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2011 IL App (4th) 110135-U

Filed 7/15/11

NO. 4-11-0135

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: N.G., J.G., and D.G., Minors,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	McLean County
v.	)	No. 08JA105
THERESA KELLEY,	)	
Respondent-Appellant.	)	Honorable
	)	Kevin P. Fitzgerald,
	)	Judge Presiding.

JUSTICE POPE delivered the judgment of the court.
Presiding Justice Knecht and Justice Appleton concurred in the judgment.

ORDER

¶ 1 *Held:* Trial court's finding respondent mother was unfit for failing to make reasonable progress during the nine-month period between January 30, 2010, and October 30, 2010, was not against the manifest weight of the evidence.

¶ 2 In January 2011, the trial court terminated the parental rights of respondent mother, Theresa Kelley, formerly Theresa Gaston. The court found Theresa unfit on three separate bases: (1) she failed to make reasonable efforts to correct conditions that were the basis for the children's removal; (2) she failed to make reasonable progress toward the return of the minors in the period between June 17, 2009, and March 17, 2010; and (3) she failed to make reasonable progress toward the return of the minors in the period between January 30, 2010, and October 30, 2010. The court then found it was in the children's best interest to terminate Theresa's parental rights. Theresa appeals, arguing the court erred in finding her unfit. She does

not challenge the court's best-interest determination. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In August 2008, the State filed a petition for adjudication of wardship with regard to N.G. (born April 29, 2008), J.G. (born June 1, 2006), and D.G. (born April 22, 2004) against respondent mother Theresa M. Gaston and respondent father Daniel Lee Gaston. Daniel voluntarily terminated his parental rights and is not a party to this appeal. The petition alleged the minors were neglected pursuant to section 2–3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2–3(1)(b) (West 2006)) because they were residing in an environment injurious to their welfare. According to the petition, Theresa violated an order of protection entered in McLean County juvenile case No. 07-JA-142 by allowing her children to have unauthorized and unsupervised contact with Daniel and, on at least two occasions, left the minors unsupervised with known sex offenders.

¶ 5 Theresa and Daniel came to the attention of law enforcement and the Department of Children and Family Services (DCFS) in August 2007 after police intervened in a dispute between Theresa and Daniel. It was determined Daniel had a history of indicated instances of child sexual abuse. The investigators found Daniel posed a risk to his children with whom he and Theresa lived. Although not entirely clear from the record, it appears DCFS asked Daniel to leave the family home and have only supervised contact with his three children. DCFS also apparently asked Theresa to obtain a restraining order against Daniel for both herself and the children. Theresa agreed to obtain chaperone training so she could supervise visits between Daniel and the children.

¶ 6 On August 5, 2008, a DCFS hotline report was made, alleging Daniel was having

unsupervised contact with the children. Even though she had not completed chaperone training, Theresa was supervising visits between the children and Daniel and had been doing so since June 2008. She admitted Daniel watched the children while she was at work. Theresa also stated she had left the children with a woman named Tish and a man named Rex Wunder--even though she knew Wunder was a sex offender. The children were taken into protective custody on August 8, 2008, and placed with their maternal grandparents.

¶ 7 On August 12, 2008, both Theresa and Daniel stipulated to probable cause and immediate and urgent necessity to remove the minors from their home. The trial court placed temporary custody of the children with the guardianship administrator of DCFS. The children stayed with their maternal grandparents. The trial court instructed the parents to cooperate with DCFS, comply with the terms of any services plans implemented, and correct the conditions which required the children's removal.

¶ 8 On September 17, 2008, the trial court entered an adjudicatory order, finding the minors neglected pursuant to section 2-3 of the Juvenile Court Act (705 ILCS 405/2-3(1)(a) (West 2006)) because their environment was injurious to their welfare. The order noted Theresa and Daniel violated an order of protection/protective supervision (OP/OPS) filed on December 11, 2007, in case No. 07-JA-142. The court found by a preponderance of the evidence the State proved Theresa violated the OP/OPS by allowing the minors to have unauthorized and unsupervised contact with Daniel.

¶ 9 On October 23, 2008, a goal of return home within 12 months was recommended for all three children. The family-service plan called for Theresa to (1) continue her participation in chaperone training with ABC Counseling, (2) participate in and successfully complete

individual counseling and assessment for possible medication, (3) cooperate fully with DCFS and The Baby Fold, (4) maintain a safe, stable, and nurturing home environment, and (5) maintain a legal and stable source of income.

