

2011 IL App (2d) 110291-U
No. 2—11—0291
Order filed July 13, 2011

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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

<i>In re</i> Keyona C., a Minor)	Appeal from the Circuit Court
)	of Winnebago County.
)	
)	No. 07—JA—221
)	
)	Honorable
)	Mary Linn Green, and
(The People of the State of Illinois, Petitioner-)	Patrick L. Heaslip,
Appellee, v. Keith C., Respondent-Appellant).)	Judges, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Burke and Schostok concurred in the judgment.

ORDER

Held: Where the trial court's determinations that respondent was an unfit parent and that it was in the minor's best interests to terminate respondent's parental rights were not against the manifest weight of the evidence, the trial court's order terminating respondent's parental rights was affirmed.

¶ 1 Respondent, Keith C., appeals from the termination of his parental rights to the minor, Keyona C. Respondent argues that the trial court's determinations that he was an unfit parent and that it was in the best interests of the minors to terminate his parental rights were against the manifest weight of the evidence. For the following reasons, we affirm.

¶ 2

BACKGROUND

¶ 3 Respondent is the biological father of the minor, Keyona C., born April 28, 2003. The biological mother was a respondent in the trial court; however, on February 23, 2011, after the State moved to terminate respondent's and the mother's parental rights, the mother voluntarily surrendered her parental rights. Four other minor siblings and other biological fathers were the subject of the trial court proceedings, but their cases are not part of this appeal. Respondent's parental rights were terminated as to two of the siblings, Breonna C. and Kevon C., and we affirmed the termination order on direct appeal. See *In re Breonna C.*, No. 2—11—0107 (May 26, 2011) (unpublished order under Supreme Court Rule 23).

¶ 4 On August 27, 2007, the State filed a neglect petition regarding all five of the minors on grounds, *inter alia*, that their environment was injurious to their welfare because respondent and their mother engaged in domestic violence in their presence. That day, after both parents waived their right to a shelter care hearing, the trial court found probable cause to believe that the minors were neglected and granted temporary guardianship and custody to the Department of Children and Family Services (DCFS). The trial court granted DCFS discretion to place the minors with a responsible relative or in traditional foster care, and discretion to allow visitation.

¶ 5 At the October 19, 2007, pretrial conference, both parents stipulated to the alleged neglect of the minors, and the minors were adjudicated neglected. After discussion regarding provisions to allow DCFS discretion to place the minors with the mother, the trial court found that it was in the best interests of the minors and for their safety and welfare that permanent custody and guardianship be granted to DCFS, with discretion to place the minors with their mother, a responsible relative, or in traditional foster care, and discretion to allow visitation.

¶ 6 At the April 15, 2008, initial permanency review, caseworker Susan Mahoney testified that four-year-old Keyona had been placed with her godparent and was doing well notwithstanding behavioral issues and developmental delays. Mahoney stated that respondent had completed parenting classes, obtained a substance abuse assessment, and was recommended for an outpatient treatment program. She also stated that respondent started a new job, regularly visited the minors, and did well with the minors. Her recommended permanency goal for Keyona, Breonna, and Kevon was return home within 12 months. During the State's questioning, Mahoney testified that respondent complied with the seven or eight requested "drug drops"—the results of which were negative, although one test yielded a high creatinine level.

¶ 7 The State requested the trial court to find that respondent had not made reasonable efforts toward the permanency goal; the minors' attorney concurred. The State pointed out,

“The caseworker's report regarding [respondent] was significantly different than [*sic*] her testimony. She reported inconsistent visits with the minors. They had to be changed after he began threatening Mom in front of the minors. She said he did not attend outpatient drug treatment through probation. He has not provided verification of his attendance at AA/NA. He's not attending DV counseling, which is why the case was brought into care.”

Respondent's attorney requested the trial court to find respondent's efforts reasonable:

“According to the caseworker's testimony, she has been satisfied with his progression. The State notes he hasn't been engaged in DV counseling. I believe that's outlined in the report. It's currently in the report that he engaged in Clarity Counseling for domestic violence. He was seeing Mr. Logan but had a problem with another party that he was attending group counseling with, had to be switched over to Clarity. But he has been

going to domestic violence counseling. These visits go well. He's been able to secure employment.”

The trial court found that respondent made reasonable efforts to follow the service plan and achieve the goal of returning the minors home within 12 months.

