2019 IL App (5th) 190085-U

NO. 5-19-0085

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

In re B.H., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Bond County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 17-JA-8
	)	
A.H.,	)	Honorable
	)	Ronald R. Slemer,
Respondent-Appellant).	)	Judge, presiding.

JUSTICE BOIE delivered the judgment of the court.
Justices Welch and Barberis concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirms the judgment of the trial court that terminated respondent's parental rights because the trial court's findings were not against the manifest weight of the evidence.

¶ 2 Respondent is the father of the minor, B.H., born on August 10, 2004. On November 16, 2018, and February 1, 2019, the trial court found respondent to be an unfit parent and found termination of respondent's parental rights would be in the minor's best interests. Respondent appeals, arguing that the trial court's (1) fitness determination and

(2) best-interest determination were against the manifest weight of the evidence. We disagree and affirm the trial court's judgment.

¶ 3 I. Background

¶ 4 A. Procedural History

¶ 5 An investigation involving the minor and her mother was instituted by the Illinois Department of Children and Family Services (DCFS) beginning in July 2017, based on a hotline call to DCFS in May 2017. DCFS began providing social services at that time. On August 10, 2017, after the services implemented by DCFS had failed to ensure the safety of the minor, the State filed a petition for adjudication of wardship, and a temporary custody hearing was held on August 11, 2017. The State later filed a first amended petition for adjudication of wardship on August 23, 2017, which is the governing petition herein. The first amended petition for adjudication of wardship alleged that the minor, B.H., was a neglected or abused minor as defined by the Juvenile Court Act in that her environment was injurious to her health and welfare as evidenced by (1) the mother of the minor having substance abuse issues; (2) the mother of the minor suffering from untreated mental health issues; (3) the minor receiving inadequate supervision while in the mother's care; (4) the minor was without proper and necessary support of other necessary care and was abandoned by the respondent; and (5) the minor being abused based on substantial risk of physical injury to said minor by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function in that the minor's mother repeatedly submerged the minor's sibling underneath water in an attempt to "baptize" said minor. In

August 2017, after the temporary custody hearing, the trial court entered an order placing temporary custody and guardianship with the guardianship administrator of DCFS.

¶ 6 On October 18, 2017, the trial court conducted an adjudicatory hearing. The initial hearing date of September 11, 2017, was continued in order for the State to attempt to obtain service on the respondent. DCFS had difficulty locating the respondent. He was incarcerated in the Kansas Department of Corrections on August 15, 2017, which was four days after the temporary custody hearing was held. The respondent was finally served with a fifth alias summons while an inmate in the Kansas Department of Corrections on October 6, 2017. The trial court, proceeding without the respondent and after considering the evidence presented, found B.H. was a neglected and abused minor and the respondent was held in default.

¶ 7 On November 8, 2017, the trial court conducted a dispositional hearing. The court entered a written order in which it found that it was in the best interest of B.H. and the public that B.H. be made a ward of the court and adjudicated a neglected and abused minor. The court further found the respondent unfit, unable and unwilling to care for the minor for reasons other than financial circumstances alone, and that it would be contrary to the minor's health, safety, and best interest to be in the respondent's custody based upon substance abuse, criminal activity, and incarceration. The court continued guardianship and custody in the guardianship administrator of DCFS.

¶ 8 At a permanency hearing held on May 25, 2018, the court changed the permanency goal to substitute care pending determination on termination of parental rights. The court terminated the parental rights of the mother and any and all unknown

fathers by order entered on August 29, 2018. On July 11, 2018, the State filed a motion for termination of parental rights and for appointment of guardian with power to consent to adoption (petition) with respect to respondent. According to the State's petition, there were six reasons why respondent should be deemed to be an "unfit person" pursuant to section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2016)). First, he had failed to maintain a reasonable degree of interest, concern, or responsibility as to the welfare of the minor. *Id.* § 1(D)(b). Second, for nine months after the adjudication of neglect, that is, from October 18, 2017, to July 18, 2018, he had failed to make reasonable efforts to correct the conditions that had been the basis for removing B.H. from his custody. *Id.* § 1(D)(m)(i). Third, during the same nine-month period, he failed to make reasonable progress toward the return of B.H. *Id.* § 1(D)(m)(ii). Fourth, he had deserted the minor for more than three months preceding the commencement of the proceedings. *Id.* § 1(D)(c). Fifth, the minor had been in the guardianship of DCFS, and he was incarcerated as a result of criminal conviction and prior to incarceration, he had little or no contact with the child, and his incarceration would prevent him from discharging his parental responsibilities for the child for a period of excess of two years. *Id.* § 1(D)(r). Sixth, he had abandoned the minor. *Id.* § 1(D)(a).

