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IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

IN THE MATTER OF: K.W., a minor,)	Appeal from the Circuit Court
)	of Cook County.
Minor-Respondent-Appellee,)	
)	
(People of the State of Illinois,)	No. 13JA974
)	
Petitioner-Appellee)	
)	
v.)	The Honorable
)	Kimberly Lewis,
)	Judge Presiding.
LAKEISHA W.,)	
)	
Mother-Respondent-Appellant).)	

JUSTICE PUCINSKI delivered the judgment of the court.
Justices Hyman and Walker concurred in the judgment.

ORDER

¶ 1 *Held:* circuit court order terminating respondent mother's parental rights affirmed where the court's finding that termination was in the best interest of the minor child was not against the manifest weight of the evidence and where proceedings were properly conducted in accordance with the mother's right to due process and a fair hearing.

¶ 2 Following proceedings conducted in accordance with the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/1-1 *et seq.* (West 2016)), the circuit court found that Lakeisha W. was an unfit parent as that term is defined in the Illinois Adoption Act (Adoption

Act) (750 ILCS 50/1(D) (West 2016)) and that it was in the best interest of her minor child, K.W.,¹ to terminate her parental rights. On appeal, Lakeisha contends that the circuit court's conclusion that it was in K.W.'s best interest to terminate her parental rights is against the manifest weight of the evidence. Lakeisha also argues that the proceedings were conducted in violation of right to due process and a fair hearing. For the reasons delineated herein, we affirm the judgment of the circuit court.

¶ 3

BACKGROUND

¶ 4

Lakeisha W. is the biological mother of K.W., born on October 16, 2013.² On October 20, 2013, the State filed a petition for adjudication of wardship and a motion for temporary custody on K.W.'s behalf. In the filings, the State alleged that K.W. was a neglected and abused minor. In support of its claims of neglect and abuse, the State observed:

“Mother has two prior indicated reports for inadequate supervision. Mother has six other minors who are in DCFS custody with findings of abuse, neglect and/or dependency having been entered. Mother has not participated in reunification services. Mother has significant mental health issues. Mother has been diagnosed with schizoaffective disorder, depressive type and bi-polar disorder. Mother was unable to take her psychotropic medication while pregnant with this minor. Mother resides in a residential home. Mother is currently psychiatrically hospitalized due to a physical altercation. Putative father's identity and whereabouts are unknown.”

¹ To better preserve the privacy of minor respondent, this court has elected not to identify her first name, and instead will simply use her initials. This court has also changed the caption of this case to reflect this decision.

² A man named “Anthony” has been identified as K.W.'s biological father. His last name and whereabouts are unknown. He is not a party to this appeal.

¶ 5 The court granted the State's motion for temporary custody on October 23, 2013, and K.W. was placed in the temporary custody of the Illinois Department of Children and Family Services. K.W. was subsequently placed in the care of foster mother, Yanis T.

¶ 6 Termination Proceedings

¶ 7 Thereafter, on June 22, 2016, the State initiated proceedings to terminate Lakeisha's parental rights by filing a Petition for the Appointment of a Guardian with the Right to Consent to Adoption. In the petition, the State alleged:

“[Lakeisha is] unfit pursuant to 750 ILCS 50/1D and 705 ILCS 405/2-29 in that:

[1]. [She has] failed to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare, in violation of 750 ILCS 50/1 D(b) and 705 ILCS 405/2-29. ***

[2]. [She has] failed to make reasonable efforts to correct the conditions which were the basis for the removal of the child from [her] and/or ha[s] failed to make reasonable progress toward the return of the child to [her] within 9 months after the adjudication of neglect or abuse under the Juvenile Court Act, or after an adjudication of dependency under the Juvenile Court Act, and/or within any 9 month period after said finding, in violation of 750 ILCS 50/1 D(m) and 705 ILCS 405/2-29.

[3]. She is unable to discharge parental responsibilities because of mental impairment, illness, or retardation as defined in 405 ILCS 5/1-116, and/or is developmentally disabled as defined in 405 ILCS 5/1-106, and there is sufficient justification to believe that such inability to discharge parental responsibilities

shall extend beyond a reasonable time, in violation of 750 ILCS 50/1 D(p) and 705 ILCS 405/2-29.”

¶ 8 The State further alleged that it was in K.W.’s best interest “that a guardian be appointed with the right to consent to her adoption based upon the following facts:

- a. The minor has resided with her foster parent(s) since October 23, 2013.
- b. The foster parent(s) desire(s) to adopt the minor.
- c. Adoption by the minor’s foster parent(s) is in the best interest of the minor.”

