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2017 IL App (3d) 160651-U

Order filed March 23, 2017

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2017

<i>In re</i> Marc. M., Marv. M., Z.M., Kev. B., and Kem. B.,)	Appeal from the Circuit Court of the 10th Judicial Circuit, Peoria County, Illinois.
Minors)	
(The People of the State of Illinois,)	Appeal Nos. 3-16-0651, 3-16-0652, 3-16-0653, 3-16-0654, and 3-16-0655
Petitioner-Appellee,)	
v.)	Circuit Nos. 13-JA-102, 13-JA-103 13-JA-104, 13-JA-105, and 13-JA-106
Shearmere M.,)	
Respondent-Appellant).)	The Honorable Kirk D. Schoenbein, Judge, presiding.

JUSTICE CARTER delivered the judgment of the court.
Presiding Justice Holdridge and Justice Schmidt concurred in the judgment.

ORDER

¶ 1 *Held:* In an appeal in a termination of parental rights case, the appellate court held that the trial court's best interest determination was not against the manifest weight of the evidence. The appellate court, therefore, affirmed the trial court's judgment, terminating the respondent mother's parental rights to her minor children.

¶ 2 In the context of a juvenile abuse and neglect proceeding, the State filed a petition to involuntarily terminate the parental rights of respondent mother, Shearmere M., to her minor children, Marc. M., Marv. M., Z.M., Kev. B. and Kem. B. After hearings on the matter, the trial court found that respondent was an unfit parent/person and that it was in the minors' best interest to terminate respondent's parental rights. Respondent appeals, challenging the best interest determination. We affirm the trial court's judgment.

¶ 3 **FACTS**

¶ 4 Respondent was the biological mother of Marc. M. (born in September 2003), Marv. M. (born in March 2007), Z.M. (born in January 2009), Kev. B. (born in December 2009), and Kem. B. (born in February 2012). Some of the children had different biological fathers. In April 2013, the Department of Children and Family Services (DCFS) took protective custody of all five children after it was found that the children's stepfather, respondent's husband—Dontarius W., had been using excessive corporal punishment on two of the children.

¶ 5 Shortly thereafter, the State filed a juvenile abuse and neglect petition (a separate petition was filed as to each child). The petition alleged that Marc. M. and Marv. M. were abused minors in that excessive corporal punishment had been inflicted upon them by Dontarius W., with a specific example listed in the petition. The petition also alleged that all five children were neglected minors because they had been subjected to an injurious environment in that: (1) on a particular occasion in April 2013, Dontarius W. struck Marc. M. and Marv. M. with a belt and struck Marc. M. on the head with his hand causing bruising, swelling, and marks to Marc. M. and bruising and marks to Marv. M.; (2) Dontarius W. disciplined most of the minors physically and whipped Marc. M. with a belt almost daily; (3) respondent was aware of Dontarius W.'s physical discipline on the children and use of a belt, had given Dontarius W. permission to use

such discipline, was aware that Dontarius W. was whipping Marc. M. daily, and also used a belt herself to discipline the children; (4) in January 2013, Dontarius W. sold a look-a-like substance to another man in a crack cocaine deal; (5) respondent reported that she and Dontarius W. fought, but that they did not hit each other, and that Dontarius W. would grab her, and respondent had been a victim of domestic violence previously in certain incidents, which were specified in the petition; (6) respondent had committed a sex offense by having sex with a 16 year old male, Kevin B. (the biological or putative father of two of the children), at a time when respondent was over 22 years old and was more than five years older than Kevin B.; (7) Dontarius W. had a prior criminal history as specified in the petition; (8) Kevin B. had a prior criminal history as specified in the petition; (9) Rico S. (a putative father of one of the children) had a prior criminal history as specified in the petition; and (10) in April 2013, on a day when the police went to speak to Dontarius W. shortly before noon, they found that he had already been drinking beer and smoking cannabis and that he was the sole caretaker of respondent's three younger minors, ages four, three, and one. Respondent was given a court-appointed attorney to represent her in the juvenile court proceedings.

