



that six-year-old B.C. was an abused minor. Specifically, the petition alleged that B.C.'s father, Christopher C., had choked B.C. and that B.C.'s mother, Kim, had struck B.C. in the head with a board. Following a shelter care hearing, the trial court placed B.C. in the temporary custody of Illinois Department of Children and Family Services (DCFS) and scheduled an adjudicatory hearing.

¶ 5 An adjudicatory hearing was held on July 1, 2008. Donna Hesterly, an investigator with DCFS, testified that she had received two hotline calls regarding B.C. The first, from one of B.C.'s teachers, indicated that there was a red mark on B.C.'s neck and that B.C. had stated that his father had choked him that morning. The second hotline call was from a woman, Barbara Fowler, who stated that she saw a blond lady hitting a dark-haired boy in the head with a stick. Hesterly interviewed B.C. and he told her that his father had choked him and that his mother had hit him in the back of the head with a stick. The circuit court found that B.C. was physically abused and was in an environment injurious to his welfare. The court ordered DCFS to perform an investigation and file a report outlining its findings and recommendations. The court also appointed CASA of Saline County, Inc., to represent B.C. and directed it to perform an investigation and to submit its findings and recommendations to the court.

¶ 6 A dispositional hearing was held on August 12, 2008. The trial court reviewed the reports filed by CASA and by Lutheran Social Services of Illinois (LSSI), a service provider retained by DCFS. The parties and the guardian *ad litem* stipulated to recommendations of the reports. Based on those reports, the court found that B.C. was abused and neglected and that Kim was unable to care for him. The court made B.C. a ward of the court, placed him in the custody of DCFS, and set a permanency goal of returning B.C. to the custody of his parents in 12 months.

¶ 7 A permanency hearing was held on February 24, 2009. In its February 24, 2009,

permanency report, CASA stated that B.C. had experienced a great deal of abuse and had a history of behavioral problems for which he had received psychological counseling. CASA opined that Kim was not emotionally, physically, or financially able to care for B.C. in the manner he required, and recommended that Kim should have her parental rights terminated. LSSI's February 6, 2009, report noted that Kim took no responsibility for the actions that resulted in B.C.'s being placed in care and that she did not understand that she was responsible for her choices regarding B.C.'s safety and well-being. The report also noted that B.C. was having severe behavioral problems at home and at school and was receiving counseling, but that Kim refused to acknowledge that B.C. had behavioral problems. A psychological evaluation of Kim found that her intellectual functioning was in the "mildly mentally retarded/cognitively limited to borderline range," that Kim did not understand how her mental health concerns affected her ability to parent B.C., and that she was unable to protect herself and B.C. from abusive situations. LSSI recommended that the goal of returning B.C. to his parents be continued and that the court hold another permanency hearing in six months. The court entered a permanency order setting a permanency goal of returning B.C. to the custody of his parents in 12 months.

¶ 8 Another permanency hearing was held on June 9, 2009. LSSI's report noted that B.C. had severe behavioral problems and needed constant supervision to monitor destructive and negative behaviors. Kim did not understand the supervision required by B.C. The main risk of returning B.C. home was Kim's inability to protect him from abusive forces because of Kim's lack of insight on protective skills. Kim needed long-term counseling to explore her choices in relationships with abusive men. LSSI continued to recommend a permanency goal of returning B.C. home within 12 months. CASA's report noted that Kim had not yet taken responsibility for the abuse B.C. suffered. The report further noted that when B.C. returned to his foster parents after visiting Kim he displayed serious behavioral problems that lasted

for several days. CASA continued to recommend termination of Kim's parental rights. Casey Sanders, the LSSI caseworker assigned to the case, testified that Kim had not made substantial progress in correcting the conditions which led to B.C.'s removal. Sanders noted that B.C.'s visitations with Kim had been temporarily suspended at the recommendation of Dr. Canaley because B.C. would act out for days afterward, but had subsequently resumed under LSSI's supervision. The court's permanency order found that Kim had not made sufficient progress and ordered that DCFS was to retain custody and guardianship of B.C. The court again set a permanency goal of returning B.C. to the custody of his parents in 12 months.

