2019 IL App (4th) 180636-U

NO. 4-18-0636

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
February 15, 2019
Carla Bender
4th District Appellate
Court, IL

In re C.D., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Sangamon County
Petitioner-Appellee,	)	No. 15JA196
v.	)	
Marcus D., also known as Mark D.,	)	Honorable
Respondent-Appellant).	)	Karen S. Tharp,
	)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.
Justices Steigmann and DeArmond concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court's findings respondent was unfit under section 1(D)(m)(ii) of the Adoption Act and it was in C.D.'s best interests to terminate respondent's parental rights were not against the manifest weight of the evidence.

¶ 2 In September 2017, the State filed a motion for the termination of the parental rights of respondent, Marcus D., also known as Mark D., as to his minor child, C.D. (born in October 2015). After an August 2018 hearing, the Sangamon County circuit court found respondent unfit. In September 2018, the court concluded it was in C.D.'s best interests to terminate respondent's parental rights.

¶ 3 Respondent appeals, asserting the circuit court erred by finding (1) him unfit and (2) it was in C.D.'s best interests to terminate his parental rights. We affirm.

¶ 4 I. BACKGROUND

¶ 5 C.D.'s mother is Nicole B., who filed a separate appeal. This court docketed

Nicole's appeal as case No. 4-16-0637. Both C.D. and Nicole had complications after C.D.'s birth and were not released from the hospital until C.D. was three months old.

¶ 6 In November 2015, the State filed a petition for the adjudication of wardship as to C.D. The State's petition alleged C.D. was neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West Supp. 2015)), in that her environment was injurious to her welfare as evidenced by (1) C.D.'s sibling being adjudicated neglected and the parents' failure to make reasonable progress toward having the child returned to their care and their parental rights being terminated (count I), (2) her parents' drug use (count II), and (3) a substantial risk of sexual abuse because respondent was a registered sexual predator and had not successfully completed sex-offender treatment (count III).

¶ 7 In September 2016, Nicole stipulated C.D. was neglected under section 2-3(1)(b) of the Juvenile Court Act as stated in count I. The circuit court entered an adjudicatory order finding C.D. neglected as alleged in count I and dismissing the other two counts. After a November 2016 dispositional hearing, the court entered a dispositional order (1) finding respondent and Nicole were unfit, unable, or unwilling to care for, protect, train, educate, supervise, or discipline C.D.; (2) making C.D. a ward of the court; and (3) placing her custody and guardianship with the Department of Children and Family Services (DCFS).

¶ 8 In September 2017, the State filed a motion to terminate respondent's and Nicole's parental rights to C.D. The motion asserted respondent was unfit because he failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to C.D.'s welfare (750 ILCS 50/1(D)(b) (West Supp. 2017)); (2) make reasonable efforts to correct the conditions that were the basis for C.D.'s removal from respondent within nine months after the neglect adjudication, specifically September 14, 2016, to June 14, 2017 (750 ILCS 50/1(D)(m)(i) (West

Supp. 2017)); and (3) make reasonable progress toward C.D.'s return within nine months after the neglect adjudication, specifically September 14, 2016, to June 14, 2017 (750 ILCS 50/1(D)(m)(ii) (West Supp. 2017)).

¶ 9 On August 23, 2018, the circuit court commenced a joint hearing on both respondent's and Nicole's fitness. The State presented the testimony of caseworkers Latoya Smith and Rachel Fornoff. Respondent and Nicole both testified on their own behalf. The testimony relevant to the issues on appeal is set forth below.

¶ 10 Smith testified she was C.D.'s caseworker from November 2015 to December 2016. Smith then became C.D.'s caseworker again in April 2018 and was the current caseworker at the time of the hearing. Smith first established a service plan in December 2015. Respondent's tasks were "parenting, counseling, visitation, cooperation, substance abuse assessment, sex offender assessment, housing and income." Smith reviewed the service plan in May 2016, and respondent was rated satisfactory overall. During the period of December 2015 to May 2016, respondent attended a majority of his visits with C.D. When he missed, it was due to illness, and he gave advance notice. Smith testified respondent's visits with C.D. were good.