¶ 6 On July 11, 2013, after an adjudicatory hearing in which respondent stipulated that the petition could be proven by the State, Marc. M. and Marv. M. were found to be abused minors and all five children were found to be neglected minors. A dispositional hearing was held the following month, at the conclusion of which, the trial court found that respondent was an unfit parent. The finding of unfitness as to respondent was based upon her use of marijuana, her failure to act despite her awareness that Dontarius W. was using excessive punishment on the children and that he was also using marijuana, her current relationship with Dontarius W. and her plan to maintain that relationship, domestic violence, and respondent's view of Dontarius W. as

an excellent parent. The trial court made all five children wards of the court and named DCFS as the children's guardian.

¶ 7 At the time of disposition, respondent was given certain tasks to complete in order to correct the conditions that led to the adjudication and removal of the children. Those tasks included, among other things, to: (1) cooperate fully and completely with DCFS; (2) obtain a drug and alcohol assessment and successfully complete the recommended treatment; (3) complete two random drug tests per month; (4) obtain a psychological examination and follow the recommendations made; (5) participate in and successfully complete individual counseling; (6) participate in and successfully complete a parenting course; (7) participate in and successfully complete a domestic violence course; (8) obtain and maintain stable housing; (9) attend scheduled visits with the children and demonstrate appropriate parenting conduct during those visits; and (10) obtain and maintain stable employment.

¶ 8 Over the next 2½ years, several permanency review hearings were held. Permanency review hearing took place in January 2014, May 2014, November 2014, May 2015, October 2015, and April 2016 (after the petition to terminate parental rights had been filed). Although respondent appeared in court for almost all of the permanency review hearings, her performance was sporadic. At times she did well, was found to have made reasonable efforts to achieve the service plan and permanency goal (January 2014 and May 2014), and was even found to be fit on one occasion (May 2014). However, at other times, she did not do well, and was found to have not made reasonable efforts to achieve the service plan and permanency goal (November 2014, May 2015, and October 2015) or to have made mixed efforts (April 2016).

¶ 9 In February 2016, the State filed a petition to terminate respondent's parental rights to all five children (a separate petition was filed as to each child). The termination petition alleged that

respondent was an unfit person as defined in section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2014)) in that she had failed to make reasonable progress toward the return home of the minors within any nine-month period following the adjudication of abuse or neglect.¹ The nine-month period specified in the petition was from January 28, 2015, to October 28, 2015. Respondent filed an answer and admitted the allegation that she was an unfit person/parent but challenged the allegation that it was in the minors' best interest to terminate her parental rights.

¶ 10 A hearing was held on the termination petition in September 2016. Respondent was present in court for the hearing and was represented by her attorney. The State made a proffer that if respondent's caseworker was called to the witness stand, the caseworker would testify that during the relevant nine-month period: (1) as to housing, respondent had only a one-bedroom residence, was incarcerated for failing to appear as a witness in a trial in Cook County, and resumed living with Dontarius W. at his grandmother's home after being released from jail; (2) as to employment, respondent was not employed; (3) as to relationships, respondent was still married to Dontarius W., who was not completing services, and indicated that she wanted to continue in that relationship; (4) as to counseling, respondent had attended two out of eight individual counseling sessions and three out of five couples counseling sessions; (5) as for random drug tests, respondent missed two of the drug tests initially, completed no tests while she was in jail from March 2015 to September 2015, and also completed no tests for the first six weeks after she was released from jail; and (6) as for visits with the children, respondent completed no visits from the time she was in jail until October 2015 and the visits prior to that time were chaotic as respondent struggled to maintain structure. Based upon respondent's

¹ A petition for termination of parental rights was also filed as to all known, putative, and unknown fathers. All of those fathers were later defaulted for failing to appear and their parental rights were terminated.

admission and the proffer by the State, the trial court found that the State had proven by clear and convincing evidence that respondent was an unfit person/parent as alleged in the petition.

