

**NOTICE**

This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

**FILED**

February 14, 2017  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

2017 IL App (4th) 160778-U

NO. 4-16-0778

IN THE APPELLATE COURT  
OF ILLINOIS  
FOURTH DISTRICT

In re: Da. I, Dw. I., Ja. I, Do. C., and Jo. G., Minors,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Champaign County
v.	)	No. 15JA33
DONNA MOORE,	)	
Respondent-Appellant.	)	Honorable
	)	John R. Kennedy,
	)	Judge Presiding.

JUSTICE POPE delivered the judgment of the court.  
Justices Harris and Appleton concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court's finding it was in the minors' best interests to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 2 In June 2015, the State filed an abuse/neglect petition as to Da. I. (born October 2006), Do. C. (born December 2008), Jo. G. (born May 2010), Dw. I. (born June 2011), and Ja. I. (born December 2012). Respondent, Donna Moore, is the mother of the minors. The fathers are not parties to this appeal. In September 2015, the trial court found the children abused and neglected as the result of physical abuse and/or the risk of physical abuse by Antoine Ivy, father of three of the minors, and as a result of the minors' exposure to domestic violence in the home. In October 2015, the court placed guardianship and custody of the minors with the Department of Children and Family Services (DCFS). In July 2016, the State filed a motion seeking to terminate respondent's parental rights. By an order signed October 19, 2016, the court found it in

the minors' best interests to terminate respondent's parental rights. Respondent appeals only the best-interests findings. We affirm.

¶ 3

### I. BACKGROUND

¶ 4

On September 2, 2015, the trial court heard evidence at an adjudicatory hearing and found Da. I. and Ja. I. to have been physically abused by their father, Antoine Ivy. The court also found Da. I. and Ja. I. abused because respondent allowed Ivy to inflict excessive corporal punishment on the minors. The court found all five minors at substantial risk of physical injury, living in an environment injurious to their welfare because of the risk of physical harm to them, and living in an injurious environment as a result of their exposure to domestic violence.

¶ 5

In short, the evidence showed Ivy admitted to a police officer using excessive force on Da. I. and Ja. I., giving them black eyes and punching them in multiple places on their bodies. He admitted losing his temper and losing control when disciplining the children. Ivy used a belt on the children, admittedly leaving welts and bruises. Respondent admitted to the police she would step outside when Ivy said he was going to "whoop" the minors. She stated it was typically best not to intervene with Ivy when he was giving a "whoopin."

¶ 6

On October 7, 2015, at the dispositional hearing, the trial court adjudicated the minors neglected and abused, made them wards of the court, and placed guardianship and custody with DCFS.

¶ 7

On July 29, 2016, the State filed its motion seeking to terminate respondent's parental rights for failure to (1) maintain a reasonable degree of interest, concern, or responsibility in the children's welfare; (2) make reasonable progress toward the return of the children within any nine-month period after adjudication, namely September 3, 2015, to June 3, 2016; and (3) make reasonable efforts to correct the conditions that were the bases for the

removal. 750 ILCS 50/1(D)(b), (m)(ii), (m)(i) (West 2014). Following a hearing on September 9, 2016, the trial court found respondent unfit on all bases set forth in the petition. The basis for the court's finding was as follows. Although respondent started out engaging in services, her level of participation decreased over time. She did not engage in individual counseling as directed and made only 30-40% of scheduled visits. Ivy battered respondent in February 2016 and was convicted of domestic battery, despite respondent being uncooperative with arresting officers and lying about who beat her. Following this incident, she refused to talk about her relationship with Ivy, stating she would always have a relationship with him and it was none of DCFS's business. (Ivy was also convicted of aggravated battery to a child as a result of his beating Da. I.) Respondent's visitation with the minors was always supervised, and there was no chance she would be allowed unsupervised visits anytime soon.

¶ 8 On October 14, 2016, the trial court held the best-interests hearing. A best-interests report from Lutheran Social Services of Illinois disclosed the following.

