instead of "demonstrat[ing] that he can consistently apply the skills" he was taught.

¶ 58 These conclusions were further reflected in his "poor judgment regarding other's coping skills," particularly how an intimate partner could impact the well-being of his children. By his own admission, respondent's previous three partners abused substances, one of which was Laura G. He knew they had these tendencies, but decided to have two more children with Laura G. anyway (Z.Y. and A.Y.), and sought to involve Amanda, his most recent girlfriend, with

babysitting duties. These facts led Dr. Devaud to emphasize that "[p]otentially violent, substance abusing paramours could place the children in danger and/or lead to them to be neglected."

¶ 59 Given his choice of unstable relationships, it was not difficult for Dr. Devaud to conclude that respondent's parenting skills going forward are "unknown," and "his parenting history and experience are poor." She notes respondent did not independently raise any of his four oldest daughters for a significant length of time, often relying upon a relative to actually administer care while he merely assumed legal custody. She also indicated that respondent has yet to demonstrate an interest in getting to know his children as unique individuals, often struggling to offer "consistent affection and praise." Nor does he talk with her "about his fondness for, and joy with, his children."

¶ 60 Dr. Devaud also determined that respondent is not trustworthy. She notes he initially lied to Caldwell about having a former girlfriend, Amanda, living with him, only to disclose later that she was. Respondent also was reminded to refrain from having contact with the children's mother, but it was later discovered she was living with him, despite his previous denials. Given this history, it is unsurprising that he was "not fully honest when interviewed by [Dr. Devaud], stating that the police were never called in the Merillville incidents and that [Laura G.] did not use substances. [Respondent] appears to deny and distort information to suit his own needs and align with what he believes will be perceived positively." Dr. Devaud further concludes that "he may not be forthcoming about how he is caring for the children, his treatment of the children, about the environment they are in, and/or if they are injured in some way. It is likely he will be secretive with information, leading to the children not obtaining the care and comfort they need for adequate development."

¶ 61 And finally, should this case be closed, Dr. Devaud believes respondent is likely to use marijuana again. She also wrote that respondent tended to minimize his past use and its impact, which tracks with Caldwell's suspicion that respondent was using another individual's urine for his drops. These concerns, coupled with his propensity for dishonesty, "lead to a likelihood that, should he not be monitored, he will return to using marijuana to cope. Impaired judgment while using marijuana could place the children in danger or lead to them being neglected."

¶ 62 Dr. Devaud recommended a number of action items, under question two, that could decrease respondent's risk factors and parenting weaknesses, but also stated it is "unlikely [he] will genuinely make progress." Generally, these recommendations centered on face-to-face therapy with Litz to address, among others: his history of domestic violence and violent reactions; his understanding of how domestic violence negatively impacts children; his relationship with Z.Y.'s guardian and his daughter, Stephanie; positive parenting skills and non-physical disciplining skills; and to provide the court with detailed reports on his progress in these areas. She also recommended respondent continue random urine drops to ensure his sobriety.

¶ 63 In response to question three—to assess the likelihood respondent will be able to make the above gains for a goal of Return Home—Dr. Devaud acknowledges that respondent seems to have a fond relationship with the children, and they appear to enjoy their time with him. He has demonstrated parenting skills at times, and his toxicology report has been clean since October 2015. And as stated above, he was able to find stable housing and employment.

¶ 64 But ultimately, she concludes that he does not appear to genuinely integrate into his daily functioning what he has addressed in therapy and in domestic violence programs. She further determined that he has been consistent only in that he has shown poor judgment regarding intimate partners and in his disregard for honesty. She believes he is likely to use marijuana

again, and that "the risk factors are more significant that the protective factors and there is poor likelihood that [respondent] will be able to make the gains necessary to achieve a goal of Return Home."

¶ 65 For her final question—to assess the impact on both Z.Y. and A.Y. regardless of the outcome—Dr. Devaud starts with the scenario under termination of parental rights and concludes that the impact on both children would be positive. They have been with their current caregivers since birth, and experience "healthy and secure attachments to them." They "appear to be well-adjusted, happy children who seem to be thriving in their current placements," and their overall development is "quite good."