¶ 8 At the October 14, 2008, permanency review, caseworker Mahoney testified that respondent was engaged in domestic violence classes, underwent a substance abuse assessment and was not recommended for treatment, and complied with continued drug drops, the results of which were negative. According to Mahoney, respondent regularly visited the minors and was appropriate during the visits. During the State's questioning, Mahoney testified that respondent was in jail for two months during the review period for probation violations. Mahoney explained that the minors' mother obtained an order of protection against respondent in May 2008. The mother reported that in March, respondent punched her and tried to kick in her door; in April, respondent threatened to beat her; and in May, he threatened her and her cousin and tried to kick in the door of her house. Mahoney further testified that respondent had not completed domestic violence counseling. During questioning by respondent's attorney, Mahoney acknowledged that respondent had been in domestic violence counseling since his release from custody and that respondent's "jail time was from actions that occurred in the past and he had warrants out for him and he was just picked up for this period.”

¶ 9 The State requested the trial court to find that respondent had not made reasonable efforts toward the permanency goal in light of the continued domestic violence incidents. Respondent's attorney requested the trial court "to set the goal of return home within five months and adopt caseworkers' recommendation as to [respondent's] reasonable efforts, that they've been reasonable.” According to respondent's attorney, the "times [respondent's] been out of custody he's engaged in

domestic violence counseling. He's completed all drug drops and they have been negative, he's completed Rosecrance assessment as per recommendations, and he visits regularly and consistently with his kids." The minors' attorney requested the trial court to adopt the caseworkers' recommendation of the goal of return home within 12 months and find that the parents had made reasonable efforts. The trial court found that it was in the minors' best interests to maintain a permanency goal of return home within 12 months and that respondent had made reasonable efforts toward the goal.

¶ 10 At the April 13, 2009, permanency review, caseworker Mahoney testified about Keyona's speech delay and explained that Keyona was doing well in her placement with her godparent. She testified that respondent maintained weekly unsupervised visits with the minors, acted appropriately at the visits, and attended the minors' doctors' appointments. The caseworker also testified that respondent was taking domestic violence classes, was participating in individual counseling, joined an anger management group, and was subjected to continued drug testing. During respondent's attorney's questioning, she further explained that respondent successfully completed domestic violence classes. In response to the minors' attorney's questioning, Mahoney agreed that respondent was progressing well. According to Mahoney, respondent "expressed desire to have the kids with him," which was a possibility if he could obtain a suitable place for the minors.

¶ 11 The State requested the trial court to maintain the permanency goal of return home within 12 months and find that respondent made reasonable efforts toward the goal; respondent's attorney agreed. The minors' attorney likewise agreed and requested that DCFS be granted discretion to place the minors with respondent. The trial court again found that it was in the minors' best interests to

maintain a permanency goal of return home within 12 months and that respondent made reasonable efforts toward the goal.

¶ 12 At the fourth permanency review on October 13, 2009, caseworker Mahoney testified that Keyona, then six years old, had been placed in a short-term residential facility (Hephzibah Children's Association in Oak Park, Illinois) because of behavioral issues. She also testified that respondent no longer had overnight visitation because of “concerns about his paramour” who had “previous involvement with the Department” and whose children were not returned to her. Mahoney’s recommendation was that respondent had made reasonable efforts toward the permanency goal and that the goal should be return home of the children within 12 months. During questioning by the State, Mahoney acknowledged that an additional concern with respect to respondent was that “he was collecting LINK for his son, his oldest son who has a sexual abuse charge for [Keyona's older sister] who is the oldest child.”

¶ 13 During questioning by the minors’ attorney, Mahoney testified that Keyona had been psychiatrically hospitalized three times during the review period. During the hospitalizations, Keyona stated that respondent spanked her and that she had a hiding place at his house.

¶ 14 Caseworker Stephanie Landon-Stepler testified that Keyona was placed in the Hephzibah program indefinitely because of the recurrent hospitalizations. She discussed Keyona’s behavior, including provocative dancing, displaying an attitude, and throwing things. She acknowledged that Keyona could have learned the behavior from television. In response to questioning by the minors’ attorney, Landon-Stepler testified that Keyona’s behavior seemed to follow visits with respondent. During questioning by respondent’s counsel, Landon-Stepler testified that respondent was attending

counseling and extra domestic violence classes. She testified that Hephzibah had rules governing visitation, but “[w]e are going to try to get him out there for visits so that he can see her.”

