2018 IL App (4th) 18-0464-U

NO. 4-18-0464

FILED
November 27, 2018
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re A.V., Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	McLean County
Petitioner-Appellee,	)	No. 17JA5
v.	)	
Samantha V.,	)	Honorable
Respondent-Appellant).	)	Kevin P. Fitzgerald,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justices Holder White and Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held*: (1) The trial court did not err in finding respondent an unfit parent.

(2) The trial court did not err in terminating respondent's parental rights.

¶ 2 Respondent mother, Samantha V., appeals the orders finding her an unfit parent and terminating her parental rights to A.V. (born November 1, 2011). We affirm.

¶ 3 I. BACKGROUND

¶ 4 In January 2017, the State filed a petition for adjudication of wardship on behalf of A.V. According to the petition, A.V. was neglected while living with respondent as her environment was injurious to her welfare. The State alleged a "drug raid," in A.V.'s presence, resulted in respondent's arrest and incarceration for possession of heroin. The State alleged A.V.'s environment was injurious to her welfare as respondent had unresolved issues of

substance abuse. The State further asserted A.V. was neglected in that she was not receiving proper educational, medical, and remedial care. A.V.'s father is not involved in her life and is not a party to this appeal.

¶ 5 The trial court entered a stipulated temporary custody order, placing temporary custody and guardianship of A.V. with the Illinois Department of Children and Family Services (DCFS). In the order, the court found A.V. was present when a search warrant was served on respondent's paramour after heroin sales occurred in the residence. Respondent admitted being addicted to heroin.

¶ 6 In May 2018, the State filed a petition to terminate respondent's parental rights to A.V. The State alleged respondent was an unfit parent in that she: (1) failed to maintain a reasonable degree of interest, concern, or responsibility as to A.V.'s welfare (750 ILCS 50/1(D)(b) (West 2016)) and (2) failed to make reasonable progress toward A.V.'s return home during any nine-month period after the neglect adjudication, specifically from June 30, 2017, through March 30, 2018 (750 ILCS 50/1(D)(m)(ii) (West Supp. 2017)).

¶ 7 In June 2018, the trial court held a hearing as to respondent's fitness to parent A.V. Three witnesses testified on behalf of the State: Jessica Tomfohrde, Kirk Schweizer, and Tatiana Jones.

¶ 8 Tomfohrde testified she was fond of respondent and did not want to testify against her. Tomfohrde was testifying under subpoena. Tomfohrde's last contact with respondent was approximately three weeks before her testimony. Tomfohrde informed respondent about the subpoena. Their interaction was "like kind of a goodbye." Before questioning Tomfohrde, the prosecutor made the following statement for the record: "The state's attorney's office will not

use your statements given today under oath, nor any evidence derived from these statements, against you in any criminal prosecution."

¶ 9 According to Tomfohrde, she met respondent just under a year before her testimony. Tomfohrde and respondent lived in adjacent apartments at Labyrinth House, a transitional living facility for individuals recently released from incarceration or "a bad situation." Tomfohrde had just finished serving a felony driving under the influence (DUI) sentence. She admitted having a problem with alcohol and had multiple DUI convictions. Tomfohrde and respondent went to meetings together and developed a relationship.

¶ 10 Tomfohrde testified, in November 2017, she moved out of Labyrinth House and into a house. Respondent started visiting her there and stayed with her for periods of time. Respondent was around quite frequently. At other times, respondent stayed with her family. By January 2018, respondent stayed with Tomfohrde several days a week. In February, respondent stopped by "less and less." By March, respondent stayed "once a week or something." In late April or early May 2018, respondent asked Tomfohrde to provide urine for a screen for her. Tomfohrde agreed and provided urine for respondent three times.

¶ 11 On cross-examination, Tomfohrde testified she had four DUIs, including two in 2014. After the third DUI, her license was suspended or revoked. She did not have a valid license when she got her fourth DUI. Tomfohrde had no other criminal charges on her record. Tomfohrde denied using other drugs. Tomfohrde's last drink was 12 days before her testimony. She admitted struggling with her addiction to alcohol, having successfully completed treatment twice in her life.

¶ 12 Tomfohrde agreed she sent respondent a text message indicating the State's

Attorney subpoenaed her. Tomfohrde recalled telling respondent, in the text, they would discuss what Tomfohrde would say. Tomfohrde stated she would have to say respondent relapsed in November and December and stayed with her family to be better.