¶ 11 In May 2016, Smith established a new service plan for respondent with the same tasks as the first plan. Smith was close to returning C.D. home to respondent and Nicole, and they had begun to have unsupervised visits with C.D. However, in September 2016, a domestic-violence incident occurred. It was reported respondent punched Nicole while she was holding C.D., and C.D. received a scratch on the nose. The police arrested respondent, but he was released from jail after a few days. The State did not file any charges against respondent. According to Smith, Nicole did not file for an order of protection, and respondent and Nicole remained in a romantic relationship. Domestic violence was not a reason why C.D. was brought

into care, but after the incident, domestic-violence counseling was added as a task to respondent's service plan. After the domestic-violence incident, respondent's participation in some services dropped off. Respondent still had housing and income and was cooperating with Smith and attending visitation. He had also completed a sex-offender assessment and did not need any more services because he was at little to no risk of reoffending. Smith also testified respondent was working two jobs and was the sole source of income for the family during that time period.

¶ 12 The May 2016 service plan was rated in November 2016, and respondent was rated unsatisfactory overall. Respondent stopped attending parenting classes and tested positive for cocaine in June 2016. He also failed to complete a substance-abuse assessment and domestic-violence services. Respondent was referred to counseling but did not attend any counseling sessions. Smith confirmed the counselor had made contact with respondent.

¶ 13 Fornoff testified she was C.D.'s caseworker from February 2017 to March 2018. Fornoff reviewed the November 2016 service plan in May 2017. Respondent's tasks were labeled as follows: "visitation, cooperation, parenting, substance abuse, domestic violence, counseling, and a sex offender risk assessment." Fornoff testified respondent was rated unsatisfactory on visitation due to missing visits. She noted respondent would either be a no-show or call the day of the visit and state he was unable to make it. Fornoff also noted respondent was rated unsatisfactory as to cooperation for the same reason as visitation. Fornoff did testify she was generally able to reach respondent by telephone. Respondent also received an unsatisfactory rating on the task of substance abuse because he had only done three of five drug drops. The drops he did complete were all negative, except for one in April 2017 that testified positive for both alcohol and cocaine. Respondent was rated unsatisfactory for counseling

because respondent only attended some of his counseling sessions. As to the task of domestic violence, he received an unsatisfactory rating because he never attended domestic-violence classes. Respondent did receive satisfactory ratings for parenting, housing, and income.

¶ 14 Fornoff established a new service plan in May 2017, which had the same tasks as the November 2016 plan except for the sex-offender assessment. The sex-offender assessment was removed from the service plan. The May 2017 plan was reviewed in November 2017. Respondent received an unsatisfactory rating for visitation because he missed some visits and was incarcerated from July 2017 to October 2017 for a domestic-violence incident between him and Nicole. Respondent was convicted of domestic battery in Sangamon County circuit court case No. 17-CM-529 and unlawful violation of an order of protection in Sangamon County circuit court case No. 17-CM-539. While Fornoff was C.D.'s caseworker, respondent made 20 of 33 visits. Respondent received an unsatisfactory rating on the cooperation task for the same reasons he received that rating for visitation. Respondent was rated unsatisfactory for the task of substance abuse because he did not complete the assessment and missed drug drops. Fornoff testified she did receive reports from respondent and Nicole that they would go to the place for drug drops and get turned away because their names were not in the system. Fornoff could not confirm the veracity of respondent's reports and counted the missed drug drops against him. He also received an unsatisfactory rating on counseling, housing, domestic violence, and parenting tasks. Fornoff testified respondent and Nicole only had one counseling session together before the July 2017 domestic-violence incident. After his release from jail, respondent was admitted into a residential-treatment program. Fornoff testified respondent was trying to make progress but was not progressing as much as needed to have C.D. returned to him. Fornoff stated she was never close to returning C.D. to respondent's care because he had not completed services.