¶ 9 A permanency hearing was held on October 6, 2009. LSSI's report noted that B.C. has had severe behavioral issues at home and at school and was receiving medication and crisis counseling. Kim denied that B.C. had any behavioral problems and did not understand the level of supervision he required. Kim demonstrated no understanding of how her own mental health concerns affected her ability to parent B.C. and no insight into how her decisions affected her ability to protect B.C. CASA's report found that Kim was unable to protect B.C. and herself from abusive situations and that she did not have sufficient capabilities to follow through with all of the special needs B.C. had and would need in the future. Following LSSI's recommendation, the court ordered that DCFS was to retain custody and guardianship of B.C., set a permanency goal of returning B.C. home within 12 months, and scheduled another permanency hearing for November 10, 2009.

¶ 10 At the November 10, 2009, permanency hearing Michelle Stuart, the foster care supervisor for LSSI, testified that LSSI was changing its permanency goal recommendation. LSSI's new permanency goal recommendation was substitute care pending a determination of whether parental rights should be terminated. Stuart testified that the reason for the goal change was that LSSI had "serious concerns" regarding whether Kim could protect B.C.

Stuart testified that while Kim was very cooperative and would do whatever was asked of her, she did not understand why she was doing it. Kim did not understand why B.C. was in foster care and accepted no responsibility for him being in care. Stuart opined that Kim was unable to identify risks to B.C. and would not be able to protect B.C. from harm. B.C. has severe behavioral issues and can be extremely physically aggressive and verbally abusive. These behaviors increase after visits with Kim. Kim did not understand why she had to tell LSSI about her new boyfriend. In its November 4, 2009, report, LSSI stated that Kim does not understand that she is responsible for B.C. and that the choices she makes affect his safety and well-being. A psychological evaluation revealed that Kim's intellectual functioning was in the mentally retarded/cognitively limited borderline range. CASA's report stated that Kim has taken very little responsibility for B.C.'s abuse and neglect and that she has insufficient capabilities to follow through with all of the special needs that B.C. has and will have in the future. The court found that Kim had not made substantial progress towards returning B.C. home and set a permanency goal of substitute care pending determination of termination of parental rights and scheduled a permanency hearing for May 4, 2010.

¶ 11 On February 25, 2010, the State filed a petition to terminate parental rights and to appoint a guardian with the power to consent to adoption. The petition alleged that Kim was an unfit person as defined by section 1(D) of the Illinois Adoption Act (750 ILCS 50/1(D) (West 2010)). The petition alleged that Kim (1) had failed to maintain a reasonable degree of interest, concern, or responsibility as to B.C.'s welfare, (2) had failed to protect B.C. from conditions within his environment that were injurious to his welfare, (3) had failed to make reasonable efforts to correct the conditions that were the basis for the removal of B.C. from Kim's custody, (4) had failed to make reasonable progress towards B.C.'s return within nine months after adjudication of abuse/neglect, (5) had failed to make reasonable progress towards B.C.'s return during any nine-month period after the initial nine-month period

following the adjudication of abuse/neglect, and (6) was unable to discharge her parental responsibilities as a result of her mental impairment.

¶ 12 A permanency hearing was held on May 4, 2010. LSSI's report noted that Kim was receiving mental health counseling but that Kim's counselor did not believe that Kim could protect B.C. from harm. Kim continued to deny responsibility for B.C. being brought into care. Kim had made reasonable efforts but had not made substantial progress. The report noted that this was the fourth permanency hearing, that Kim still had not made substantial progress towards returning B.C. home, and that there were concerns regarding Kim's ability to protect B.C. from risk of harm. In its May 4, 2010, permanency order, the court found that Kim had not made substantial progress and that termination proceedings were pending.