¶ 11 A hearing on the best interest portion of the termination petition was held immediately thereafter. A best-interest report had been prepared by the caseworker in preparation for the hearing and had been filed with the court. In the report, the caseworker noted that Marc. M. was 12 years old, Marv. M. was 9 years old, Z.M. was 7 years old, Kev. B. was 6 years old, and Kem. B. was 4 years old. The children had been in foster care for the past three years and four months.

¶ 12 The best interest report stated that Marc. M. and Marv. M. were residing together in the same licensed, non-relative foster home. Marc. M. had resided in that foster home for over a year continuously, had lived in the home previously, and had resided in the home for a total of two years and eight months. Marv. M. had resided in that foster home for the past three years and three months. The foster parent had adequately provided for Marc. M. and Marv. M.'s basic needs of food, shelter, health, and clothing, and also provided for the children's medical needs. The foster parent's home had adequate food, was in a good state of repair, had no visible safety or fire hazards, and had adequate space for the family size. Both of the children were attending and doing well in school. Marc. M. was in seventh grade, and Marv. M. was in fourth grade. Both of the children appeared to have become bonded with the foster parent and with the foster parent's extended family members. Marc. M. and Marv. M. referred to their foster parent as "Pop," which was the same title by which the foster parent's biological children and grandchildren referred to him. The children enjoyed doing activities with their foster family and were very involved in the foster parent's community. The children took part in a summer program that offered mentoring services, attended a local church with the foster parent, and volunteered at a local soup kitchen on holidays. The foster parent was dedicated to providing a

permanent home for the children, was willing to adopt them, and considered the children to be members of the family. The foster parent was also committed to continuing visitation with the children's siblings and believed that it was best for the children to maintain those relationships.

¶ 13 As to Z.M., the best interest report indicated that she had been residing continuously in the same licensed, non-relative foster home for the past two years and five months. The foster parent had adequately provided for Z.M.'s basic needs of food, shelter, health, and clothing, and also provided for Z.M.'s medical needs. The foster parent's home had adequate food, was in a good state of repair, had no visible safety or fire hazards, and had adequate space for the family size. Z.M. was attending and doing well in school and was in second grade. Z.M. appeared to have become bonded with the foster parent and the foster parent's extended family members. Z.M. referred to the foster parent as "Mom" and would openly state that she loved her foster parent. Z.M. enjoyed doing activities with the foster family, went on vacations with the foster parent, and went with the foster parent to visit the foster parent's extended family members. Z.M. was also very involved in the foster parent's community. Z.M. attended church with the foster family and sung in the church choir with the foster parent. The foster parent was dedicated to providing a permanent home for Z.M., was willing to adopt Z.M., and considered Z.M. to be a member of the family. The foster parent was also committed to continuing visitation with Z.M.'s siblings and believed that it was best for Z.M. to maintain those relationships.

¶ 14 With regard to Kev. B., the best interest report stated that he had been residing continuously in the same licensed, non-relative foster home for the past two years and six months. The foster parent had adequately provided for Kev. B.'s basic needs of food, shelter, health, and clothing, and also provided for Kev. B.'s medical needs. The foster parent's home had adequate food, was in a good state of repair, had no visible safety or fire hazards, and had

adequate space for the family size. Kev. B. was attending and doing well in school and was in first grade, although he struggled with inattention and hyperactivity. Kev. B. appeared to have become bonded with the foster parent and the foster parent's extended family members. Kev. B. referred to the foster parent as "Mom" and enjoyed doing activities with his foster family. Kev. B. was very involved in the foster parent's community. Kev. B. participated on the park district's baseball team and in day camp, had a birthday party at the foster parent's home, and was allowed to have friends over to the foster parent's house. The foster parent was dedicated to providing a permanent home for Kev. B., was willing to adopt Kev. B., and considered Kev. B. to be a member of the family. The foster parent was also committed to continuing visitation with Kev. B.'s siblings and believed that it was best for Kev. B. to maintain those relationships.