¶ 66 But if the goal is changed to Return Home within twelve months, Dr. Devaud concludes that the impact on Z.Y. and A.Y. would be negative. She writes that a placement with respondent would be very difficult for the children and "could place them at risk for abuse or neglect." Quoting testimony from Caldwell, Dr. Devaud writes that a Return Home goal would be "*very* hard on both of the children…It would be earth-shattering for [A.Y]. He enjoys visits with Dad, but I don't think he's bonded with Dad." Echoing her responses to question number two, she again recommends "increased successful visits with no unusual incidents, and eventual family therapy to assist in the significant transition for the children and to support respondent."

¶ 67 b. Records from Mary and Tom Leo Associates, Inc.

¶ 68 The coaching report provided by this agency was done by Alexandra Bull. It states that respondent was inconsistent in engaging with their services, attending only four sessions. It also indicates he rarely showed affection towards his children. It does note, however, that respondent possesses the ability to provide concrete items for his children, such as meals. But on several

occasions, respondent would ignore Bull's recommendations during sessions, indicating "his unwilling[ness] to engage in services and begin to change his worldview."

¶ 69 Bull wrote that respondent would demonstrate other behaviors that were concerning as well. He seemed to be on his best behavior when the therapist was present but would act inappropriately outside of session. Moreover, because his case came to the agency due to a risk of physical harm, the inappropriate behavior respondent demonstrated "could be threatening and cause harm to his children."

¶ 70 She recommends, generally, that he begin services for domestic violence abuse counseling and anger management, because he has been abusive to his children and Caldwell. And should he not do so, it is Bull's opinion that respondent "may be a harm to his children, himself, and others." Additionally she recommends he enroll in an anger management program that focuses on "people that cannot communicate effectively without using physical or verbal abuse. And if supervised visits are to continue, the supervisor "needs to create a safe environment for the children."

¶ 71 3. *Unfitness Ruling*

¶ 72 The trial court found respondent unfit under Ground m, for failing to make "reasonable progress towards reunification within any of the nine month time periods pled in [Z.Y.]'s petition or in [A.Y.]'s petition," and unfit under Ground b, for failing to maintain a reasonable degree of interest, concern or responsibility as to Z.Y.'s and A.Y.'s welfare.

¶ 73 In her finding under Ground m, the judge determined that respondent had not internalized what he was taught. Even though the PAIP service administered by the Salvation Army was unable to completely assess respondent's degree of internalization, she stated that evidence of his aggression manifested itself soon enough against his caseworker, Caldwell. She also looked to

the totality of the evidence, finding "neither parent got to the point of the caseworker being able to implement unsupervised visitation for them and not one single service provider that they were working with were [*sic*] not recommending unsupervised visitation for them I find they have not made substantial progress." Respondent needed to make reasonable progress between January 8, 2015 and July 8, 2016, but was unable to do so.

¶ 74 Relative to Ground b, the judge observed that both parents are clearly interested in their children, evidenced by showing up to court and in their contest of the proceedings. And respondent has made efforts to interact with his children. But ultimately, the judge determined that respondent's efforts at responsibility were not consistent enough to maintain his status as a fit parent. And because Ground b is "phrased in the disjunctive," a finding of a lack of responsibility was sufficient to be found unfit under this Ground.

¶ 75 Moreover, the judge found Caldwell to be a "highly credible witness." She noted that she is not a newly assigned caseworker, but has been working with the family since August 2013. She was found to come across as a caring caseworker who gave the family its best shot at reunification. And the judge found Caldwell gave respondent every chance, but he was just not able to sufficiently internalize the services she recommended.

¶ 76 B. Best Interests Hearing

¶ 77 1. *Piper Caldwell*

¶ 78 Caldwell testified that Z.Y. was placed in the care of her adult sister, Stephanie. Now two years old, Z.Y. has resided with Stephanie since she was three days old. Stephanie lives with another adult sister Brittany Y. and Z.Y.'s little brother, E.Y. Having visited the home at least monthly, Caldwell affirmed that the home was always kept clean and neat, and the children

never displayed any signs of abuse, neglect, or corporal punishment. And when Stephanie is at work, Z.Y. attends a daycare called KinderCare.

