2019 IL App (4th) 180637-U

NO. 4-18-0637

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

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

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.	)	
Nicole B.,	)	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, Nicole B., as to her 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) her unfit and (2) it was in C.D.'s best interests to terminate her parental rights. We affirm.

¶ 4 I. BACKGROUND

¶ 5 C.D.'s father is Marcus D., also known as Mark D., who filed a separate appeal. This court docketed Marcus's appeal as case No. 4-16-0636. Both C.D. and respondent 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 Marcus was a registered sexual predator and had not successfully completed sex-offender treatment (count III).

¶ 7 In September 2016, respondent 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 Marcus 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 Marcus's parental rights to C.D. The motion asserted respondent was unfit because she 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 respondent's and Marcus's fitness. The State presented the testimony of caseworkers Latoya Smith and Rachel Fornoff. Respondent and Marcus 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 "[p]arenting, counseling, substance abuse assessment, visitation, cooperation, housing and income." Smith reviewed the service plan in May 2016, and respondent was rated satisfactory overall. She only received an unsatisfactory rating for the substance-abuse assessment.

¶ 11 The next service plan covered May to November 2016. During that period, Smith added the task of domestic-violence counseling for both respondent and Marcus after a September 2016 incident. Smith explained she was close to returning C.D. home to respondent and Marcus, and they had begun to have unsupervised visits with C.D. However, in September 2016, it was reported Marcus punched respondent in the face while she was holding C.D. during an unsupervised visit, and C.D. received a scratch on the nose. The police arrested Marcus, but he was released from jail after a few days. The State did not file any charges against Marcus. According to Smith, respondent did not file for an order of protection, and respondent and Marcus remained in a romantic relationship. Smith acknowledged domestic violence was not a

reason why C.D. was brought into care.

¶ 12 When the May 2016 plan was rated in November 2016, respondent received an unsatisfactory overall rating. Smith noted respondent's participation with some services dropped off after the domestic-violence incident. Smith explained respondent stopped attending parenting classes. Smith also noted respondent had a positive drug drop for alcohol in June 2016 and was referred to a substance-abuse assessment. Respondent had not completed the substance-abuse assessment by November 2016. Respondent had also missed some drug drops during the relevant period. Moreover, Smith referred respondent to counseling, but respondent did not attend any counseling sessions. Smith confirmed the counselor had made contact with respondent. Respondent did attend counseling with her own mental-health counselor but did not provide Smith with documentation. Smith did not think respondent's personal counselor would meet the requirement of counseling in the service plan. Respondent also did not attend any sort of service for domestic violence. Respondent did receive satisfactory ratings for visitation, cooperation, housing, and income.

¶ 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: "cooperation, visitation, substance abuse, domestic violence, counseling, parenting and housing." 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 to cancel. Respondent would cancel because she was sick or could not get a ride. Fornoff testified respondent was offered 31 visits but only attended 24. Fornoff also noted respondent was rated unsatisfactory as to cooperation for the same reason as visitation. According to Fornoff, cooperation included attending all meetings and visits. Fornoff did testify she was generally able

to reach respondent by telephone. Respondent also received an unsatisfactory rating for the task of substance abuse because she had only done three of five drug drops. The drops she did complete were all negative. Respondent was rated unsatisfactory for the counseling task because respondent only attended some of her counseling sessions. She also was rated unsatisfactory on the domestic-violence task because she never completed an assessment or attended any classes. Respondent did receive satisfactory ratings for housing and parenting tasks.

¶ 14 Fornoff established a new service plan in May 2017, which had the same tasks as the November 2016 plan. The May 2017 plan was reviewed in November 2017. Respondent received an unsatisfactory rating for the visitation task because she missed some visits and was not always informing Fornoff ahead of time she would be absent. Respondent received an unsatisfactory rating on the cooperation task due to the missed visits and discontinuing her counseling services. Respondent moved to Champaign and did not tell her counselor of the move. Fornoff referred respondent to a counselor in Champaign, but respondent was put on a waitlist. Fornoff testified respondent did attend some classes in Champaign but Fornoff did not know what they were. In Champaign, respondent resided at Restoration Urban Ministry until March 2018 and thus did not have appropriate housing for C.D. Respondent received an unsatisfactory rating for her housing task. Respondent and Marcus had a domestic-violence incident in July 2017, which resulted in Marcus's incarceration and subsequent domestic battery conviction in Sangamon County circuit court case No. 17-CM-529. After the domestic-violence incident, respondent obtained an order of protection against Marcus. Two days after respondent obtained the order of protection, Marcus violated it and later received a conviction for unlawful violation of an order of protection in Sangamon County circuit court case No. 17-CM-539. Based on that incident and respondent's failure to seek services addressing domestic violence,

