2012 IL App (2d) 120608-U
No. 2-12-0608
Order filed October 29, 2012

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re MONTRELL and MONTREECE S.,	)	Appeal from the Circuit Court
	)	of Winnebago County.
Minors.	)	
	)	Nos. 09-JA-241, 242
	)	
	)	
(The People of the State of Illinois,	)	Honorable
Petitioner-Appellee, v. Lamona S.,	)	Patrick L. Heaslip and Mary Linn Green,
Respondent-Appellant).	)	Judges, Presiding.

JUSTICE BURKE delivered the judgment of the court.
Justices Zenoff and Hudson concurred in the judgment.

ORDER

Held: Respondent forfeits the argument that the State failed to specify the relevant nine-month period it was relying on at least three weeks prior to the date set for closure of discovery pursuant to section 1(D)(m)(iii) (750 ILCS 50/1(D)(m)(iii) (West 2010)). Because parental rights may be terminated upon proof, by clear and convincing evidence, of a single ground of unfitness (*In re D.L.*, 191 Ill. 2d 1, 8 (2000)), we need not consider here whether respondent also is unfit for failing to maintain a reasonable degree of interest, concern, or responsibility, or failing to protect the minors from an injurious environment. The trial court's finding that the State proved by a preponderance of the evidence that termination of parental rights is in the minors' best interests is not against the manifest weight of the evidence; affirmed.

¶ 1 Respondent, Lamona S., the natural mother of the minors, Montrell and Montreece S., appeals from the order of the circuit court of Winnebago County terminating her parental rights to the minors, after finding respondent unfit on the grounds of failing to maintain a reasonable degree of interest, concern, or responsibility as to the welfare of the minors (750 ILCS 50/1(D)(b) (West 2010)); failing to protect the minors from an injurious environment (750 ILCS 50/1(D)(g) (West 2010)); and failing to make reasonable progress toward the return of the minors to the parent during any nine-month period after the end of the initial nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(iii) (West 2010)), and from the order finding that it was in the minors' best interests to terminate her parental rights. We affirm.

¶ 2 BACKGROUND

¶ 3 This case came to the attention of the Illinois Department of Children and Family Services (DCFS) when it received a hotline report on June 29, 2009, informing them that respondent was inebriated, angry, aggressive, and threatening to kill someone. Lamona had been involved in an altercation with another female, had sustained injuries, and had been transported by ambulance to a hospital in Rockford. While at the hospital, she had kicked out a window and was arrested. The minors, Montrell, who was born on June 23, 2005, and Montreece, who was born on July 24, 2006, were in the hospital room with respondent but were escorted out and placed with a social service worker at the hospital once respondent was placed under arrest.

¶ 4 On July 1, the State filed petitions alleging that the minors were neglected. The petitions alleged that the minors were at risk because respondent had a substance abuse problem (count I) and because respondent took the minors to a party and became so intoxicated and violent that she had to be hospitalized, thus placing the minors at risk of harm (count II).

¶ 5 On December 16, 2009, respondent entered into an agreed disposition and the trial court adjudicated the minors neglected. The agreed disposition placed the children under the guardianship and custody of DCFS and left visitation to the discretion of the agency. The trial court also entered general orders of cooperation and treatment. The court further admonished respondent that her failure to make reasonable efforts and work on her service plan within nine months could result in an attempt to terminate her parental rights, and the court set the matter for an initial permanency review.

¶ 6 The case returned to court on February 25, 2010, for status, due to respondent's behavior during visitation. Caseworker Michelle Garnhart from the Children's Home and Aid Society of Illinois (CHASI), the agency assigned to manage the case, reported that there had been a DCFS service review concerning the amount of time respondent was to receive for visitation. The DCFS attorney stated that there were "concerns" by the agency "because there have been so many problems" and requested the court admonish respondent that her behavior was detrimental to the children. Garnhart added that respondent made threats to "shoot people" and a police report was filed, that respondent had made allegations against the agency, the foster parents, the case aides, her supervisor, and Garnhart herself. Respondent, through her attorney, accused the agency staff of acting inappropriately. The trial court advised respondent to desist from her actions and said that "if you keep doing that, you're going to wind up in jail and you'll end up losing your kids."