¶ 13 Hearings on the State's petition to terminate began on April 12, 2011. Dr. Neil Horowitz testified that he had been a licensed clinical psychologist for 30 years and was one of DCFS's approved psychological evaluators. Dr. Horowitz performed cognitive and intellectual functioning tests on Kim, and he performed psychological testing on her using the Minnesota Multiphasic Personality Inventory. The results of those tests indicated that Kim had an IQ of 67 and that while she performed fairly well in some areas of adaptive functioning, she performed poorly in others. Dr. Horowitz explained that Kim could take care of her day-to-day living requirements, but that her functioning in the community was very limited. She could not manage money and had difficulty in being on time for appointments and being where she needed to be unless she was reminded. Kim did not know what state she lived in, could not perform a simple subtraction problem, and could not recall simple facts from a short story. Dr. Horowitz also diagnosed Kim with generalized anxiety disorder, a learning disability, and mixed personality disorder. A questionnaire designed to evaluate the parent-child relationship revealed that Kim was significantly below average with respect to communication and discipline. A mental status exam showed significant cognitive

deficit, with Kim's score being in the range of dementia. Kim was only minimally capable of independent adult functioning and would most likely accept abusive treatment because she knows she cannot function on her own. Dr. Horowitz found it "very unlikely that she would be able to provide those things that are necessary for basic parenting" without professional support.

¶ 14 Misty Chamness, a caseworker for LSSI, testified that she had been assigned to B.C.'s case from March 2, 2010, to December 1, 2010. Chamness testified that Kim's father handles her finances. Chamness did not believe that Kim could give B.C. medication if required because Chamness had to tell Kim things over and over. Chamness also noted that Kim had a tendency to make poor parenting decisions even in the simplest of scenarios. As an example, Chamness related an incident where she, Kim, and B.C. had visited a park. Kim repeatedly allowed B.C. to wander too far away and Chamness had to keep reminding her to get B.C. back. In another incident, Kim let B.C. play on the ledge of a bridge over a stream, despite being told by both Chamness and Kim's father that it was dangerous. When Kim had visitation with B.C. the interaction between them was minimal and Kim seemed more interested in taking pictures than interacting with B.C. Chamness testified that Kim never accepted responsibility for her actions which resulted in B.C. being placed in foster care, never demonstrated understanding of how her mental health problems affected her ability to parent B.C., and never made substantial progress towards the goals of her service plan. Chamness noted that towards the end of her involvement with the case Kim had become engaged to a man with a criminal history that included several charges of battery.

¶ 15 At the May 31, 2011, permanency hearing, Lisa Gentry testified that she had been B.C.'s caseworker for the previous six months. She opined that Kim had made reasonable efforts towards B.C.'s return, but had not made substantial progress. Kim refused to take any responsibility for B.C. being placed in foster care and placed the blame entirely on B.C.'s

father. Kim was in a long-term relationship with a man who had a lengthy criminal history, including convictions for battery and assault. Gentry believed Kim should be able to recognize signs like that as indicative of someone who could endanger her son. Gentry did not believe Kim had the cognitive ability to parent B.C. appropriately.

¶ 16 Stuart testified that she had opened the case on B.C. and had supervised all of the caseworkers who had worked on the case. Stuart never considered letting Kim have unsupervised visits with B.C. because Kim could not grasp the overall concepts of why some of her actions, such as dating a man with a lengthy criminal history, put B.C. at risk. Stuart did not believe that Kim had the cognitive ability to parent B.C. in a safe and appropriate manner. Although Kim readily complied with whatever LSSI asked her to do, she could not generalize what she had learned and apply it to different situations. As an example, Stuart testified that if the symptoms of domestic violence were explained to Kim she could repeat those symptoms back but she could not apply those concepts to her current relationships or decisions.

¶ 17 At the conclusion of this hearing, the trial court found that the goal of substitute care was appropriate. The court found that although Kim had made reasonable efforts at correcting the conditions which led to B.C.'s removal, she had not made substantial progress.