respondent received an unsatisfactory rating on the domestic-violence task. Fornoff testified respondent and Marcus only had one counseling session together before the July 2017 domestic-violence incident. Respondent received satisfactory ratings for the tasks of substance abuse and parenting. Respondent did have some issues with complying with drug-drop requests but still received a satisfactory rating as to the task of substance abuse. Fornoff testified respondent was trying to make progress but was not progressing as much as she needed to have C.D. returned to her. Fornoff noted respondent's health did improve during her time as a caseworker. Fornoff stated she was never close to returning C.D. to respondent's care because respondent had not completed services.

¶ 15 Marcus testified he and respondent began couple's counseling in September or October 2016, which lasted about eight weeks. According to Marcus, one of the focuses of the counseling was domestic violence. He and respondent may have missed one or two sessions due to respondent being sick but always called to let the counselor know they would not make it. Additionally, Marcus testified the September 2016 domestic-violence incident never happened. Marcus said 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 respondent panicked because she had lost a child to a brain aneurysm. Respondent called the police and said it was a domestic dispute. Marcus denied striking respondent in September 2016. He also denied any acts of domestic violence before the alleged September 2016 incident. Further, Marcus explained his conviction for unlawful violation of an order of protection. He testified he had not received the order of protection paperwork when he telephoned respondent from a holding cell at the jail.

¶ 16 Respondent testified she was a heroin addict for four years. She had been sober since May 26, 2008. When she was using heroin, respondent had her parental rights terminated

to her and Marcus's son. Respondent further testified she was still recovering from C.D.'s delivery. The delivery left her with two kinds of heart failure.

¶ 17 According to respondent, she had participated in three parenting classes and had completed two of them. She also testified she had completed three substance-abuse assessments, all of which did not recommend treatment. Moreover, respondent testified she had been engaged in counseling before she was pregnant with C.D. and had continued that counseling throughout the life of the case. Respondent testified she did sign a release of information for her counseling. She also attended a domestic-violence program as part of her classes in Champaign. Respondent admitted to missing some visits because they were hard to arrange due to the agency's system and her numerous medical appointments. She denied ever being a no-show for a visit. Respondent testified she had issues with being able to talk with a caseworker. Respondent did not always know who her caseworker was and did not get her telephone calls returned. Respondent testified she made regular efforts to keep in contact with caseworkers. Additionally, respondent noted she moved back to Springfield in May 2018. She currently was employed and had housing.

¶ 18 Respondent also testified the domestic-violence incident in September 2016 did not occur. Respondent said she "really freaked out" when C.D. rolled off the bed. Respondent 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, respondent said she was struck by a knee in the temple when she and Marcus were shoving each other.

¶ 19 At the conclusion of the hearing, the circuit court found respondent unfit based on her 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 of Marcus's substance abuse and the domestic-violence situation had never been addressed. The court explained respondent was living with Marcus, who had had used cocaine during the pendency of this case, and respondent herself had a previous addiction. The court also found Marcus unfit.

¶ 20 After finding both respondent and Marcus 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 Marcus'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 Marcus'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.

¶ 21 Smith also testified C.D. had an attachment with respondent and Marcus. C.D. runs to them when she sees them and gives them hugs and kisses. C.D. expresses love for respondent.

¶ 22 Marcus testified he had concerns about the foster parents. He testified the foster

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

¶ 23 Additionally, Marcus testified he was back in a relationship with respondent. However, they did not live together.

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

¶ 25 Respondent also testified she had consistently been a part of C.D.'s life and they had a strong bond. Respondent talked to C.D. every day on the telephone. Respondent had always been welcomed at the foster parents' home. Respondent also testified her visits with C.D. were "awesome." At the beginning of visits, C.D. runs to her. At the end of visits, C.D. cries and looks at respondent while C.D. walks away. Respondent calls the foster parents' home after visits to reassure C.D. respondent will see her soon. According to respondent, C.D. would be harmed if her parental rights are terminated. C.D. knows respondent is her mother and carries respondent's picture with her.

¶ 26 Additionally, respondent testified she had her own apartment and a job. Her other four children were all adults and lived elsewhere. Respondent acknowledged she has diabetes, asthma, and two kinds of heart failure. Respondent testified she takes all of her medications. She described her relationship with Marcus as coparents. Respondent was willing to engage in

services.