¶ 9 Based on those allegations, the State requested the court to find Lakeisha unfit, terminate her parental rights, and appoint a guardian on K.W.’s behalf with the right to consent to her adoption. Once the pleadings had been filed, the circuit court presided over a fitness hearing.

¶ 10 Fitness Hearing³

¶ 11 Ascher Levy, a staff psychologist with the Cook County Juvenile Court Clinic, testified that he has conducted three separate assessments on Lakeisha over the past few years and concluded that she meets the criteria for schizoaffective disorder. Individuals with schizoaffective disorder display “symptoms related to schizophrenia, which include hallucinations or delusions, feelings of unreality, impaired judgment and reasoning along with symptoms of an affective disorder, such as bipolar disorder,” which includes “periods of depressive symptoms and periods of manic symptoms.” His diagnosis is supported by the fact that Lakeisha has experienced hallucinations and delusions and has “engaged in behaviors that were associated with mania” as well as “depressive feelings” and behavior. Levy testified that

³ We acknowledge that Lakeisha does not challenge the circuit court’s finding that she was an unfit parent. We nonetheless elect to provide an overview of the testimony provided during the fitness hearing to provide a more complete background of the events that preceded the State’s petition to terminate Lakeisha’s parental rights as well as a more comprehensive context with which to review the termination proceedings. See, e.g., *In re Curtis W., Jr.*, 2015 IL App (1st) 143860, ¶ 11; *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 3.

during his most recent evaluation of Lakeisha, “most of her acute systems of schizoaffective disorder were being fairly effectively controlled with her medication.” However, she still displayed a “flat affect,” “problems with attention and concentration,” and had a “very limited level of activity in her life.”

¶ 12 In addition to evaluating Lakeisha individually, Levy testified that he also observed a visit between Lakeisha and K.W. in November 2016. During that visit, Levy made the following observations: “[Lakeisha] showed several positive parenting traits. She was attentive. She brought snacks. She interacted to some degree. She changed [K.W.’s] diaper during the visit, however for the most part there was a lot of disengagement. She sat on the couch for much of the visit. She never took off her coat. She showed very little emotion.” In addition, “[t]here were several times when [K.W.] had got[ten] upset, had a tantrum and [Lakeisha] did not effectively deal with that. There was very little attempt to involve [K.W.] in activities to keep her busy or to directly interact with her, which [he believed] contributed to some of the outbursts that [K.W.] had.”

¶ 13 Levy opined that Lakeisha’s schizoaffective diagnosis negatively affects her ability to parent K.W. in several ways. Specifically, it interferes with Lakeisha’s ability to provide K.W. with necessary “structure and routine.” In addition, Lakeisha’s “limitations in terms of being able to show affect, to be responsive to [K.W.’s] emotions, to be warm and affectionate, which all support the emotional development of a child, are very limited because of her disorder.” Moreover, Levy testified that “another area where [Lakeisha] would have difficulties supporting [K.W.’s] development is in her cognitive development” because Lakeisha also “has limitations in that area.” Finally, Levy opined that Lakeisha’s issues limit her ability to effectively and appropriately discipline K.W.

¶ 14 Levy acknowledged that Lakeisha “has made some really fantastic progress in her life.” He noted that she is currently living independently and that she has not required psychiatric hospitalization in several years. Nonetheless, he did not believe that Lakeisha’s ability to parent would improve in the foreseeable future, noting that “she has never been able to effectively parent any of her children” and that her ability to parent “[did not] improve despite multiple periods of receiving parent training.” He surmised that Lakeisha’s intellectual limitations likely interfere with her ability to implement the skills that have been taught to her during parent training.

¶ 15 On cross-examination, Levy testified that Lakeisha understood that K.W. had special needs of her own and that she was receiving various services and therapies. Lakeisha, however, was unable to identify the types of services K.W. received or explain why K.W. required those services. Levy acknowledged that Lakeisha has displayed an ability to budget money, obtain welfare benefits, make and keep doctor’s appointments, and remain compliant with her psychotropic medication. In addition, she has given speeches at the nursing home in which she had formerly resided delineating the types of services she received and explaining how those services have helped improve her level of functioning in an effort to motivate current residents to treat and control their own mental health issues. Levy further acknowledged that there is no evidence that K.W. was physically abusive toward any of her children and testified that he does not believe that Lakeisha represents a direct danger to K.W. in any way. In addition, Lakeisha visited K.W. consistently since she was removed from her care and has been able to meet K.W.’s basis needs during their regular visitations. Finally, Levy acknowledged that Lakeisha “clearly loves her daughter;” however, in his opinion, Lakeisha lacks the ability to meet the minimum parenting requirements needed to parent K.W. without full-time support.