¶ 9 B. The Termination Hearing

¶ 10 1. The Evidence

¶ 11 On November 14, 2018, the court held a parental fitness hearing and after the hearing and review of the evidence entered an order on November 16, 2018, finding by clear and convincing evidence that the respondent was an unfit person to have the minor

for all six of the bases alleged by the State as well as depravity pursuant to section 1(D)(i) of the Adoption Act (750 ILCS 50/1(D)(i) (West 2016)). Depravity was not alleged by the State in their petition. The State and the respondent agree that the finding of depravity was erroneous and the State urges that the finding was a scrivener's error. Accordingly, we will not consider that ground as a basis for the circuit court's finding of unfitness.

¶ 12 During the parental fitness portion of the hearing, the court heard testimony from the caseworker and the respondent and took judicial notice of various court filings of record, including the fifth alias summons which was served on respondent on October 6, 2017.

¶ 13 The minor is a female born on August 10, 2004. At the time of the initial DCFS hotline call the minor was residing with her mother and her father was incarcerated in a county jail in Kansas. When they were together, the minor's mother and the respondent would often engage in a pattern of substance abuse and relapse. They eventually separated. The minor reported in the integrated assessment that she lived with her paternal grandmother until she was 6 years old and spent the ages of 7 through 11 with the respondent. She then went back to her paternal grandmother and later lived with her mother. When DCFS became involved the minor began residing with her maternal grandmother. The respondent was convicted of a felony drug charge and incarcerated on August 15, 2017, in the Kansas Department of Corrections. He testified that he was in jail for approximately 10 months prior to his incarceration. His release date is May 2020. At that time the minor will be 15 years old.

¶ 14 Respondent could not communicate with the minor while she was living with her mother as he was the respondent in an order of protection and the mother was a protected party. After the minor was living with other relatives he was able to have frequent phone contact and sent cards and letters, until the minor was hospitalized. Respondent could not directly call the hospital providing care to the minor without other relatives present and this presented an impediment to his communication. He did not provide financial support while incarcerated and did not pay child support when the minor was living with her mother or any other family member prior to his incarceration. He indicated that he did pay rent when he was living with the minor and his parents.

¶ 15 Erin Schaub, the caseworker assigned to the case on behalf of DCFS, had been assigned throughout the pendency of the DCFS case. She never had contact with respondent until a case review in August 2018, over a year after the minor was taken into care by DCFS and 10 months after respondent received notice of the proceedings. Ms. Schaub testified that DCFS provided respondent with notice of a January 2018 case review but he did not participate. DCFS again provided notice of a case review in August 2018 and forwarded the service plan to respondent, and he did participate and requested that the court appoint him an attorney.

¶ 16 Services for respondent were established on June 6, 2018, and a service plan was filed outlining services for respondent on August 29, 2018. The service plan required the following services for the respondent: (1) a substance abuse assessment and any recommended treatment; (2) a mental health assessment and any recommended treatment; (3) obtainment of housing and payment all rent/bills/utilities; (4) signed

release of information between DCFS and providers; and (5) maintenance of a drug-free lifestyle. Further, the court entered an order for random drug testing of respondent on August 11, 2017. At the parental fitness hearing, Ms. Schaub testified that respondent "needs substance abuse treatment, parenting education, mental health treatment, and I believe a psychiatric assessment ***." She testified that respondent had failed to successfully complete services, had not provided any documentation of services, and would need to complete further services after release from the Kansas Department of Corrections as well as obtain stable housing and means for support for himself and the minor before the minor could be returned to his care.

¶ 17 At the fitness hearing, respondent testified that he participated in the services offered at the Kansas Department of Corrections, as follows:

> "[DEFENSE COUNSEL:] And what classes or services have you used or done in the Department of Corrections?
>
> [THE RESPONDENT:] I've got—I've got—I'm in mental health care, psychiatric. I have—I had an evaluation when I first got in. I take substance abuse program, a DBT seeking safety, PTSD. I'm taking everything that they offer."

¶ 18 The respondent later testified that he would not complete substance abuse treatment until January 2019, at which point he would be eligible for the work program.