¶ 10 An October 27, 2008, dispositional report noted Theresa struggled making decisions vital to her success. According to the report, Theresa was still coming to grips with her marriage to a sex offender. The report noted she had regularly attended chaperone training but was unable to continue the training at that time because of accountability issues on Daniel's part.

¶ 11 At a dispositional hearing on October 28, 2008, the trial court found Theresa and Daniel unfit to care for the minors. The court noted Theresa needed to complete chaperone training and individual counseling. The court also noted Theresa needed to address housing issues and develop appropriate associations. The court further noted Theresa had been living with Daniel in violation of an order of protection. The court set the permanency goal as return home within 12 months. The court made the minors wards of the court and placed custody with the Guardianship Administrator for DCFS.

¶ 12 An April 7, 2009, permanency report noted Theresa had regularly attended and participated in chaperone training, demonstrated improvement as a result of her individual therapy sessions, and was reasonably cooperative in undertaking and progressing in recommended services to meet her service-plan goals. She had found adequate housing and employment. The permanency report also noted Theresa and Daniel had a domestic-violence incident. Both parents claimed this was an isolated incident and no police report was filed. According to the report, on March 31, 2009, Theresa and Daniel announced they had split up. On April 14, 2009, attorneys for both Theresa and Daniel indicated the parents were back together. The court

maintained the same permanency goal.

¶ 13 A September 1, 2009, permanency report noted Theresa had completed her chaperone training with ABC Counseling and opened up to her therapist at the Center for Human Services (CHS). However, due to budget cuts, she was discharged from CHS. Theresa was taking Citalopram, which seemed to have "brightened her affect." According to the report, Theresa had been cooperative with DCFS and The Baby Fold and was still employed full time.

¶ 14 The report noted Theresa had completed all of her service-plan goals. However, the report stated she should remain in couples' counseling with Daniel. The report recommended Theresa be found fit. The report further recommended the permanency goal remain return home within 12 months.

¶ 15 On September 8, 2009, the trial court entered a permanency order, finding Theresa had made reasonable and substantial progress and reasonable efforts toward returning the children home. The court found Daniel had made neither reasonable and substantial progress nor reasonable efforts toward returning the minors home. The court found Theresa fit. However, while Theresa had completed services, she continued to reside with Daniel, who was still considered high risk to sexually and/or violently reoffend. The court continued guardianship of the children with DCFS.

¶ 16 A February 2, 2010, permanency report stated Theresa and Daniel were involved in a domestic-violence incident on September 17, 2009. At the time the report was prepared, respondent parents were not living together. Theresa had begun therapy sessions at The Baby Fold in November 2009. Theresa still struggled with symptoms of depression. Although the therapist encouraged Theresa to continue with her antidepressant medication, she stopped taking

the medication at the end of 2009 or the beginning of 2010 without the advice of the prescribing physician. She resumed taking the medication in mid-January 2010. According to the report, Theresa was living with her friends Robert Rotramel and Joseph Baize, both of whom had criminal backgrounds. Theresa was on a waiting list at the Amanda Brooke Apartments. Theresa resigned her position at the Mobile Super Pantry and found another job at a Kentucky Fried Chicken restaurant.

¶ 17 On December 21, 2009, Theresa stated she realized her relationship with Daniel was severely dysfunctional and she needed to maintain distance from him. The report noted Theresa had not made any significant progress toward the children's return-home goal. According to the report, "Theresa clearly has mental[-]health issues that she is just coming to grips with, including the fear of stigma, that need to be addressed before she can safely and adequately care for her children on a daily basis." The report recommended the trial court find Theresa and Daniel unfit, set the permanency goal for the children as return home pending a status hearing, and retain guardianship of the children with DCFS.

¶ 18 At the February 2010 fitness hearing, the trial court stated Theresa's fitness was a close question. However, the court agreed Theresa had made little or no progress over that reporting period. The court stated it was still concerned about her mental health. The court stated it believed the September domestic-violence incident was probably a product of the mental-health issue. The court also noted that it needed to see more stability with regard to her situation with Daniel. The court noted Theresa's willingness to comply with her medication remained sporadic, she and Daniel had been involved in a domestic-violence incident during that reporting period, and their "on again-off again" relationship was unhealthy and volatile. At the

conclusion of the hearing, the court found Theresa unfit.