¶ 15 The State requested the trial court to find that respondent made reasonable efforts and to maintain the goal of return home within 12 months. The minors’ attorney agreed and noted that he was “against the discretion to place” at that point. The trial court again found that it was in the minors’ best interests to maintain a permanency goal of return home within 12 months and that respondent had made reasonable efforts toward the goal.

¶ 16 At the April 12, 2010, permanency review, caseworker Amanda Edler testified that Keyona (almost seven years old at the time) remained at Hephzibah. Edler explained that Keyona was “not really showing any emotion,” was “very isolated,” and had “a lot of behavior issues.” Edler testified that respondent visited Keyona once during the six-month review period and had not participated in substance abuse, domestic violence, or other services. Edler stated that she did not facilitate respondent’s visitation with Keyona because respondent was required to schedule visitation directly with Hephzibah. She rated respondent’s efforts unsatisfactory. Edler acknowledged that respondent’s January 2010 drug test was negative and that he was employed at a car wash.

¶ 17 Respondent testified and explained his missed visitation:

“December 8th, [the mother] put a—filed a report on me and a warrant came out, and I called my caseworker and told her at that time, ‘I need to take care of something. Soon as I get done I’ll be at the visits.’ She said, ‘Okay. Just call me when you’re done.’ Well, between time they set up a family meeting. And they set the meeting up and they called the police. So right then I couldn’t go to nothing until I took care of that.”

¶ 18 He stated that he had resumed consistent visitation in the last month and “resolved” the warrant issue. Respondent testified that he had contacted the caseworkers to apprise them of his address, and that he was only required to take one drug drop in the last six months, which was negative. He testified that he completed all requested services, including services for domestic violence and anger management. Respondent testified that he wanted the minors returned to his care.

¶ 19 The State requested the trial court to find that respondent had not made reasonable efforts and change the goal to substitute care in light of respondent’s noncompliance with visitation. The minors’ attorney agreed and requested that the goal be set at substitute care pending the trial court’s determination of parental rights. Respondent’s attorney requested the trial court to maintain the goal of return home within 12 months despite that “things have been a bit crazy this last six-month period.” He pointed out that respondent was visiting the minors prior to this time period, had resumed visitation, and had completed numerous services. The trial court found that respondent had not made reasonable efforts toward the goal of the minors’ return and changed the goal to substitute care pending its determination of parental rights.

¶ 20 On June 11, 2010, the State moved to terminate respondent’s (and the mother’s) parental rights. The State alleged that respondent was unfit because he failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors’ welfare and failed to protect the minors from conditions within their environment injurious to the minors’ welfare.

¶ 21 The trial commenced on December 8, 2010. Respondent was present but in custody at the county jail. Through his attorney, respondent requested to be excused from the hearing. The following colloquy ensued:

“THE COURT: Do you wish not to be present in the courtroom while we have this hearing?

RESPONDENT: Yes, ma’am.

THE COURT: Do you understand what the hearing is about?

RESPONDENT: Yes, ma’am.

THE COURT: Do you understand the ramifications that could be caused by you not being here to participate personally?

RESPONDENT: It’s been decided already.

THE COURT: Have you had a chance to discuss this with your attorney?

RESPONDENT: Yes, ma’am.

THE COURT: Are there any objections by any of the parties?

MS. WELLS [Assistant State’s Attorney]: Judge, I would just ask that the record be extremely clear that the issue being decided today is termination of parental rights. That the issue has not been decided, that’s why we’re here for hearing. And while [respondent] has a right to be present, he also has a right not to be present, and as long as the Court has already inquired as to if he’s aware of the ramifications, but I was concerned about his comment that it’s already been decided.

THE COURT: Thank you. Anyone else?

MS. ZALUD [Court Appointed Special Advocate]: No. I would agree with the State. We need the record to be clear for any appeal issues.

THE COURT: Okay. [Respondent], you understand that the hearing we’re having today, the issue is termination of parental rights. Do you understand that, sir?

RESPONDENT: Yes, ma'am.

THE COURT: And as the attorney noted, that decision has not been made yet because we have not had the hearing and heard all the evidence. Do you understand that?

RESPONDENT: Yes, ma'am.

THE COURT: Knowing that, do you still wish not to participate in the hearing?

RESPONDENT: Yes, ma'am."

The trial court proceeded with the hearing.