¶ 16 John Bedalow, a parent trainer/coach, testified that Lakeisha was a client of his from December 2015 to May 2016. He explained that parent coaching involves “teaching the parent how to be proactive in teaching their expectations to their children and then learning to use reminders or prompts to help the kid demonstrate what they want” and “how to reward and reinforce behaviors as well as correct behaviors.” In addition, parents are taught “how to handle a child when they may escalate their behavior [and] become not so obedient” and how to be a role model and develop a healthy relationship with their child. He uses several techniques to impart parenting techniques, including “modeling” and “alter[-]egoing.” Usually each session is intended to build upon the skills taught during the previous coaching session. Bedalow testified, however, that Lakeisha had issues recalling topics had been discussed during prior sessions and required prompting and “a fair amount of assistance” in order to remember and implement the skills. In addition, he observed a “certain amount of passivity” in Lakeisha’s interaction with K.W. and noted that he often had to “cue her” how to better interact with her daughter. In particular, Lakeisha was unable to properly respond to K.W.’s tantrums without prompting and cues. Bedalow categorized the overall parenting skill level that Lakeisha achieved during the course of training as “poor.”

¶ 17 On cross-examination, Bedalow acknowledged that there were instances in which Lakeisha was able to “spontaneously” offer encouragement and positive reinforcement to her daughter. He testified, however, that such spontaneous behavior was not consistent and would essentially happen by “chance” because she usually “required a lot of reminding or help to demonstrate that skill.” Lakeisha was also “sometimes” able to plan activities for K.W. without prompting, but “the majority of the time that was not the case.” Bedalow explained that the reason he categorized Lakeisha’s overall progress during parent training as poor was because

Lakeisha was unable to remember and implement the skills discussed during prior training sessions. Each parent training session “almost felt like starting over” from the beginning. Bedalow testified that his parenting sessions with Lakeisha ultimately stopped because it did not appear that they “were making much headway.” He acknowledged, however, that Lakeisha consistently attended all of her training sessions. Bedalow testified that Lakeisha likely would have needed daily training in order to make any progress but that he was unable to provide such training absent a specific DCFS request. Bedalow acknowledged that he had never received special training regarding how to coach parents with schizoaffective disorder and who have limited cognitive functioning. He testified, however, that he has worked with many parents and children who have various psychiatric diagnoses and special needs.

¶ 18 Belinda Cooper, a social worker and foster care director at Lydia Home, an agency that works with children in foster care, supervised K.W.’s case from January 31, 2014, to November 30, 2016. When she first began supervising the case, Lakeisha was a resident at Grasmere Nursing Facility, a place that provides services to clients with mental health issues. While a resident at Grasmere, Lakeisha received therapy, medication monitoring, and was taught independent living skills. Lakeisha subsequently transitioned to a similar program run by Trilogy Behavioral Healthcare, where she received comparable services. During the time that Cooper oversaw the case, Lakeisha received parenting coaching with John Bedalow through Tom, Leo & Associates. She also took part in individual therapy sessions and “parent/child interaction therapy.” Cooper received regular reports on Lakeisha’s progress from her therapist, Sandra Suzuki, and would review Sandra’s reports and meet with Sandra on a quarterly basis to discuss Lakeisha and K.W. Cooper would use the information she obtained from Sandra to make visitation recommendations to the court. Cooper testified that she never recommended that

Lakeisha be awarded unsupervised or overnight visitation with K.W. In addition, she never recommended that K.W. be returned to Lakeisha's care. Cooper testified that Lakeisha's services with the agency were ultimately terminated when the parenting goal was changed from reunification to termination; however, visitation continued. Prior to her services being terminated, Lakeisha consistently took part in the services because she hoped to reunite with her daughter.

¶ 19 Cooper testified that during the time Lakeisha obtained services through Lydia Home, she regularly monitored visitation sessions between Lakeisha and K.W. She categorized K.W. as a "typical" child who could be fussy and have tantrums. On other occasions, she was an "interactive" and "happy baby." When K.W. was throwing a tantrum, Lakeisha would try to redirect and calm her daughter. During the visits, Lakeisha would play with and read to K.W. She would also frequently bring K.W. snacks and would sometimes bring her daughter presents.