¶ 18 The fitness portion of the hearing on the State's petition to terminate parental rights continued on July 12, 2011. Tricia Stottler, a therapist with LSSI, testified that she had been Kim's counselor for two years and had provided her with cognitive behavioral therapy. She saw Kim approximately 150 times over the course of two years. She provided Kim with domestic violence counseling and worked with Kim on distinguishing healthy versus unhealthy relationships and understanding how her choice affected B.C. Although Kim had learned some skills, she struggled to apply those skills. Kim understood that she should not be in a relationship with someone who was violent towards her or B.C., but did not

understand that a person with a violent history could be a threat to her or B.C. Kim did not believe that a person with a history of violence in relationships as being pertinent to her if that person had never been violent towards her. Stottler closed Kim's case because she concluded that Kim would never be able to obtain the goals. Stottler did not believe that Kim could provide a safe home for B.C. and found it likely that B.C. would be put in harm's way if he were ever returned to Kim. Stottler did not believe Kim was capable of parenting B.C. Stottler noted that B.C. had severe behavioral problems and was hard to control and that Kim would not be able to handle him, even with assistance, because of her cognitive limitations.

¶ 19 The fitness hearing continued on August 2, 2011. Stuart testified that Kim had shown little sustained progress. Kim could not identify the characteristics of an abusive relationship or the risks to herself or B.C. posed by those relationships. Kim's current boyfriend had a history of abuse, but Kim did not understand how this posed a risk to her or B.C. Kim could not apply the things she had learned, and Stottler did not believe she would ever get to the point where it would be safe for B.C. to be returned to her. Stuart noted that B.C. suffered from ADHD, reactive attachment disorder, and posttraumatic stress disorder, making him very difficult to handle.

¶ 20 Kim testified that she was capable of realizing when someone presented a danger to her and B.C. and of staying away from such people. She was aware of her boyfriend's criminal history but was not concerned because that history did not involve domestic violence or abuse. Kim was aware that her boyfriend had been convicted of burglary and robbery and had served time in prison, but did not consider this relevant because it had happened when he was much younger. B.C. had behavioral problems, but Kim attributed that to his having been taken away from her. She felt that many of the things in Stuart's file were untrue.

¶ 21 The trial court found that the State had proved by clear and convincing evidence that Kim was an unfit person in that she had failed to make reasonable efforts to correct the

conditions that were the basis for the removal of B.C. from her custody, had failed to make reasonable progress towards B.C.'s return within nine months after adjudication of abuse/neglect, had failed to make reasonable progress towards B.C.'s return during any nine-month period after the initial nine-month period following the adjudication of abuse/neglect, and was unable to discharge her parental responsibilities as a result of her mental impairment. More specifically, the trial court found that Kim could not appropriately parent B.C. without full-time assistance because of her limited cognitive and intellectual functioning, that she could not provide a safe home for B.C. because she was unable to identify individuals who might be abusive towards her and B.C., that Kim took no responsibility for the actions which resulted in B.C. being placed in foster care and had no insight into how her actions had negatively affected B.C., that B.C. had special needs which she could not provide, that she was not emotionally connected to B.C., and that she had failed to make substantial progress towards the goal of returning B.C.

¶ 22 A best-interests hearing was held on November 15, 2011. Melinda Pickering, one of B.C.'s foster parents, testified that she had been one of B.C.'s foster parents for 3½ years. Her partner, Beverly Snyder, was B.C.'s other foster parent. Melinda was a radiologic technologist and Beverly was a medical assistant. B.C. was receiving medication and counseling for his behavioral problems. When B.C. first came into their home he would have daily fits of disruptive behavior that would last for hours. Since then his disruptive fits had become much less frequent and were much shorter in duration. Melinda and Beverly helped B.C. with his homework every night. B.C. had improved from being 2½ years behind to 1 semester behind. B.C. would begin acting out a few days before a scheduled visit with Kim, and his behavior was more disruptive and angry for several days afterwards. The last visit with Kim had occurred during the first week of September. Several weeks after that visit he began acting out and his acting out became so severe that he had to be admitted to Lincoln

Prairie Behavioral Center for several weeks. B.C.'s psychiatrist recommended that he not see Kim anymore. Pickering testified that B.C. wants to be adopted by her and Beverly and that they wanted to adopt B.C.