¶ 22 Caseworker Edler testified that, as set forth in the service plans, the issues that prevented placement of the minors with respondent were substance abuse, domestic violence, failure to provide for and visit the minors, and noncompliance with the criminal justice system. The five service plans for the time period under review were admitted into evidence without objection.

¶ 23 Edler testified that Keyona remained in Hephzibah. She explained that Keyona "has a really hard time controlling her emotions and behaviors, and it's believed to be due to the issues of her childhood"—things that she observed in her home before she was removed. Edler testified that respondent had not maintained contact with Keyona and had not inquired about Keyona's counseling, placement, or education planning. Respondent visited Keyona in Hephzibah only once, in March 2010. Edler explained that respondent would call repeatedly during certain weeks and then cease contact with her for months.

¶ 24 During questioning by respondent's attorney, Edler acknowledged that prior to Keyona's placement in Hephzibah in October 2009, respondent visited Keyona regularly without supervision. She confirmed that respondent had to take a bus and train to visit Keyona at Hephzibah and that he

was not allowed contact with Keyona for the first month or two for “therapeutic reasons.” Edler testified that the agency paid the travel costs for respondent’s March 2010 visit.

¶ 25 The State introduced, without objection, six DCFS “indicated” investigative reports for incidents that occurred between 2002 and 2007. The reports largely reflected instances of neglect and inadequate supervision and food by both parents. The State also introduced, without objection, evidence of respondent’s criminal history, including felony convictions for burglary in 1989, robbery in 1993, violation of the Illinois Controlled Substances Act in 1998, and violation of the Illinois Controlled Substances Act in 2000. Pursuant to the State’s request, to which there was no objection, the trial court took judicial notice of a 2001 criminal case in which respondent was sentenced to 30 months’ imprisonment after his probation was revoked, as well as the neglect petitions, orders, and docket entries in the case. Counsel for the Court Appointed Special Advocate (CASA) supported the State’s request to terminate respondent’s parental rights, noting, “Do I believe that [respondent] had interest in his children? Yeah. Absolutely, I honestly don’t think that’s disputed. But has he had concern or responsibility as to those children? No. And I would definitely say it has not been reasonable.”

¶ 26 Following closing arguments, the trial court found:

“The State [*sic*] has heard the evidence, considered the testimony given today, as well as the documentary evidence and considered arguments of counsel. As to [respondent] and his daughter Keyonna [*sic*], the Court finds that the State has proven by clear and convincing evidence that [respondent] failed to maintain a reasonable degree of interest, concern, or responsibility as to Keyonna's [*sic*] welfare.

Additionally, as to Count 2 of paragraph 9, that [respondent] has failed to protect Keyonna [*sic*] from conditions within her environment, injurious to her welfare. The basis for these findings are all the documentary evidence that the State has presented today and was admitted into evidence, including indicated packets, the documentary evidence of convictions, as well as the service plans.”

¶ 27 On February 23, 2011, the trial court proceeded to a best interests hearing. The record does not reflect respondent’s presence at the hearing although his attorney appeared on his behalf. Caseworker Edler testified that respondent had not maintained a relationship with Keyona since her placement in Hephzibah in October 2009. Edler explained that Keyona was expected to remain at Hephzibah until December 2011 and then transition to an adoptive home. Keyona was in a residential placement because she “had a lot of behavior and emotional issues from her young childhood.” Edler acknowledged that no identified adoptive home was waiting for Keyona. Edler testified that Keyona had not spoken with respondent for over a year and did not have “much of a relationship” with him.

¶ 28 During questioning by respondent’s attorney, Edler confirmed that respondent visited Keyona regularly until she was placed in Hephzibah in October 2009, and that he was not allowed to visit when she was first placed there. Edler testified that she informed respondent that he was required to contact Hephzibah to arrange visitation. Edler acknowledged that termination of respondent’s parental rights would make Keyona a “legal orphan” because no adoptive home had been identified for Keyona.

¶ 29 During questioning by CASA counsel, Edler stated that respondent had seen Keyona once since October 2009 (in March 2010) and that he had not sent cards or otherwise tried to

communicate with her during that time period. Edler also stated that respondent needed to complete services because he “hasn’t completed anything.” Edler testified that Keyona will have special needs and behavioral issues for the rest of her life and will need specialized care, and that respondent has not educated himself to provide that care.