¶ 15 As for Kem. B., the best interest report indicated that she had been residing continuously in the same licensed, non-relative foster home for the past three years. The foster parents had adequately provided for Kem. B.'s basic needs of food, shelter, health, and clothing, and also provided for Kem. B.'s medical needs. The foster parents' home had adequate food, was in a good state of repair, had no visible safety or fire hazards, and had adequate space for the family size. Kem. B. was attending and doing well in preschool. Kem. B. appeared to have become bonded with the foster parents and the foster parents' extended family members. Kem. B. referred to the foster parents as "Mommy" and "Daddy." Kem. B. enjoyed doing everyday activities with the foster family, went on vacations with the foster family, and went on trips with the foster family to visit the foster parents' extended family members. Kem. B. was also very involved in the foster parents' community. Kem. B. attended church with the foster family and was involved in tumbling classes. The foster parents were dedicated to providing a permanent

home for Kem. B., were willing to adopt Kem. B., and considered Kem. B. to be a member of their family.

¶ 16 With regard to the children's relationship with respondent, the caseworker indicated in his report that all of the children had supervised visits with respondent once a month for two hours. The children would refer to respondent as "Mom" at those visits, except for Kem. B. who referred to respondent as "Mommy Mere," and would hug respondent when they saw her. The visits with respondent appeared to go well, and respondent interacted appropriately with the children. Respondent was attentive and nurturing toward the children during the visits and brought the children food to eat. The children were excited for visit days when they would see their siblings and respondent. At the conclusion of the visits, it was not difficult to separate the children from respondent as the children transitioned from the visits appropriately. In the caseworker's opinion, most of the children had a general or basic understanding of the situation as it related to respondent: Marc. M. had said that he did not want to state that he was never going home but understood and accepted that it was a very real possibility; Marv. M. knew that it was unlikely that he would return home and showed an acceptance of being adopted; Z.M. voiced a hope of being able to return home but had an understanding and acceptance that it might not be possible; Kev. B. would not ask about respondent; and Kem. B. would occasionally ask about respondent, generally around times when her foster sister was going for a visit with her biological mother. At the conclusion of his report, the caseworker stated that it was his belief that it was in the children's best interest to terminate respondent's parental rights to all of the children.

¶ 17 At the beginning of the best interest hearing, the trial court acknowledged that a best interest report (collectively referred to as the report) had been filed as to each child and noted

that it would consider the report as evidence in the proceeding, except for one portion of the report, which had been objected to by respondent. The caseworker was called to the witness stand by respondent's attorney to clarify or explain some of the information in his report. The caseworker testified that when he stated in his report that respondent was generally compliant with random drug tests, he meant that she had missed a number of the drug tests early on in the case but had been compliant with the drug tests later on in the case. As of July 2016, when that particular caseworker had taken over respondent's case, respondent had been compliant with the random drug tests and all of her test results were negative for the presence of drugs. The caseworker also noted that respondent had recently obtained a second job.

¶ 18 The caseworker explained that Marc. M. had lived with his current foster parent previously for about a year and a half but had some psychiatric issues and became unmanageable and the foster parent was a little overwhelmed with Marc. M's needs. Marc. M. spent the next eight months with another foster parent or family, and then the previous foster parent requested that Marc. M. be returned to his home. Marc. M. had lived at that location continuously since that time. The caseworker stated that he had no concern that the foster parent would find Marc. M. to be unmanageable again because Marc. M.'s medication had been adjusted since that time, he was taking part in counseling, and he seemed to be a lot more stable psychiatrically.