¶ 19 An April 27, 2010, permanency report noted Theresa attended 9 of 10 sessions with her therapist at The Baby Fold. Her therapist reported Theresa's focus had mainly been on her emotional well-being and parenting. The therapist noted marked improvements in both areas. According to the report, Theresa continued to take antidepressant medication and was cooperating with DCFS and The Baby Fold. She had her own apartment with adequate space for her and the children. She continued to work at Kentucky Fried Chicken. The report recommended the court continue to rule Theresa unfit, change the permanency goal to return home in 12 months, and continue guardianship in DCFS.

¶ 20 At a permanency hearing on May 11, 2010, the trial court found Theresa was close to fitness. The court stated it could perhaps entertain a fitness recommendation absent the prior history in that case. The court told Theresa if she continued her progress and her stability it anticipated a fitness finding. In the written permanency order, the court found Theresa had made some progress and some efforts toward returning the children home. The court continued to find both Theresa and Daniel unfit and continued guardianship and legal and physical custody with DCFS.

¶ 21 A July 27, 2010, permanency report noted Theresa had not been forthright with DCFS and The Baby Fold about her relationship with Josh Lipscomb, who the report noted had an extensive criminal history involving drugs. Theresa initially denied having a romantic relationship with Lipscomb. On June 30, 2010, Theresa stated their relationship was over. However, on July 16, 2010, Lipscomb was at Theresa's house when she was not present. The report noted that while she had completed most of her required services, she still did not meet

minimal parenting standards because of her emotional distress. Despite having improved her parenting skills, her shortcomings are largely attributable to her lackadaisical approach to the return of her children.

¶ 22 The report noted Theresa's top priority is not consistently set on reunification as she tends to get caught up in her strained and broken relationships, especially with Daniel, which is a real source of distress for her. According to the report, Theresa needed more time in order to put herself in a position to deal with three children on a 24-hour basis as a single mother. The report noted:

> "Theresa has been frequently encouraged to seek out healthy supports, something she has acknowledged that she is in desperate need of. Agency staff has discussed the issue of Josh Lipscomb, and anyone else she allows to be around her children, regarding the potential for negative impact on her children. This topic, and her case in general, seem to cause [Theresa] to feel like a victim to being singled out and scrutinized ***. [Theresa] openly vilified the agency for her troubles in the [June 30, 2010,] team meeting.
>
> * * *
>
> With what time remains for her, [Theresa] desperately needs to continue to improve her emotional state, her parenting skills, as well as her attitude and actions toward reunification."

¶ 23 At the August 10, 2010, permanency hearing, the trial court commented on its frustrations with the limited progress Theresa had made over the preceding two years.

> "Two years out and we're not any closer to resolution than we were certainly six months ago or a year ago. And I think while grandma is certainly a blessing in terms of providing excellent care for these children, it appears Mom kind of just laid back and said, well, they're doing good and I don't need to do my services because the kids are doing well. It's described in the report as her lackadaisical approach to getting her children returned home, and I think that's a pretty accurate description of what's going on here so far. So it's frustrating from a lot of standpoints."

The court found both parents unfit and set the permanency goal as return home pending status. The court noted they all needed to be looking at permanency.

¶ 24 The November 2010 permanency report noted Theresa was not fully cooperating with DCFS and The Baby Fold because she had not properly prioritized her individual counseling treatment. She failed to comply with recommendations from her therapist and caseworker to be forthright in providing pertinent information relating to her children's permanency, including financial and social information. The report also noted her apartment was not a safe place for the children because of the continued presence of Lipscomb, who was at the apartment on the morning of September 30, 2010, when a caseworker conducted an unannounced home visit. The report noted Theresa had shown some improvement with regard to her mental-health issues but still struggled during her three-hour visits with the children. The report noted serious questions regarding Theresa's ability to take on full-time parenting. These concerns were magnified by Theresa's decision to stop taking her antidepressant medication in the spring of 2010 without

informing her caseworker. The report noted:

> "Theresa has shown a consistent pattern of being spiteful of the agency and openly opposed to sharing information about her life even when it is clearly explained how it pertains to her children and their permanency. For this reason, Theresa remains unable to prove that she can provide for her children and to keep them safe from harm as Theresa has chosen to be tight-lipped about her financial obligations as well as to keep company with people that have been deemed unsafe by the agency, namely Josh Lipscomb.
>
> Even in light of her very recent progress while on medication, Theresa has not demonstrated a convincing commitment to permanency for her children in her words or actions."