¶ 30 Matthew Conley, Keyona’s social worker at Hephzibah, testified that Keyona “came to us from Streamwood Behavioral Health Center where she was psychiatrically hospitalized multiple times the summer of 2009.” Conley explained that Keyona “had been living in a traditional foster home exhibiting a lot of unsafe, aggressive behaviors, threatening to kill the foster parents, just a lot of unsafe, disregulated behavior.” Keyona was diagnosed with post traumatic stress disorder.

¶ 31 Conley testified that Keyona receives weekly individual and art therapy, monthly psychiatric services and medication monitoring, educational support, and social skills group therapy. Conley explained,

“Keyona is not a child that [*sic*] will speak directly about what’s happened to her, that she is not at a point where she can manage that yet, but she is very expressive, which is a huge strength of hers.” She does a lot of role play in individual therapy, in art therapy, also in her time that I spend with her typically to and from the sibling visitation, which is every other week, and in the context of the role plays we have seen a lot of unsafe situations with care givers. She has acted out what appeared to be drug abuse or drug related overdoses and overall themes of unsafe caregivers, being locked and confined in dark places, being scared, having food and other things withheld as punishment, being tied up. Now, whether these things actually happened I am not here to speculate, but these are the things she acts out. You know, the general mistrust and feelings of unsafety related to caregivers.”

Conley acknowledged that Keyona's roleplaying typically involved her mother and incorporated a father figure periodically.

¶ 32 Conley testified that no impediments prevented respondent from visiting Keyona. Conley's opinion was that it would be in Keyonna's best interests to be available for adoption and explained that maintaining respondent's parental rights so that he may visit would not be beneficial for Keyona,

“As things stand, what we see is the ongoing disappointment for a child to know that, as we frame it to them sometimes, that the Judge or the Court say that your parents can't take care of you anymore, as painful as it is and as difficult as it can be to process, it is able to be processed, and it provides closure for the child.”

¶ 33 During questioning by respondent's attorney, Conley testified that Hephzibah is located about 80 miles from Rockford (where respondent resided). Conley testified that he spoke to respondent about transportation to Hephzibah several times. Conley stated,

“Initially it felt as if [respondent] was trying to find some way to blame the system so-to-speak for why he hasn't been able to come to visit. He wanted to spend a good portion of our initial conversations trying to convince me that that [*sic*] Children's Home & Aid and Miss Edler were not allowing him to come visit, and I assured him Miss Edler and I had spoken on several occasions and that was not the case, and he had options available to him, that we could be flexible in terms of time, that I would provide supervision for the visits, and that what he was responsible for was to arrange the transportation through Miss Edler, if necessary, and get himself there.”

¶ 34 During questioning by CASA counsel, Conley testified that after the March 2010 visit, respondent never contacted him to inquire about Keyona's health or welfare, and Keyona has

received no contact from respondent since March 2010. Conley testified that he would continue to facilitate Keyona's visitation with her siblings if respondent's parental rights were terminated.

¶ 35 Pursuant to the State's request, to which there was no objection, the trial court took judicial notice of the evidence and testimony from the unfitness hearing. CASA counsel supported the State's request to terminate respondent's parental rights and requested the trial court to take judicial notice of CASA's report.

¶ 36 Following closing arguments, the trial court found that the State met its burden of proving that it was in Keyona's best interests to terminate respondent's parental rights. The court stated that it reviewed the reports and considered the testimony of the witnesses and arguments of counsel. The court also noted,

“I can appreciate [respondent's attorney's] concern with terminating parental rights when Keyona does not have an identified home to be adopted to, but I believe that at this point it is in her best interests to terminate those parental rights at this time. Hopefully she will continue to progress in placement and will be ready to go into an adoptive home when she successfully completes the program she is currently in.”

Accordingly, the trial court terminated respondent's parental rights. Respondent timely appealed.

¶ 37 ANALYSIS

¶ 38 The decision to terminate parental rights is governed by the interrelationship of the Adoption Act (750 ILCS 50/1 *et seq.* (West 2008)) and the Juvenile Court Act of 1987 (705 ILCS 405/1—1 *et seq.* (West 2008)). *In re B.B.*, 386 Ill. App. 3d 686, 698 (2008). The State first must establish by clear and convincing evidence one statutory ground of parental unfitness. *B.B.*, 386 Ill. App. 3d at 698; *In re M.J.*, 314 Ill. App. 3d 649, 655 (2000). Statutory grounds for parental unfitness include

failure to maintain a reasonable degree of interest, concern, or responsibility as to the child's welfare and failure to protect the child from conditions within his or her environment injurious to the child's welfare. 750 ILCS 50/1(D)(b), (g) (West 2008).