¶ 13 According to Tomfohrde, she and respondent were very good friends by early fall 2017. They had a "semi-romantic relationship for a period of time through probably like December." The relationship was not the type where they would have to break up. They "were both having issues and struggling with different things" in their lives. The relationship was "pretty toxic." Tomfohrde admitted being lonely. She was used to seeing respondent every day. Tomfohrde was worried about respondent and herself.

¶ 14 Tomfohrde testified respondent's drug of choice was heroin. Tomfohrde did not witness respondent use heroin, but she observed the paraphernalia and witnessed the effects. Tomfohrde testified that respondent used on a semi-regular basis.

¶ 15 According to Tomfohrde, by March 2018, respondent was no longer going to Tomfohrde's residence. The two continued to communicate via text and saw each other occasionally. Respondent still had some paraphernalia at Tomfohrde's house, such as a needle, a Baggie or two, and "some spoons and stuff." On March 7, 2018, Tomfohrde was frustrated. Respondent left that morning and said she would "be back in a couple hours." After respondent had not returned, Tomfohrde called her and learned respondent "was hanging out with [someone] that wasn't just a friend." Tomfohrde became very upset as she had been "lied to a lot." Tomfohrde placed the paraphernalia in a sink and lit them on fire, triggering a fire alarm and the arrival of individuals from the fire and police departments.

¶ 16 Kirk Schweizer, employed by the McLean County Adult Probation Department,

testified respondent was his client starting in September 2017. She had been charged with unlawful possession of a controlled substance. Respondent was to report to Schweizer once each month. Respondent attended her first scheduled appointment in September 2017. At that time, she resided in Labyrinth House. Respondent was scheduled to meet with Schweizer on October 11, 2017, but she did not attend. Schweizer contacted respondent by telephone and the two rescheduled the appointment for October 24. Respondent attended that appointment.

¶ 17 As of November 21, 2017, however, respondent stopped attending appointments with Schweizer. Schweizer was unable to make contact with respondent after the missed appointment. He also attempted to contact respondent by letters. Schweizer attempted to locate respondent by contacting her caseworker. No one had information on respondent. He "closed interest" in February 2018. Schweizer sent a violation report to Livingston County and he believed the county petitioned to revoke her probation. Schweizer assumed a warrant for respondent's arrest was issued, as he believed respondent turned herself in the week before his testimony.

¶ 18 Tatiana Jones, a caseworker with The Baby Fold, testified she was assigned respondent's case in September 2017 after respondent's previous caseworker changed positions. When Jones first took over the case, respondent was doing well. She was involved in her services. She was cooperating with substance-abuse treatment, counseling, and parenting classes. At the December 19, 2017, permanency hearing it was determined respondent was doing well enough to be found "fit but unable." The "unable" determination was made because respondent was living at Labyrinth House, where children were not allowed. Respondent thus did not have stable housing. When preparing the report before the meeting, Jones indicated respondent

completed “treatment at Chestnut” in September, participated in Alcoholics Anonymous (AA) meetings, and had negative screens. Respondent was maintaining a stable and legal income and working two jobs. Jones did not, however, know about respondent’s November relapse.

¶ 19 According to Jones, respondent stopped communicating with her after a December 19 hearing. Respondent left Labyrinth House. In February 2018, Jones put respondent on a call-in schedule for drug screens. Respondent called in during the first week or so, but then stopped calling the second week of February. Respondent stopped attending counseling. She also lost one of her jobs, and Jones was unable to determine whether respondent continued to hold the second. The only post-December contact Jones had with respondent was when Jones supervised visits on January 30, 2018, and March 27, 2018, and during a family-team meeting on April 10, 2018. Respondent did not respond to any of Jones’s calls or texts between those times.

¶ 20 On cross-examination, Jones testified respondent regularly visited with A.V., missing only a few visits. Respondent demonstrated appropriate parenting skills during those visits. Respondent also completed inpatient and outpatient substance-abuse treatment. Respondent completed parenting classes in September 2017. Between October 2017 and March 30, 2018, respondent was employed. She stopped participating in mental-health counseling in October 2017. Respondent did not have a “dirty” screen. Respondent, however, missed screens on February 7, 16, 28, and March 7, 16, and 26. The missed screens were considered positive. Respondent did not provide a reason for losing her job. She also did not verify whether she was employed elsewhere.