¶ 79 Caldwell also observed that Z.Y. can be difficult at times, especially at daycare. Stephanie has confronted this issue by arranging individual therapy for her in both the home and at daycare so Z.Y. can express her needs more appropriately. According to Caldwell, Stephanie is "very nurturing" towards her, and is "excellent" at anticipating her needs. Z.Y. is strongly attached to Stephanie and calls her "Mommy." And notably, Stephanie intends to provide permanency for Z.Y.

¶ 80 Caldwell testified that A.Y., age one, was placed in the home of licensed non-relatives Mark W. and Brian N. at only a few days old, and has shared this home with an eight-year-old foster brother since April 2015. When the foster parents are working, a family friend watches A.Y.

¶ 81 Caldwell stated that she visited this home three times a month and found it to be always "very clean and appropriate," with the house baby-proofed and sharp corners featuring little bumpers. And after observing the foster family on several occasions, she has found A.Y. to be "very strongly bonded" to his foster parents, referring to Brian as "deda" and Mark as "poppa." A.Y. looks to both of them to provide for his needs, and the foster parents intend to provide permanency for him.

¶ 82 There was one incident in January 2017 when A.Y. had to be rushed to the emergency room. Apparently, A.Y. had hit his head on the radiator. After administering first aid, his foster parents then took him to the emergency room to get two staples to close the wound. Caldwell testified that she was notified about the incident on the way to the hospital. But she did emphasize that there have been no signs of abuse, neglect or corporal punishment.

¶ 83 Caldwell's conclusion was that it is in the best interests of both Z.Y. and A.Y. for respondent's parental rights to be terminated. They have been in foster care since birth, and respondent has not made significant progress in a timely manner.

¶ 84 2. *Stephanie Y.*

¶ 85 Stephanie testified that she is respondent's daughter and Z.Y.'s half-sister. She also confirmed that her home included her own one-year-old son, Z.Y.'s brother E.Y., and 28-year-old Brittany Y., who is another adult half-sister to E.Y. She has been active in taking Z.Y. out into the community, such as seeing friends and family, visiting the zoo and the park, and going to various restaurants. Stephanie conveyed that she has a good relationship with A.Y.'s foster parents, and that Z.Y. would participate in sibling visits with A.Y.

¶ 86 She testified that she is open to allowing Z.Y.'s mother and father to see Z.Y. But she also was hesitant to do so until there was a mutual understanding with respondent that she is Z.Y.'s primary caregiver and an adult herself.

¶ 87 Stephanie indicated that she plans to be open with Z.Y. about the fact that she is her biological sister, and would provide her with any information Z.Y. wanted about her father. She emphasized that Z.Y. calls her "Mommy," and fully intends to provide her with permanency.

¶ 88 3. *Respondent*

¶ 89 Respondent's testimony centered on his relationship with Stephanie—more pointedly, the lack thereof. He said when he reaches out and asks about the children, Stephanie just will "shortly give a description of what she's doing with the children." He also states that he is not allowed to attend family functions, and often is unaware they are even occurring.

¶ 90 For example, he did not learn until "probably like a week later" that E.Y. had a birthday celebration at Chuck E. Cheese, even though his parental rights for E.Y. had already been

terminated. When he encountered Stephanie at a family funeral, he asked if he could get E.Y. a gift. According to respondent, she just walked away from him.

¶ 91 Respondent testified that he believed that if his parental rights were terminated, he did not feel his "affectionate relationship" with Z.Y. would continue. He feels that his lack of a relationship with Stephanie, amplified by his perception of her attitude towards him as disrespectful, is a significant impediment to any growth of a relationship with Z.Y. He also believes that because Stephanie just had a child of her own, she does not have the requisite experience to raise a child.