¶ 39 If the trial court finds a parent unfit, the court must conduct a second proceeding to determine whether it is in the best interests of the minor to terminate parental rights. *B.B.*, 386 Ill. App. 3d at 698; *M.J.*, 314 Ill. App. 3d at 655. At this stage, the State is required to prove by a preponderance of the evidence that it is in the child's best interests to terminate parental rights. *B.B.*, 386 Ill. App. 3d at 699. Resolution of this issue requires consideration of the following factors: (1) the child's physical safety and welfare, including food, shelter, health, and clothing; (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 where the child actually feels love, attachment, and a sense of being valued, the child's sense of security and familiarity, continuity of affection for the child, and the least disruptive placement alternative for the child; (5) the child's wishes and long-term goals; (6) the child's community ties, including church, school, and friends; (7) the child's need for permanence, including stability and continuity of relationships with parent figures, siblings, and other relatives; (8) the uniqueness of every family and every child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child. 705 ILCS 405/1—3(4.05) (West 2008); *B.B.*, 386 Ill. App. 3d at 698-99. A trial court is not required to articulate any specific rationale for its decision or explicitly mention each factor. *In re Jaron Z.*, 348 Ill. App. 3d 239, 262-63 (2004).

¶ 40 A trial court's decision to terminate parental rights involves factual findings and credibility assessments that the trial court is in the best position to make. *M.J.*, 314 Ill. App. 3d at 655. We will

not reverse the trial court's decision unless it is against the manifest weight of the evidence. *B.B.*, 386 Ill. App. 3d at 697; *M.J.*, 314 Ill. App. 3d at 655. A decision is against the manifest weight of the evidence only if the opposite conclusion is clearly evident or the determination is unreasonable, arbitrary, and not based on the evidence presented. *B.B.*, 386 Ill. App. 3d at 697-98; *M.J.*, 314 Ill. App. 3d at 655.

¶41 Respondent argues that the trial court's finding that he failed to maintain a reasonable degree of interest, concern, or responsibility for the minors' welfare was against the manifest weight of the evidence. According to respondent, he was "in and out of custody for part of the time since he stopped having visits in 2010, and could not provide any support, provide care or contribute to alternate care." Respondent provides no record support. It is clear from the record that respondent was in custody during some of the time period under review, but the length of his incarceration is unclear. Moreover, the evidence demonstrated that respondent did not telephone or write Keyona during the time period when he failed to visit—actions he could have taken despite being in custody.

¶42 Respondent contends that he visited Keyona and participated in her psychiatric appointments from 2007 to the fall of 2009 and was found to have made reasonable efforts toward his service plan goals for the majority of that time period. Respondent also points out that he voluntarily attended extra domestic violence classes. However, a parent is not fit merely because he has demonstrated *some* interest in or affection for his child. *M.J.*, 314 Ill. App. 3d at 657. The demonstration of interest, concern, or responsibility must be maintained and reasonable. *M.J.*, 314 Ill. App. 3d at 656-57. Here, while respondent initially was found to have made reasonable efforts toward the goal of returning Keyona home, respondent's compliance with his service plan was subsequently rated unsatisfactory because he had not participated in substance abuse, domestic violence, or other

services, and he failed to maintain visitation with Keyona. The record reflects that respondent visited Keyona once since her placement in Hephzibah in October 2009.

¶43 Significantly, respondent absented himself from the termination hearing for the stated reason “[i]t’s been decided already.” Respondent persisted in his decision not to participate in the hearing despite the trial court’s admonition that the hearing involved the termination of his parental rights and that the decision would not be made until all of the evidence was presented. Respondent now states that the mother had “trumped up” the domestic violence charges against him, was herself facing “gun charges,” and was noncompliant with her service plan goals. Thus, respondent argues, “The evidence suggests that, rather than ceasing his efforts to get the children, [respondent] was effectively obstructed, despite his on-going interest, concern, and efforts to get approval for having the minor. This explains why [respondent] believed, at the time of the termination hearing, that ‘It’s been decided already.’ ” Respondent’s explanation does not make sense. The mother’s noncompliance with her service goals did not resolve *respondent’s* parental rights. The trial court’s admonition to respondent made it clear that his parental rights had not yet been resolved.