¶ 20 Following Cooper's testimony, the State entered a number of documents into evidence, including mental health and parenting evaluations, service plans, therapy reports, and DCFS documents. The State then rested its case.

¶ 21 Natalie Wu, a recovery counselor at Trilogy Behavioral Healthcare, was then called upon to testify in Lakeisha's case-in-chief. She testified that she had been Lakeisha's case manager for about a year. She testified that Trilogy provides different levels of care to parents depending on their needs. Lakeisha initially received the highest level of care and worked with a team daily to stabilize her living situation, manage her medications, and attend therapy. Over time, Lakeisha "made significant progress," and currently was at the recovery service level, the lowest level of care that Trilogy provides. Lakeisha is "very independent" and no longer requires a team to manage her needs; rather, she works one-on-one with her case manager on a weekly basis to

manage her medication and maintain her housing. Wu testified that Lakeisha currently lives independently in an apartment that Trilogy personnel helped her to secure. Lakeisha also attends group therapy. Wu testified that Lakeisha's mental health has remained stable since she started with Trilogy in November 2013. Wu classified Lakeisha as one of Trilogy's "most high functioning clients." She testified that Trilogy does not provide parenting services and that she did not have any opinion as to whether Lakeisha has the ability to independently parent her child.

¶ 22 Angela W., K.W.'s maternal grandmother, testified that she was willing to help Lakeisha raise K.W. Specifically, she was willing to move in with Lakeisha to help parent K.W. on a long-term basis. She did not recall previously informing Dr. Levy that she was unable to assist her daughter raise K.W. because her work schedule precluded her from being readily available.

¶ 23 After considering the aforementioned testimony as well as documentary evidence, the court found that the State had met its burden of establishing that Lakeisha was unfit. In doing so the court acknowledged and applauded the progress that Lakeisha had made, but nonetheless concluded that she failed to make reasonable progress toward L.K.'s return home and was unable to discharge parental responsibilities due to her mental illness.

¶ 24 The cause subsequently proceeded to a best interest hearing.

¶ 25 **Best Interest Hearing**

¶ 26 At the hearing, Yanis T., a registered nurse at the cardiothoracic transplant unit at the University of Chicago Hospital, testified that she has been K.W.'s foster mother since K.W. was a few days old. Although K.W. has been diagnosed with various medical and developmental ailments, Yanis described K.W. as a "bubbly happy little girl." She explained that K.W. suffers from asthma and has been diagnosed with sensory deficits as well as some physical and cognitive developmental delays. As a result, K.W. receives weekly physical, occupational, and

speech therapy. In addition to taking K.W. to her weekly therapies, Yanis testified that she works with K.W. independently to implement the skills and techniques utilized during K.W.'s therapy sessions.

¶ 27 Yanis testified that she has “a good support system,” of relatives who have helped her care for K.W. and that her relatives have accepted K.W. into the family as if she were Yanis’s biological child. K.W. has bonded with Yanis’s family members and has made friends with neighborhood children and children with whom she attends preschool. Yanis testified that she has enjoyed sharing her life with K.W. over the past three years and believes that she and K.W. “complement each other” and are a “happy family.” She expressed her desire to adopt K.W., explaining that she wanted to continue to provide K.W. with “a secure and steady foundation.”

¶ 28 During the years that Yanis has been caring for K.W., she has maintained contact with K.W.'s biological mother and has regularly sent Lakeisha photographs of K.W. In addition, Yanis has fostered a relationship between K.W. and Lakeisha's other children and takes K.W. to visit with her biological siblings on a monthly basis. Yanis explained that she believed that it is “very important” that K.W. continue to have contact with her siblings because “they are her family.” She testified that if she is permitted to adopt K.W., she intended to continue to facilitate regular visits between the children. Yanis also expressed her intention to continue to provide Lakeisha with pictures of K.W. to and keep Lakeisha apprised of K.W.'s development. She also expressed a willingness to continue to permit visitation between K.W. and Lakeisha should the adoption proceed.