¶ 92 Respondent continued by alluding, generally, to other episodes of their relationship. He maintained that if he speaks to her, it is with the same respect as if he were addressing the court. He states that Stephanie does not respond to his text messages, and he has tried to talk with her when others are not nearby, but nothing seems to get them to connect. And according to respondent, Stephanie has made "aggressive" comments about him, such as being a drug user, and has warned family members not to associate with him or risk being "un-fac[ed]" on social media.

¶ 93 Attempting to indicate his capacity for responsibility, respondent recalled that, when he was nineteen years old, he was able to get his older children out of the DCFS system and placed with family. He continued, emphasizing that he could have placed Z.Y. with someone other than Stephanie, but he "let them be placed with [her]." As such, he does not understand where the animosity from her has originated, particularly over the last few years.

¶ 94 4. *Mark W.*

¶ 95 Mark W. testified that he is married to Brian N. They have arranged their work schedules so that they are home with A.Y. all but two days a week. On those days, he is cared for by a

family friend that has been helping to look after him since he arrived in Mark and Brian's home. According to Mark, when he comes home from work, A.Y. starts jumping up and down and calls him "Poppa," and is the person to whom he runs if unhappy or needs something during the night. He also stated that they are consistent with taking A.Y. to do community activities, such as going to the park to climb, to the zoo, and to the aquarium. A.Y. also knows both Mark and Brian's parents, and Mark says they love him.

¶ 96 Mark agreed that he and Brian have a positive relationship with Stephanie, and they have coordinated sibling visits at least once a month. Both families even went on a weekend vacation together, and Mark and Brian have been welcomed into Stephanie's family. Moreover, A.Y. and his foster brother have a "really adorable relationship," and enjoy playing together.

¶ 97 Mark testified that they plan to develop A.Y.'s Hispanic and African-American heritage by visiting regularly with A.Y.'s family. He also noted that he speaks to A.Y. in Spanish at home.

¶ 98 Mark indicated that they met respondent twice previously but did not currently have a relationship with him. But he did say they might be open to visits with him when they are at family events, if his family felt it was appropriate.

¶ 99 Mark and Brian intend to adopt A.Y. if the court allows.

¶ 100 5. *Best Interests Ruling*

¶ 101 The trial court found that, considering the children's ages and developmental needs, it was in the best interests of both Z.Y. and A.Y. to terminate respondent's parental rights. The court again found the testimony of Caldwell to be highly credible.

¶ 102 Relative to Z.Y., the court found him to be situated in a loving home, and Caldwell observed Stephanie to be very nurturing toward him. Z.Y. had a strong, mutual bond toward her as well. And Stephanie planned to provide permanency for him.

¶ 103 The court acknowledged that Stephanie did have outstanding issues with respondent but commented that it was possible they would improve after she adopted Z.Y. Moreover, Stephanie indicated she is willing to have contact with respondent as long as she was the one controlling the situation, with respondent giving her boundaries full respect.

¶ 104 For A.Y., the court also found him to be fully bonded to his foster parents. Mark had facilitated a visiting situation with Stephanie and Z.Y. to nurture the sibling bond, even coordinating for a weekend vacation together. The court accepted his description of the radiator incident, and acknowledged that "it was taken care of well."

¶ 105 The court determined that the foster parents were in the best position to promote the children's physical safety, well-being, and development of their individual identities. The children feel safe with them, attached to them, and loved by them in the only homes they have ever known. Perhaps most importantly, the court found that the foster parents wanted to adopt each child, respectively, providing them with much needed permanency and stability.

¶ 106 In the termination order, the court appointed a guardian with the right to consent to the adoption of the children.

¶ 107 Respondent filed this appeal.

¶ 108 II. ANALYSIS

¶ 109 Respondent challenges the results of both the unfitness hearing, both Ground m and b, and the best interests hearing. But because the grounds for unfitness are independent of one another, we will affirm the trial court's judgment if the evidence supports any of the grounds of

unfitness found by the trial court. *In re Richard H.*, 376 Ill. App. 3d 162, 165 (2007); *In re Addison R.*, 2013 IL App (2d) 121318, ¶ 35 (single ground of unfitness is sufficient to support finding of unfitness). We will begin with the unfitness hearing.