¶ 7 At the first permanency review hearing on June 15, 2010, respondent was now attending supervised visits due to respondent's threats and escalating behavior. Respondent had tested positive for marijuana several times and methamphetamine once. However, respondent said the results were "lies." Respondent had "almost" hit a case aide after a visit and the visits were then reduced.

¶ 8 At the second permanency review on December 22, 2010, the new caseworker assigned to the case, Megan Grooms-Alberto, testified that the children were doing well, except that Montreece was throwing tantrums, which had increased in severity. She felt this was because respondent told him that he and his sister were coming home soon. Grooms-Alberto stated that respondent visited consistently, brought food or snacks for the children, and showed love and affection for them. However, respondent made statements to the children that could negatively impact them, such as telling them that they were "coming home." Respondent was to engage in individual counseling, psychiatric services, a psychological evaluation, substance abuse treatment, and testing. She had participated in services, but she initially refused to sign consents to allow DCFS to get documentation from the VA regarding respondent's counseling. Respondent had been referred to a parenting coach but in July had an incident which led to her arrest for assaulting a staff member after a visitation. According to the caseworker, the case aide and respondent had an argument over some candy for the children that developed into a confrontation. Respondent was arrested and placed under bond with the condition that she have no contact with the children, so respondent could not visit with them for some time.

¶ 9 The court noted numerous concerns about respondent's degree of cooperation and her conduct toward the agency, but it specifically observed that respondent was cooperative with her treatment at the VA as to the psychiatrist, drug counseling, and the social worker Bonnie Craft, who was helping her with anger and domestic violence issues. However, the court never stated whether or not respondent had made reasonable efforts for this time period.

¶ 10 The case returned to court on April 14, 2011, due to another "concern report" filed by the agency. The report alleged that respondent had made threatening phone calls to a supervisor at the

agency, as well as to a secretary there. The trial court restricted respondent to supervised visitation at the Winnebago County Public Safety Building. Again, the court lectured respondent at length about her need to cooperate with the agency and directed her not to engage in offensive conduct toward agency staff.

¶ 11 At the third permanency review on June 13, 2011, the latest caseworker, Angela Davis, testified that respondent had completed her psychological evaluation. Respondent was engaging in all services, although she still had some positive drug tests. Respondent had been attending the one-hour supervised visits, but Davis recommended that the goal for the children be changed to substitute care pending court determination of parental rights. Respondent was not represented by counsel at the time so the court deferred changing the goal and continued the matter to allow respondent time to obtain new counsel.

¶ 12 The hearing on the permanency goal was held on September 6, 2011. Shelly Angelos testified for the agency. She reported that visitation had been suspended on July 18, 2011, because respondent exhibited threatening behavior with agency staff and staff had been unable to protect the children during visitation. Respondent had been compliant with counseling at the VA and with her psychiatrist. All the completed drops were clean, except one. The psychological evaluator recommended that her parental rights be terminated because respondent could not become a fit parent within one year. Angelos admitted that respondent's VA psychiatrist disagreed with the psychologist's diagnosis of bipolar disorder, and she believed instead that respondent suffered from depression and borderline personality disorder.

¶ 13 Angelos' recommended finding of unreasonable effort and progress was based not just on the past six months but on respondent's entire history with the agency. Although respondent had

engaged in all of her services, Angelos believed respondent was not able to implement those services into her visitations. She acknowledged that respondent had expressed concerns about the agency staff and continued accusing the agency of being racist even when assigned an African-American caseworker like Davis.