¶ 27 During closing arguments, the State argued it was in C.D.'s best interests to terminate respondent's and Marcus's parental rights. Respondent and Marcus 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 Marcus's parental rights was in C.D.'s best interests. He noted C.D. recognized respondent and Marcus as her parents. The guardian *ad litem* also noted both parents were willing to continue services.

¶ 28 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 Marcus's parental rights.

¶ 29 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).

¶ 30 II. ANALYSIS

¶ 31 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).

¶ 32 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.

¶ 33 A. Respondent's Fitness

¶ 34 Respondent first contends the circuit court's unfitness finding was against the manifest weight of the evidence. As the State notes, respondent challenges the court's finding she was unfit for failing to maintain a reasonable degree of responsibility as to C.D.'s welfare and to make reasonable progress toward C.D.'s return during the nine-month period of September 14, 2016, to June 14, 2017. Respondent does not appear to challenge the court's finding she failed to make reasonable efforts to correct the conditions that were the basis for C.D.'s removal during the nine-month period of September 14, 2016, to June 14, 2017. Respondent did not file a reply brief challenging the State's characterization of her argument. Regardless, in this case, the basis for C.D.'s removal was the fact one of her siblings had been

removed from her parent's care and her parents failed to make reasonable progress toward the sibling's return and their parental rights were terminated. Thus, the two grounds are similar in this case, and we will address whether respondent made reasonable progress toward C.D.'s return during the nine-month period of September 14, 2016, to June 14, 2017.

¶ 35 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).

¶ 36 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.

¶ 37 Respondent argues her progress during the relevant period cannot be erased by an isolated incident of domestic violence. We disagree. The domestic-violence incident in September 2016 was the beginning of the nine-month period. The incident was particularly troubling because it occurred during an unsupervised visit and respondent was holding C.D. when she was struck by Marcus. As a result of that incident, respondent and Marcus lost unsupervised visitation with C.D., and a domestic-violence assessment was added as one of respondent's tasks. Respondent and Marcus did not regain unsupervised visits during the relevant nine-month period.

¶ 38 Moreover, Smith testified that, after the domestic-violence incident, respondent stopped attending group parenting classes. When respondent's service plan was rated in

November 2016, it was noted respondent had not completed all of her drug drops and failed to complete a substance-abuse assessment. Despite a referral for individual counseling at the Family Service Center, respondent had not attended individual counseling. Smith confirmed a counselor from the Family Service Center called respondent. Smith testified respondent never provided documentation that would have allowed Smith to determine if respondent's personal counselor met the service plan's counseling requirement. Smith further testified respondent had not completed the domestic-violence assessment. In November 2016, respondent did comply with housing, cooperation with the caseworker, and visitation.

¶ 39 Fornoff testified she reviewed the November 2016 service plan in May 2017. She stated respondent was rated unsatisfactory on visitation and cooperation because she missed visits and, in some cases, would miss without notifying Fornoff. While Fornoff was the caseworker, respondent attended 24 of 31 visits. Regarding counseling, Fornoff testified respondent was enrolled in counseling but did not attend all of her counseling sessions. Respondent also did not complete a domestic-violence assessment. Respondent did receive satisfactory ratings for housing and parenting. However, Fornoff testified she was never close to returning C.D. to respondent's care.

¶ 40 Although respondent complied with some of the tasks in the service plan during the relevant nine-month period, she did not complete all of them. Despite the domestic-violence incident resulting in the loss of unsupervised visits, respondent had failed to complete a domestic-violence assessment during the nine-month period. She was also having attendance issues with counseling and visitation. Due to the aforementioned noncompliance with the service plan, C.D.'s return to respondent was not close during the relevant nine-month period.

¶ 41 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.

¶ 42 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).

¶ 43 B. C.D.'s Best Interests

¶ 44 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.

¶ 45 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).

¶ 46 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).

¶ 47 Respondent asserts the State failed to prove it was in C.D.'s best interests to terminate her parental rights because (1) the caseworker failed to explain why she believes termination will not harm C.D. and (2) of concerns about the health of the foster parents. The State disagrees.

¶ 48 Even assuming the termination of respondent's parental rights will have some negative effect on C.D., that potential negative impact is just one of many factors that must be weighed in determining C.D.'s best interests. While C.D. had 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. 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 her. The foster parents had kept C.D. safe and provided her with stability. On the other hand, C.D. was present during a domestic dispute between respondent and Marcus during one of her few overnights with them. Stability was also an issue with respondent. Respondent and Marcus did

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

¶ 49 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.

¶ 50 III. CONCLUSION

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

¶ 52 Affirmed.