¶ 110 A. Finding of Unfitness

¶ 111 As we have explained, a finding of unfitness must be supported by clear and convincing evidence. 705 ILCS 405/2-29(2) (West 2014); *In re J.L.*, 236 Ill. 2d 329, 337 (2010). We do not reweigh the evidence on appeal. *In re J.B.*, 2014 IL App (1st) 140773, ¶ 49. Nor will we reverse a finding of unfitness unless it is against the manifest weight of the evidence. *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005). This means the lower court's decision will be overturned "only where the opposite conclusion is clearly apparent." *Id*. In its assessment, a reviewing court must remain mindful that each case concerning parental fitness must be decided on the particular facts and circumstances before it. *Id*.

¶ 112 For Ground m, reasonable efforts and reasonable progress are separate and distinct grounds for a finding of unfitness under section 1(D)(m) of the Adoption Act. *In re Jacorey*, 2012 IL App (1st) 113427, ¶ 21. A parent is considered unfit if he or she fails to make *either* (1) a reasonable effort to correct the conditions that led to the child's removal, or (2) reasonable progress toward the child's return home within any nine-month period after the adjudication of neglect. *In re R.L.*, 352 Ill. App. 3d 985, 998 (2004); 750 ILCS 50/1(D)(m) (West 2014).

¶ 113 The trial court here found respondent unfit because he failed to make reasonable progress. The benchmark for measuring a parent's progress toward the return of the child under section 1(D)(m) of the Adoption Act encompasses the parent's compliance with the service plans and the court's directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later become known and which would prevent the court

from returning custody of the child to the parent. *In re C.N.*, 196 Ill. 2d 181, 216-17 (2001). A failure to make reasonable progress is determined by an objective standard, under which the trial court focuses on the amount of progress toward reunification to be reasonably expected under the particular circumstances. *In re Jacorey*, 2012 IL App (1st) 113427, ¶ 21. At a minimum, reasonable progress requires measurable or demonstrable movement toward the goal of reunification. *Id*. There is reasonable progress "when the trial court can conclude that it will be able to order the child returned to parental custody *in the near future*." (Emphasis added.) *Id*.

¶ 114 The trial court first found respondent unfit under Ground m, citing his failure to make reasonable progress under the second prong. In his brief, however, respondent at times alternates his argument from reasonable effort shown to reasonable progress made, perhaps mistakenly conflating the two.

¶ 115 Respondent's main argument seems to be that he "substantially fulfilled" his obligations under the service plan created by his caseworker. To that end, he relies upon *In re S.J.*, 233 Ill. App. 3d 88, 120 (1992), emphasizing that strict compliance with a service plan would "unfairly and irrationally elevate administrative means over statutory ends." In that case, a parent was frustrated by the difficulty in traveling to see her daughter, she enrolled in a program not initially recommended by the caseworker, and she sometimes had to cancel visitation appointments to care for her other children as well. Significantly, the court observed that there was "little record evidence of the general conditions surrounding the initial neglect adjudication." *Id*. Viewed in that context, with her particular circumstances, the progress she made was reasonable enough to remain a fit parent, even if she had complied with the letter of the service plan.

¶ 116 As with that parent, it is true that respondent here found stable employment as a truck driver, requiring him to be gone for irregular periods of time. So it is entirely understandable he

may need to make adjustments to otherwise regular visitation and therapy schedules. Respondent also bought a house. He even found a therapist on his own, Sarah Litz, who was not initially recommended by his caseworker, Piper Caldwell. Litz testified that her overall experience with respondent was encouraging, citing his openness with her during therapy and her belief that she was being told the truth. And he successfully completed a substance abuse program, as well as a PAIP service offered by the Salvation Army. These events are all positive developments.