¶ 15 Respondent testified on his own behalf. He had worked as a cook for three years until his incarceration in July 2017. Respondent also had a part-time job at Dollar Tree while Nicole was recovering from the complications of child birth. Respondent explained his work schedule and caring for Nicole would sometimes interfere with his ability to attend services. When he was working, he paid child support for C.D. Respondent would also call the foster parents to see what C.D. needed and then he would purchase those items. Respondent further testified his first task was parenting classes and he immediately completed those at The Parent Place. He also noted he did drug drops and had a positive one in September 2016. Respondent had attended both individual and couple's counseling. The couple's counseling began in September or October 2016 and lasted about eight weeks. According to respondent, one of the focuses of the counseling was domestic violence.

¶ 16 Respondent had used cocaine for a decade or more. He had been sober for two years when C.D. was born. Respondent admitted he was an addict and recognized it was something he would have to deal with throughout the course of his life. Respondent testified he did a substance-abuse assessment in March 2016 and no treatment was recommended. He did not complete another substance-abuse assessment until his release from jail in October 2017. At the time of the fitness hearing, respondent had been sober for 10 months, not including the time he spent in jail.

¶ 17 As to the September 2016 domestic-violence incident, respondent testified it never happened. Respondent testified he came home from work and was tired. C.D. was in bed with him, and C.D. fell out of the bed. C.D. suffered a scratch on her head, and Nicole panicked because she had lost a child to a brain aneurysm. Nicole called the police and said it was a domestic dispute. Respondent denied striking Nicole in September 2016. Respondent denied

any acts of domestic violence before the alleged September 2016 incident.

¶ 18 Respondent denied missing visits with C.D. He could only recall missing one visit due to Nicole being ill. Respondent testified no caseworkers told him he was missing visits.

¶ 19 Regarding drug drops, respondent testified that, when Fornoff was his caseworker, he would show up to complete the drug drop as instructed and his name would not be in the computer. Since his name was not in the computer, respondent could not do the drug drop. Respondent would call Fornoff to inform her of the problem, but the problem was never addressed. He also noted he had communication troubles with Fornoff.

¶ 20 Nicole also testified a domestic-violence incident involving C.D. did not occur in September 2016. Nicole stated she had told the foster parent about an incident on a prior date and the caseworker misconstrued it. During the incident she described to the foster parent, Nicole said she was struck by a knee when she and respondent were shoving each other.

¶ 21 The State recalled Smith, who addressed the issues with the drug drops. Smith explained that, if a person was asked to drop and he or she was not in the system, then the drop would not be considered a positive drop. Smith also testified it did take a supervisor to approve the drug drop before it went to the computer system. It took about 10 to 15 minutes to add a person into the computer system for a drug drop if a supervisor was available to approve it. Smith only received one call from respondent that his name was not in the computer system for a drug drop.

¶ 22 At the conclusion of the hearing, the circuit court found respondent unfit based on his failure to (1) maintain a reasonable degree of responsibility as to C.D.'s welfare; (2) make reasonable efforts toward C.D.'s return during the nine-month period of September 14, 2016, to June 14, 2017; and (3) make reasonable progress toward C.D.'s return during the nine-month

period of September 14, 2016, to June 14, 2017. The court noted that during the relevant time period it could not have safely put the child back into the home because "[t]he substance abuse, in and of itself, had never been addressed." The court also noted the domestic-violence situation had never been addressed. The court also found Nicole unfit.

¶ 23 After finding both respondent and Nicole unfit, the circuit court held the best-interests hearing. The State called Smith. She testified C.D. would be three years old in October 2018 and had been with her foster parents since November 2015. The foster father was the pastor of respondent's and Nicole's church at the time C.D. was taken into care. The foster parents met C.D.'s needs and expressed a desire to adopt her if she could not return to her parents. The foster parents were in their early seventies, and the foster mother had previously had breast cancer. Smith had not observed any physical limitations as far as the foster parents' ability to interact with C.D. The foster parents' other children were adults that lived in the area. The foster parents planned that, if something were to happen to them, their daughter would care for C.D. Their daughter saw C.D. on almost a weekly basis. DCFS approved placement with the daughter. Moreover, Smith testified that, if respondent and Nicole's parental rights were terminated, C.D. would not be harmed and her daily life would not be disrupted. According to Smith, C.D. was comfortable and happy at the foster parents' home.

¶ 24 Smith also testified C.D. had an attachment with respondent and Nicole. C.D. runs to them when she sees them and gives them hugs and kisses. Smith had no concerns about respondent's interactions with C.D.