¶ 14 Angelos stated that respondent continued to project her own feelings on the children, was unable to adequately discipline and control them, and used improper language with the staff members. The reason she recommended termination of respondent's parental rights was not based on race, or threats to CHASI, or any personal issues with respondent, rather Angelos believed that respondent failed to make the necessary progress to have her children returned to her care.

¶ 15 Respondent testified on her own behalf. She stated that she had completed her drug screens, substance abuse counseling, and psychological assessment. She was seeing her psychiatrist, Dr. Waterman. Respondent stated that she had not seen Dr. Waterman's evaluation because CHASI refused to give it to her. When she called to get a copy, they hung up on her. Respondent denied threatening to shoot anyone at CHASI. Respondent related that at visits, the staff would interfere with her and the children.

¶ 16 Following argument, the court found that respondent had made reasonable efforts but that she had not made reasonable progress toward returning the children to her. The goal was changed to substitute care pending court determination on whether parental rights should be terminated.

¶ 17 On October 20, 2011, the State filed a three-count motion for termination of parental rights and power to consent to adoption alleging the following: (1) respondent was unfit in that she failed to maintain a reasonable degree of interest, concern, or responsibility as to the children's welfare; (2) respondent was unfit in that she failed to protect the children from conditions within their

environment injurious to their welfare; and (3) respondent was unfit in that she had failed to make reasonable progress toward return of the children during any subsequent nine-month period, after the initial nine-month period following adjudication of neglect.

¶ 18 On November 18, 2011, the father of Montreece appeared and signed a consent to the adoption of his daughter. At the start of the trial for the termination of parental rights, the State requested that Mark Young, Montrell's father, be defaulted, as he never responded to a summons issued for him for the trial, even though he spoke with the caseworker, was well aware of the trial date, and was sent notice of the trial's date. The trial court granted the request and trial proceeded.

¶ 19 The State called four witnesses at trial. Vito Frank Zito, a night clerk at the Clayton House Hotel, in Loves Park, Illinois, testified that on February 12, 2012, he was called to room 42 regarding some damage to the contents of the room. He found the room a mess. The television was toppled to the floor. A picture and the frame "was over the balcony on the floor outside." He could not identify the persons residing in that room.

¶ 20 Terry Hayes, a patrol officer with the Loves Park police department, was called to investigate a domestic dispute at the hotel around 7 p.m. He spoke to Mr. Harris, who said he was staying in room 42. Harris showed Hayes a bite mark to his forearm. Hayes testified that, while he was talking to Harris, he heard someone kind of yelling out of control and he heard what sounded like glass breaking on the upper balcony near his location. His view was blocked by the stairwell at the time. He went upstairs to establish what was happening and saw a woman coming out of room 42, whom he eventually identified as respondent. He said the room was a mess and the furnishings were in disarray and damaged. Respondent smelled of alcohol and vomited in his presence. Hayes arrested respondent for domestic battery.

¶ 21 After being placed under arrest, Hayes stated that respondent intentionally caused herself to vomit again, sticking her finger down her throat. Hayes related that respondent appeared drunk and was behaving oddly at the jail, "acting like she was mentally ill" and "slobbering on herself" in what Hayes decided was an attempt to get out of going to jail. Respondent also repeated "countless" times that she was a Navy veteran, something which Hayes said was not normal for a person who is not intoxicated.

¶ 22 Officer Brandon Pofelski, a police officer with the Rockford City police department, testified about an incident at CHASI on July 28, 2010, in which respondent had reached across a car and grabbed a CHASI staff member by the hand. Pofelski arrested respondent for the alleged battery.

¶ 23 Dr. Valerie Bouchard, a licensed clinical psychologist, performed a psychological assessment on respondent for DCFS and submitted a report of her findings in June 2011, which was admitted into evidence. Based on her assessment, Dr. Bouchard diagnosed respondent with an Axis 1 Bipolar II disorder and some substance abuse disorders that were in remission by history, as well as an Axis II diagnosis of paranoid personality disorder.