¶ 117 But ultimately, we uphold the trial court's determination on respondent's lack of overall progress. He has been consistent about enrolling in services for domestic violence, but that consistency ends there. When Caldwell asked respondent to explain to her what he learned in his PAIP program with the Salvation Army, he was unable to do so, suggesting to Caldwell that he had not internalized concepts he should have learned in the program. He was enrolled in a domestic violence service at Gilead in June 2015, and even told Caldwell he was responding "very well" to the structure in the program. But he also told Caldwell that Laura G.'s behavior during their relationship "made him put his hands on her." Ultimately, respondent was discharged from this program for lack of attendance in therapy and in counseling. The evidence showed that respondent tends to agree to participate in services, seemingly because he understands his actions may impact his ability to visit his children. But the evidence also shows that the follow-through, after his initial acknowledgement of the problem, was consistently lacking.

¶ 118 After a mediation session in June 2016, respondent used aggressive language with Caldwell, to the point she no longer felt safe enough to monitor visitations on weekends without a second caseworker present. He accused her of "lying through her blue eyes" and warned that he was willing to do anything to get her off his case. She observed that he tended to speak to her

in one manner when others were around, but in a completely different manner—with aggression—when alone with her. Caldwell recommended respondent for domestic violence services, for a third time, but to no avail. Based on her professional experience, respondent's mindset is one of power and control, which, according to her, are classic indicators of a domestic abuser and an entitled personality.

¶ 119 Respondent initially was respectful with the shift from weekend visits to weekday visits. But, ten minutes after that initial dialogue, he telephoned Caldwell in a more aggressive tone stating his refusal to participate in those weekday visits. When it was pointed out to him he was acting overly aggressive, respondent replied more than once, "[i]t shouldn't matter. My kids aren't here. I can talk to you any way I want to." Respondent did eventually participate in some weekday visits, but his participation was inconsistent, ultimately informing Caldwell he would discontinue them because they interfered with his work schedule. There are, of course, challenges in balancing work constraints and visitation schedules. But respondent was granted weekend visits to accommodate his work schedule as a truck driver. Because a second caseworker could not attend weekend visitations with Caldwell, they had to be moved to a weekday. He, and he alone, created the need for weekday visits by threatening Caldwell to the point she was concerned about being alone with him.

¶ 120 What Caldwell referred to as this "entitlement" mentality reappeared in subsequent episodes. After Caldwell became suspicious that respondent had a new girlfriend, Amanda, she confronted him about it. He initially denied her existence, but decided to tell the truth once he determined he wanted her to watch his children while he worked. According to respondent, she had a terminal illness. But when Caldwell conducted routine research ahead of his permanency planning hearing, she uncovered three 911 calls made concerning altercations with Amanda.

When confronted, respondent stated that Caldwell should not have been looking into them, and that they were not valid reports, regardless.

¶ 121 This reaction prompted Caldwell to question whether Amanda even had a terminal illness, and to question respondent's overall degree of honesty. Respondent's response was that she was "drunk or high most of the time and he did not think that was appropriate to be around the children." Respondent wanted Amanda, with whom he felt the relationship was becoming more serious, to watch his children while he worked. Yet when the narrative he created about her—her supposed terminal illness—was challenged, he quickly changed his story. The new story was that she was a substance abuser, and by ending that relationship, he was thus displaying good judgment by refusing to allow his children to be around her. Caldwell found that this attempt at manipulation suggested respondent was willing to do or to say anything necessary to remain blameless, and at the same time, a victim.

¶ 122 These events bring us to Sarah Litz, an individual therapist he found on his own. Finding his own therapist is perfectly acceptable, because as respondent argues, strict adherence to a defined service plan could lead to unjust results. *In re C.N.*, 196 Ill. 2d 181, 215 (2001). And Litz characterized respondent as "very engaged" in therapy, acknowledging his mistakes and his failures to be as present as he could have been for his children. Litz testified that she believed he wanted to improve and regain custody of his children, and noted he expressed frustration with the court process. But respondent also was "vague on many details of his past." He said he had to complete domestic violence counseling because he had slapped the children's mother, even though that he claimed that incident had not occurred. He also confirmed he completed his domestic violence counseling but never produced a certificate of completion. He did acknowledge past issues with anger management but was unable to acknowledge his own

contribution to his domestic violence issues, nor did he reveal that he was recommended for additional domestic violence services.