¶ 25 Respondent testified he was involved in caring for C.D. every day during her three-month stay in the neonatal intensive care unit and continued to be involved in her life as much as possible. Respondent talked with her every day and called her on his breaks at work.

Respondent loved his daughter very much and wanted a second chance at raising her.

¶ 26 Respondent had concerns about the foster parents. He testified the foster father has Parkinson's disease and had back surgery two months ago. According to respondent, the foster father was just starting to get around again. Respondent also testified the foster mother was not physically able to take care of C.D. According to respondent, the foster mother has had breast cancer twice.

¶ 27 Additionally, respondent testified he was back in a relationship with Nicole. However, they did not live together. Respondent's home was adequate to meet C.D.'s needs, and C.D. would have her own room. Respondent currently had two jobs. His son could help him provide care for C.D. The son had been spending time with C.D. Respondent further testified he will have been sober for a year on October 23, 2018.

¶ 28 Nicole testified and also noted the foster parents' medical problems. In addition to the ones respondent noted, Nicole said the foster mother suffered from spinal stenosis, diabetes, and migraines. Nicole did not believe the foster parents provided a stable, long-term placement for C.D. Nicole also had concerns about C.D. not having many opportunities to interact with other young children.

¶ 29 During closing arguments, the State argued it was in C.D.'s best interests to terminate respondent's and Nicole's parental rights. Respondent and Nicole argued the termination of their parental rights was not in C.D.'s best interests. The guardian *ad litem* asserted the State had not met its burden of proof that termination of respondent's and Nicole's parental rights was in C.D.'s best interests. He noted C.D. recognized respondent and Nicole as her parents. The guardian *ad litem* also noted both parents were willing to continue services.

¶ 30 At the conclusion of the hearing, the circuit court entered a written order on

September 17, 2018, finding it was in C.D.'s best interests to terminate respondent's and Nicole's parental rights.

¶ 31 On September 19, 2018, respondent filed a timely notice of appeal in sufficient compliance with Illinois Supreme Court Rule 303 (eff. July 1, 2017). See Ill. S. Ct. R. 660(b) (eff. Oct. 1, 2001) (providing the rules governing civil cases govern appeals from final judgments in all proceedings under the Juvenile Court Act, except for delinquency cases). Thus, this court has jurisdiction of this appeal pursuant to Illinois Supreme Court Rule 307(a)(6) (eff. Nov. 1, 2017).

¶ 32 II. ANALYSIS

¶ 33 Under section 2-29(2) of the Juvenile Court Act (705 ILCS 405/2-29(2) (West 2016)), the involuntary termination of parental rights involves a two-step process. First, the State must prove by clear and convincing evidence the parent is "unfit," as that term is defined in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West Supp. 2017)). *In re Donald A.G.*, 221 Ill. 2d 234, 244, 850 N.E.2d 172, 177 (2006). If the circuit court makes a finding of unfitness, then the State must prove by a preponderance of the evidence it is in the minor child's best interests that parental rights be terminated. *In re D.T.*, 212 Ill. 2d 347, 366, 818 N.E.2d 1214, 1228 (2004).

¶ 34 Since the circuit court has the best opportunity to observe the demeanor and conduct of the parties and witnesses, it is in the best position to determine the credibility and weight of the witnesses' testimony. *In re E.S.*, 324 Ill. App. 3d 661, 667, 756 N.E.2d 422, 427 (2001). Further, in matters involving minors, the circuit court receives broad discretion and great deference. *E.S.*, 324 Ill. App. 3d at 667, 756 N.E.2d at 427. Thus, a reviewing court will not disturb a circuit court's unfitness finding and best-interests determination unless they are

contrary to the manifest weight of the evidence. See *In re Gwynne P.*, 215 Ill. 2d 340, 354, 830 N.E.2d 508, 516-17 (2005) (fitness finding); *In re J.L.*, 236 Ill. 2d 329, 344, 924 N.E.2d 961, 970 (2010) (best-interests determination). A circuit court's decision is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent. *Gwynne P.*, 215 Ill. 2d at 354, 830 N.E.2d at 517.