¶ 24 Bouchard testified that Bipolar II is recurring major depressive episodes, coupled with episodes of hypomanic behavior. "Paranoid personality disorder" is a pervasive disorder, which is descriptive of the person's way of operating in the world and which negatively affects generally all parts of the person's functioning. Bouchard opined that long-term psychotherapy, involving intensive therapy at least once a week for two to three years, would be required to address the Axis II personality disorder.

¶ 25 Bouchard reviewed the February 12, 2012, police reports of the incident at the hotel and found that the report confirmed her conclusions about respondent. In particular, it confirmed her

belief that respondent suffered from mood difficulty, difficulty controlling behavior and actions, and behavioral instability. She believed that respondent's perceived inability to control her behavior was a factor supporting the conclusion that respondent could not effectively parent the children.

¶ 26 Bouchard also reviewed the reports from CHASI regarding respondent's many problems with the staff. Bouchard saw this information as confirming the mood and behavioral instability that she had diagnosed. In her opinion, there had not been significant progress to warrant consideration of returning the children as of the date of her report, and Bouchard held that opinion through the date of the trial.

¶ 27 The State also called several CHASI caseworkers, each of whom reported incidents in which respondent had used foul language, and was often loud and agitated.

¶ 28 Following argument, the trial court found that the State had proved on all three counts, by clear and convincing evidence, that respondent was unfit. The court noted that the report regarding respondent's "rage" was quite frightening, and the court found it significant that both Dr. Waterman and Dr. Bouchard believed respondent was an emotionally unstable and a highly volatile person who had episodes in front of her children. The court concluded that "[s]he has not progressed in her ability to have the children returned to her home."

¶ 29 At the bifurcated, best-interest hearing, the court heard the testimony of Anna Whittington, the CHASI caseworker assigned since September 2011. She testified that the children had been placed together in a foster home with the same foster mother, Bobbi, since July 2010. She testified that the children had bonded with Bobbi, they both called her "mom," and they both called their foster house a "home."

¶ 30 Montrell was in counseling for hyperactivity. He was diagnosed with ADHD and had some trouble being "chatty" in school, otherwise he was on target academically. Bobbi has attended school meetings for him. She believed he was comfortable in his home environment and was eager to show off his toys and his room.

¶ 31 Montreece also was doing well with the foster mother and at school. She would throw "epic tantrums" at times, however, which required counseling. Whittington testified Montreece had trouble during and after visits with respondent. Like her brother, Montreece was too young to understand the legal process regarding the termination proceeding.

¶ 32 During visits with respondent, Whittington had observed that there were difficulties because the children battled for respondent's attention. Whittington was not concerned about the continuity of contact between the children and respondent because she believed that the relationship was "detrimental to them in the long run." Taking everything into consideration, Whittington believed that it would be in the best interests of the children to terminate the parental rights of respondent and Mark Young.

¶ 33 Whittington admitted that Montrell had made a statement at a recent visit that he had wanted to kill himself. She felt it had been addressed in counseling, but she did not know why he made the statement.

¶ 34 Whittington stated that the children did have a relationship with respondent. However, she characterized the visits as difficult because respondent had a hard time letting the children go and there had been issues with respondent projecting her feelings, telling the children that she did not want them to go home, which upset them more. At some point, it was decided that respondent should not walk the children to respondent's car because it upset the children and made their

transition to the foster home difficult. Whittington stated that the children felt secure at the foster home and that their needs were being met with their foster mother.

¶ 35 Respondent testified on her own behalf. She said her visits currently were in the room next to the courtroom. She denied paying more attention to Montrell than to Montreece. She consistently brought food or snacks to the visits, would braid her daughter's hair, and also brought gifts on occasion. She said the children always ran up and gave her hugs at visits.