¶ 19 The minor reported in the integrated assessment, conducted in November 2017, that she had not spoken to the respondent since his incarceration and that she had

witnessed domestic violence between the respondent and her stepmother, with the police often being called.

¶ 20 2. The Trial Court's Findings

¶ 21 The trial court found that the respondent was properly served prior to adjudicatory hearing and again prior to the termination hearing. The court further found that the State had proved all six allegations of unfitness listed in the petition—that the respondent (1) failed to maintain a reasonable degree of interest, concern, or responsibility as to the welfare of the minor; (2) for nine months after the adjudication of neglect (from October 18, 2017, to July 18, 2018) failed to make reasonable efforts to correct the conditions that had been the basis for removing B.H. from his custody; (3) during the same nine-month period, failed to make reasonable progress toward the return of B.H.; (4) had deserted the minor for more than three months preceding the commencement of the proceedings; (5) that the minor is in the guardianship of DCFS, the respondent is incarcerated as a result of criminal conviction and prior to incarceration, he had little or no contact with the child, and his incarceration would prevent him from discharging his parental responsibilities for the child for a period of excess of two years; and (6) that respondent had abandoned the minor. The trial court also found that respondent is depraved.

¶ 22 C. The Best-Interests Hearing

¶ 23 1. The Evidence

¶ 24 On January 4, 2019, a best-interests hearing was held, and after the hearing and review of the evidence the court entered an order terminating parental rights on February 1, 2019. The court heard from witnesses and took judicial notice of the entire court file

without objection. The minor was 14 years old at the time of the best-interests hearing and respondent had been incarcerated during the entirety of the case, and his incarceration would extend through 2020.

¶ 25 The minor has specialized physical, educational, and psychological needs. The minor has cerebral palsy and had major surgery in July 2018, during which both legs were broken and reset to correct her gait. She has been hospitalized and in intensive inpatient physical therapy since her procedure. The minor has an individualized educational plan (I.E.P.) in school to address physical and academic impairment. She receives one-on-one education at the hospital from a home-bound educator. When she is released from the hospital she will need to continue physical therapy. The minor also carries a mental health diagnosis and is prescribed medication for mood stabilization.

¶ 26 The caseworker and guardian *ad litem* expressed their belief that the respondent is not a viable placement. He is currently incarcerated, will remain so until 2020, and has been in and out of prison and suffered from drug addiction for much of his life. He has engaged in domestic violence. The respondent has not provided stability for the minor throughout her life.

¶ 27 The minor lived with her paternal grandparents as an infant until she was seven years old. At that time she moved in with the respondent, witnessed domestic violence, and was a victim of sexual abuse perpetrated by a family member of respondent's wife at the time. The respondent returned to drug abuse after a period of sobriety and he returned the minor to his parent's home for her care. After a period of months she returned to her

mother's care and was removed again in less than a year, coming back into the care of DCFS. DCFS has been involved with the minor and her family for much of her life.

¶ 28 The minor spoke with the guardian *ad litem* and her caseworker about her wishes. She indicated that she felt like she never had a family. She said her parents did not take care of their children. She believes that termination of the respondent's parental rights is probably for the best. She restated that she had been told before by the respondent that he was going to change, but in the past he has gone back to the same behavior. The minor prefers that her caseworker continue to search for traditional foster placement.

¶ 29 The minor does have close familial ties, maintaining contact with the respondent, paternal grandparents, paternal aunt and uncle, and maternal great-grandmother, as well as with cousins, siblings, and stepsiblings. Family has cared for the minor's physical and emotional needs throughout her life, and they continue to foster loving relationships with the minor.

¶ 30 DCFS does not have a current permanent placement for the minor. There is a potential family placement with her paternal aunt and traditional foster care may be an option. At the time of both hearings, the minor was being cared for in an inpatient hospital setting. She was safe and provided with adequate food, shelter, and clothing and was receiving excellent medical care. The minor has close friends and maintained familial connections. The respondent calls and writes to her.

¶ 31 2. The Trial Court's Findings

¶ 32 The trial court found by clear and convincing evidence that the respondent was an unfit parent as defined in the Adoption Act and, that it was in the best interest of the

minor and the People of the State of Illinois that his parental rights be terminated and appointed the guardianship administrator of DCFS guardian of the minor with the power to consent to the adoption of the minor. The court ordered that all residual rights and responsibilities of the respondent with respect to the minor child should be and were terminated.