¶ 19 According to the caseworker, all five of the children knew who respondent was, called respondent "Mom," had a good bond with respondent, told respondent that they loved her, were eager to see respondent, and hoped that they would be able to go home with respondent. Respondent acted appropriately at her visits with the children and was nurturing and attentive. From what the caseworker had seen at the visits, he had no concerns regarding the interaction of the children with respondent.

¶ 20 The caseworker testified further that at the time of the best interest hearing, respondent was living with Dontarius W.'s grandparents. Respondent had told the caseworker that she was no longer in a relationship with Dontarius W. and stated that she was staying with Dontarius W.'s grandparents because she needed a place to stay. The caseworker confirmed that the children were bonded to each of their foster parents. Three of the children had been placed in specialized foster homes because they needed a greater degree of care. The caseworker did not believe that respondent was capable of providing the level of care that was needed for the children. According to the caseworker, the agency had not been provided with any proof or documentation that respondent was currently attending counseling, although respondent had told the caseworker that she was attending counseling. Respondent had stated to the caseworker that she was trying to get re-engaged in counseling, but that it was slipping her mind with her work schedule. In the caseworker's opinion, the children's stability and adjustment had improved over the course of the case.

¶ 21 Respondent testified that she was currently living with her ex-husband's grandparents. She had recently become employed, was working two jobs, and was working more than 40 hours per week. Respondent was planning to get her own place to live as soon as she received her first paycheck. According to respondent, she was in jail in Cook County from March 2015 until September 2015 for failing to honor a subpoena, which required her to appear in court to testify as a witness in a murder case. In October 2015, shortly after respondent got out of jail, the permanency goal was changed for all five children. As a result of that change, respondent was required to provide for all of her own services, but she did not have employment.

¶ 22 Respondent testified further that her visits with the children went well; that she loved the children and that they loved her; that all of the children had expressed their desire to be re-united

with her; and that she was capable of handling the responsibilities of the children in terms of medication, doctors' appointments, and things of that nature. According to respondent, she had gotten a divorce from Dontarius W. about two or three months before the best interest hearing. Respondent stated that after she got out of jail, she inquired of the agency as to what services she was supposed to be doing and was currently performing random drug tests and attending counseling once every other week. Respondent stated further that she had previously told her caseworker that she was attending counseling and that she had signed release forms so that her caseworker could obtain information about the counseling. Respondent did not believe that it was in the children's best interest to terminate her parental rights.

¶ 23 The guardian *ad litem* (GAL) reported that she had met with the children in August 2016. According to the GAL, Marc. M. indicated that he would not mind living with respondent but also stated that he was fine where he was at with the current foster parent. Marv. M. stated that he liked the current foster parent as well. Kem. B. made a similar statement. Z.M., however, indicated that she wanted to live with respondent and that she felt picked on at times in her current placement.

¶ 24 The Court Appointed Special Advocate (CASA) volunteer, who had been assigned to the children for the past two years, testified that most of the children wanted to be able to still visit respondent on the weekends and stay where they were at in foster care. The CASA volunteer explained to the children that such a situation would not necessarily work. The CASA volunteer believed that it was in the children's best interest to terminate respondent's parental rights. The CASA volunteer did not ask, and did not know, what the children's feelings were about severing respondent's ties with them completely. According to the CASA volunteer, that was not something that she would ask the children; she would merely ask them what their wishes were.

¶ 25 Following the presentation of the evidence, the trial court heard the arguments of the attorneys. The State argued for termination of respondent's parental rights, and respondent's attorney argued against termination. The GAL for the minors stated that she also felt that it was in the best interest of the children to terminate respondent's parental rights.

¶ 26 After reviewing the report, the testimony, and the arguments, the trial court made its ruling. In doing so, the trial court discussed the applicable law, including the statutory best-interest factors. The trial court found that the factors favored termination, stating:

“The factors together collectively, even if some are a wash and maybe some tend toward—some tend towards not terminating, the powerful ones are the length of time they’ve been in care. They need to know where they stand in life. They can’t be kept on the edge of a decision for much longer. I think it would be really destructive to them, confusing, their sense of identities in each case, their sense of who they belong to, their sense of safety, security, welfare is all where they’re at right now. They’re safe. They’re secure. They’re in good homes right now. They’re being cared for. And I have considered each factor with each child’s situation in mind.”

