2018 IL App (4th) 180218-U

NO. 4-18-0218

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
October 5, 2018
Carla Bender
4th District Appellate
Court, IL

In re ADOPTION OF E.Y.	)	Appeal from the
	)	Circuit Court of
Charles Y. and Melisa M.-Y.,	)	Champaign County
Petitioners-Appellants,	)	No. 17AD23
v.	)	
Sarah K., The Department of Children and Family Services, and The Unknown Father,	)	
Respondents-Appellees,	)	
and	)	
Norman W. and Michelle W.,	)	Honorable
Intervenors-Appellees.	)	Randall B. Rosenbaum,
	)	Judge Presiding.

JUSTICE DeARMOND delivered the judgment of the court.
Justices Holder White and Steigmann concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, finding the trial court and the Illinois Department of Children and Family Services did not abuse their discretion by denying petitioners' petition for adoption and granting intervenors' petition for adoption.

¶ 2 In February 2017, petitioners, Charles Y. and Melisa M.-Y., filed a petition seeking to adopt E.Y., their grandchild, who was at that time under the guardianship of the Illinois Department of Children and Family Services (DCFS). In August 2017, intervenors, Norman W. and Michelle W., the maternal grandparents of E.Y., filed a petition to intervene, attaching a proposed copy of their own petition to adopt. The trial court permitted intervention and consolidated the adoption petitions for trial. After six days of testimony, the trial court granted intervenors' petition for adoption.

¶ 3 On appeal, petitioners argue DCFS and the trial court abused their discretion in granting intervenors' petition and denying their own. We affirm.

¶ 4 I. BACKGROUND

¶ 5 In January 2016, Sarah K. stabbed and killed her fiancé, Chase Y., while her twin daughters, born in 2010, and her infant daughter, E.Y., born in 2015, were in the home. After stabbing Chase Y., Sarah K. made simultaneous calls on two separate phones—one to the 9-1-1 emergency line and the other to her mother. Sarah K. called her mother in an attempt to arrange a pick up for the children. By the time intervenors and a family friend, Kyle Patterson, arrived at the residence, the police were already present. E.Y. and her twin siblings were eventually turned over to intervenors by the police at the scene. DCFS took protective custody of all three children the next day, choosing to allow them to remain with intervenors temporarily. Four days after the stabbing, the State filed a petition for adjudication of abuse or neglect, and at the shelter-care hearing, DCFS was given temporary custody and guardianship of E.Y. and her twin siblings. At the hearing, DCFS chose to allow the three children to remain with intervenors.

¶ 6 Petitions to intervene in the juvenile proceeding were filed by petitioners, as well as the paternal grandmother of the twins, on the same date the State filed its petition in juvenile court. (The paternal grandmother's petition was continued generally and is not a part of these proceedings.) Intervenors filed their own petition two weeks later. At the adjudicatory hearing in March 2016, Sarah K. stipulated to one count of the juvenile petition, and at the dispositional hearing in May 2016, DCFS was appointed the guardian and custodian of E.Y. and her siblings. DCFS chose to allow the children to remain with intervenors. By the time of the dispositional hearing, the trial court had denied both intervention petitions; however, after court-ordered mediation, it granted parenting time to petitioners.

¶ 7 In January 2017, the State filed a petition for a finding of unfitness and termination of parental rights. In April 2017, the trial court conducted a hearing on the petition and determined Sarah K. was an unfit parent. In June 2017, Sarah K. attempted to sign a final and irrevocable surrender of E.Y. to her parents, which the court denied. However, the court granted a general surrender to DCFS for all three girls.

¶ 8 In February 2017, during the pendency of the termination proceedings, petitioners filed a petition for adoption of E.Y. Sarah K. filed a response, and DCFS filed a motion to dismiss. The trial court denied the motion to dismiss and appointed a guardian *ad litem* (GAL). Intervenors filed two petitions to adopt E.Y. as separate proceedings. In one, they filed as a related adoption, and the other they filed as foster parents for over a year. Both petitions were dismissed due to the pendency of a previously filed petition by petitioners. In August 2017, intervenors filed a petition to intervene and attached a proposed petition for adoption of E.Y. The court granted intervention and allowed them to proceed on their petition to adopt E.Y., consolidating the matter for trial. A hearing, which lasted over six days, was held on the petitions, and the relevant facts are included below.

¶ 9 A. Charles Y.

¶ 10 Charles Y. is the father of Chase Y., E.Y.'s deceased father, and has been married to Melisa M.-Y. for about 20 years. During Chase Y. and Sarah K.'s relationship, he was aware of the violence that took place in his son's marriage and was concerned about the arguments in front of the children. On at least three or four weekends, he watched the children while Sarah K. and Chase Y. fought. On two occasions, Sarah K. left E.Y. on his doorstep and drove away. When their son died, he and his wife were in Arizona and returned the day after the murder. When they arrived home, they looked for E.Y. and were told she was safe and in protective

custody. He testified he had a close relationship with E.Y. and the twins, who called him "grandpa." His relationship with the twins has become strained after Chase Y.'s death as he is no longer given the opportunity to see them. On cross-examination, he admitted he knew nothing about DCFS' intention to keep all three children together but indicated if he and his wife knew they could adopt all three they would have proceeded that way. If his petition to adopt E.Y. was successful, she would not be living with her twin sisters. He also acknowledged intervenors love E.Y. just as much as he and his wife do.

¶ 11 B. Kyle Patterson

¶ 12 At the time of the hearing, Kyle Patterson was 25 years old and lived in his car. He lived with intervenors from May 2015 through October 2016 and, while not related, considered them family. Patterson was present during a number of domestic-violence incidents in that home. On 10 different occasions, he witnessed Sarah K. and Chase Y. fight, verbally and physically. When Michelle W. was present during the fights, she would try to separate them. He believed the three children loved each other and believed, from E.Y.'s standpoint, separating her from her sisters would be harmful. While staying with intervenors, he witnessed fights and arguments between Michelle W.'s adult children, Tom and Tim, usually when the two were drunk and sometimes in front of the girls.

¶ 13 C. Heather Forrest

¶ 14 Heather Forrest, an investigator for 17 of her 19 years with DCFS, took protective custody of the children after Chase Y.'s death based upon an allegation of "injurious environment." She placed the girls with intervenors because "the police had already taken the children to the maternal grandparents' home." All three of the children were already there, and intervenors were related to all three of them.