¶ 9 Da. I. and Jo. G. were placed together in a traditional foster home. Da. I. had serious behavioral issues, such as hitting another foster child in the house, and urinating on the floor, in plants, in shoes, and in other places. Da. I. was caught stealing from the foster family, his teacher, and classmates. As a result of his behaviors, the foster parents could not commit to a permanent placement for Da. I.

¶ 10 Jo. G. was doing very well in his placement in the specialized foster home he shares with Da. I. The foster family was committed to adopting him. Jo. G. has many special needs as a result of his cerebral palsy and epilepsy. He is in a wheelchair and sees a speech therapist, food therapist, physical therapist, and occupational therapist. Both Jo. G. and Da. I. visit weekly with their other siblings.

¶ 11 Dw. I., Do. C., and Ja. I. reside together in a traditional foster home. The foster parents were committed to adopting them. They have weekly visits with Da. I. and Jo. G. Their needs were being met in their foster care placement.

¶ 12 The guardian *ad litem*, Champaign County court-appointed special advocates (CASA), also filed a best-interests report. With respect to Dw. I. and Do. C., the foster mother reported they displayed difficult behaviors when they first arrived and had poor eating habits. She keeps the minors on a strict routine, and their behaviors have dramatically improved, as has their diet.

¶ 13 The CASA report indicated Da. I. appeared happy. He was repeating third grade and reads at a first-grade level. The foster parents were working to find a tutor for Da. I. and in the meantime have him read out loud to them every night. The foster parents had created a safe and stable environment for the minors. CASA recommended the court terminate respondent's parental rights.

¶ 14 After considering the reports as outlined above and hearing argument, the trial court found it was in the minors' best interests to terminate respondent's parental rights to all five minors.

¶ 15 This appeal followed.

## ¶ 16 II. ANALYSIS

¶ 17 On appeal, respondent does not challenge the trial court's finding of unfitness. Rather, respondent argues the court's order terminating her parental rights was not in the best interests of the minors.

¶ 18 After a parent is found unfit, the trial court shifts its focus in termination proceedings to the children's interests. *In re D.T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227

(2004). At the best-interests stage, a "parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *Id.* Before a parent's rights may be terminated, a court must find the State proved, by a preponderance of the evidence, it is in the children's best interests those rights be terminated. *Id.* at 366, 818 N.E.2d at 1228.

¶ 19 When considering whether termination of parental rights is in a child's best interests, the trial court must consider a number of factors within "the context of the child's age and developmental needs." 705 ILCS 405/1-3(4.05) (West 2014). These include the following:

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

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

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

(d) the child's sense of attachments, including:

(i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

(ii) the child's sense of security;

(iii) the child's sense of familiarity;

(iv) continuity of affection for the child;

(v) the least disruptive placement alternative for the child;

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

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

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

(h) the uniqueness of every family and child;

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

(j) the preferences of the persons available to care for the child." 705 ILCS 405/1-3 (4.05)(a) to (j) (West 2014).

¶ 20 The trial court's finding termination of parental rights is in a child's best interests will not be reversed on appeal unless it is against the manifest weight of the evidence. *In re Anaya J.G.*, 403 Ill. App. 3d 875, 883, 932 N.E.2d 1192, 1199 (2010). A decision will be found to be against the manifest weight of the evidence "if the facts clearly demonstrate that the court should have reached the opposite conclusion." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1072, 859 N.E.2d 123, 141 (2006).

¶ 21 Here, the children were in stable, loving environments where their needs were being met. Their foster parents were preserving their sibling bonds by facilitating visitation weekly with all of the siblings. The foster parents were providing structure and safety for these children, who had suffered and observed repeated traumas in their home when living with respondent. Respondent was unwilling to sever her ties with Ivy, even though he brutalized her and her children. The record fully supports the trial court's finding it was in the minors' best interests to terminate respondent's parental rights. The court did not err in so finding.

III. CONCLUSION

¶ 22

¶ 23

For the reasons stated, we affirm the trial court's judgment.

¶ 24

Affirmed.