¶ 21 On redirect examination, Jones testified Livingston County issued a warrant for respondent’s arrest on January 11, 2018. Jones called respondent on February 6 to inform her of

the warrant. Respondent stated she would turn herself in when she had the money to post her bond because she did not want to sit in jail. Because respondent was eventually in custody, Jones assumed she turned herself in.

¶ 22 At the conclusion of the hearing, the trial court found the State proved its unfitness allegations by clear and convincing evidence. The court noted it found Tomfohrde a reluctant witness and her testimony "extremely credible." The court concluded Tomfohrde was nervous at first and she did not bear ill will toward respondent. The court believed the testimony established respondent was using drugs in late fall 2017 and early 2018. Moreover, the court pointed to the evidence that showed respondent "kind of fell off everything at that point in time."

¶ 23 On June 8, 2018, the trial court held the best-interests hearing. At the hearing, the court took judicial notice of the case files, including an April 2017 dispositional report and the June 2018, best-interest report provided by the Court Appointed Special Advocate (CASA). According to the dispositional report, A.V. was removed from the initial foster placement with her maternal grandmother because her maternal step-grandfather refused to comply with DCFS's fingerprinting policy. The step-grandfather failed to comply with the requirement that unlicensed relatives must be fingerprinted within 30 days of the child's placement in the home and with the 10-day extension afforded him. In addition, it was reported the maternal grandmother allowed unsupervised contact with family members, including a visit to respondent in jail.

¶ 24 According to the CASA's best-interests report, A.V. was taken into protective custody on January 26, 2017, after Dwight police made a controlled purchase of heroin from a residence in which respondent and A.V. were present. Officers found used and unused hypodermic needles in the home and in respondent's purse. A.V. was initially placed with her

maternal grandmother. A.V. was moved to her current foster placement in March 2017.

¶ 25 The CASA reported respondent visited with A.V. once a week for two hours. Respondent was attentive to A.V.'s needs, provided appropriate snacks, and was actively engaged. Respondent worked for an event company where she "does set-up, food and beverage service, and clean up." Respondent resided with a paramour. Respondent restarted individual counseling on May 17, 2018. She had attended two sessions. The CASA opined A.V. needed permanent placement with her foster family. The CASA recommended terminating respondent's parental rights.

¶ 26 Jones, the caseworker, testified at the hearing. She agreed with the conclusions and information provided in the best-interests report. Jones had observed A.V. in her foster home. A.V. refers to her foster parents as "moms." The foster parents took good care of her. A.V. had everything she needed. She was involved in activities she enjoyed and she thrived at school. Jones had no concerns regarding A.V.'s safety or well-being while in the foster home. When the topic of adoption came up, A.V. indicated she would prefer to go home with her mother, but if that did not happen, she wanted to stay with her foster parents. Jones believed termination of respondent's parental rights was in A.V.'s best interests. A.V. deserved to be in a home with permanency and stability.

¶ 27 On cross-examination, Jones testified the visits with respondent and A.V. went well. Respondent was always prepared to do activities A.V. liked, such as painting each other's fingernails, playing on the playground, and reading books. A.V. was happy when she saw her mother and looked forward to the visits. Respondent was focused on A.V. She acted appropriately with her, including in disciplinary matters.

¶ 28 Jones testified the foster parents invited A.V.'s maternal grandmother, aunt, and cousins to a birthday party. The foster parents were willing to maintain contact with A.V.'s family when appropriate.

¶ 29 According to Jones, respondent began participating in drug screens in April 2018. None of her screens were positive. Given Tomfohrde's testimony, Jones had concerns the April screens were invalid, but she agreed the screens were supervised. There were police reports indicating respondent was arrested for credit card fraud in McLean County. Two cases were open for an offense occurring in January 2018 and one in March 2018. When asked if respondent "started today and stayed clean and sober and put the criminal issues behind [her], how long would you estimate that it would be before [A.V.] could possibly return home," Jones testified "another year," as they would want respondent "to be sober and maintain sobriety as well as obtain and maintain stable housing."