¶ 15 She explained DCFS policy and preference was to keep siblings together if possible. She was not aware of any exception to that policy in a circumstance involving the murder of one parent by the other or where the children were half-siblings. At the time she took protective custody of all three girls, she had not met petitioners and would not have considered them for placement at that point because, unlike intervenors, they were not related to all three girls. Their policy gave preference to acceptable family members with whom the children had a relationship, both familial and actual. She acknowledged that when multiple children are involved, she might consider stepgrandparents without a biological relationship for possible placement, but in this case, the girls were already with grandparents who were related to all three.

¶ 16 When pressed for an explanation as to why the children were placed with intervenors, Forrest admitted it was not relevant how the children first came into their custody but only that they qualified as a suitable placement and fit the criteria of being related to and having a relationship with all three children. It did not matter to her whether Sarah K. called intervenors after stabbing Chase Y. and asked them to take the children. She explained it thusly: "My decision would have been based on the background checks of the parties in the home, the condition of the home, their relationship to the children and how well they, they know the children, how invested they are in the children."

¶ 17 Forrest indicated she was aware of Sarah K.'s history of domestic violence with her former paramours but was unaware of the violence in the home during this most recent relationship with Chase Y. She was also unaware of incidents of domestic violence between Sarah K. and her parents, intervenors; however it was not of significant concern to her because

Sarah K. was not to have any unsupervised contact with the children once DCFS took protective custody.

¶ 18 D. Officer Andrew Good

¶ 19 Officer Andrew Good is an officer with the Champaign County's Sheriff's Office and was involved in the investigation of Chase Y.'s death. During his interview with Michelle W., she remembered speaking to Sarah K. about picking up the children but could remember no other details due to her four brain aneurysms and difficulty remembering.

¶ 20 E. Sarah K.

¶ 21 Prior to Chase Y.'s death, Sarah K. had a DCFS intact case and was referred to and completed anger-management classes. During her relationship, her parents told her to leave her fiancé because of the abuse on both sides, but she refused. She acknowledged previous instances of domestic violence between herself and her stepfather, Norman W., as well as with the father of the twins. She surrendered her parental rights and stated she has no intention to live in Champaign for the safety of herself and her family. Her parents have not made any promises about letting her see the girls, have stated any visits would be supervised, and have stated Sarah K. cannot live with them.

¶ 22 When questioned about her telephone call to her mother on the night she stabbed Chase Y., Sarah K. indicated her only concern was getting someone as quickly as possible to watch her children since she assumed she was going to the hospital when the medics arrived. She denied having any concern or even considering whether DCFS was going to be taking her children.

¶ 23 F. Michelle W.

¶ 24 Michelle W. is 52 years old and lives with her husband, Norman W. She and her husband claimed E.Y. on their 2015 taxes even though E.Y. lived with Chase Y. and Sarah K. and was financially supported by Chase Y. On the day of the murder, Sarah K. called her to pick up the children, which Michelle W. did, along with Patterson and Norman W. All these girls have lived with her and her husband since that day. She has been on disability since 2013 due to her "four brain aneurysms." She takes medication for her condition and has annual exams. She claimed her condition does not affect her mental ability but indicated at one time she felt it affected her memory. She was aware her sons, Tom and Tim, had criminal convictions but could not recall specifically what they were.

¶ 25 When questioned about negative behavior involving Sarah K., Michelle W. frequently professed an inability to recall. She denied asking Patterson to take the children when fights between Sarah K. and Chase Y. occurred, which was contrary to Patterson's testimony. She agreed, however, either Theodore, one of her sons, or Patterson moved the children on at least 10 occasions. Michelle W. told the GAL, in September 2017, Sarah K. would have to take classes and complete other DCFS requirements before having contact with the girls. She knew Sarah K. was to be released in January 2018 and on parole for the next two years. She was also told that after the adoption DCFS would have no control over visits. Although she was aware the biological father of the twins was physically abusive toward Sarah K. and had surrendered his parental rights, she still allowed him to visit the girls.

¶ 26 G. Diane Greco-Colrazy

¶ 27 Diane Greco-Colrazy is a social worker and adoption specialist, who has conducted between 250 to 350 adoptive home studies. These home studies generally entail collecting medical and educational documents, interviewing people, and conducting criminal

background checks and home visits. She was hired by petitioners and paid $100 per hour, ultimately making $2500. She had multiple visits with petitioners, interviewed them, and observed their interactions with E.Y. in the house. She testified the background checks on petitioners were clean and they are in good health. Petitioners have a foster-care license and their home complies with the applicable standards. Greco-Colrazy stated their interactions with each other and E.Y. were caring and nurturing and E.Y. was happy in the home. E.Y. also had the opportunity to meet with several members of her extended family who were also nurturing and loving. She stated, when necessary, discipline was appropriate. She found E.Y.'s bond with petitioners was "especially strong." On cross-examination, she stated she only had seven hours of direct contact with petitioners and did not observe E.Y. with the twins. She did not know intervenors but believed it would be "traumatic" for E.Y. if she lost that bond or the bond with petitioners.

¶ 28 H. Debra Dyer-Webster

¶ 29 Debra Dyer-Webster works with DCFS and has been the guardian of E.Y. since January 2016, when she became a ward of the court. During the process of evaluating whether to consent to adoption by either party, she knew about domestic violence between Sarah K. and Chase Y. in the presence of the children, as well as the violence with twin's father, but she did not recall knowing about violence between Sarah K. and her parents or Sarah K. and her brothers. She was also unaware of Patterson living in intervenors' home and a pattern of domestic violence where he would be called upon to remove the children from the presence of Sarah K. and Chase Y. Dyer-Webster also admitted being unaware of incidents of domestic violence between Sarah K.'s brothers, also in the presence of the children, while at intervenors' residence. She admitted the various incidents of domestic violence of which she had no

knowledge "would have factored into my decision" regarding whether to give consent to the adoption by the intervenors.

¶ 30 When asked why she chose not to consent to adoption by petitioners, Dyer-Webster said it was because E.Y. had been placed with intervenors since she came into care and she was placed with her twin siblings. She said DCFS policy, federal guidelines, and state statutes indicated a strong preference for placing children with their siblings, and at the time she was being asked to give her consent, E.Y. and her sisters "were placed together. There were no safety issues. The—the mother was incarcerated, and the children were thriving and doing fine in their current environment. I did not see any reason to separate the siblings. It was about what was best for [E.Y.] that guided my decision."

¶ 31 Dyer-Webster was asked about various incidents of domestic violence of which she had no knowledge at the time she submitted an affidavit expressing her intent to consent to adoption by intervenors. Dyer-Webster admitted those would have been safety issues prior to the children being placed originally. However, at this stage of the proceedings, they were merely factors to be considered in making the adoption consent decision. She indicated, at the time she completed the affidavit, E.Y. had been living with intervenors for a substantial period of time, so they were her primary parental figures.