¶ 35 A. Respondent's Fitness

¶ 36 Respondent first contends the circuit court's unfitness finding was against the manifest weight of the evidence. The State disagrees.

¶ 37 The circuit court found respondent unfit under, *inter alia*, section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West Supp. 2017)), which provides a parent may be declared unfit if he or she fails "to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act." Illinois courts have defined "reasonable progress" as "demonstrable movement toward the goal of reunification." (Internal quotation marks omitted.) *In re Reiny S.*, 374 Ill. App. 3d 1036, 1046, 871 N.E.2d 835, 844 (2007) (quoting *In re C.N.*, 196 Ill. 2d 181, 211, 752 N.E.2d 1030, 1047 (2001)). Moreover, they have explained reasonable progress as follows:

> " '[T]he benchmark for measuring a parent's "progress toward the return of the child" under section 1(D)(m) of the Adoption Act encompasses the parent's compliance with the service plans and the court's directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later became known and which would prevent the court from

returning custody of the child to the parent.' " *Reiny S.*, 374 Ill. App. 3d at 1046, 871 N.E.2d at 844 (quoting *C.N.*, 196 Ill. 2d at 216-17, 752 N.E.2d at 1050).

Additionally, this court has explained reasonable progress exists when a circuit court "can conclude that *** the court, in the *near future*, will be able to order the child returned to parental custody. The court will be able to order the child returned to parental custody in the near future because, at that point, the parent *will have fully complied* with the directives previously given to the parent in order to regain custody of the child." (Emphases in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991). We have also emphasized " 'reasonable progress' is an 'objective standard.' " *In re F.P.*, 2014 IL App (4th) 140360, ¶ 88, 19 N.E.3d 227 (quoting *L.L.S.*, 218 Ill. App. 3d at 461, 577 N.E.2d at 1387).

¶ 38 In determining a parent's fitness based on reasonable progress, a court may only consider evidence from the relevant time period. *Reiny S.*, 374 Ill. App. 3d at 1046, 871 N.E.2d at 844 (citing *In re D.F.*, 208 Ill. 2d 223, 237-38, 802 N.E.2d 800, 809 (2003)). Courts are limited to that period "because reliance upon evidence of any subsequent time period could improperly allow a parent to circumvent her own unfitness because of a bureaucratic delay in bringing her case to trial." *Reiny S.*, 374 Ill. App. 3d at 1046, 871 N.E.2d at 844. In this case, the petition alleged the relevant nine-month period was September 14, 2016, to June 14, 2017.

¶ 39 After the September 2016 neglect finding, an alleged domestic-violence incident between respondent and Nicole occurred while Nicole was holding C.D., which resulted in respondent and Nicole losing unsupervised visitation with C.D. In response to that incident, a domestic-violence assessment was added as one of respondent's tasks. Smith testified that, after the domestic-violence incident, respondent stopped attending group parenting classes at the

Family Service Center. When respondent's service plan was rated in November 2016, it was noted he had not completed all of his drug drops and failed to complete a substance-abuse assessment after a positive drop in June 2016. Despite a referral for individual counseling, respondent had not attended individual counseling. Smith further testified respondent had not completed the domestic-violence assessment. In November 2016, respondent still had housing, received income, cooperated with the caseworker, attended visitation, and had completed the sex-offender assessment.

¶ 40 Fornoff testified she reviewed the November 2016 service plan in May 2017. She stated respondent was rated unsatisfactory on visitation and cooperation because he missed visits and would either be a no-show or call the day of to say he could not make the visit. Respondent also received an unsatisfactory rating for the task of substance abuse because he did not attend all of his drug drops and had a positive result for cocaine and alcohol in April 2017. Regarding counseling, Fornoff testified respondent was enrolled in counseling but did not attend all of his counseling sessions. Respondent also did not attend domestic-violence classes. Respondent did receive satisfactory ratings for housing, income, and parenting. However, Fornoff testified she was never close to returning C.D. to respondent's care. No evidence was presented indicating any significant changes occurred in respondent's engagement in services occurred between May 2017 and June 14, 2017.