¶ 36 Respondent was very concerned about Montrell's suicide statement. She stated Montrell had told her the reason was a "secret." Respondent was concerned because Montrell was not allowed to talk about things with her at visits. He had repeatedly told her he wanted to go home with her, but he told her he was not to say this to her. Montreece also had told her that "I belong with you, mom" at the end of visits.

¶ 37 Terrell Harris, respondent's boyfriend, testified that he had been present during some of the visits between the children and respondent. He confirmed that the children stated that they wanted to come home with respondent. He described seeing the children at the end of the visits crying, sad, and "wanting to run away *** from DCF (*sic.*)." On cross-examination, Harris admitted that he was not allowed to be with the children at the actual visits and was outside the room or outside the building during the visitations. Whittington testified that respondent attempted to introduce the children to Harris, but he was not allowed to have any interaction with them and was not present during any of the visits because CHASI did not have any information about him.

¶ 38 Thereafter, the court heard argument from counsel. The trial court also asked the foster mother if she wished to address the court, to which she responded that she cared for the children and gave them everything they needed. She had talked to them about adoption and told them that no one

would love them more than she would. The statement was not made under oath. However, respondent did not object that the statement was not made under oath or otherwise attempt to cross-examine her.

¶ 39 After considering the statutory best interest factors set forth in section 1-3(4.05) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/1-3(4.05) (West 2010)), the evidence, the arguments of counsel, and the statement of the foster mother, the trial court found that the State had proved by a preponderance of the evidence that it was in the best interests of the children that the parental rights of respondent and Mark Young, Montrell's father, be terminated. Respondent timely appeals.[1]

¶ 40 ANALYSIS

¶ 41 Unfitness Determination

¶ 42 The State alleged three grounds of unfitness and the trial court found that the State had proved all three grounds. In particular, the trial court noted that respondent did not progress in her ability to have the children returned to her care. The reviewing court will accord great deference to a trial court's finding of parental unfitness because it is in the best position to make factual findings and credibility assessments. *In re Brandon A.*, 395 Ill. App. 3d 224, 238 (2009). It will reverse the trial court's decision only if it is against the manifest weight of the evidence. *Id.* A decision is against the manifest weight of the evidence where the opposite conclusion is clearly the proper result. *Id.* A finding of unfitness is sufficient if there is sufficient evidence to satisfy any one ground. *Id.* We address the third finding of parental unfitness, which was based on section 50/1(D)(m)(iii) of the Act.

[1]Mark Young does not appeal.

¶ 43 Respondent does not contest the facts supporting the merits of the trial court's finding of unfitness on the third count. Rather, respondent asserts only a procedural defect based on the State's failure to comply with the discovery requirements mandated by section 1(D)(m)(iii).

¶ 44 Section 1(D)(m)(iii) of the Act provides that a parent may be found unfit for failure to make reasonable progress toward the return of the child to the parent during any nine-month period after the end of the initial nine-month period following the adjudication of a neglected or abused minor under Section 2-3 of the Act or a dependent minor under section 2-4 of that Act. 705 ILCS 50/1(D)(m)(iii) (West 2010). The statute requires that, when a petition or motion seeks to terminate parental rights on the basis of section 1(D)(m)(iii), the petitioner shall file with the court and serve on the parties a pleading that specifies the nine-month period or periods on which the State relied. The pleading shall be filed and served on the parties no later than three weeks before the date set by the court for closure of discovery, and the allegations in the pleading shall be treated as incorporated into the petition or motion. 705 ILCS 50/1(D)(m)(iii) (West 2010).

¶ 45 Respondent maintains that the State improperly filed its disclosure statement on the same date set for the trial of the motion for termination, and "since the disclosure dates are treated as 'incorporated into the petition or motion' it follows that the pleading of Count 3 is *without dates* and is fatally defective, and the State is seeking a remedy not contained in its pleadings." (Emphasis in original.) Respondent contends that parental rights cannot be terminated on grounds not set forth in the States' motion and a defect in the pleadings cannot be waived. Accordingly, respondent asserts that the trial court's finding under count III is invalid and must be reversed. Further, respondent argues that, because count III was not properly before the court, all evidence admitted

pertaining to those allegations should be stricken. By respondent's own argument, it is clear that the State sought a remedy contained in its pleadings at the time the hearing began.