¶ 30 Maja K., A.V.'s foster mother, testified A.V. arrived at her home in March 2017. When A.V. arrived, Maja and her wife, Therese M., lived in a two-bedroom home. Since that time, another foster daughter came to their home. In April 2018, the foster family moved into a three-bedroom apartment so the girls could each have their own room. Maja coached the women's tennis team at Illinois State University. A.V. participated in choir at church and in a dance class. She was registered to begin soccer. Maja hoped to adopt A.V.

¶ 31 Maja testified she and Therese cared for A.V.'s half-sibling for a short time. The sibling went home with the father. A.V. has had visits with her sibling. Maja desired A.V. to maintain that relationship, but the father, who lived over three hours away, had been communicating less frequently.

¶ 32 Therese worked as an infant teacher at La Petite Academy. A.V. went with Therese to La Petite, where A.V. attended the before- and after-school programs. From La Petite, A.V. rode a bus to elementary school. Therese testified the topic of adoption was raised by A.V. during a discussion after respondent's arrest. At that point, it was clear visits would be suspended for some time. A.V. said she would be happy to be adopted by Therese and "Momma Maja." Therese told A.V. "if it comes to that, I'd be very happy if you stayed with us, too." If respondent's parental rights were terminated, Therese planned to adopt A.V.

¶ 33 On cross-examination, Therese testified she would change school districts when A.V. goes to first grade. Therese intended to help A.V. maintain connections to her biological family.

¶ 34 On behalf of respondent, Tina M., A.V.'s maternal grandmother, testified. According to Tina, she last saw A.V. on her birthday around November 1, 2017. Tina had not spoken to A.V. over the phone. A.V. had not had contact with other family members since the birthday party. A.V. was very happy to see her family at her party.

¶ 35 On cross-examination, Tina testified A.V. was originally placed in her care. She was removed from Tina's care when her husband failed to provide fingerprints for the background check. Tina did not know whether or not DCFS had rules when a child was in foster care as to the kind of contact the child can have with others. Tina testified she did not know she could not see family members.

¶ 36 Respondent testified until 14 months before, A.V. had not spent a night without her. A.V. was her first child. Respondent admitted struggling with addiction. She worked toward reunification and completed treatment and classes. Respondent started the classes and completed

them before being told what to do. Respondent was to be released from prison in 11 days. She had been discharged from probation. Respondent did not have any other criminal cases pending.

¶ 37 Respondent loved A.V. She attended the visits while knowing a warrant was pending for her arrest. Respondent believed it was not in A.V.'s best interests to have her parental rights terminated. Respondent was her mother and she had a family that loved and cared for her. Respondent believed she was not a bad mother. A.V. was smart, and she knew her ABCs and colors. A.V. never had a cavity, and she was up-to-date on her shots. Respondent took very good care of her. Respondent acknowledged her addiction, but wanted more time because she knew she could do better.

¶ 38 Respondent testified she continued to go to AA meetings and talked to her sponsor. She would continue to rely on the tools she learned during the successful completion of in-patient and out-patient treatment.

¶ 39 On cross-examination, respondent testified the relapse began at the end of November 2017 and continued until February 2018. Respondent initially completed in-patient treatment for substance abuse in 2010. She remained sober for five years. After respondent had her appendix removed and was prescribed pain killers, she relapsed in 2015. She was treated for substance abuse and was able to get sober again. At the end of 2016, respondent relapsed. Respondent went to Chestnut Health Systems for treatment in May 2017. From the date A.V. entered DCFS care, respondent was not in treatment.

¶ 40 The record also contains evidence, emphasized by respondent, showing the items burned in Tomfohrde's sink tested positive for crack cocaine and not heroin.

¶ 41 At the conclusion of the hearing, the trial court addressed the statutory factors and

concluded the issue "came down to permanency" for A.V.:

> "When I look at the factors in 405/1-3, physical safety and welfare of the child, I think probably favors termination at least slightly. The development of the child's identity, probably a neutral factor. She has an identity already. She's developing a new identity, so that's probably neutral. Child's background and ties, including familial, cultural and religious ties, I think that's a neutral factor. She does have strong ties with the biological family. If I didn't believe the foster parents would continue that contact, I would probably find that to be slightly favoring nontermination. But I think it's neutral in this case. The child's sense of attachment, including where she feels love, attachment and a sense of being valued, I think is neutral. I think she feels loved by her mother and biological family. I think she feels loved by the foster parents. Sense of security maybe slightly favoring termination. Familiarity is a neutral factor. The continuity of affection I think is neutral. The least disruptive placement alternative I think probably slightly favors termination. I think the child's wishes and long-term goals, even though it's what you would expect out of every six-year[-] old, I think it favors nontermination given her indication that she would prefer to return home to her mother. Community ties, including church, school and friends is probably neutral. May

> slightly favor nontermination. I think the uniqueness of every family and risk attendant to being-entering into or substitute care are nonfactors. I think the preferences of the person available is a neutral factor.
>
> As in most cases, I think this case comes down to permanency for [A.V.]"