¶ 123 Issues with honesty arose during his parent coaching as well. Respondent did enroll in and complete a parenting class. But Caldwell was concerned that he sometimes struggled to redirect the children and supervise all of them. During one incident in library bathroom, E.Y., another child of respondent's, reported to Caldwell that respondent spanked him. Respondent denied that that incident occurred, and it was impossible to know who was telling the truth. As Caldwell notes, however, it is unlikely a child that young would create such a story. And given respondent's challenges with the truth, it is not unreasonable to believe the child's version.

¶ 124 Dr. Devaud's report from the CCJCC had similar concerns as Caldwell. Respondent "does not appear to genuinely integrate what he has addressed in therapy and in domestic violence programs into his daily functioning." She also observes that respondent has "learned some skills, vocabulary and behaviors regarding appropriate conflict resolution, but he has not put them consistently into action." She further notes that he has had four years to implement these skills, but the lessons he was supposed to have learned do not seem to impact his overall behavior and approach.

¶ 125 Respondent also tested positive for marijuana several times, although his tests have been negative since October 2015. While this latter fact is encouraging, Caldwell suspected that respondent might be using urine from another individual. In fact, Dr. Devaud wrote that respondent's tendency for dishonesty made that suspicion warranted, and Dr. Devaud believed that should he not be monitored, "he will return to using marijuana to cope. Impaired judgment while using marijuana could place the children in danger or lead to them being neglected."

¶ 126 As we have explained, we do not reweigh the evidence on appeal. *In re J.B.*, 2014 IL App (1st) 140773, ¶ 49. The evidence showed that respondent's track record with domestic violence services, honesty, anger management, and drug use were a consistent theme throughout all his treatment attempts, such that respondent never reached the point of unsupervised visits with his children. His initial steps toward improvement—showing up to therapy, attending visitations albeit with some infrequency, enrolling in domestic violence classes—are all positive steps. But the trial court found that respondent showed no real, demonstrable progress that would allow it to determine his children could be returned to his custody in the near future. We cannot say the opposite conclusion is clearly evident such that we should overturn her ruling on the progress prong of Ground m.

¶ 127 For all these reasons, we find the trial court's ruling on Ground m progress was not against the manifest weight of the evidence. And as we have explained, because the grounds for unfitness are independent of one another, we do not need to address the unfitness finding for Ground b. *Richard H.*, 376 Ill. App. 3d at 165; *In re Addison R.*, 2013 IL App (2d) 121318, ¶ 35 (single ground of unfitness is sufficient to support finding of unfitness).

¶ 128 For all these reasons, we find no error in the trial court's termination of respondent's parental rights.

¶ 129 B. Best Interests Determination

¶ 130 Respondent next contends that the trial court erred in determining that is was in Z.Y.'s and A.Y.'s best interests to terminate his parental rights. He argues that his relationship with his adult daughter Stephanie, Z.Y.'s guardian, has interfered with the relationship he could have with Z.Y. Moreover, he asserts that Z.Y. loves him, and he does not see a path where the animosity between him and Stephanie can be decreased enough to foster that love.

¶ 131 Respondent's only argument as to why it is not in the best interests for A.Y. to remain with his foster parents is concern for A.Y.'s physical safety. A.Y. was injured when he bumped his head against the radiator at his foster parents' house. The child had to be taken to the emergency room and given two staples to close the wound.

¶ 132 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. *In re D.T.*, 212 Ill. 2d at 364. The best interests of the child is the paramount consideration to which no other takes precedence. *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 18. The State bears the burden of proving that termination of parental rights and adoption is in the child's best interests by a preponderance of the evidence. *In re D.T.*, 212 Ill. 2d at 366. A trial court's best-interests finding will not be disturbed on appeal unless it is against the manifest weight of the evidence. *In re B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 41.