The report recommended the court continue to find both parents unfit, set the children's permanency goal as substitute care pending court determination on termination of parental rights, and continue guardianship with DCFS.

¶ 25 On November 5, 2010, the State filed a petition to terminate Theresa and Daniel's parental rights. The petition alleged Theresa failed (1) to maintain a reasonable degree of interest, concern, or responsibility as to her children's welfare (750 ILCS 50/1(D)(b) (West 2008)), (2) to make reasonable efforts to correct the conditions that were the basis for the removal of the children (750 ILCS 50/1(D)(m)(I) (West 2008)), and (3) to make reasonable progress toward the children's return during two nine-month periods (June 17, 2009, through March 17, 2010, and January 30, 2010, through October 30, 2010) following the end of the initial

nine-month period following the adjudication of neglect or abuse (750 ILCS 50/1(D)(m)(iii) (West 2008)).

¶ 26 A permanency report addendum filed November 16, 2010, noted a domestic-violence incident occurred between Lipscomb and Theresa on October 30, 2010. After a heated argument between Theresa and Lipscomb at Theresa's apartment, Lipscomb left but then kicked in the door after she called him a child molester. He then assaulted Theresa. The report noted Theresa finally admitted Lipscomb had been living with her. On November 9, 2010, Theresa told a child-welfare specialist from The Baby Fold that Lipscomb was still calling her and leaving disturbing messages about how her lips looked purple before he stopped choking her. The report noted Theresa told the child-welfare specialist her marriage to Daniel had been dissolved.

¶ 27 The trial court entered a written permanency order on November 17, 2010, finding neither parent had made reasonable and substantial progress nor reasonable efforts toward returning the minors home. The court noted Theresa only made progress when she took her medication, which she had not done consistently. The court noted she remained secretive and refused to disclose information about her finances. She also had been in a relationship with a man who was not appropriate to be around her children. The court noted that relationship ended with a violent incident. The court continued to find both parents unfit.

¶ 28 In December 2010, Daniel consented to the adoption of his and Theresa's children by Robert and Sandra Kelly, the children's maternal grandparents. That same month, the trial court entered an order terminating Daniel's parental rights.

¶ 29 On January 20, 2011, the trial court held a hearing on the State's petition to

terminate Theresa's parental rights. The court took judicial notice of the pleadings, orders, docket entries, petitions, shelter-care order, and the adjudicatory order entered in the case.

¶ 30 At the hearing, Barbara Schneider, a therapist at The Baby Fold, testified she first met with Theresa and Daniel in couple's counseling in April 2009. Theresa and Daniel made two unsuccessful attempts at couple's counseling. Domestic violence was a concern. Theresa and Daniel's couple's counseling terminated after a domestic-violence incident in September 2009. Schneider testified she started seeing Theresa in individual counseling in November 2009, focusing on her emotional well-being and appropriate parenting. According to Schneider, Theresa was quite emotional and did not manage her emotions well before she began taking antidepressant medication.

¶ 31 Schneider testified Theresa consistently attended therapy sessions between November 2009 and April 2010. Thereafter, however, she began missing appointments. After October 22, 2010, Theresa missed three appointments in a row and services were terminated on December 6, 2010. Based on the handwritten statement Theresa provided to the police after the October 30 domestic-violence incident with Lipscomb, Schneider testified Theresa was not applying her therapy goals.

¶ 32 Theresa testified she started seeing Lipscomb on a daily basis in January 2010 and stopped seeing him on a regular basis in December 2010. She admitted the relationship was sexual in nature. She also admitted she initially did not disclose the relationship to her caseworkers. She was unsure when she did finally disclose the relationship. She testified Lipscomb lived in her apartment for a month or a month and a half (May to July 2010). According to her testimony, her caseworkers were not aware Lipscomb was living with her. She testified her

caseworkers had asked if she and Lipscomb were involved. She told the caseworkers they were not.