¶ 29 On cross-examination, Yanis confirmed that the contact she has had with Lakeisha over the years has been very civil and she agreed that they had a good working relationship. She reiterated that she intended to continue their weekly phone calls and in-person visits. Yanis

acknowledged that she was aware of Lakeisha's mental health issues and that mental illness has a genetic component. As a result, Yanis explained that she believes that Lakeisha would be a good resource to consult if K.W. began to display any signs of mental illness later on in life. Continued contact with Lakeisha would also be important if any questions arise concerning K.W.'s medical history. Yanis testified that she does not have a relationship with K.W.'s maternal grandmother, Angela, but indicated that she was "open to trying to develop a relationship with her." When asked about her work schedule, Yanis testified that her hours "fluctuate" but that she works four 10-hour shifts per week. Yanis's cousin, Monica, watches K.W. when Yanis is at work. In addition, K.W. has also previously attended day care.

¶ 30 Melva Waters, a case manager supervisor at Lydia Home, testified that she has been involved in K.W.'s case since December 2016. During the time that she has been involved in the case, Waters has met with Yanis, K.W., and Lakeisha. She has not observed any signs of abuse or neglect during the time that K.W. has been in Yanis's care. In addition, none of the medical personnel who have been interacting with, and treating K.W., have expressed any concern about the manner in which Yanis has been caring for her. Waters described the relationship between Yanis and K.W. as "very loving." She explained that K.W. "is very receptive to [Yanis] and shows love and affection towards her." K.W. refers to Yanis as "mom." Given K.W.'s medical and developmental issues, Waters believes that Yanis's experience as a nurse and her familiarity with the medical profession is beneficial to K.W. She explained that Yanis "understand[s] the importance of all the appointments and the needs that [K.W.] has." Waters was aware that Yanis has ensured that K.W. had regular contact with her biological siblings and with Lakeisha. She was also aware that Yanis expressed a willingness to ensure that the contact continued if the adoption were to proceed. Waters indicated that she had "no reason to believe" that Yanis was

not being truthful about her intent to continue to facilitate that contact. Ultimately, Waters opined that she believed it was in K.W.'s best interest that Lakeisha's parental rights be terminated and that K.W.'s guardian be granted the right to consent to her adoption.

¶ 31 On cross-examination, Waters testified that she had personally observed at least two visits between K.W. and Lakeisha. On those occasions, Lakeisha showed affection toward K.W. and read to, and played with, her daughter. During those visits, K.W. displayed a willingness to receive affection from Lakeisha and appeared to have a bond with her. Waters acknowledged that Lakeisha has not expressed any desire to give up her rights to her daughter; rather, she has consistently visited her daughter and has satisfied the requests made by the agency in order to reunite with K.W. Waters also acknowledged that all of the monthly visits between Lakeisha and K.W. that have taken place have been arranged through Lydia Home and that Yanis and Lakeisha have not yet attempted to set up any visits on their own.

¶ 32 Upon the conclusion of Waters's testimony, the State rested its case. Lakeisha's attorney then requested the court to take judicial notice of the testimony provided by Belinda Cooper at the earlier fitness hearing. The court did so and Lakeisha rested her case. The parties then delivered closing arguments. After considering the evidence presented, the arguments of the parties, and its review of relevant case law, the court determined that it was in K.W.'s best interest that Lakeisha's parental rights be terminated. In doing so, the court observed that K.W. was "currently in a safe, loving placement where the foster parent has been in her life since she was five days old. [The foster parent] has a supervisory medical background and would obviously have the resources and wherewithal to make sure [K.W.] gets to all [of] her medical appointments and to be a good liaison for whatever specialists and medical professionals [K.W.] needs." In addition, the court noted that K.W. had "a very active cousin and other extended

family that accept her” and that Yanis was “committed to continuing sibling visits as well as continuing a relationship with the natural mother.” In addition, it was clear that Yanis “clearly want[ed] to adopt” K.W. and that there was “clearly a very strong bond” between them. The court also acknowledged the existence of a bond between K.W. and Lakeisha and that Lakeisha “has ma[de] great inroads in her journey toward independence.” Although “the natural inclination would be to want to reward someone for all of their hard work and dedication,” the court emphasized that its ultimate focus had to be on K.W.’s best interest and concluded that it was in her best interest to terminate Lakeisha’s parental rights and to appoint “a guardian with the right to consent to the adoption of the minor.”

¶ 33 This appeal followed.

¶ 34 ANALYSIS

¶ 35 Best Interest Finding

¶ 36 On appeal, Lakeisha contests the circuit court’s best interest finding.⁴ She argues that the court’s conclusion that it was in K.W.’s best interest to terminate her parental rights is against the manifest weight of the evidence because “every witness presented testified to the loving bond between mother and daughter which has been maintained throughout despite the challenges posed by Lakeisha’s mental illness.”