¶ 32 Dyer-Webster also noted that even though both sets of grandparents were interested in serving as the placement for E.Y. by the time she completed her affidavit with intervenors, E.Y. was able to remain with her sisters, which, in the opinion of Dyer-Webster, was one of the most important considerations. "All things being equal, it would be best for [E.Y.] to reside with her siblings."

¶ 33 In the overall determination by DCFS, how the children came to be with intervenors at the outset of the case was not significant, according to Dyer-Webster. An assessment by the caseworker at the beginning of the case found intervenors to be a satisfactory placement. Once placed, DCFS tries not to change placement unless there are safety concerns or other "overarching reason[s]" because every change in placement is traumatic and disruptive for the child. She saw the situation as two competing petitions for adoption; however, intervenors were also willing to adopt the other two siblings as well. It was significant to her that intervenors had agreed to a visitation agreement with the paternal grandparents, which she considered very liberal and not frequently seen in cases such as these.

¶ 34 After conducting home visits with both parties shortly before the hearing, her decision to consent to adoption by intervenors had not changed. E.Y. had resided with intervenors for 20 months at the time and as foster parents they were to be given preference. She could see no basis to separate E.Y. from her sisters. Unlike intervenors, who had agreed to a liberal visitation schedule, petitioners indicated they were in favor of once-a-month sibling visits, and although Charles Y. proposed the possibility of an additional monthly visit with the siblings at intervenors' residence, Melisa M.-Y. never expressed her agreement. When petitioners were spoken to regarding any concerns with separating E.Y. from her sisters, their response was, "[E.Y.] will get over it." In her opinion that would not be in E.Y.'s best interests. She explained how Sarah K. would not be permitted unsupervised contact with E.Y. due to a potential risk to E.Y.'s emotional and physical safety; however, she also admitted once the adoption was complete, absent a hotline report, there would be no way for them to know whether she was having contact with any of the children.

¶ 35 I. Melisa M.-Y.

¶ 36 Melisa M.-Y. is the paternal grandmother of E.Y. She acknowledged being aware of the history of domestic violence between Sarah K. and her deceased son, Chase Y. but denied witnessing any incidents in her presence. She also said she had concerns about the safety of E.Y., as well as the twins, during the times leading up to her son's death, and she was afraid they were witnessing too much. There was no evidence of any acts of domestic violence in Melisa M.-Y.'s home, and she denied the existence of any such incidents. According to Melisa M.-Y., she contacted several different law enforcement agencies about the domestic violence between Sarah K. and her son, Chase Y.

¶ 37 Melisa M.-Y. indicated she and her husband were willing to take all three girls into their home as foster children after their son's death. Although intervenors had filed petitions to adopt all three during the pendency of the case, Melisa M.-Y.'s husband said the reason petitioners had not was because of legal advice from a previous attorney. When petitioners spoke with DCFS representatives early in the case, they expressed their desire to have visitation with E.Y. initially, then they asked about taking custody of her only. Karie Kaufman, a lead foster care case manager for Center for Youth and Family Solutions (CYFS), testified that for a number of months after the case's opening, Melisa M.-Y.'s inquiries regarding placement related only to E.Y. In fact, Kaufman said it was not until October 2016, some nine months after the case's opening, that the petitioners ever mentioned taking all three girls. By this time, they had been residing together in the residence of intervenors, who were related to all three, for the life of the case.

¶ 38 Melisa M.-Y. testified about obtaining a foster-care license and said both she and her husband are in good health and have no criminal convictions or history with DCFS. She said

although Chase Y. was not the father of the twins, he treated them as if he was and they did likewise.

¶ 39 There is a dispute among the witnesses as to whether Melisa M.-Y. ever expressed an intention to keep E.Y. away from intervenors and her siblings; however, Melisa M.-Y. maintains this came from conversations early in the case, when she was still very emotional and upset about the circumstances. She denied having said something to Dyer-Webster as recently as a week prior to the hearing indicating her intention, if successful in adopting E.Y., to initially prevent visitation with intervenors as well as having no set visitation schedule with the siblings, stating Dyer-Webster was "lying." She testified on direct examination she would be willing to allow a continued relationship between E.Y. and intervenors but not Sarah K. She also expressed her concern for E.Y. once Sarah K. is released from the penitentiary because she feels E.Y. will "continue being exposed to domestic violence." Explaining that Sarah K. has had a long history of domestic violence, Melisa M.-Y. testified she was "sure" intervenors would allow Sarah K. contact with E.Y. upon her release because of the relationship between Sarah K. and Sarah K.'s mother, Michelle W.

¶ 40 Melisa M.-Y. acknowledges E.Y. may require counseling, which she and her husband would be willing to obtain for her. She also noted they have the financial resources available to properly care for and support her if their petition for adoption was allowed. Melisa M.-Y. agreed intervenors love E.Y. as much as she and her husband do and are also able and willing to support E.Y. Melisa M.-Y. admitted E.Y. had lived with her sisters throughout her lifetime and had resided with them during the entire 22 months the case had been pending by the time of trial.

¶ 41 J. Karie Kaufman

¶ 42 Karie Kaufman has been a social worker with CYFS for 21 years and has been assigned and testified in hundreds of cases during that time. She received the case in February 2016 from Forrest, who had made the initial placement of E.Y. and her sisters. As case manager, her job was to work with biological parents and children in providing services. During the pendency of the case, she was in intervenors' home at least three times per month since one of the twins had specialized medical needs. Over the life of this case she estimated she had been in the home nearly 100 times.

¶ 43 When asked about the extended period of telephone contact between Sarah K. and the children, Kaufman explained supervised telephone visitation had been permitted from April 2016 through January 2017, the duration of the juvenile abuse and neglect case. After that, the phone calls were supervised by intervenors themselves. Although the agency may support continued supervised contact between Sarah K. and E.Y., in her conversations with intervenors, they have indicated Sarah K. would never return to live with them. They have also indicated they would not allow direct contact between Sarah K. and E.Y. until Sarah K. successfully completed all recommended services with DCFS.

¶ 44 It was Kaufman's opinion the placement was proper at the outset of the case and continued to be so. She explained, pursuant to DCFS policy, they would first look for a relative who was actually related to all the children; in this case, that was intervenors. Next, they would determine if that relative was willing and able to care for all three children. Lastly, they would consider whether such placement was in the best interests of the children. Since the case's opening, Kaufman has been in the foster-care home "hundreds" of times and has yet to find an issue of concern. She has seen no problems with the current placement and believes E.Y. has adjusted well. She considers the bond between E.Y. and her sisters to be "amazing." She believes

the residence is adequate and intervenors are able to provide for all of E.Y.'s needs. She described their relationship with E.Y. as "close" and said they are both very invested in caring for her. Kaufman also emphasized the nature of the sibling bond and its significance to placement and E.Y.'s future best interests.