The trial court noted respondent's serious addiction. The court emphasized it did not find respondent loved drugs more than she loved her family. The court found respondent's addiction stronger than anything in respondent's life. The court concluded A.V. deserved permanency and it could not determine how long it would be before respondent could provide that permanency. The court found termination of parental rights to be in A.V.'s best interests and ordered the termination of respondent's parental rights.

¶ 42 This appeal followed.

¶ 43 II. ANALYSIS

¶ 44 A. Parental Unfitness

¶ 45 The Juvenile Court Act of 1987 (705 ILCS 405/1-1 to 7-1 (West 2016)) and the Adoption Act (750 ILCS 50/1 to 24 (West 2016)) govern proceedings to terminate parental rights. *In re AL.P.*, 2017 IL App (4th) 170435, ¶ 39, 87 N.E.3d 1101. After a court adjudicates a child neglected, abused or dependent, the State may petition to terminate the parental rights of that child's parents. *Id.*

¶ 46 Upon a State's motion to terminate parental rights, the initial step for the trial court is to consider the fitness of the parents. A court will find a parent "unfit" when the State

proves by clear and convincing evidence a ground set forth in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2016)). *In re A.L.*, 409 Ill. App. 3d 492, 499, 949 N.E.2d 1123, 1128 (2011). On appeal from a finding of parental unfitness, this court gives great deference to the determination of the trial court, which was able to view witnesses and witness demeanor at the hearing. *Id*. at 500. We will not disturb a fitness finding unless we conclude the finding is against the manifest weight of the evidence. *In re T.A.*, 359 Ill. App. 3d 953, 960, 835 N.E.2d 908, 913 (2005). Only when "the correctness of the opposite conclusion is clearly evident" is the finding of the trial court against the manifest weight of the evidence. *Id.*

¶ 47 In this case, the trial court found respondent unfit on multiple grounds. We begin with respondent's argument she made reasonable progress toward A.V.'s return during the period of June 30, 2017, through March 30, 2018 (750 ILCS 50/1(D)(m)(ii) (West Supp. 2017)).

¶ 48 Respondent argues the State failed to prove she did not make reasonable progress toward A.V.'s return in the nine-month period ending March 30, 2018. Respondent points to the evidence showing she was fit but unable, due to housing, to parent A.V. Respondent emphasizes her compliance with parenting classes, substance-abuse treatment, and counseling. Respondent further maintains Tomfohrde's revelations lacked reliability and credibility and Jones's conclusions she relapsed were speculative.

¶ 49 A trial court considers whether a parent's progress is reasonable using an objective standard. *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067, 808 N.E.2d 596, 605 (2004). To conclude a parent has made reasonable progress, a court must find the child, in the near future, will be able to be returned to the custody of his or her parent because that parent will have fully complied with the directives of the court. *A.L.*, 409 Ill. App. 3d at 500-01. The benchmark for

measuring a parent's progress encompasses the parent's compliance with service plans and court directives in light of conditions that gave rise to the removal of the child and in light of other conditions that later became known and that would prevent the court from returning custody of the child to the parent. *In re C.N.*, 196 Ill. 2d 181, 216-17, 752 N.E.2d 1030, 1050 (2001).

¶ 50 We first address respondent's argument Tomfohrde's testimony was unreliable in establishing respondent was using drugs. Respondent contends Tomfohrde, who was lonely and angry at her, testified respondent was using drugs since November 2017, but admitted never seeing her use any drugs. Respondent emphasizes contradictory statements by Tomfohrde that the police did not ask to search the apartment after the fire but the police asked if they could search the house.

