



guardian also argues the circuit court erred in finding E.S. unfit and in determining the termination of parental rights was in the children's best interests. For the following reasons, we affirm the judgment of the circuit court.

¶ 3 BACKGROUND

¶ 4 E.S. gave birth to J.H. on March 1, 2007, and to B.S. on April 26, 2008. On January 29, 2009, the State filed petitions for adjudications of wardship, seeking to have both children found to be abused and neglected. Both petitions alleged that on January 25, 2009, E.S. presented J.H. to John H. Stroger, Jr. Hospital. J.H. had multiple bruises about his entire body, as well as a swelling of and abrasions to his penis. Medical personnel indicated the injuries were the result of blunt trauma. E.S. provided more than one explanation regarding the cause of J.H.'s injuries. The location of the putative fathers was unknown.<sup>1</sup> Later on January 29, 2009, the circuit court granted temporary custody of the children to a Department of Children and Family Services (DCFS) administrator with the right to place the children, based on a stipulation to the facts as alleged above. On June 30, 2009, the State's petitions were amended to allege E.S. had a previous child placed in DCFS custody following findings of abuse, neglect and parental unfitness.

¶ 5 On August 21, 2009, the circuit court entered orders adjudicating the children abused or neglected. J.H. was found abused or neglected due to physical abuse by an unknown perpetrator,

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<sup>1</sup> Neither of the putative fathers appeared in court and were defaulted. The putative fathers are not parties to this appeal.

an injurious environment, and a substantial risk of physical injury. B.S. was found abused or neglected due to an injurious environment, and a substantial risk of physical injury. Both orders state the children lived with E.S. and her paramour at the time of J.H.'s injuries.

¶ 6 On September 29, 2009, the circuit court adjudicated the children to be wards of the court. The circuit court found E.S. was unable to care for, protect, train or discipline the children for reasons other than financial circumstances alone. On the same date, the circuit court entered permanency orders setting a goal of returning each child home within 12 months, but finding E.S. and the putative father of each child had not made substantial progress towards the return home of each child.

¶ 7 The record on appeal also discloses on November 17, 2009, E.S. gave birth to another child, T.W., by her current paramour, C.W. T.W. remained in the custody of E.S. and is not part of these proceedings.

¶ 8 On April 8, 2010, the circuit court, following a hearing, entered permanency orders finding the appropriate goal was a return home for the children within 12 months. The orders found E.S. made "some" progress towards the return of the children.

¶ 9 On October 18, 2010, the circuit court held another permanency hearing. Caseworker Nona Tibbs-Moore (Tibbs-Moore) was the sole witness at the hearing.<sup>2</sup> Tibbs-Moore testified

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<sup>2</sup> In her brief, E.S. asserts she did not appear for this hearing for reasons related to the death of her mother. Although E.S. asserts this may have affected the circuit court's ruling, the assertion is not supported by any record citation.

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E.S. was in individual counseling for the past 1 ½ years and was referred for domestic violence classes the prior week. E.S. completed a psychological assessment, which indicated E.S. had some cognitive issues and recommended another parenting class. Tibbs-Moore testified E.S. was referred for a parent capacity assessment to determine whether E.S. would benefit from another parenting class. E.S. did not have an appointment for the parent capacity assessment.

¶ 10 Tibbs-Moore also testified E.S. was making progress in individual counseling. E.S. had weekly supervised visits with J.H. and B.S. and her behavior was appropriate during these visits. J.H. and B.S. were bonded to E.S.

¶ 11 According to Tibbs-Moore, the most significant problem was E.S. continuing to live with C.W. and C.W.'s parents, to whom E.S. contributed funds and welfare benefits. C.W. refused to participate in services. Tibbs-Moore further testified E.S. "verbalized" she understood continuing to live with C.W. may stand in the way of reunification with J.H. and B.S. Tibbs-Moore was unsure whether E.S. truly understood the problem, adding she intended to meet with C.W. at his home because he refused to come speak to her.

¶ 12 Tibbs-Moore additionally testified the placement of J.H. and B.S. was safe and appropriate, with no unusual incidents. J.H. was in a regular preschool program; B.S. was receiving weekly psychological services for her aggressive behavior. J.H. and B.S. had been in their foster home since January 2009. The foster mother, who also adopted a sibling of the children, was willing to adopt J.H. and B.S. According to Tibbs-Moore, her staff considered changing their recommendation to substitute care pending a termination of parental rights, but her new supervisor decided to give E.S. a "last chance" and hoped C.W. would allow himself to

be assessed for services.