¶ 45 She acknowledged petitioners enjoy the same "closeness" with E.Y. and have been supportive throughout the case. Her personal opinion, however, was that it was not in the best interests of E.Y. for petitioners to adopt her because they had never been E.Y.'s primary caregivers. During the case, visitation with petitioners had been increased by the agency to the point where DCFS offered an overnight weekend visit, which was declined by petitioners. On cross-examination, Kaufman explained the process for telephonic or "Skype" communications between Sarah K. and the three children, indicating such visitation had never been refused by the agency. She described how E.Y. responded positively to seeing her mother or hearing her voice during the calls. She also explained how it was just as important to maintain the relationship between E.Y. and her father's side of the family. To this end, she testified DCFS had been fully supportive of grandparental visitation "above and beyond what normal grandparent visitation is for DCFS wards." In addition, she was fully supportive of Sarah K. being allowed to maintain some form of contact with E.Y. postadoption and felt E.Y. would benefit from it.

¶ 46 Kaufman explained visitation for intervenors was originally set up in the juvenile court case at the recommendation of the GAL, and to her knowledge, both sets of grandparents had facilitated that without issue. She also noted, although the children were no longer in therapy, if petitioners were granted the adoption, the children would have to be reengaged in therapy to address being split up.

¶ 47 K. Lisa Wade

¶ 48 Lisa Wade has worked in the child welfare field for almost 22 years, with 17 years of her experience predominantly in adoptions. The last three years have been as a lead adoption specialist for CYFS, where she has been employed for 12 years. As part of the adoption process, she has multiple meetings with the prospective adoptive family, performs an adoption assessment, and writes a report on her investigation, which is then passed on to her supervisors and DCFS. In this instance, she met with intervenors three times. In conducting her background checks, she found intervenors had no criminal history; however, their son, Theodore, who lived with them, had one conviction for drug possession. She did not perform such a check on Patterson because he did not reside with them at that time, but she admitted on cross-examination she had conducted no investigation into the extent to which Patterson and Michelle W.'s sons, Tim or Tom, were present in the home. Some of the factors she would consider in determining whether adoption by a particular family was in a child's best interests included: how long the child lived in the home, sibling connections, and willingness of the family to adopt. She acknowledged the existence of statutory, regulatory, and policy requirements that siblings be kept together if at all possible and noted that if a decision is made otherwise, it must be approved by someone in a supervisory capacity. She also agreed foster parents who have had a child in their home for a year or more are also entitled to preference in adoptions. She did not believe the telephone contact intervenors allowed Sarah K. with E.Y. was detrimental or endangering.

¶ 49 Wade stated her opinion was that E.Y. is "safe and secure where she's at, that she has a significant emotional attachment to her current caregivers and to her siblings, as well as to her Uncle Theodore that lives in the home. They've been providing excellent care for her. They can provide for her and her sisters. It's my opinion that this is the best placement for her."

¶ 50 She was aware of Michelle W.'s medical condition but noted there was documentation in the file from a doctor certifying it did not interfere with her ability to parent the children in her care. Based upon her personal observations, Wade was of the opinion E.Y. should remain with her siblings. She said they had a very strong attachment to each other. Wade was not concerned about the fact Theodore had a prior drug paraphernalia conviction nor was her opinion altered by the fact he had prior domestic battery arrests from approximately 2009.

¶ 51 L. Michelle W.

¶ 52 Michelle W. is the maternal grandmother of E.Y. She testified she was currently healthy and other than the aneurysms, she had no other medical problems. One of the four aneurysms has been surgically treated and around the time of surgery she may have had some memory issues but not currently. Her son, Theodore, husband, Norman W., dog, Bella, and the girls all live in the house they have lived in for the past 10 years. The girls share their own bedroom. Her son Theodore lives there as well, although he will be moving out soon. He helps around the house, watches the children on occasion, and drives Michelle W. wherever she needs to go. She described the loving relationship E.Y. has with her two sisters and provided a normal daily schedule of activities for E.Y. once the twins go to school and after their return.

¶ 53 Michelle W.'s previous employment was as a teacher's aide for the Head Start program, where she assisted with 18 to 21 children, both on the bus and in school. As a result of the brain aneurysms, the school and her doctor felt she should no longer work in that capacity and she began collecting social security, which continues. Her husband, Norman W., is a manager at Flex-N-Gate. He normally leaves early in the morning before the children are up and gets home around 4 p.m., before the girls get off the bus. The entire family eats their nightly meal together, which she prepares and tries to have ready within a half-hour after the children

arrive home from school. Michelle W. described how specific time is provided for play as well as homework in the evening and that E.Y. is normally provided with "homework" of her own, consisting of paper and crayons, so she can work along with her sisters.

¶ 54 Michelle W. said she and her husband had discussed Sarah K.'s access to E.Y. upon her release with CYFS and made it clear they, not Sarah K., would decide when and under what circumstances it might take place. She acknowledged Sarah K. will not live with them again and that their concern now was the safety, care, and protection of the girls. She reiterated Sarah K. would have to successfully complete all the services that might be recommended for her by DCFS after her release before they would ever consider even supervised visits with E.Y. Michelle W. indicated she was well aware that if the adoptions go through, she would be the mother of E.Y. and her sisters and all parental decisions would be made by her and Norman W., who would then be their father as well. Michelle W. stated Sarah K. would never see E.Y. alone and she would not even allow the visits to be in the home.

¶ 55 She described the current visitation schedule for petitioners, noting it had increased over time and acknowledging they had every intention of allowing petitioners' relationship with E.Y. to continue. When asked about offering them more time, she said petitioners had previously been offered overnight visits but declined them. Because of previous incidents where the two other brothers, Tim and Tom, had come to the home intoxicated and fought, Michelle W. was asked about whether they would continue to be allowed in the home. Michelle W. said they had both cleaned up their lives and if they were doing anything wrong, they would not be allowed in the house.

¶ 56 Once Theodore moves out, she said, they were planning a complete remodel of the home, adding additional rooms and turning the garage into a living space. She was receiving

money from the sale of properties she inherited as a result of her mother's passing. Michelle W. noted they were financially able to care for E.Y. and the other two girls and knew E.Y. would inherit from Michelle W. as a result of the adoption. On cross-examination, she admitted the surgery had affected her memory at one point but did not consider it a problem now. Michelle W. also said she did not renew her driver's license the last time it became due and currently takes medication for anxiety.