¶ 23 Lisa Gentry, a child welfare specialist for LSSI, testified that she had been assigned to B.C.'s case for about a year. She had supervised the visit between Kim and B.C. on September 6, 2011. Kim began crying and told B.C. that she might never see him again. Kim told B.C. that she loved him and wanted him to be with her. Gentry asked Kim to stop because she was confusing B.C. B.C. had no reaction to Kim's behavior. Shortly after that visit Pickering called to tell her that B.C.'s acting out had become much worse. Gentry testified that B.C. did not display a strong bond with Kim and that although Kim often hugged B.C. and told B.C. that she loved him, B.C. never reciprocated. Gentry opined that it was in B.C.'s best interest that Kim's parental rights be terminated.

¶ 24 The trial court entered an order finding that it was in B.C.'s best interest that Kim's parental rights be terminated and that the guardianship administrator for DCFS be appointed as B.C.'s guardian with the power to consent to adoption. Kim appeals the August 29, 2011, order finding her to be an unfit person and the November 15, 2011, order terminating her parental rights to B.C.

¶ 25 In her first claim on appeal, Kim argues that the evidence did not support the trial court's finding that she abused B.C., as alleged in the State's May 23, 2008, petition for the adjudication of wardship. Kim contends that the evidence introduced at the hearing on the petition for the adjudication of wardship does not support the trial court's finding that Kim physically abused B.C. by hitting him in the head with a board. Kim has forfeited this argument. Had Kim wished to challenge the finding of abuse, she had two opportunities to do so. She could have sought leave to file an interlocutory appeal pursuant to Supreme Court Rule 306(a)(5) (eff. Sept. 1, 2006) from the July 1, 2008, order adjudicating B.C. abused, or

she could have appealed the August 12, 2008, dispositional order. Dispositional orders are final and appealable (see *In re Faith B.*, 216 Ill. 2d 1, 3, 832 N.E.2d 152, 153 (2005)), and appealing a dispositional order is the proper way to challenge a finding of abuse or neglect (*In re Leona W.*, 228 Ill. 2d 439, 456, 888 N.E.2d 72, 81 (2008) (citing *In re Arthur H.*, 212 Ill. 2d 441, 819 N.E.2d 734 (2004))) where interlocutory appeal has not been sought or allowed. By failing to timely appeal the dispositional order, Kim has forfeited any challenge to the finding that B.C. was abused. *In re Leona W.*, 228 Ill. 2d at 456-57, 888 N.E.2d at 81-82; see also *In re Janira T.*, 368 Ill. App. 3d 883, 891, 859 N.E.2d 1046, 1054 (2006).

¶ 26 Kim also argues (1) that the State failed to prove by clear and convincing evidence that she was an unfit person as defined by the Adoption Act, (2) that the trial court failed to state the standard of proof it used when it determined that termination of Kim's parental rights was in B.C.'s best interest, and (3) that the State failed to prove that termination of Kim's parental rights was in B.C.'s best interest.

¶ 27 The Juvenile Court Act of 1987 establishes a two-step process for terminating parental rights involuntarily. 705 ILCS 405/2-29(2) (West 2008). The State must first prove by clear and convincing evidence that the parent is an unfit person as defined by section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2008)). *In re Tiffany M.*, 353 Ill. App. 3d 883, 889, 819 N.E.2d 813, 819 (2004). Section 1(D) of the Adoption Act sets forth numerous grounds under which a parent can be found unfit, any one of which standing alone will support a finding of unfitness. *Id.*

¶ 28 The determination of whether a parent is unfit involves factual determinations and credibility assessments that the trial court is best equipped to make. *In re A.L.*, 409 Ill. App. 3d 492, 500, 949 N.E.2d 1123, 1129 (2011). We will not reverse a trial court's findings of fact or its assessment of a witness's credibility unless that determination is contrary to the manifest weight of the evidence. *Id.* A factual finding is contrary to the manifest weight of

the evidence only where the opposite conclusion is clearly evident or the determination is unreasonable, arbitrary, or not based on the evidence presented. *In re D.F.*, 201 Ill. 2d 476, 498, 777 N.E.2d 930, 942 (2002).