¶ 33 Dan Stuedemann, a child-welfare specialist at The Baby Fold who worked with the respondent parents, testified he told Theresa it was important for her to continue with her counseling after the domestic-violence incident with Lipscomb. However, he testified Schneider told him Theresa did not continue attending counseling sessions after that incident. Stuedemann testified Theresa stopped making progress after the trial court found Theresa fit sometime between June 17, 2009, and March 17, 2010. According to Stuedemann:

> "Well, her services were for the most part completed. Individual therapy was one of the big ones, and we wanted to start to increase visitation, things of that nature, things that we would normally do in transitioning toward return home. The visits were rough and they didn't go very well, and the parenting skills demonstrated didn't seem adequate enough to increase to the next level."

As a result, Stuedemann testified he asked Theresa be found unfit at the next court hearing.

¶ 34 Theresa testified again stating she had been taking her antidepressant medication consistently since the preceding July and had seen definite benefits, including improvement in mood and energy. She testified she had not been to therapy since receiving the petition to terminate because she had lost hope the children would come home. She testified she did not tell her caseworkers about her relationship with Lipscomb because she "knew it would be short lived, and *** he knew he wouldn't be around long anyway because I was trying to get the kids to come home." However, she admitted she knew Lipscomb was having sexual relationships with

teenage girls in July 2010, and she still let him live with her. She also admitted she had a hard time being firm with her children.

¶ 35 The trial court stated:

> "[I]n looking at the context of what had to be done here, I think it's important to look at her level of participation and the no-shows and the inability to complete treatment by that point two years after the case had formally opened. And then I think if you go beyond that and look at the relationships that she had with the two gentleman, Mr. Gaston at first and then Mr. Lipscomb, over the entire course of the case, the case is about providing a safe environment for the kids. I guess it's also about recognizing when you're in inappropriate relationships and being able to extricate yourself from relationships so that those people don't come into contact with kids and provide an unsafe environment for them."

The court noted she still continued to make very poor decisions even when she was taking her antidepressant medication. The court also noted Theresa was unsuccessfully discharged from therapy. The court found the State proved by clear and convincing evidence Theresa had not made reasonable progress during the two nine-month periods in question. The court also found Theresa failed to make reasonable efforts to correct the conditions that caused the children's removal.

¶ 36 After finding Theresa unfit, the trial court proceeded to the best interests determination. Stuedemann testified the children had been with their maternal grandparents since

August 2008. Stuedemann testified he had observed the children numerous times and believed the grandparents were adequately caring for the children. He believed the children felt secure with the grandparents and demonstrated a sense of familiarity. Stuedemann also testified he believed the grandparents would adopt the children if Theresa's parental rights were terminated. Stuedemann stated he believed not terminating Theresa's parental rights would be detrimental to the children because of their continued uncertainty. Robert Kelly, the children's maternal grandfather, testified he was willing to adopt the children. The trial court found it was in the children's best interest to terminate Theresa's parental rights.

¶ 37 This appeal followed.

¶ 38 II. ANALYSIS

¶ 39 Before a trial court can terminate parental rights, the State must prove by clear and convincing evidence (*In re M.H.*, 196 Ill. 2d 356, 365, 751 N.E.2d 1134, 1141 (2001)) the parent is unfit as defined by the Adoption Act (750 ILCS 50/1 through 24 (West 2008)) (*In re B.B.*, 386 Ill. App. 3d 686, 698, 899 N.E.2d 469, 480 (2008)). A reviewing court will reverse a trial court's finding of unfitness only when it is against the manifest weight of the evidence. *In re D.F.*, 201 Ill. 2d 476, 495, 777 N.E.2d 930, 940-41 (2002). A decision is against the manifest weight of the evidence only where the opposite result is clearly evident or where the determination is unreasonably arbitrary and not based on the evidence presented. *In re Cornica J.*, 351 Ill. App. 3d 557, 566, 814 N.E.2d 618, 626 (2004).