¶ 57 M. Candy Murphy

¶ 58 Candy Murphy is a retired special education teacher who taught kindergarten to fifth grade for 32 years. She currently serves as a court-appointed special advocate for children volunteer and she attended three visits with the three girls. Of greatest significance to her was the nature of the bond E.Y. has with her two older sisters. She has conducted similar visits with other families at the rate of five home visits a month for the past two years, and in her opinion, "I hadn't seen a younger child so connected to her older sisters in that regard," meaning the obvious nature of the bond between them. She emphasized how impressed she was with E.Y.'s development over the course of her visits and attributed it, in large part, to her desire to emulate her older sisters. She also noted how significantly the older girls were bonded to E.Y. as well.

¶ 59 According to Murphy, her visits revealed what she considered to be a very safe and secure home, and she noted she was impressed with the level of awareness Michelle W. exhibited concerning the three girls at all times. She also commented on how Michelle W.'s prior experience with childhood education was evident in her decision-making regarding the girls.

¶ 60 N. Autumn Nagele

¶ 61 Autumn Nagele is the younger sister of Norman W., maternal grandfather of E.Y. She has had occasion to be around E.Y., both when E.Y. lived with Sarah K. and Chase Y., and

since then with intervenors. She described E.Y. as a "very loved child, very well taken care of. She has a great relationship with both Norman W. and Michelle W. and an amazing relationship with her twin sisters as well." She described E.Y.'s relationship with her sisters as "very close" and stated that they do everything together.

¶ 62 Nagele acknowledged she and her husband, a computer programmer, have agreed to be the "designated guardians" if, for any reason, intervenors were unable to do so. She said they were financially able to provide for the girls and that their home, where they live with their own 12-year-old daughter, would be suitable for them, if necessary. Once Sarah K. was released from prison, Nagele said she would have to satisfactorily complete all recommended services before Nagele would even consider allowing her contact with the girls. Sarah K. could not live in her home and no unsupervised contact would be allowed. She also felt it would be "devastating" to separate E.Y. from her sisters.

¶ 63 When asked about Theodore, Nagele said she thought he had a wonderful relationship with the girls and would be perfectly capable of watching them if necessary, as he had done so with her own daughter. She had no concerns about Theodore at all with regard to his behavior with and around the girls.

¶ 64 O. Norman W.

¶ 65 Norman W. is the husband of Michelle W. and stepgrandfather of E.Y. and the twins. He is the shipping/receiving manager at Flex-N-Gate, where he supervises 14 other employees during the week.

¶ 66 Norman W. described the scene at Sarah K.'s residence on the night of the stabbing and explained the police officers gave them custody of the three children that night. His description of typical daily activities was essentially the same as that described by Michelle W.

He said they are financially able to provide for the girls and that their home is suitable as well and after remodeling, each of the girls will be able to have their own room. No one in the home consumes alcohol. Theodore smokes but is required to go outside to do so, and neither Norman W. nor his wife have ever been charged with or convicted of anything. He described an incident where Sarah K. and his wife were in an argument, and when he came to Michelle W.'s aid, Sarah K. began trying to choke him. He explained how he had Sarah K. arrested and prosecuted for domestic battery and he had counseled her a number of times to leave Chase Y. due to the violence in the home.

¶ 67 He too described the extremely close bond between E.Y. and the twins and how they are quick to comfort each other if distressed. Norman W. explained the various trips they had all taken together and how well E.Y. does for her age. Regarding Sarah K.'s release from prison, Norman W. expressed a very clear policy that "[o]ne, she will never live in our home. Two, she will never have unsupervised contact with any of these three children. Three, she is going to have to complete numerous services as outlined by DCFS to even have a chance to see her children. Once those are completed, my wife and I will talk with her, see where she's at, and, even at that time, it may not be decided that she can see her children or talk to her children. It depends on how she has changed her life to be able to be in their life. Our job is to protect these children. That's what we've been doing since they were put in our care by the state, and it is of utmost important to us that that remains that way."

¶ 68 Norman W. explained in detail Michelle W.'s medical condition and the four aneurysms, one of which was surgically addressed. The other three are neither life-threatening nor potentially debilitating. He confirmed she did, in fact, suffer some degree of memory loss

after surgery but that had resolved itself over time. He said severe emotional stress could degrade her memory temporarily.

¶ 69 On cross-examination, Norman W. related the history of domestic violence between Sarah K. and Chase Y., as well as previous incidents between Sarah K. and her brothers and the incident with Michelle W. where he intervened. He acknowledged Sarah K. had been asked to leave the home on a number of occasions because of her abusive nature.

¶ 70 Norman W. acknowledged petitioners' love for E.Y. and that they were just as much her grandparents as intervenors. He agreed the circumstances since the killing of their son have been an emotional strain on everyone and that their current relationship is "not real good." He said if the adoption proceeded, it was their intention to continue to accommodate petitioners' visitation requests and help maintain their relationship as E.Y.'s paternal grandparents. Norman W. testified they were even intending on making arrangements for petitioners to have a week or two during the summer if they wanted to take E.Y. on vacation.

¶ 71 P. Antoinette Casano

¶ 72 Antoinette Casano is the paternal grandmother of the twin girls, E.Y.'s sisters. She said the girls have known intervenors all their lives, living in and out of their home throughout that time and "they love them to death." She also knows Melisa M.-Y. and testified about a statement Melisa M.-Y. made shortly after Chase Y.'s death. She acknowledged Melisa M.-Y. said something to the effect that if petitioners were awarded the adoption of E.Y., intervenors would never see her again. However, she was quick to point out how recently after Chase Y.'s death this statement had been made and the totality of the circumstances that led her to believe it was merely said in the midst of her grief over the recent loss of her son.

¶ 73 Casano also mentioned how the twins love E.Y. and miss her when they are with Casano's family. She said she had no concerns over the level of medical care and attention the twin with the heart problem gets at intervenors' residence; however, she was unwilling to express an opinion with regard to whether she thought intervenors were capable or willing to provide proper care for them.

¶ 74 Q. Janet Wukas Ahern

¶ 75 Janet Wukas Ahern is the current guardianship administrator for DCFS. She has worked for DCFS for 22 years and has previously served as both the deputy and acting general counsel. As part of her duties in this case, she reviewed approximately 200 pages of notes made by caseworkers over the two-year life of the case. She also met with both sets of grandparents shortly before the trial and met with E.Y. and the twins as well. She explained it is the policy, found within Rule 301 of the DCFS' rules, to place siblings together under most circumstances. There may be exceptions; however, every effort is made to do so. She also pointed out how, under a federal court consent decree, they are required to place siblings together if at all possible, and if not, certain visitation requirements are to be met. In fact, DCFS continues to be monitored and their placement statistics analyzed to make sure they are complying with the decree.