¶ 33 II. Analysis

¶ 34 Respondent appeals, arguing that the trial court's (1) fitness determination and (2) best-interest determination were against the manifest weight of the evidence. We disagree and affirm the trial court's judgment.

¶ 35 A. Parental Unfitness

¶ 36 In a hearing to terminate parental rights, a trial court must make two separate and distinct findings: (1) whether the biological parents of the child have validly executed a voluntary surrender of their parental rights and a consent to adoption, or, alternatively, if it has been proven, by clear and convincing evidence, that the parents are "unfit persons" within the meaning of section 1(D) of the Adoption Act and (2) whether it has been proven by a preponderance of the evidence that it would be in the best interests of the child to terminate parental rights and to appoint a guardian and authorize that guardian to consent to an adoption of the child. 705 ILCS 405/2-29(2) (West 2016); *In re M.H.*, 2015 IL App (4th) 150397, ¶ 20. Respondent urges that the trial court's finding that the State proved all six alleged grounds of unfitness by clear and convincing evidence is against the manifest weight of the evidence. The State responds that all six of the trial court's findings were proper. Because meeting only one of the definitions in section 1(D) of the

Adoption Act would make a parent an "unfit person," we need not consider all six of the definitions that the State cited in its petition. See *In re M.S.*, 302 Ill. App. 3d 998, 1002 (1999). The record supports the trial court's finding that respondent failed to make reasonable progress within the applicable nine-month period toward the return of B.H. to his custody and the ruling was not against the manifest weight of the evidence. Accordingly, we discuss only that finding.

¶ 37 1. The Standard of Review

¶ 38 A parent's right to raise his or her biological child is a fundamental liberty interest, and the involuntary termination of such right is a drastic measure. *In re B'Yata I.*, 2013 IL App (2d) 130558, ¶ 28. The Juvenile Court Act of 1987 provides a two-stage process for involuntary termination of parental rights. 705 ILCS 405/2-29(2) (West 2016). Initially, the State must prove that the parent is unfit by clear and convincing evidence. *Id.*; 750 ILCS 50/1(D) (West 2016); *In re B'Yata I.*, 2013 IL App (2d) 130488, ¶ 29. Section 1(D) of the Adoption Act lists various grounds under which a parent may be found unfit. *In re Antwan L.*, 368 Ill. App. 3d 1119, 1123 (2006). If the court finds the parent unfit, the State must then show that termination of parental rights would serve the child's best interests. 705 ILCS 405/2-29(2) (West 2016); *In re B'Yata I.*, 2013 IL App (2d) 130558, ¶ 28.

¶ 39 A determination of parental unfitness involves factual findings and credibility assessments that the trial court is in the best position to make. *In re Tiffany M.*, 353 Ill. App. 3d 883, 889-90 (2004). The trial court found the allegation of failure to make reasonable progress within the applicable nine-month period to be proven by clear and

convincing evidence, and such a factual finding by the court deserves "great deference." *In re Brown*, 86 Ill. 2d 147, 152 (1981). "[A] finding of unfitness will not be reversed unless it is against the manifest weight of the evidence." *Id*. For the court's finding to be "against the manifest weight of the evidence," we would have to be able to say this: it is clearly evident that the court should have arrived at the opposite conclusion—that the State did not prove, by clear and convincing evidence, that, during the nine-month period after adjudication the respondent failed to make reasonable progress toward the return of B.H. See *In re C.N.*, 196 Ill. 2d 181, 208 (2001). A decision is against the manifest weight of the evidence when the opposite conclusion is clearly the proper result. *In re Nylani M.*, 2016 IL App (1st) 152262, ¶ 51.

¶ 40 2. Depravity

¶ 41 The trial court's order of November 16, 2018, regarding parental unfitness of respondent contains a finding that respondent is unfit pursuant to section 1(D)(i) of the Adoption Act (750 ILCS 50/1(D)(i) (West 2016)), depravity, at paragraph seven of that order. The order terminating parental rights filed February 1, 2019, contains no such finding. While depravity was addressed during the hearing on the motion to terminate parental rights by the guardian *ad litem*, there is no allegation of depravity as a ground of unfitness against the respondent in the motion for termination of parental rights and the State did not offer any evidence concerning depravity.