¶44 Respondent contends that the evidence regarding “concerns” about his new paramour did not amount to clear and convincing evidence of unfitness, “yet that is what the State argued and the court found.” Respondent suggests that the trial court based its unfitness determination on this evidence alone. To the contrary, the trial court did not refer to respondent’s paramour in its findings and explicitly based its unfitness finding on all of the documentary evidence and testimony. The trial court’s finding that respondent failed to maintain a reasonable degree of interest, concern, or responsibility for Keyona’s welfare was not against the manifest weight of the evidence.

¶ 45 In light of our holding, we need not address respondent's argument that the trial court's finding that respondent failed to protect Keyona from conditions within her environment injurious to her welfare was against the manifest weight of the evidence. See *M.J.*, 314 Ill. App. 3d at 655 (“[O]n review, if there is sufficient evidence to satisfy any one statutory ground we need not consider other findings of parental unfitness.”). Nevertheless, we hold that the trial court's finding as to this additional statutory ground of parental unfitness was not against the manifest weight of the evidence. Respondent contends that it was “illogical to argue that [he] failed to protect the children when he had been considered as a placement for those children as recently as October 2009, and the facts adduced at trial pertain to circumstances which not only predate the filing of the cases in 2007, but to criminal matters which predate the birth of his child.” According to respondent, it was “improper to offer evidence of prior conduct as evidence of unfitness, when [respondent] was successful in services for years and had no further opportunity to place the children in the ‘injurious environment’ which no longer existed.”

¶ 46 A similar argument was rejected by the appellate court in *In re G.V.*, 292 Ill. App. 3d 301, 307-08 (1997). There, the respondent argued that failure to protect the minor from conditions within the minor's environment injurious to the minor's welfare was not a proper ground for termination of her parental rights because the minor had been in foster care since being removed from the respondent's care. *G.V.*, 292 Ill. App. 3d at 307-08. The appellate court held that the failure to protect a child from an injurious environment may form the basis for both the removal of the child from the home pursuant to a neglect petition and a termination of parental rights. *G.V.*, 292 Ill. App. 3d at 308.

¶ 47 In this case, with respect to the initial neglect petition filed in 2007, respondent stipulated to the factual basis of the petition—that he and the mother engaged in domestic violence in the minors’ presence. The record reflects that respondent’s unresolved issues continued to include domestic violence, as well as substance abuse and noncompliance with the criminal justice system. Accordingly, the trial court’s finding that respondent failed to protect Keyona from conditions within her environment injurious to her welfare was not against the manifest weight of the evidence.

¶ 48 Respondent also contends that the trial court’s finding that it was in Keyona’s best interests to terminate respondent’s parental rights was against the manifest weight of the evidence. According to respondent, the trial court erroneously failed to state that it had considered all of the bests interests factors. However, the trial court need not mention each factor nor articulate any specific rationale for its decision. *Jaron Z.*, 348 Ill. App. 3d at 262-63.

¶ 49 The evidence presented at the best interests hearing showed that respondent was incarcerated and had visited Keyona only once since October 2009. Respondent contends that he did not have the means to visit Keyona. He provides no record support. Moreover, the contention is rebutted by the testimony of Keyona’s caseworker and social worker who testified that nothing prevented respondent’s visitation with Keyona and that respondent did not have to pay his travel costs for the March 2010 visit. Even if respondent’s lack of physical visitation were justified, he does not articulate a reason for the lack of *any* communication with Keyona.

¶ 50 Keyona’s caseworker testified that respondent is not prepared to provide the level of care that Keyona’s special needs require. Respondent chose not to attend the best interests hearing and presented absolutely no evidence to support his ability to care for Keyona. Although no adoptive family has been identified for Keyona, Keyona’s social worker testified that it was nevertheless in

Keyona's best interests to terminate respondent's parental rights to provide Keyona the requisite closure. Moreover, respondent's attorney acknowledged in the trial court, "[I]t's easier, at least with respect to trying to find her maybe an adoptive home in the future if parental rights are terminated now." We cannot say that the trial court's finding that it was in Keyona's best interests to terminate respondent's parental rights was against the manifest weight of the evidence.

¶ 51 For the foregoing reasons, we affirm the judgment of the circuit court of Winnebago County.

¶ 52 Affirmed.