¶ 29 If the trial court finds the parent to be unfit, the court must then determine whether it is in the child's best interest that parental rights be terminated. 705 ILCS 405/2-29(2) (West 2008). At this stage, the focus of the court's scrutiny shifts from the rights of the parent to the best interest of the child. *In re B.B.*, 386 Ill. App. 3d 686, 697, 899 N.E.2d 469, 479 (2008). To terminate parental rights, the State bears the burden of proving by a preponderance of the evidence that termination is in the minor's best interest. *In re D.T.*, 212 Ill. 2d 347, 366, 818 N.E.2d 1214, 1228 (2004). A trial court's determination that termination of parental rights is in the child's best interest will not be disturbed on review unless it is contrary to the manifest weight of the evidence. *In re R.L.*, 352 Ill. App. 3d 985, 1001, 817 N.E.2d 954, 968 (2004); see also *In re Tiffany M.*, 353 Ill. App. 3d at 822, 819 N.E.2d at 821 (the clear implication of *In re D.T.* is that the manifest weight standard applies to a review of the determination to terminate parental rights).

¶ 30 The trial court found that Kim was an unfit person as defined by the Adoption Act because she (1) had failed to make reasonable efforts to correct the conditions that were the basis for the removal of B.C. from her custody, (2) had failed to make reasonable progress towards B.C.'s return within nine months after adjudication of abuse/neglect, (3) had failed to make reasonable progress towards B.C.'s return during any nine-month period after the initial nine-month period following the adjudication of abuse/neglect, and (4) was unable to discharge her parental responsibilities as a result of her mental impairment.

¶ 31 Kim argues, and the State concedes, that the trial court's finding that Kim failed to make reasonable efforts to correct the conditions that were the basis for B.C.'s removal is erroneous. As the State notes, the testimony at the fitness hearing and the service plans and

reports filed in this case clearly demonstrate that Kim was making reasonable efforts to comply with her service provider's requests and the requirements of her service plan. However, the evidence also overwhelmingly demonstrates that she never made reasonable progress towards these goals. Permanency hearings were held on February 24, 2009, June 9, 2009, October 6, 2009, November 10, 2009, May 4, 2010, and May 31, 2011. Prior to each hearing, DCFS's service providers prepared and submitted reports on Kim's progress. These reports consistently indicate that Kim had not made substantial progress towards B.C.'s return. Kim never accepted any responsibility for B.C. being placed in foster care, and never developed any insight into how her actions and decisions affected her ability to protect B.C. Kim never demonstrated the insight into domestic violence and abusive patterns of behavior necessary to protect B.C. from abuse. The testimony adduced at the fitness hearing further demonstrated Kim's lack of reasonable progress. Chamness, Gentry, Stuart, and Stottler all testified that Kim had not made reasonable progress towards returning B.C. home. Kim contends that the December 3, 2008, service plan indicates that Kim had made satisfactory progress. Every subsequent progress report filed since that plan stated that Kim had not made reasonable progress, and Casey Sanders, the LSSI caseworker who had authored that report, testified at the June 9, 2009, permanency hearing that Kim had made reasonable efforts but had not made substantial progress.

¶ 32 The overwhelming weight of the evidence supports the trial court's determination that the State had proved by clear and convincing evidence that Kim failed to make reasonable progress towards B.C.'s return within nine months after adjudication of abuse/neglect or during any nine-month period after the initial nine-month period following the adjudication of abuse/neglect. The trial court's determination that Kim was an unfit person based upon these grounds is not contrary to the manifest weight of the evidence.