¶ 76 In her meetings with E.Y. at both grandparents' residences, she observed E.Y. to be loved and cared for by both and to exhibit that same love for both sets of grandparents. She observed E.Y.'s relationship with her siblings and found them to be very close. From the administrative case review notes, she was able to testify the medical needs of all three girls are being met by intervenors. It was her opinion the adoption petition of intervenors should be granted, based on three specific areas of consideration: (1) the sibling relationship, (2) the effect of adoption by petitioners on that relationship, and (3) the safety of the children from Sarah K.

When permitted to expound, Wukas Ahern noted how loving and happy the children seemed together. With regard to the second element, she noted, when first talking with petitioners, they proposed allowing intervenors to see E.Y. once a month and that as she got older, she could call to have the siblings come visit, with that being left up to what E.Y. wanted. She considered that to be "a bit limiting." Conversely, when she talked to intervenors, they were comfortable with the current schedule allowing petitioners every other weekend and visits during the week, as well as allowing time during summer vacation. She considered their perspective to be "much more open" and understanding of the importance of the other grandparents to E.Y. Regarding the safety issue, Wukas Ahern had familiarized herself with Sarah K.'s history and was impressed with the restrictions and requirements intervenors would expect before permitting any contact. When asked her opinion, she felt the current visitation schedule for petitioners, who she found to be very nice, caring people, was appropriate.

¶ 77 She was aware of Theodore's drug paraphernalia conviction and did not find it concerning since he had already passed two background checks for placement and foster licensing without being considered a problem. She observed his interaction with the girls and said he seemed to have a good relationship with them. She was also aware he was in the process of moving out of the home.

¶ 78 Wukas Ahern also acknowledged in her review of DCFS records, she was not able to find a formal request from petitioners seeking adoption of E.Y. On cross-examination, she explained the difference between filing a petition for adoption as an independent proceeding, such as was done by petitioners here, and seeking consent of DCFS for an adoption, which she would consider a formal request. She did not know, but she assumed petitioners had sought placement of E.Y. with them at various times during the pendency of the case. She was also

aware that although E.Y. had lived with both sets of grandparents at various times, they were placed with intervenors initially because they had to go somewhere and intervenors fulfilled the basic requirements; namely, only one set of grandparents were related to all three children, and placing them there would allow them to remain together.

¶ 79 Wukas Ahern was unable to say whether petitioners had ever been considered for a change of placement during the case, but she said she gave them consideration once the decision came to her. She explained she liked petitioners "very much" because they had a nice home and wanted to provide for E.Y. However, it boiled down to three factors. First, the children need stability and they have been thriving in the same home for two years after suffering significant losses in their lives. Second, the maintenance of the sibling relationship and the relationship with the other grandparents was better with intervenors because the twins already lived there and intervenors seemed more open to allowing E.Y. to maintain a strong relationship with the other set of grandparents. The idea of removing E.Y. from her sisters was not one Wukas Ahern believed to be in her best interests. Third, the safety of the children was not in question in the current placement. She was not particularly concerned about the drug paraphernalia conviction or nine-year-old domestic battery charges Theodore had as a juvenile nor did she express concern over the incidents between the two brothers, Tim and Tom, at intervenors' residence. Although they may have been relevant at the time, they were too remote in time now to be of concern. Wukas Ahern also believed many of the other incidents discussed related more to Sarah K.'s relationship with Chase Y.

¶ 80 She was not concerned about the safety of the girls when Sarah K. is released since intervenors had already indicated what would be expected of her and she would not be living in the home. She agreed on cross-examination that once the adoption was finalized, there

was no way to enforce any requirements against Sarah K. However, Wukas Ahern noted if intervenors allow Sarah K. back into their residence or allow unsupervised contact with the children, any mandated reporter or petitioners, for that matter, could make a hotline call and reinitiate an investigation.

¶ 81 Having reviewed the file, Wukas Ahern agreed with the assessment of her predecessor Dyer-Webster to indicate her intention to approve the adoption by intervenors. She felt the juvenile case should be concluded first.

¶ 82 R. Anna Benjamin

¶ 83 Anna Benjamin has been a private attorney since 2008 and practices exclusively in the family law area, including dissolutions, custody, guardianship, and child support matters. She was appointed GAL in this case and reviewed the court file from the shelter-care hearing through the duration of the case. She has reviewed all the documents in the file, read the relevant juvenile files, and spoken to all parties as well as additional persons, some of whom have testified. She has met with E.Y., observed her interaction with each set of grandparents, and reviewed any documents provided to her by the parties. After doing so and listening to the testimony in this case, it was her opinion petitioners' adoption petition should be granted. She considered all the relevant statutory factors and recognized the importance of the sibling bond and the relationship E.Y. has with her sisters. Benjamin felt that relationship could still be fostered by petitioners.

¶ 84 There were several issues she believed outweighed the importance of the sibling relationship, the preference given to foster parents, and the length of the current placement. One was the nature of intervenors' attitude about any future contact between Sarah K. and E.Y. or the twins. Intervenors did not seem supportive of Sarah K. having any contact with E.Y. without

considering counseling or therapy to explore what might be best for E.Y. in the long run, especially since she had already suffered the loss of her father, and now, the removal of her mother from her life. Benjamin was also concerned about Michelle W.'s physical health. The fact she is legally disabled, does not drive, and can suffer memory issues at times caused Benjamin to be concerned about how she will be able to handle E.Y., who was not yet three years old at the time of trial. She fully recognized Michelle W. by all appearances was doing a fine job with the girls presently; her concerns were long-term. What appeared to be of greatest concern to the GAL, however, was what was characterized as an ongoing pattern of "generational" domestic abuse in intervenors' family. She found it somewhat disconcerting various DCFS workers throughout the case appeared unaware of the domestic violence backgrounds of a number of family members and close friends, they did not seem concerned about the fact they may, at times, be in the home whether they live there or not, and did not fully investigate this issue. She was concerned Patterson remained in the home although intervenors said he was not living there, and that Theodore, whose 2014 drug paraphernalia conviction, in and of itself not a major issue, also had a history of domestic violence in the home. When compared to the intervenors, Benjamin felt, overall, petitioners could provide the same family structure, the same stability, and an opportunity for a continued sibling relationship and relationship with the other grandparents without the history of domestic violence. She believed the potential for future domestic violence in intervenors' home, because of the extensive history, was sufficient, in her mind, to support her recommendation.