¶ 133 In determining a child's best interests, the trial court must apply the 10 factors in section 1-3(4.05) of the Juvenile Court Act of 1987: (1) the physical safety and welfare of the minor, including food, shelter, health, and clothing; (2) the development of the minor's identity; (3) the minor's background and ties, including familial, cultural, and religious; (4) the minor's sense of attachments; (5) the minor's wishes and long-term goals; (6) the minor's community ties, including church, school, and friends; (7) the minor's need for permanence, including his or her relationships with parent figures, siblings, and other relatives; (8) the uniqueness of every family and child; (9) the risks attendant to the minor entering and being in substitute care; and (10) the preferences of the persons available to care for the minor. 705 ILCS 405/1-3(4.05) (West 2014). When rendering its decision, however, the trial court "is not required to explicitly mention, word-for-word," these statutory factors. *In re Janira T.*, 368 Ill.App.3d 883, 894 (2006). In addition to

these factors, the trial court may consider the nature and length of the child's relationship with his present caretaker and the effect that a change in placement would have on the child's emotional and psychological well-being. *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19. A reviewing court may rely on any basis in the record in affirming its decision. *Id.*; *In re Deandre D.*, 405 Ill. App. 3d 945, 955 (2010).

¶ 134 The trial court acknowledged that a bond between respondent and his children does exist, as evidenced by his testimony, advocacy, and participation in the proceedings. But it also noted the focus was on the best interests of Z.Y. and A.Y. It found that the identities of each child could be developed best by the foster parents, who have been caring for them since birth. Moreover, the court reasoned that it would be destructive to move them anywhere but where they are currently, the places they have always been and always known.

¶ 135 For Z.Y., the trial court explicitly referenced Stephanie as "very nurturing," and Caldwell had observed that quality firsthand. It also remarked that Z.Y. is bonded to both of her adult sisters in the home, as well as to her brother, E.Y. The trial court also found that she has not "closed the door of opportunity" for Z.Y. to have some contact with his father, but wants the boundaries to be clear. It further noted that she wants to have the control to supervise all visits and set parameters. Importantly, the court found Stephanie testified credibly that she wants to provide permanency for Z.Y. She takes her to do activities—visits to the park, to the zoo, and a birthday event at Chuck E. Cheese. And she is the one who navigates her through tantrums that are being addressed with individual therapy.

¶ 136 For A.Y., the trial court noted the incident when he hit his head against the radiator at home. The court found the father described it credibly, administering first aid to the wound, then taking the child to the emergency room to close it. And the caseworker, Caldwell, was informed

while they were en route to the hospital. Moreover, the court acknowledged that A.Y. is very bonded to both foster fathers, and even is described as becoming "distressed" when separated from them. A.Y. looks to his foster parents to meet all his needs, and the foster parents return that love in turn. Notably, the foster fathers have been engaged in sibling visits with E.Y., even coordinating a weekend vacation.

¶ 137 We agree with the trial court that Stephanie's concerns about respondent's future visits with Z.Y. are not unfounded or unreasonable, given her history with respondent, her father. Further, E.Y. is surrounded by blood relatives in her home, so he should have no shortage of support and love, particularly after Stephanie completes permanency proceedings.

¶ 138 And as for A.Y., the one accident that occurred with him was fully analyzed by the trial court, who found no concern for A.Y.'s safety. Realistically, children have accidents. This one happened in the home of his foster parents while he was being watched. But it was handled appropriately, as any concerned, loving parent would handle it.

¶ 139 The interest his foster fathers have in adopting A.Y., combined with the engagement they already have with Stephanie to coordinate sibling visits, indicates nothing but a responsible, engaged, and loving home. And like Stephanie, the foster fathers both indicated an openness for respondent to visit A.Y. at some point in the future.

¶ 140 The trial court's decision that it would be in Z.Y.'s and A.Y.'s best interest to terminate respondent's parental rights is not against the manifest weight of the evidence.

¶ 141 III. CONCLUSION

¶ 142 We conclude that the trial court's ruling to terminate respondent's parental rights was not against the manifest weight of the evidence. We also conclude the trial court's judgment that it is

in the best interests of Z.Y. and A.Y. to remain with their respective guardians is not against the manifest weight of the evidence. We affirm the judgment of the circuit court of Cook County.

¶ 143 Affirmed.