¶ 51 We do not find the testimony of Tomfohrde so unreliable it undermines the trial court's finding of a lack of reasonable progress. Tomfohrde's testimony shows a woman with an addiction to alcohol and in a troubled relationship with respondent. The trial court observed Tomfohrde's testimony and demeanor and heard all of the evidence, and found Tomfohrde's testimony "extremely credible." To this finding, we give great deference. See *In re Christopher K.*, 217 Ill. 2d 348, 373, 841 N.E.2d 945, 960 (2005) (noting we will uphold a trial court's credibility determination unless that determination is against the manifest weight of the evidence). The record does not show the credibility finding to be incorrect. While Tomfohrde did not see respondent use heroin, Tomfohrde testified to the presence of paraphernalia and to witnessing behavior indicative of a person using drugs. Such testimony, particularly in light of testimony showing missed drug screens and the reasons for DCFS involvement, supports the trial court's conclusion respondent was using.

¶ 52 Moreover, the evidence is sufficient without Tomfohrde's testimony to support the trial court's finding respondent failed to make reasonable progress between June 30, 2017, and March 30, 2018. While respondent, during periods of DCFS involvement, completed certain services and actively participated, respondent's progress reversed in the relevant nine-month period. By November 2017, respondent stopped meeting with her probation officer, resulting in the January 2018 warrant for her arrest. Respondent stopped communicating with her caseworker. She stopped counseling. Respondent also missed six drug screens over February and March 2018, resulting in "positive" screens. Respondent's abandonment of any progress prevents a finding A.V. could in the near future be able to be returned to respondent's custody. See *A.L.*, 409 Ill. App. 3d at 500. The trial court's ruling respondent failed to make reasonable progress is not against the manifest weight of the evidence.

¶ 53 Our determination the trial court did not err in finding respondent unfit on the ground of failing to make reasonable progress renders it unnecessary for us to examine the court's other fitness findings. Only one statutory ground is necessary to establish parental unfitness. See *In re Donald A.G.*, 221 Ill. 2d 234, 244, 850 N.E.2d 172, 177 (2006).

¶ 54 B. The Best Interest of A.V.

¶ 55 The second portion of proceedings to terminate parental rights is the best-interest hearing. *AL. P.*, 2017 IL App (4th) 170435, ¶ 41. The purpose of this proceeding "is to reach the resolution that is in the best interest of the child." *Id.* ¶ 42. During a best-interests hearing, the trial court's focus transitions from the parent's fitness to the child's interest in securing "a stable, loving home life." *In re D.T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004). In ascertaining a child's bests interests, a court must consider the factors listed in section 1-3 of the

Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2016)). These factors include the child's physical safety and welfare, the development of the child's identity, the child's background and family ties, the child's sense of attachments including the sense of security and familiarity, the uniqueness of each child and family, and the preferences of those available to care for the child. *Id.* A parent's desire to maintain a relationship with his or her child yields to the child's interests. *D.T.*, 212 Ill. 2d at 364.

¶ 56 A trial court may terminate parental rights only if the State proves, by a preponderance of the evidence, termination of parental rights is in the best interest of the child. *In re Jay H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 290-91 (2009). We will not disturb a determination as to a child's best interest unless the determination is against the manifest weight of the evidence. *Id*.

¶ 57 Respondent contends the trial court erred in finding termination of her parental rights was in A.V.'s best interests. Respondent emphasizes A.V. wanted to be home with her. She points to testimony showing their strong bond, as well as the appropriate interactions between the two. Respondent admits using heroin from November 2017 until February 2018, but asserts she has been clean since that time and she has completed substance-abuse treatment. Respondent points to the negative drug screens since April 2018. Respondent highlights A.V.'s bond with her extended family and questions the foster parents' alleged intent to foster that relationship. Respondent concludes the court should have given due weight to A.V.'s desire to live with her.

¶ 58 The trial court's finding termination of respondent's parental rights is in the best interests of A.V. is not against the manifest weight of the evidence. Although the record shows

A.V. loves and is closely bonded to her mother and extended biological family, permanency remains a key issue. A.V. had been in foster care for over a year. Respondent had relapsed and ended up in jail. The caseworker testified if respondent's legal issues were behind her and she remained sober, it would be a minimum of one year before A.V. could be returned home. Given respondent's history with addiction, it was not error for the court to determine it was in A.V.'s best interests to give her the permanency and the stability she deserves.

¶ 59 III. CONCLUSION

¶ 60 We affirm the trial court's judgment.

¶ 61 Affirmed.