¶ 85 After hearing arguments of counsel and accepting any written submissions they sought to tender in support of their arguments, the trial court granted intervenors' petition to adopt E.Y. and denied petitioners' petition. This appeal followed.

¶ 86 II. ANALYSIS

¶ 87 At the outset, we note this case has been designated as accelerated pursuant to Illinois Supreme Court Rule 311. Rule 311 states in relevant part that "[e]xcept for good cause shown, the appellate court shall issue its decision within 150 days after the filing of the notice of appeal." Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2017).

¶ 88 In this case, petitioners filed their notice of appeal March 27, 2018. In petitioners' initial brief, filed May 22, 2018, they requested oral arguments. On May 29, 2018, DCFS filed a motion for extension of time until June 19, 2018, to file their brief, which this court granted. Petitioners filed an unopposed motion for extension of time until July 10, 2018, to file their reply brief, acknowledging an extension would require oral arguments to move "from the August calendar to the September calendar." This court granted the motion, and petitioners filed their reply brief on July 9, 2018.

¶ 89 Thus, we find good cause exists for issuing this decision after the 150-day deadline of August 24, 2018.

¶ 90 A. Standard of Review

¶ 91 "[W]e will not overturn an adoption judgment involving the best interest of a child unless the circuit court clearly abused its discretion and the judgment was against the manifest weight of the evidence." *In re Adoption of C.D.*, 313 Ill. App. 3d 301, 307, 729 N.E.2d 553, 558 (2000).

¶ 92 Petitioners and intervenors argue the trial court must find an abuse of discretion by DCFS before overruling a DCFS decision to consent to an adoption. We agree.

¶ 93 "The adoption court, another division of the circuit court, hears the adoption proceeding and, after considering all of the relevant factors, determines whether the guardian's

consent has been improperly granted or withheld." *In re M.M.*, 156 Ill. 2d 53, 71, 619 N.E.2d 702, 712 (1993).

> "If the court specifically finds that the guardian has abused his discretion by withholding consent to an adoption in violation of the child's welfare and best interests, then the court may grant an adoption, after all of the other provisions of this Act have been complied with, with or without the consent of the guardian with power to consent to adoption. If the court specifically finds that the guardian has abused his discretion by granting consent to an adoption in violation of the child's welfare and best interests, then the court may deny an adoption even though the guardian with power to consent to adoption has consented to it." 750 ILCS 50/15.1(d) (West 2016).

"[T]he adoption court *** ultimately determines the appropriateness of a prospective adoption placement ***." *M.M.*, 156 Ill. 2d at 71.

¶ 94 The job of the trial court is to review the guardian's decision, in this case DCFS' decision, and see if it has abused its discretion in consenting or withholding consent to an adoption. It is with this in mind we consider the best-interests hearing conducted by the trial court.

¶ 95 B. Best-Interests Hearing

¶ 96 Petitioners claim the trial court and DCFS abused their discretion because they did not consider the abuse in the home.

¶ 97 "When family separation occurs through State intervention, every effort must be made to preserve, support and nurture sibling relationships when doing so is in the best interest of each sibling." 20 ILCS 505/7.4(a) (West 2016). The guardian "shall give preference and first consideration to [an application for adoption by a foster parent] over all other applications for adoption of the child but the guardian's final decision shall be based on the welfare and best interest of the child." 750 ILCS 50/15.1(b) (West 2016).

> "In arriving at this decision, the guardian shall consider all relevant factors including but not limited to:
>
> (1) the wishes of the child;
>
> (2) the interaction and interrelationship of the child with the applicant to adopt the child;
>
> (3) the child's need for stability and continuity of relationship with parent figures;
>
> (4) the wishes of the child's parent as expressed in writing prior to that parent's execution of a consent or surrender for adoption;
>
> (5) the child's adjustment to his present home, school and community;
>
> (6) the mental and physical health of all individuals involved;
>
> (7) the family ties between the child and the applicant to adopt the child and the value of preserving family ties between the child and the child's relatives, including siblings;

(8) the background, age and living arrangements of the applicant to adopt the child;

(9) the criminal background check report presented to the court as part of the investigation required under Section 6 of this Act." 750 ILCS 50/15.1(b) (West 2016).

"The final determination of the propriety of the adoption shall be within the sole discretion of the court, which shall base its decision on the welfare and best interest of the child." 750 ILCS 50/15.1(c) (West 2016).

¶ 98 While Forrest, Dyer-Webster, Kaufman, and Wukas Ahern stated they did not know about the domestic violence incidents not caused by Sarah K., it is clear evidence was presented regarding other incidents of domestic violence, which they considered and did not alter their opinion. The trial took place over six days with 21 witnesses, and the trial court had 120 pages of handwritten notes. The court even stated, "[f]ailure of this Court to note a particular fact does not mean that *it was not considered*." (Emphasis added). The other incidents of domestic violence were dwelt upon frequently by petitioners' counsel. It would have been impossible for any court to have somehow missed them in its analysis. This court did not either. In reality, despite every effort by petitioners to paint intervenors with the broad brush of generational domestic violence, the testimony revealed that in almost every instance intervenors either removed the involved parties from their residence when the children were present, removed the children from the participants, or kept the children with them when incidents occurred between S.K. and Chase Y. If anything, the evidence showed they were the ones who protected the children from violence whenever they could. They obviously could not control the behavior of their grown sons and daughter nor could they choose their daughter's paramours. What they

were able to do, rather successfully, was to provide a safe haven for E.Y. and the twins when the inevitable episodes occurred. Too frequently courts are faced with family members who enable the violence to continue in the presence of the children. Here, intervenors did what they could to shelter the children from it. "[W]e will presume the trial court properly considered all statutory factors" and the court "knows the law and follows it accordingly." *In re Custody of G.L.*, 2017 IL App (1st) 163171, ¶¶ 43-44, 80 N.E.3d 636. Here, the trial court went through each factor listed in section 15.1(b) of the Adoption Act and analyzed who the factor favored when analyzing the best interests of E.Y. 750 ILCS 50/15.1 (b) (West 2016).

¶ 99 The trial court looked at the "wishes of the child" and determined there was no clear preference by E.Y., as she loved both petitioners and intervenors, and E.Y. was too young to express a preference. It did not believe the factor favored either party. Analyzing the "interaction and interrelationship of the child with the applicant to adopt the child," the court said it slightly favored intervenors. As the court noted, witnesses for both parties had limited knowledge of the other party's interactions with E.Y. but acknowledged each loved her. This puts the court in the unenviable position of determining which relationship was in the best interests of the child. The length of time E.Y. had lived with intervenors weighed in their favor.