¶ 40 Once a parent has been found unfit in a termination proceeding, "the parent's rights must yield to the best interests of the child." *In re M.F.*, 326 Ill. App. 3d 1110, 1115, 762 N.E.2d 701, 706 (2002). The State has the burden of proving termination is in the best interest of

the child by a preponderance of the evidence. *In re D.T.*, 212 Ill. 2d 347, 366, 818 N.E.2d 1214, 1228 (2004). "A trial court's finding termination is in the children's best interest will not be reversed unless it is contrary to the manifest weight of the evidence." *M.F.*, 326 Ill. App. 3d at 1115-16, 762 N.E.2d at 706. Under this standard, a reviewing court gives the trial court deference because it is in the better position to observe the parties' and witnesses' conduct and demeanor. *M.H.*, 196 Ill. 2d at 361, 751 N.E.2d at 1139. We will not substitute our judgment for that of the trial court regarding witness credibility, the weight to be given witness testimony, or inferences to be drawn from the evidence presented. *People v. Deleon*, 227 Ill. 2d 322, 332, 882 N.E.2d 999, 1005 (2008). Theresa does not challenge the court's best-interest finding.

¶ 41 A parent's parental rights can be terminated if even a single alleged ground for unfitness is supported by clear and convincing evidence. *In re Gwynne P.*, 215 Ill. 2d 340, 349, 830 N.E.2d 508, 514 (2005). In this case, the court found Theresa unfit on multiple grounds. While arguing in its brief none of the trial court's findings of unfitness are against the manifest weight of the evidence, the State argues the court's finding Theresa was unfit because she did not make reasonable progress between January 30 and October 30, 2010, is supported by the strongest evidence. As a result, we review this finding first.

¶ 42 Theresa argues this was an improper period upon which to base a finding of unfitness because it "is not a nine month period that follows any nine-month period after the first." However, Theresa's trial counsel specifically waived any argument Theresa had regarding the use of this nine-month time period to establish Theresa's unfitness. The trial court noted the overlap in the two nine-month periods in which the State was arguing Theresa had not made reasonable progress. The court specifically asked Theresa's trial counsel if he agreed with the

State that overlapping the nine-month periods was proper. Theresa's counsel agreed it was proper. Theresa is not allowed to argue otherwise on appeal. See *People v. Harvey*, 211 Ill. 2d 368, 386, 813 N.E.2d 181, 192 (2004).

¶ 43 Thus, we turn to the question whether the trial court's finding Theresa was unfit because she failed to make reasonable progress toward the return of the children between January 30, 2010, and October 30, 2010, was against the manifest weight of the evidence.

The court stated Theresa's actions raised doubts about "her judgment and her judgment about men and the people that she has relationships with." The court also noted:

> "I also, in just looking at this period of time, I think–I'm not sure ironic is the word, but it's the one time that she testifies that she's being compliant with her medications. She got on them sometime earlier in the year, I think, certainly the bulk of 2010 and certainly during the summer, 2010, she was on her medications and she said they helped her and yet she's still making these very poor decisions in the Court's mind."

¶ 44 From the beginning of this case, Theresa's family-service plan called for her to, among other things (1) participate in and successfully complete individual counseling and assessment for possible medication, (2) cooperate fully with DCFS and The Baby Fold, and (3) maintain a safe, stable, and nurturing home environment. However, during this nine-month period from January to October 2010, she did not consistently attend her therapy sessions after April 2010, and she began seeing Lipscomb on a daily basis. She failed to inform her caseworkers about the relationship and did not inform her caseworkers Lipscomb was living with her for a

month and a half during this nine-month period. Not only did she not disclose the relationship, she lied to her caseworkers and told them she was not in a relationship with Lipscomb when they asked. Even after she was convinced Lipscomb was having a sexual relationship with underage teenage girls, she continued her relationship with him and let him live with her. Finally, at the end of this reporting period, she was involved in a domestic disturbance with Lipscomb. Theresa's actions were not consistent with the goals of her family-service plan, and she was not making progress toward the return of her children.

¶ 45 Because a parent's parental rights can be terminated if even a single alleged ground for unfitness is supported by clear and convincing evidence (*Gwynne P.*, 215 Ill. 2d at 349, 830 N.E.2d at 514), we need not examine whether the trial court's other two findings of unfitness were against the manifest weight of the evidence. In addition, because Theresa has not challenged the court's best interest finding, we need not review the court's determination on that issue.

¶ 46 III. CONCLUSION

¶ 47 For the reasons stated, we affirm the trial court's judgment to terminate Theresa's parental rights.

¶ 48 Affirmed.