¶ 33 The trial court also found Kim to be unfit because she was unable to discharge her

parental responsibilities as a result of her mental impairment. To prove that a parent is unfit under section 1(D)(p) of the Adoption Act, the State must present "competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or mental retardation as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-116 (West 2008)], or developmental disability as defined in Section 1-106 of that Code [405 ILCS 5/1-106 (West 2008)], and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time." 750 ILCS 50/1(D)(p) (West 2008); *In re Michael M.*, 364 Ill. App. 3d 598, 847 N.E.2d 911 (2006).

¶ 34 Dr. Horowitz, a licensed clinical psychologist, testified that Kim had a personality disorder as well as significant cognitive deficiencies. She was only minimally capable of independent adult functioning and would most likely accept abusive treatment because she knows she cannot function on her own. He further testified that a personality disorder met the definition of mental illness set forth in the Mental Health and Developmental Disabilities Code. Dr. Horowitz found it "very unlikely that she would be able to provide those things that are necessary for basic parenting" without professional support. He stated that minimal parental functioning would include the ability to follow directions, shop, manage finances, and participate in school functions, and that Kim could not do those things without considerable assistance. Dr. Horowitz also testified that because of the lack of progress Kim had shown, her prognosis was poor.

¶ 35 Given Dr. Horowitz's testimony that Kim suffered from a mental impairment and/or a mental illness which resulted in an inability to discharge her parental responsibilities, and that there was sufficient justification to believe that Kim's inability to discharge her parental responsibilities would extend beyond a reasonable time, we cannot say that the trial court's determination that the State proved by clear and convincing evidence was against the

manifest weight of the evidence.

¶ 36 Kim next argues that the trial court's order finding her unfit failed to specify the standard of proof it utilized in determining that termination of her parental rights was in B.C.'s best interest. Kim cites no authority for the proposition that a trial court is required to explicitly state the standard of proof when determining whether it is a minor's best interest that the parent's rights be terminated. Initially, we note that Kim failed to cite any authority for this proposition. More importantly, the applicable standard of proof in a best-interests hearing is preponderance of the evidence. *In re D.T.*, 212 Ill. 2d at 366, 818 N.E.2d at 1228. Assuming, *arguendo*, that the trial court erroneously used a higher standard of proof, any error would necessarily be harmless.

¶ 37 Finally, Kim argues that the State failed to prove that it was in B.C.'s best interest to terminate Kim's parental rights. We disagree.

¶ 38 Pickering testified that she and her partner had been B.C.'s foster parents since shortly after his removal from Kim. When B.C. first came to live with them he was very angry and would have daily fits of disruptive behavior that would last for hours. He could not do simple tasks like tie his shoes or speak in complete sentences. He was approximately 2½ years behind developmentally and required counseling, a psychiatrist, and medications. Since coming to live with his foster parents, B.C. had improved considerably. His disruptive fits had become much less frequent and were much shorter in duration. B.C. had improved from being 2½ years behind to 1 semester behind. B.C. wants to be adopted by his foster parents and they want to adopt B.C.

¶ 39 Gentry testified that visits with Kim caused B.C. great distress. B.C. would begin acting out a few days before a scheduled visit with Kim, and his behavior was more disruptive and angry for several days afterwards. The last visit with Kim was so traumatic that B.C. had to be hospitalized in a psychiatric unit for several weeks. After his release,

B.C.'s psychiatrist recommended that he not see Kim anymore.

¶ 40 Given the evidence adduced at the best-interests hearing, we cannot say that the trial court's determination that termination of Kim's parental rights was in B.C.'s best interest was contrary to the manifest weight of the evidence.

¶ 41 For all of the foregoing reasons, we affirm the trial court's orders finding Kim unfit and terminating her parental rights.

¶ 42 Affirmed.