

**NOTICE**  
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

NO. 4-10-1015

Order Filed 4/4/11

IN THE APPELLATE COURT  
OF ILLINOIS

FOURTH DISTRICT

In re: R.C., a Minor,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Champaign County
v.	)	No. 10JA53
ROBERT CAUDLE,	)	
Respondent-Appellant.	)	Honorable
	)	Richard P. Klaus,
	)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court. Justices Appleton and McCullough concur in the judgment.

**ORDER**

*Held:* Where it was in the minor's best interest that respondent's parental rights be terminated, the trial court's decision on termination was not against the manifest weight of the evidence.

In July 2010, the State filed a petition for adjudication of wardship with respect to R.C., the minor child of respondent, Robert Caudle. In September 2010, the trial court adjudicated the minor a ward of the court and placed custody and guardianship with the Illinois Department of Children and Family Services (DCFS). Also in September 2010, the State filed a motion to terminate respondent's parental rights. In November 2010, the court found respondent unfit. In December 2010, the court found it in R.C.'s best interest that respondent's parental rights be terminated.

On appeal, respondent argues the trial court erred in terminating his parental rights. We affirm.

#### I. BACKGROUND

In July 2010, the State filed a petition for adjudication of neglect and shelter care, alleging respondent's son, R.C., born in June 2010, was a neglected minor pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b) (West 2008)). The petition alleged R.C. was a neglected minor because his environment was injurious to his welfare when he resided with Laquanta Henry and/or respondent in that his parents have failed to correct the conditions that resulted in a prior adjudication of parental unfitness as to R.C.'s sibling. The trial court entered a temporary custody order, finding probable cause to believe R.C. was a neglected minor and an immediate and urgent necessity existed to place R.C. in shelter care.

In August 2010, the trial court found the minor neglected based on an injurious environment. In its September 2010 dispositional order, the court found it in the minor's best interest that he be made a ward of the court and placed custody and guardianship with DCFS.

In September 2010, the State filed a motion to terminate respondent's parental rights. The State alleged respondent was unfit because he was depraved (750 ILCS 50/1(D)(i) (West

2008)) in that he has been criminally convicted of at least three felonies and at least one of those convictions took place within five years of the filing of the motion and the offenses were not isolated events but were part of a pattern of criminal behavior resulting in numerous convictions since 1989 which showed his inherent deficiency of moral sense and rectitude.

In November 2010, the trial court conducted a hearing on the motion to terminate parental rights. Respondent refused to be transported to the hearing, but his counsel was present. The court took judicial notice of respondent's four felony convictions from Cook County and three felony convictions from Champaign County. The court found respondent unfit.

In December 2010, the trial court conducted the best-interest hearing. The best-interest report indicated R.C. was five months old and had been placed with his sister in the foster home of his great-grandmother. The report indicated R.C. has adjusted well, has not shown any behavioral issues, and has developed a bond with his foster mother and biological mother. R.C. had two no-contact visits with respondent at the jail. During the visits, respondent "seemed concerned about his children and repeatedly said how much he loved them."

The report stated respondent was incarcerated and had been found guilty of possession of a controlled substance in October 2010. Respondent's criminal history included 24 arrests

and 11 convictions. He had eight convictions for dangerous drugs, two convictions for assault, and one conviction for burglary. Respondent's counsel indicated her client would be incarcerated for at least the next four years.

The trial court pointed out it had previously terminated respondent's parental rights with respect to Raq.C. in case No. 10-JA-10. Since that time, respondent has been convicted of unlawful possession with intent to deliver a controlled substance and unlawful possession of ecstasy. The court found it in the minor's best interest that respondent's parental rights be terminated. This appeal followed.

## II. ANALYSIS

Respondent argues the trial court erred in terminating his parental rights. We disagree.

Courts will not lightly terminate parental rights because of the fundamental importance inherent in those rights. *In re M.H.*, 196 Ill. 2d 356, 362-63, 751 N.E.2d 1134, 1140 (2001). Once the trial court finds the parent unfit, "[t]he parent's rights must yield to the best interest of the child." *In re Veronica J.*, 371 Ill. App. 3d 822, 831, 867 N.E.2d 1134, 1142 (2007). When considering whether termination of parental rights is in a child's best interest, the trial court must consider a number of factors within "the context of the child's age and developmental needs." 705 ILCS 405/1-3(4.05) (West

2008). These include the following:

"(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 affec-  
tion, 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, includ-  
ing the need for stability and continuity of  
relationships with parent figures and sib-  
lings; (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, 859  
N.E.2d 123, 141 (2006).

See also 705 ILCS 405/1-3(4.05)(a) through (4.05)(j) (West 2008).

The trial court's finding that termination of parental  
rights is in a child's best interest will not be reversed on  
appeal unless it is against the manifest weight of the evidence.  
*In re Anaya J.G.*, 403 Ill. App. 3d 875, 883, 932 N.E.2d 1192,

1199 (2010). A decision will be found to be against the manifest weight of the evidence "if the facts clearly demonstrate that the court should have reached the opposite conclusion." *Daphnie E.*, 368 Ill. App. 3d at 1072, 859 N.E.2d at 141.

The best-interest report indicated R.C. was doing well in the foster home of his great-grandmother. Also in the home are R.C.'s sister and his maternal aunt, uncle, and cousin. He has adjusted well and developed a bond with his great-grandmother as well as with his biological mother, who was taking steps to turn her life around. Respondent, on the other hand, was incarcerated and will remain behind bars for at least the next four years. He has a long history of criminal activity and exhibits little motivation to change his behavior. Since his parental rights to Raq.C. were terminated, respondent added another felony conviction to his rap sheet.

R.C. is a young boy in need of stability in his life that his current placement has provided. Respondent's criminal history and continued residence in the Department of Corrections indicate he cannot provide the stability R.C. needs for the foreseeable future. Based on the evidence presented, we find the trial court's order terminating respondent's parental rights was not against the manifest weight of the evidence.

### III. CONCLUSION

For the reasons stated, we affirm the trial court's

judgment.

Affirmed.