¶ 100 In considering the "child's need for stability and continuity of relationship with parent figures," the court considered both parties "parent figures" but noted granting petitioners' petition would represent a "considerable disruption" in E.Y.'s life. For the majority of her life, she has lived with intervenors and that would change if petitioners became her primary caretakers, as intervenors would only receive whatever parenting time petitioners chose to allocate. Intervenors acquired placement due to their shared biological connection with all three girls.

¶ 101 The "wishes of the child's parents" did not weigh in favor of either party. While Sarah K. made an attempt to surrender her parental rights and give consent to her parents, it was of no consequence. She had murdered her fiancé, Chase Y.; her parental rights were going to be terminated, and she was not going to be permitted to have any say in where the children went. See *In re Marriage of T.H.*, 255 Ill. App. 3d 247, 626 N.E.2d 403 (1993). When analyzing the child's adjustment to her present home, school, and community, the trial court stated the testimony showed E.Y. loved both homes and "adore[d] her half-siblings." She did not attend school yet so it was not an issue. The court stated the factor did not weigh in either party's favor.

¶ 102 The trial court analyzed the mental and physical health of all individuals involved. The court noted there was no testimony about the mental or physical health of petitioners or Norman W. E.Y.'s medical treatment and care are being provided for by intervenors. Although Melisa M.-Y. disputed whether treatment was working, according to the evidence, her condition was improving. Michelle W. has suffered brain aneurysms in the past and is now stable. However, the court noted although she might be stable now, an aneurysm can cause a "life-threatening event at any time." More concerning to the court was Michelle W.'s memory loss issues and her attempts to mask them. The court found the factor weighed in favor of petitioners. "Family ties" was not found to weigh in favor of either party. The court stated intervenors were the primary providers for the twins, who were E.Y.'s half-sisters. Kaufman and Murphy stated the twins and E.Y. had a strong bond. However, petitioners created a connection with E.Y's paternal family. The court found this factor did not favor either party.

¶ 103 Analyzing "background, age, and living arrangements," the trial court noted the petitioners had been married for approximately 20 years and there had never been violence in the home. They live in a large house and own a lake house as well. Charles Y. owns a business, and

he and his wife are in good health. In regard to intervenors, the court said Norman W. is in good health and he and his wife have lived in their home since 2006. The court believed this factor did not favor either party. Both parties cleared the criminal background checks. Theodore, intervenors' son, pleaded guilty to possession of drug paraphernalia, a misdemeanor, in 2014, while living at intervenors' home. The court stated, "[t]here was extensive testimony *** concerning police interactions for other members of [intervenors'] family." Thus, the court acknowledged petitioners lacked a criminal background.

¶ 104 Nonstatutory factors the trial court considered were (1) efforts made by petitioners to obtain custody, (2) Norman W.'s tax filings, (3) violence in intervenors' home, and (4) visits between Sarah K. and E.Y. in the past and future. The court noted that while petitioners were out of the state when E.Y. was initially placed with intervenors, petitioners made efforts to have DCFS reconsider the placement, to no avail. Petitioners were unable to intervene in the abuse and neglect case but obtained visitation, which increased from 2016 due to their perseverance. Petitioners filed a petition for adoption and said they would have filed one for the twins except for the advice of previous counsel. The court felt their efforts were "noteworthy." The court noted Norman W. claimed "1-2 grandchildren" on their income taxes, while Chase Y. was still alive, because Norman W. said the girls lived with them more than six months at the time. Sarah K. testified to the contrary, contending E.Y. lived with her and Chase Y. and Chase Y. financially supported the household. Additionally, Norman W. did not tell Chase Y. or petitioners he was going to do that. Although noted by the court, it did not appear to impact its decision.

¶ 105 The trial court was clearly aware of domestic violence incidents in intervenor's home and noted Sarah K. was involved in most of them. Intervenors testified they would not

allow their sons in the home if they "act up" and would not allow Sarah K. to live with them. The court did point out they had never refused Sarah K.'s requests to return home previously. The court was skeptical of the sudden and unexplained discontinuation of Skype visits between E.Y. and Sarah K. shortly before the hearing. The court believed intervenors would allow Sarah K. to see E.Y. and pondered the impact this might have. Intervenors said they would not allow Sarah K. to see E.Y. without first satisfying all DCFS requirements. However, the court noted Sarah K. had "successfully completed" DCFS-required anger-management classes before killing Chase Y.

¶ 106 Recognizing both petitioners and intervenors were good people, capable of providing a stable home for E.Y., the trial court was forced to make what it characterized as an "excruciating" decision, granting intervenors' petition while denying petitioners' petition. The court looked at all the evidence. While it had concerns about Michelle W.'s health and potential future violence by Sarah K., it gave greater weight to the potential trauma of separating E.Y. from her sisters, considering the trauma she has already suffered. Could another trial court have analyzed the evidence differently in light of the potential for domestic violence in the future? Possibly, but that is not our standard of review. Our role is not to reevaluate the evidence but determine if the trial court and DCFS abused their discretion and if the court's findings are against the manifest weight of the evidence. *C.D.*, 313 Ill. App. 3d at 307. Based upon this record, we cannot say DCFS, E.Y.'s guardian, abused its discretion in consenting to adoption by intervenors nor can we conclude the court abused its discretion in its findings and conclusions.

¶ 107 Petitioners' counsel maintained throughout the proceedings it was not fair for DCFS to grant the initial placement to intervenors under the circumstances. However, petitioners miss the point that there is no obligation by DCFS to give every relative the same consideration when initially placing the children on a temporary basis. Their sole goal is to do what is in the

best interests of the children under the circumstances. Moreover, the fact that Sarah K. attempted to place them herself is irrelevant. DCFS would have placed the children with intervenors regardless. At the time of the murder, petitioners were out of the state and were unavailable to provide shelter for the girls that night. Additionally, DCFS stated its policy is to place children with relatives who are biologically related to all the children, if possible, unless it is not in their best interests. The only potential guardians who fit into that category were intervenors.

¶ 108 Recognizing decisions in cases like this are among the most emotionally charged and challenging for a trial court, we commend the trial court for its thorough and reasoned analysis in its 30-page memorandum opinion and order. Carefully drafted and well-supported by case citations, such orders are of great assistance to courts of review in clearly setting forth the trial court's findings and reasoning, and should be encouraged.

¶ 109 III. CONCLUSION

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

¶ 111 Affirmed.