¶ 46 The State acknowledges that the statute provides that no later than three weeks prior to the date set by the court for the close of discovery, the State is to file a pleading that specifies the nine-month periods upon which it relies. 750 ILCS 50/1(D)(m)(iii) (West 2010). The State contends that the notice tendered in this case did not create reversible error for the following reasons: (1) on the day of the hearing, the State did disclose the relevant nine-month period(s) and (a) respondent never objected that the State failed to disclose the periods in the pleading document, thereby forfeiting the issue (see *In re Shauntae P.*, 2012 IL App (1st) 112280 ¶ 93) and (b) the hearing was continued several times and did not conclude until almost three months later; thus, no prejudice is alleged as none could be proven; (2) nowhere does respondent indicate that the trial court set a date for the close of discovery, and therefore, respondent cannot allege a violation of the statute; and (3) the State alleged that respondent failed to make reasonable progress during the entire period of time after the initial nine-month period of time, which the State proved conclusively, and therefore, the trial court's determination that respondent failed to make reasonable progress toward the return of the children during any nine-month period is another basis upon which we may affirm the trial court's unfitness finding. We agree with each of the State's contentions.

¶ 47 We emphasize again that respondent does not challenge the merits of the basis for the trial court's unfitness determination under section 1(D)(m)(iii) of the Act. Given the results of respondent's psychological evaluation, her police contacts, and most importantly, her erratic and threatening behavior toward the agency staff that supervised her case and her visitation with her children, it is difficult to see how she could have possibly presented a persuasive argument on the

merits regarding reasonable progress during any nine-month period to overcome the manifest weight of the evidence standard. Because parental rights may be terminated upon proof, by clear and convincing evidence, of a single ground for unfitness (*In re D.L.*, 191 Ill. 2d 1, 8 (2000)), and respondent does not argue the merits of the trial court's finding of unfitness on count III, we need not consider here whether respondent also was unfit on the other alleged bases of unfitness.

¶ 48 Best Interests Determination

¶ 49 Respondent last contends that the trial court's finding that it was in the best interests of the minors to have her parental rights terminated was against the manifest weight of the evidence. After a finding of parental unfitness, the trial court must give full and serious consideration to the children's best interests. *In re G.L.*, 329 Ill. App. 3d 18, 24 (2002). At the best-interests stage of termination proceedings, the State bears the burden of proving by a preponderance of the evidence that termination is in the children's best interests. *In re D.T.*, 212 Ill. 2d 347, 366 (2004). When determining whether termination is in the children's best interests, the court must consider, in the context of a 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 background and ties, including familial, cultural, and religious; (4) the child's sense of attachments, including love, security, familiarity, and continuity of affection, and the least-disruptive placement alternative; (5) the child's wishes; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parental figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the persons available to care for the child. 705 ILCS 405/1-3(4.05) (West 2010).

¶ 50 We will not reverse the trial court's best-interests determination unless it is against the manifest weight of the evidence. *In re Tiffany M.*, 353 Ill. App. 3d 883, 890 (2004). A decision is against the manifest weight of the evidence only if the facts clearly demonstrate that the court should have reached the opposite result. *In re D.M.*, 336 Ill. App. 3d 766, 773 (2002). Cases involving an adjudication of neglect and wardship are *sui generis* and must be decided on the unique facts of the case. *In re Z.L.*, 379 Ill. App. 3d 353, 376 (2008).