¶ 42 Initially, we note that we, as an appellate court, have the power to amend the pleadings on our own motion if necessary to conform the pleadings to the proof. Ill. S. Ct. R. 366(a)(1) (eff. Feb. 1, 1994); *Pettit v. Pettit*, 60 Ill. App. 3d 375, 380 (1978). In light

of the circumstances and facts of this case, an amendment upon our own motion would be appropriate and would not prejudice the respondent. As the finding of depravity is noticeably absent from the later order terminating parental rights, this court believes that the inclusion of the finding of depravity was a scrivener's error. We will exercise our authority pursuant to Illinois Supreme Court Rule 366(a) to amend the order entered on November 16, 2018, by the trial court by deleting paragraph seven of the order. The finding of depravity was not supported by the evidence and was not an allegation made by the State; hence, it is an obvious and inadvertent error.

¶ 43 3. Reasonable Progress

¶ 44 The trial court found that the State proved that respondent was an unfit parent under six sections of section 1(D) of the Adoption Act by clear and convincing evidence.

¶ 45 The respondent argues that he was "not afforded due process, he was not provided an attorney or notices of ongoing court proceedings until after the motion for termination was filed by the State." According to the record and the trial court's finding, respondent was served with a fifth alias summons in the Kansas Department of Corrections by personal service on October 6, 2017. While the defendant denies this fact, on the basis of the record, where there are disputed questions of fact, a determination by the trial court will not be set aside unless it is contrary to the manifest weight of the evidence. *In re Miller*, 84 Ill. App. 3d 199, 203 (1980). On the record before us, the determination of the trial court is not contrary to the manifest weight of the evidence in this cause. The notice includes the address of the Bond County courthouse as well as the phone contact

information for the assistant state's attorney handling the case. The summons includes the language:

> "If you fail to appear, or to answer the attached Petition, a judgment by default may be taken against you for relief requested in the Complaint, including the termination of parental rights.
>
> The minor or any of the respondents is entitled to have a lawyer present at the hearing on the Petition. The Clerk of the Court should be notified promptly if the minor or any other respondent desires to be represented by a lawyer but is financially unable to employ one."

¶ 46 Respondent was provided with notice and all information necessary to enter an appearance, hire counsel, or request an attorney be appointed. In fact, when served with a summons prior to the termination hearing he did just that, faxing a letter from the Department of Corrections on August 28, 2018, requesting to be provided with a service plan and for counsel to be appointed. Once received, the court promptly provided counsel to respondent and DCFS provided a copy of the service plan to respondent.

¶ 47 Respondent testified that he had maintained contact with his daughter and his parents and other family members, who had frequent contact with the minor throughout the DCFS case. He was aware she was involved in a DCFS case and was familiar with DCFS, as he testified that he had successfully completed a service plan in a prior DCFS case involving the minor. The respondent lacked diligence in contacting the court and DCFS. In view of the failure of the respondent to assert his rights, of which the court

found he had knowledge, and the lapse of time between receiving notice and contacting the court or DCFS in any way, respondent was not denied due process.

¶ 48 The trial court found pursuant to section 1(D)(m)(ii) of the Adoption Act that respondent was an unfit person as defined in the Act. 750 ILCS 50/1(D)(m)(ii) (West 2016). The Adoption Act defines an unfit person as a parent who fails to make "reasonable progress toward the return of the child" during any nine-month period following an adjudication of neglect or abuse. *Id*. The Illinois Supreme Court has held that "progress" means "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 become known and which would prevent the court from returning custody of the child to the parent." *In re C.N.*, 196 Ill. 2d at 216-17. " 'Reasonable progress' is an objective standard which exists when the court, based on the evidence before it, can conclude that the progress being made by a parent to comply with directives given for the return of the child is sufficiently demonstrable and of such a quality 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 (1991).

¶ 49 Here, the relevant nine-month period was from October 18, 2017, to July 18, 2018. The caseworker testified that she had no evidence of respondent's completion of any services required in the service plan, neither during that time period nor at the time of the

hearing. She testified that respondent would remain incarcerated through May 2020. The respondent testified that he had completed some services while incarcerated in the Kansas Department of Corrections; however, records were not provided to the court showing completion of any services. Respondent further testified that he would be engaged in substance abuse treatment for some time after the unfitness hearing, at which point he would be eligible to begin the work program to begin earning money. There was no evidence provided to the court that any of the prescribed services were completed prior to the expiration of the applicable nine-month period. The respondent made no attempt to contact the caseworker and made no attempt to have visits with the minor arranged through DCFS during the nine-month period. While the respondent will complete substance abuse services prior to his release from prison, the caseworker will be unable to evaluate respondent's parenting of the minor, ability to maintain a drug-free lifestyle, or ability to provide food, clothing, and shelter until the respondent is released from custody in 2020. Based on the evidence before it, the trial court was unable to conclude that the progress being made by respondent to comply with services was sufficiently demonstrable and of such a quality that the court, in the near future, would be able to order the child returned to respondent's custody.