¶ 41 Although respondent complied with some of the tasks in the service plan, he did not complete all of them. Given respondent's history of substance abuse and the domestic-violence issue when C.D. was unsupervised, those two tasks were important in this case. The caseworkers' unsatisfactory ratings in those areas were reasonable given respondent's positive drug drop and failure to complete a domestic-violence program. Due to the aforementioned

noncompliance with the service plan, C.D.'s return to respondent was not close during the relevant nine-month period.

¶ 42 Accordingly, the circuit court's finding respondent unfit based on section 1(D)(m)(ii) of the Adoption Act was not against the manifest weight of the evidence.

¶ 43 Because we have upheld the circuit court's determination respondent met one of the statutory definitions of an "unfit person" (750 ILCS 50/1(D)(m)(ii) (West Supp. 2017)), we need not review any other bases for the court's unfitness finding. See *In re Tiffany M.*, 353 Ill. App. 3d 883, 891, 819 N.E.2d 813, 820 (2004) (providing when parental rights have been terminated based on clear and convincing evidence of a single unfitness ground, the reviewing court need not consider any additional grounds for unfitness cited by the circuit court).

¶ 44 B. C.D.'s Best Interests

¶ 45 Respondent also challenges the circuit court's finding it was in C.D.'s best interests to terminate her parental rights. The State contends the court's finding was proper.

¶ 46 During the best-interests hearing, the circuit court focuses on "the child's welfare and whether termination would improve the child's future financial, social and emotional atmosphere." *In re D.M.*, 336 Ill. App. 3d 766, 772, 784 N.E.2d 304, 309 (2002). In doing so, the court considers the factors set forth in section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2016)) in the context of the child's age and developmental needs. See *In re T.A.*, 359 Ill. App. 3d 953, 959-60, 835 N.E.2d 908, 912-13 (2005). Those factors include the following: the child's physical safety and welfare; the development of the child's identity; the child's family, cultural, and religious background and ties; the child's sense of attachments, including continuity of affection for the child, the child's feelings of love, being valued, and security and taking into account the least disruptive placement for the child; the child's own

wishes and long-term goals; the child's community ties, including church, school, and friends; the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives; the uniqueness of every family and child; the risks attendant to entering and being in substitute care; and the wishes of the persons available to care for the child. 705 ILCS 405/1-3(4.05) (West 2016).

¶ 47 We note a parent's unfitness to have custody of his or her child does not automatically result in the termination of the parent's legal relationship with the child. *In re M.F.*, 326 Ill. App. 3d 1110, 1115, 762 N.E.2d 701, 706 (2002). As stated, the State must prove by a preponderance of the evidence the termination of parental rights is in the minor child's best interests. See *D.T.*, 212 Ill. 2d at 366, 818 N.E.2d at 1228. "Proof by a preponderance of the evidence means that the fact at issue *** is rendered more likely than not." *People v. Houar*, 365 Ill. App. 3d 682, 686, 850 N.E.2d 327, 331 (2006).

¶ 48 Respondent asserts the circuit court's best-interests finding was against the manifest weight of the evidence because C.D. had a strong bond with him and C.D.'s foster parents were in their seventies. The State disagrees.

¶ 49 While C.D. did have a bond with respondent, C.D. had spent almost her entire life in the care of her foster parents. Her attachments were with the foster parents' adult children, community, and church. Respondent testified C.D. had started spending time with respondent's son. While valid concerns existed about the foster parents' ability to parent C.D. until she reached the age of majority, the foster parents had designated their adult daughter to care for C.D. and had made sure C.D. was bonded with their adult daughter. The foster parents had kept C.D. safe and provided her with stability. On the other hand, C.D. was injured during one of her few overnights with respondent and Nicole. Stability was also an issue with respondent.

Respondent and Nicole did not have a consistent relationship and did not even agree at the best-interests hearing as to the current status of their relationship. Questions also still remained on respondent's sobriety. Here, the best-interests factors favored the termination of respondent's parental rights.

¶ 50 Accordingly, we find the circuit court's conclusion it was in C.D.'s best interests to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 51 III. CONCLUSION

¶ 52 For the reasons stated, we affirm the Sangamon County circuit court's judgment.

¶ 53 Affirmed.