¶ 37 The State and Public Guardian both respond that the circuit court carefully weighed the relevant statutory best interest factors and properly determined that termination of Lakeisha’s parental rights was in K.W.’s best interests.

¶ 38 The involuntary termination of a party’s parental rights is a “drastic measure” (*People v. Phyllis B.*, 231 Ill. 2d 459, 463 (2008)) because it “permanently and completely” severs the

⁴ We note that we will address the issues raised by Lakeisha in a different order than they are discussed in her appellate brief.

parent-child relationship (*People v. Brenda T.*, 212 Ill. 2d 347, 356 (2004)). The involuntary termination of parental rights is a two-step process governed by the Juvenile Court Act (705 ILCS 405/1-1 *et seq.* (West 2016)) and the Illinois Adoption Act (705 ILCS 50/0.01 *et seq.* (West 2016)); *In re J.L.*, 236 Ill. 2d 329, 337 (2010). Once a petition to terminate parental rights is filed in the circuit court pursuant to section 2-29 of the Juvenile Court Act, the cause proceeds to a fitness hearing. 705 ILCS 405/2-29 (West 2016); *In re J.L.*, 236 Ill. 2d at 337; *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 63. If, at the conclusion of the fitness hearing, the court finds by clear and convincing evidence, that the parent is unfit, as that term is defined in section 1 of the Adoption Act, the cause then proceeds to a termination hearing. 705 ILCS 405/2-29(2), (4) (West 2016); 750 ILCS 50/1(D) (West 2016); *In re J.L.*, 236 Ill. 2d at 337; *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 63.

¶ 39 Because a parent's lack of fitness to have custody of her children does not automatically result in the termination of her legal relationship with them (*In re M.F.*, 326 Ill. App. 3d 1110, 1115 (2002)), it is incumbent upon the court presiding over the termination hearing to ascertain whether the termination of parental rights is in "the best interest" of the child. 705 ILCS 405/2-29(2) (West 2016); *In re J.L.*, 236 Ill. 2d at 337-38. The preponderance of the evidence standard applies to a court's best interest determination. *In re Shaunte*, 2012 IL App (1st) 112280, ¶ 106. Section 1-3 of the Juvenile Court Acts lists the factors to be considered in making a best interest determination. 705 ILCS 405/1-3 (4.05) (West 2016). Pursuant to this provision, "the trial court is required to consider and balance [] different factors, and to do this multifactor-balancing while keeping in mind the child's age and developmental needs." *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 81. Section 1-3 of the Juvenile Court Act provides, in pertinent part, as follows:

“Whenever a ‘best interest’ determination is required, the following factors shall be considered in the context of the child’s age and developmental needs:

- (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 love, attachment, and a sense of being loved);
 - (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) (West 2016).

¶ 40 Although the court must consider each of these factors in ascertaining the best interest of the child, no single statutory factor is dispositive. *In re Austin W.*, 214 Ill 2d 31, 50 (2005). In addition to these statutory factors, our supreme court has instructed that “[o]ther important considerations when deciding a child’s best interests are ‘the nature and length of the child’s relationship with the present caretaker’ and the effect a change of placement would have upon the emotional and psychological well-being of the child.” *Id.* (quoting *In re Violetta B.*, 210 Ill. App. 3d 521, 534 (1991)). Ultimately, a trial court’s best interest finding will not be reversed unless it is against the manifest weight of the evidence. *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 64. “A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident or if the lower court’s determination is ‘unreasonable, arbitrary, or not based on [the] evidence presented.’ ” *In re Angela D.*, 2012 IL App (1st) 112887, ¶ 28 (quoting *In re J.Y.*, 2011 IL App (3d) 100727, ¶ 21).

¶ 41 Here, the record reveals that the circuit court engaged in a thoughtful and comprehensive analysis of the best interest factors in determining that the termination of Lakeisha’s parental rights was in K.W.’s best interests and we are unable to conclude that its finding is against the manifest weight of the evidence. The evidence presented at the best interest hearing established that K.W., who was removed from Lakeisha’s physical custody within days of her birth, has spent the majority of her childhood in Yanis’s care. During that time, Yanis has provided K.W. with love and stability and has ensured that her physical, medical, educational, and emotional needs were met on a consistent basis. Because K.W. was born with various medical and developmental issues, she has required regular physical, occupational, and speech therapies and the evidence established that Yanus worked diligently to ensure that K.W. received the therapies she requires in order to thrive.