¶ 51 We first observe that, at the best-interests hearing, the "full range of the parent's conduct" must be considered, including the grounds for finding the parent unfit. *In re C.W.*, 199 Ill. 2d 198, 217 (2002). Such evidence is a "crucial consideration" at the best-interests hearing. *In re D.L.*, 326 Ill. App. 3d 262, 271 (2001). The primary issue before the trial court is what action is in the children's best interests. See *In re B.B.*, 386 Ill. App. 3d 686, 697 (2008) (the purpose of the best-interests hearing is to minimize further damage to the children by shifting the court's scrutiny to the children's best interests).

¶ 52 Respondent takes issue with the trial court's failure to provide a detailed basis for its judgment. While we agree that the court should provide an explanation for its rationale, it is not required and in a situation such as this, the evidence supports the decision and is not a basis for reversal. Here, contrary to respondent's contentions, there was evidence presented on the majority of the factors which directly supported the trial court's determination. The children are safe in their foster home and their needs are being met. In addition, their sense of identity was being developed in foster care where each of the children had been for approximately two years at the time of the hearing. The testimony showed that the children referred to their foster mother as their "Mom" and to their foster home as their "home." Both children had bonded with their foster mother, who was

very nurturing and patient with the children. Even if there existed a bond between respondent and her children, this would not automatically insure that a parent will be fit or that the children's best interest will be served by that parent. See *In re K.H.*, 346 Ill. App. 3d 443, 463 (2004). Of importance here is that the foster mother provides the children with a nurturing and loving environment. Both children were doing well in school and were "on target academically." The children are living with each other and with a foster mother who is involved in all aspects of their lives such as parent/teacher conferences and working on homework.

¶ 53 Respondent seems to argue that Montreece's "epic tantrums" and Montrell's comment that he wanted to kill himself had something to do with the lack of adequate foster care. Respondent failed to present any evidence to support this argument, which is mere speculation and innuendo.

¶ 54 Respondent argues that the foster mother's statement made at the hearing was improper because it was unsworn and not subject to cross-examination. A foster parent's right "to be heard" by the court is controlled by statute, a fact unnoted by respondent. See 705 ILCS 405/1-5(2)(a) (West 2010). Instead, respondent cites *In re C.M.*, 319 Ill. App. 3d 344 (2001), in support of her argument. Respondent acknowledges that *C.M.* involves the admission of telephonic testimony, but she does not explain how the situation in *C.M.* is similar to the present case. In *C.M.*, the court was primarily concerned with the benefits of a witness personally appearing in court. *C.M.*, 319 Ill. App. 3d at 355. None of these concerns are present in this case, where the foster mother appeared in court to make her statement. Moreover, respondent did not object or ask that the foster mother be placed under oath subject to cross-examination; the claim is forfeited. See *People v. Enoch*, 122 Ill. 2d 176, 186 (1988); *Shauntae P.*, 2012 IL App (1st) 112280 ¶ 93; *In re J.R.*, 342 Ill. App. 3d 310, 316

(2003). We note further that respondent did not argue that any forfeiture should be reviewed under the plain error doctrine.

¶ 55 In sum, the children had been living together with the foster mother for several years, they feel attached and secure there, and they know that their home is with the foster mother. The children have a good relationship with the foster mother and they have developed their identity and background with the foster mother. The foster mother has expressed a desire to adopt the children, thus providing the children with the needed permanency in their lives. The children have not lived with their biological mother since 2009. Furthermore, from the assessment done by Dr. Bouchard and from the testimony of Dr. Waterman, respondent has exhibited some erratic and unsafe behavior that would make it inappropriate to place the children back with respondent any time in the future. Further delay and lack of permanency and stability would not be in the children's best interests. See *K.H.*, 346 Ill. App. 3d at 463 (permanency and stability is important for a child's welfare). A review of the evidence in relation to the statutory factors shows that the trial court's decision to terminate respondent's parental rights was not contrary to the manifest weight of the evidence.

¶ 56 Affirmed.