The trial court went on to conclude that the State had proven by a preponderance of the evidence that it was in the best interest of the minors to terminate respondent's parental rights. The trial court terminated respondent's parental rights, set the minors' permanency goal to adoption, and named DCFS as the guardian of the minors with the right to consent to adoption. Respondent filed this appeal to challenge the trial court's ruling.

¶ 27 ANALYSIS

¶ 28 As her only contention on appeal, respondent argues that the trial court's best interest determination was against the manifest weight of the evidence. Respondent asserts, essentially, that the trial court's finding was erroneous because the statutory best interest factors weighed against termination of respondent's parental rights in this particular case. In support of that assertion, respondent claims that the evidence at the best interest hearing in this case showed that: (1) the children had a loving and nurturing bond with respondent; (2) all of the children expressed a desire to continue a relationship with respondent; (3) there was no discussion with the children regarding the permanent severance of the parent-child relationship; and (4) there was ample evidence of respondent's rehabilitation potential. Respondent asks, therefore, that we reverse the trial court's best interest determination and remand this case for further proceedings.

¶ 29 The State argues that the trial court's best interest determination was proper and should be upheld. The State asserts that the evidence overwhelmingly established in this case that it was in the children's best interest to terminate respondent's parental rights so that the children could have permanency and be adopted into their current foster homes. In support of that assertion, the State points out that the children had been in foster care for over three years, that the children were doing well in their foster homes, and that respondent was not going to become a fit parent at any time in the near future. In addition, the State disagrees with respondent's claims as to what the evidence at the best interest hearing showed and also disagrees with respondent's assessment of the best interest factors. The State asserts further that termination was appropriate because respondent's bond to the children and the children's desire to maintain a relationship with respondent were only two of the factors in the trial court's analysis and, in this case, were insufficient grounds upon which to deny the children the permanency that they could achieve

through adoption. For all of the reasons stated, the State asks that we affirm the trial court's order terminating respondent's parental rights.

¶ 30 In a termination proceeding, once the trial court finds that a parent is unfit as defined in section 1(D) of the Adoption Act, the trial court must then determine, pursuant to the Juvenile Court Act of 1987 (Juvenile Court Act), whether it is in the minor's best interest to terminate parental rights. See 705 ILCS 405/2-29(2) (West 2014); *In re Tiffany M.*, 353 Ill. App. 3d 883, 891 (2004). The burden of proof in the trial court is upon the State to show by a preponderance of the evidence that termination is in the minor's best interest. *Tiffany M.*, 353 Ill. App. 3d at 891. The trial court's ruling in that regard will not be reversed on appeal unless it is against the manifest weight of the evidence; that is, unless it is clearly apparent from the record that the trial court should have reached the opposite conclusion or that the conclusion itself is unreasonable, arbitrary, or not based on the evidence presented. *In re Austin W.*, 214 Ill. 2d 31, 51-52 (2005), *abrogated on other grounds by In re M.M.*, 2016 IL 119932, ¶ 28; *Tiffany M.*, 353 Ill. App. 3d at 890-92.