¶ 42 There is no dispute that Lakeisha loves and shares a bond with her daughter and we commend the efforts that Lakeisha has put forth to complete the services required of her and to maintain a relationship with K.W. while she has been in Yanis's care. We emphasize, however, that the mere existence of a bond between a child and her natural parent, standing alone, does not support a finding that termination of the parent's parental rights is against the manifest weight of the evidence. See, e.g., *In re N.T.*, 2015 IL App (1st) 142391, ¶ 29; *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 22; *In re Angela D.*, 2012 IL App (1st) 112887, ¶ 39; *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 83. This is true notwithstanding the natural parent's consistent participation in prescribed services in an effort to reunite with her child. *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 22. Moreover, we note that the record reflects that K.W. has also developed a strong bond with Yanis. Indeed, Melva Waters, a case manager supervisor with Lydia Home, testified without equivocation that K.W. had a "very loving" relationship with Yanis and showed "love and affection" toward her foster mother. K.W. refers to Yanis as "mom." The record also established that K.W. has begun to establish bonds with extended members of Yanis's family, especially Yanis's cousin, Monica, who regularly watches over K.W. when Yanis is at work. We further observe that Yanis has expressed a willingness to facilitate a continued relationship between Lakeisha and K.W. if she were permitted to formally adopt her. Although a biological parent is not guaranteed future contact with her child once her parental rights are terminated, courts have nonetheless considered a foster parent's willingness to allow continued contact between the child and natural parent when making a determination as to the child's best interests. See, e.g., *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 23; *In re Angela D.*, 2012 IL App (1st) 112887, ¶ 41; *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 83.

¶ 43 Ultimately, after reviewing the record and the pertinent best interest factors, we are unable to conclude that the circuit court’s decision to terminate Lakeisha’s parental rights is against the manifest weight of the evidence. Rather, we agree with the circuit court that it is in K.W.’s best interests to allow her to be adopted by her foster mother Yanis, who has cared for her since her infancy and with whom she has established a stable and loving bond.

¶ 44 Fair Hearing

¶ 45 Lakeisha next argues the State deprived her of right to due process of law and a fair best interest hearing when it engaged in improper questioning of case worker Waters and provided an avenue for Waters to provide her opinion regarding the honesty of K.W.’s foster mother, Yanis, and Yanis’s intention to continue to facilitate visitation between K.W. and Lakeisha. In addition, Lakeisha argues that the State engaged in other repeated instances of purported misconduct.

¶ 46 The State and Public Guardian, in turn, both reject Lakeisha’s characterization of the disputed line of questioning and contend that Lakeisha received a fair best interest hearing.

¶ 47 As a threshold matter, there is no dispute that Lakeisha’s attorney did not raise any objection to State’s questioning of Waters during the best interest hearing and thus failed to properly preserve this issue for review. See, e.g., *In re Jeanette L.*, 2017 IL App (1st) 161944, ¶ 16 (mother forfeited claim for review when she failed to raise it in the circuit court during the termination proceedings); *In re April C.*, 326 Ill App. 3d 225, 242 (2001) (“Where a party fails to make an appropriate objection in the court below, he or she has failed to preserve the question for review and the issue is waived”). In an effort to excuse her procedural default, Lakeisha invokes the plain error rule. Most commonly employed in criminal cases, the plain error doctrine may nonetheless be invoked in civil cases to address an issue affecting the fundamental fairness of a proceeding. Ill. S. Ct. R. 615(a) (eff. Jan. 1, 1967); *In re M.W.*, 232 Ill. 2d 408, 430

(2009); *In re Tamera W.*, 2012 IL App (2d) 111131, ¶ 30. Application of the plain error doctrine in civil cases, however, should be “ ‘exceedingly rare,’ ” (*Wilbourn v. Cavalenes*, 398 Ill. App. 3d 837, 856 (2010) (quoting *Palanti v. Dillon Enterprises, Ltd.*, 303 Ill. App. 3d 58, 66 (1999))). It is appropriate “ ‘only where the act complained of was a prejudicial error so egregious that it deprived the complaining party of a fair trial and substantially impaired the integrity of the judicial process.’ ” *In re Marriage of Saheb*, 377 Ill. App. 3d 615, 627 (quoting *Lange v. Freund*, 367 Ill. App. 3d 641, 649 (2006)). Given that the termination of parental rights affects a fundamental liberty interest and must therefore comport with due process guarantees (*In re Brandon L.*, 348 Ill. App. 3d 315, 320 (2004)), we will review Lakeisha’s claim pursuant to the plain error doctrine. See, e.g., *In re Tamera W.*, 2012 IL App (2d) 111131, ¶ 30.