¶ 50 Under the facts of this case, we are unconvinced that it is clearly evident that the State failed to prove, by clear and convincing evidence, respondent's lack of reasonable progress toward the return of B.H. to his custody. Thus, the trial court's finding that respondent failed to make reasonable progress during the applicable nine-month period

was not against the manifest weight of the evidence, and the trial court did not err in finding that respondent was unfit pursuant to section 1(D)(m)(ii) of the Adoption Act.

¶ 51 B. The Best-Interests Determination

¶ 52 After a trial court enters an order finding a parent unfit, it must determine whether termination of parental rights is in the minor's best interests. *In re B'Yata I.*, 2013 IL App (2d) 130558, ¶ 41. Section 1-3(4.05) of the Adoption Act (705 ILCS 405/1-3(4.05) (West 2016)) sets forth various factors for the trial court to consider in assessing a child's best interests. *In re B'Yata I.*, 2013 IL App (2d) 130558, ¶ 41.

¶ 53 In reaching a best-interests determination, the trial court must consider, within the context of the child's age and developmental needs, the following factors:

> "(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's familial, cultural and religious background and ties; (4) the child's sense of attachments, including love, security, familiarity, continuity of affection, and the least disruptive placement alternative; (5) the child's wishes and long-term goals; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parent figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1072 (2006).

See also 705 ILCS 405/1-3(4.05) (West 2016).

¶ 54 The State bears the burden of proving by a preponderance of the evidence that termination is in the best interests of the minor. *In re Jay H.*, 395 Ill. App. 3d 1063, 1071 (2009). A trial court's best-interests finding will not be disturbed on appeal unless it is against the manifest weight of the evidence. *Id*. A decision is against the manifest weight of the evidence only if an opposite conclusion is clearly apparent. *Id*.

¶ 55 Respondent argues that the trial court's best-interest determination was against the manifest weight of the evidence. Specifically, respondent contends that he voluntarily engaged in programs that would be required by his service plan, there are familial ties between respondent, his family, and his daughter, and there was no permanent adoptive placement identified at the time of the hearing. The caseworker testified that it would be more difficult to place someone of the minor's age and specialized needs in a permanent placement.

¶ 56 The State argues that the minor, B.H., has candidly discussed her family life with her caseworker and that she believes termination of respondent's parental rights is for the best. She is doing well in her placement at her current rehabilitation facility but is ready to leave and has asked her caseworker to continue to search for a traditional foster home placement for her. The caseworker testified that the minor's physical needs are being provided for, her educational needs are being provided, and she has community ties in the way of friendships she has fostered. The minor is looking for stability and a "normal" life, one that she recognizes that the respondent has been unable to provide in the past. The caseworker testified that she does not believe that respondent will be able to provide stability in the future.

¶ 57 Here, the record supports the trial court's determination that termination of respondent's parental rights was in the minor's best interests. The minor expressed her feelings, wishes for permanence, anxiety about being pitted between family members and being asked to choose where to live, as well as doubts about the respondent's ability to care for her once released from the Department of Corrections in 2020, a time when the minor will be 15 years old. The caseworker testified that after release the respondent would have further services to complete. He would need time to show that he would be able to maintain a drug-free lifestyle and provide for the minor's basic needs. The minor has specialized physical, educational, and emotional needs and is currently receiving excellent medical care, one-on-one educational services, has developed friendships and maintained relationships with her extended family on both her maternal and paternal sides. She has opened up about her emotional needs and has expressed a desire to pursue traditional foster care and adoption with the help of DCFS. The respondent could not provide for the minor's needs for another year at minimum and it would likely take longer for him to establish a stable environment for her care once released from prison.

¶ 58 Accordingly, we conclude that the trial court's finding that it was in B.H.'s best interests to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 59 III. Conclusion

¶ 60 For the foregoing reasons, we affirm the trial court's judgment. The trial court order entered on November 16, 2018, is amended, pursuant to Illinois Supreme Court Rule 366(a), by deleting paragraph seven of the order.

¶ 61 Affirmed as modified.