¶ 31 In a best interest hearing, the focus of the termination proceeding shifts to the child, and the parent's interest in maintaining the parent-child relationship must yield to the child's interest in having a stable and loving home life. *In re D.T.*, 212 Ill. 2d 347, 364 (2004). The issue is no longer whether parental rights can be terminated, but rather, whether in the child's best interest, parental rights should be terminated. *Id.* In making a best interest determination, the trial court must consider, in the context of the child's age and developmental needs, the numerous statutory factors listed in section 1-3(4.05) of the Juvenile Court Act. See 705 ILCS 405/1-3(4.05) (West 2014); *Tiffany M.*, 353 Ill. App. 3d at 892-93. Some of those factors include the child's physical safety and welfare, the development of the child's identity, the child's sense of attachment, and

the child's need for permanence and stability. See 705 ILCS 405/1-3(4.05) (West 2014); *Tiffany M.*, 353 Ill. App. 3d at 892-93. The trial court may also consider the nature and length of the child's relationship with the current caretaker and the effect that a change in placement would have on the child's emotional and psychological well-being. *Tiffany M.*, 353 Ill. App. 3d at 893. Although the trial court is required to consider the statutory factors in making its best-interest determination, it is not required to articulate any specific rationale for its decision. *Id.*

¶ 32 In the present case, after having reviewed the record, we find that the trial court's determination—that it was in the best interest of all of the minor children to terminate respondent's parental rights—was not against the manifest weight of the evidence. The evidence presented at the best interest hearing indicated that the children were in stable, secure, and loving homes with the foster parents that they had lived with for over two years. The children had a strong relationship with each of their foster parents, who were willing to adopt them, and with the foster parents' extended family. The children were doing well; all of their needs were being met in the foster homes; and it was the opinion of the caseworker, the GAL, and the CASA volunteer that it was in the children's best interest to terminate respondent's parental rights. While it is true that there was a bond of affection between respondent and the children, that factor alone is not dispositive in making a best interest determination. See *Austin W.*, 214 Ill. 2d at 50; *In re K.H.*, 346 Ill. App. 3d 443, 463 (2004) (the existence of a parent-child bond does not automatically ensure that the parent will be fit or that the child's best interest will be served). The other statutory best interest factors, such as the children's need for permanency, must be considered. See 705 ILCS 405/1-3(4.05) (West 2014); *Austin W.*, 214 Ill. 2d at 50; *Tiffany M.*, 353 Ill. App. 3d at 892-93. In this particular case, the children had been in foster care for more than three years and there was no indication that respondent would be restored to fitness anytime

soon. The trial court properly considered the evidence and other information before it and properly weighed the statutory factors in making its decision that termination was appropriate. We will not re-weigh the statutory best interest factors on appeal or substitute our judgment for that of the trial court merely because respondent asserts that the factors should have been weighed differently. See *In re A.W.*, 231 Ill. 2d 92, 102 (2008) (when the manifest weight standard of review applies, the reviewing court will not substitute its judgment for that of the trial court on such matters as witness credibility, the weight to be given evidence, and the inferences to be drawn from the evidence, even if the reviewing court would have reached a different conclusion if it had been the trier of fact); *In re Lakita B.*, 297 Ill. App. 3d 985, 994 (1998) (because of the delicacy and difficulty involved in a child custody case, wide discretion is placed in the trial court to an even greater degree than in an ordinary appeal where the manifest weight standard of review is applied). The trial court's ruling has ample support in the record and, based upon the standard of review, must be affirmed. See *Tiffany M.*, 353 Ill. App. 3d at 892.

¶ 33 In reaching that conclusion, we reject respondent's assertion that our previous ruling in *In re B.C.*, 247 Ill. App. 3d 803, 805-807 (1993), *abrogated on other grounds by In re Precious W.*, 333 Ill. App. 3d 893, 901-02 (2002)), requires a reversal of the trial court's decision in this case. To the contrary, each case involving the termination of parental rights is unique and must be decided based upon its own particular facts and circumstances. See *In re D.D.*, 196 Ill. 2d 405, 422 (2001). Aside from that legal principle, the facts in this case are not comparable to the facts of *B.C.*, as both the foster parent and the caseworker in *B.C.* opined that it was not in the child's best interest to terminate the mother's parental rights. See *B.C.*, 247 Ill. App. 3d at 805.

¶ 34

CONCLUSION

¶ 35 The judgment of the circuit court of Peoria County is affirmed.

¶ 36 Affirmed.