¶ 48 In this case, Lakeisha submits that her right to due process and a fair hearing was violated when the State was permitted to question caseworker Waters and elicit her opinion as to Yanis’s honesty and truthfulness concerning her willingness to foster continued contact between K.W. and her biological mother and siblings. She cites to the following exchange:

“[STATE]: Are you aware that the foster mother insures that [K.W.] see[s] her siblings that are in other placements?

[WATERS]: Yes

[STATE]: and the foster mother testified previously that she will continue to allow that to go forward, is there any reason you believe she is not being honest about that?

[WATERS]: No.

[STATE]: The foster mother [also] promised that she will continue to have some level of contact between [K.W.] and her Mom is there any reason to believe that she is not being honest when she told us that recently?

[WATERS]: No reason to believe otherwise.”

¶ 49 In support of her claim that this line of questioning was improper, Lakeisha cites to established legal precedent recognized by this court in *People v. Young*, 347 Ill. App. 3d 909, 926 (2004) that the “practice of asking a *criminal defendant* to comment on the veracity of other witnesses who have testified against him has consistently and repeatedly been condemned by this court because such questions intrude on the *jury’s* function of determining the credibility of witnesses and serve to demean and ridicule the defendant.” (Emphasis added.) We find Lakeisha’s reliance on such precedent unavailing given that child protection and parental termination proceedings are not criminal proceedings decided by juries; rather, a judge is the trier of fact in such proceedings and is solely responsible for evaluating the credibility of witnesses. See *In re K.J.*, 381 Ill. App. 3d 349, 351-53 (2008) (recognizing that there is no right to a jury trial in parental termination proceedings under the Juvenile Court Act). In such cases where a proceeding is decided by the trial court, it is presumed that the trial judge followed the law and relied solely on competent evidence in making its ruling, absent any affirmative evidence to the contrary. *In re N.B.*, 191 Ill. 2d 338, 345 (2000); *In re Charles W.*, 2014 IL App (1st) 131281, ¶ 37. Therefore, even if we were to agree that the questions posed to Waters were improper, we would presume that the circuit court only considered competent evidence when issuing its best interest ruling. Moreover, we note that the record actually rebuts any suggestion that the court considered Waters’ response to those questions when evaluating the pertinent best interest factors. Instead, when addressing the issue of potential post-adoption contact between

K.W. and Lakeisha, the court cited solely to Yanis's testimony on the matter. Finally, we note that the court's best interest finding did not turn solely on the issue of Yanis's willingness to permit post-adoption visitation between K.W. and Lakeisha; rather, it was informed by its consideration of all of the aforementioned statutorily delineated best interest factors, including the length of time that K.W. has been in Yanis's care and the strong bond and loving relationship that they share. Therefore, even if any error occurred during the State's examination of caseworker Waters, we cannot agree that the error was so egregious and prejudicial that it affected the integrity of the judicial process and deprived Lakeisha of her right to a fair hearing and amounted to plain error. See generally *In re M.S.*, 2018 IL App (1st) 172659 (no plain error where the purported error was not critical to or potentially dispositive of the trial judge's decision).

¶ 50 Given the lack of prejudice, we necessarily reject Lakeisha's alternative argument that she was denied her right to effective assistance of counsel when her attorney failed to object to the purported improper questions during the hearing. See *In re Charles W.*, 2014 IL App (1st) 131281, ¶ 37 (rejecting the father's ineffective assistance of counsel claim where he could not establish prejudice).

¶ 51 We are also unpersuaded by Lakeisha's argument that the State engaged in a repeated and cumulative pattern of misconduct during the termination proceedings. She cites to other instances in which the State asked other witnesses purportedly improper questions and made inappropriate arguments. At the same time, however, Lakeisha acknowledges that the circuit court "granted her counsel's objections and/or admonished the ASA about [the] improper questioning" of which she complains. We reiterate that it is presumed that the trial judge followed the law and relied solely on competent evidence in making its ruling, absent any

affirmative evidence to the contrary. *In re N.B.*, 191 Ill. 2d at 345; *In re Charles W.*, 2014 IL App (1st) 131281, ¶ 37. Here, no such affirmative evidence exists; rather, the record shows that the termination proceedings were conducted in a fair manner. Therefore, we affirm the judgment of the circuit court.

¶ 52

CONCLUSION

¶ 53

Affirmed.