¶ 13 At the conclusion of the hearing, the circuit court changed the permanency goal to substitute care pending a termination of parental rights. The circuit court noted the case had been in the system since January 2009. The circuit court also observed E.S. was living with C.W., which precluded reunification. The circuit court further noted E.S. had been in services "on and off for over a year-and-a-half." In addition, the circuit court observed E.S. had not progressed to unsupervised visits. The circuit court entered permanency orders reflecting the new goal on October 18, 2010.<sup>3</sup>

¶ 14 On February 15, 2011, during a status hearing on the case, C.W. appeared pursuant to a subpoena previously issued on behalf of E.S. During the proceedings, C.W. informed the court he had appeared "just for support." E.S.'s counsel informed the court he subpoenaed C.W. based on the previously expressed concerns regarding E.S.'s relationship and C.W.'s refusal to be evaluated for services. E.S.'s counsel believed C.W. needed to explain to the court why he believed being assessed for services would be intrusive and a violation of his rights. The circuit

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<sup>3</sup> On October 25, 2010, E.S. filed an appeal of the new permanency order. On November 3, 2010, the State notified counsel for E.S. an appeal as of right was unavailable. On November 4, 2010, counsel for E.S. attempted to file an application to appeal pursuant to Illinois Supreme Court Rule 308 (eff. Feb. 26, 2010). This court rejected the application. On November 29, 2010, counsel for E.S. filed an application for leave to appeal pursuant to Supreme Court Rule 306(a)(5) (eff. Feb. 26, 2010). This court denied the application on December 10, 2010.

court inquired of E.S.'s counsel what C.W.'s testimony would contribute to the issue of termination of parental rights. The circuit court observed that at this stage of the proceedings, there would be no services provided to C.W. The circuit court also suggested Tibbs-Moore would speak to C.W. about services C.W. might need.

¶ 15 On March 6, 2012, the State filed petitions to terminate parental rights regarding J.H. and B.S. and appoint a guardian with the right to consent to adoption. In pertinent part, the petitions alleged E.S. failed to: (1) maintain a reasonable degree of interest, concern or responsibility as to the minors' welfare; (2) make reasonable efforts to correct the conditions which were the basis for the minors' removal; or (3) make reasonable progress towards the minors' return in the first nine months after the adjudication of neglect or abuse, or any nine-month period thereafter.

¶ 16 The circuit court considered the issue of parental fitness in a hearing commencing April 17, 2013. The State introduced, without objection, the service plans prepared for E.S. and a July 10, 2010 psychological evaluation of E.S.

¶ 17 Karen Felix (Felix), of One Hope United, testified she was the first foster care supervisor in this case, through July 2010. Felix supervised Tibbs-Moore and reviewed the service plans as part of administrative case review. According to Felix, E.S. was required to participate in individual therapy. The agency also recommended domestic violence classes, but E.S. felt she was in control and there would be no physical altercations. Felix, however, testified E.S. and C.W. had a verbal altercation on or about June 15, 2010.

¶ 18 Felix also testified the agency initially had concerns about T.W., based on the risk of harm which introduced J.H. and B.S. into the system and the "sparse" heating in E.S.'s apartment.

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Felix further testified E.S. was instructed to inform C.W. he would need to be assessed for services to ensure the children would be returned to a safe environment. Felix had ongoing conversations with Tibbs-Moore and E.S. about the need to assess C.W. for services.

¶ 19 Kiwuana Conwell (Conwell), another supervisor, testified she commenced supervising Tibbs-Moore in June 2010, and continued to monitor the case after Tibbs-Moore left the agency. When Conwell joined the case, E.S. was participating in individual therapy and a psychological evaluation. The psychological evaluation recommended additional parenting classes.

¶ 20 In addition, based on the psychological evaluation, there was an ongoing request for E.S. to participate in domestic violence services through the date the permanency goal was changed. It was Conwell's understanding J.H. was abused by E.S.'s previous paramour. Conwell recalled E.S. had a history of dating controlling and abusive men. Conwell and Tibbs-Moore both had ongoing requests with E.S. about the need to have C.W. assessed for services prior to the change in the permanency goal. C.W. never came forward to be assessed for services. Tibbs-Moore would travel to E.S.'s home in an attempt to meet with C.W. One such attempt occurred on October 22, 2010, but C.W. was not present and later claimed he had left to dispose of some garbage. Conwell was further concerned regarding E.S.'s complaints that C.W.'s mother was taking her food stamps and requiring her to clean the home.

¶ 21 Conwell testified she had been surprised when the permanency goal was changed. The agency understood J.H. and B.S. had been in foster care for a prolonged period of time. The agency's recommendation of a return home pending status was intended to "light a fire" under E.S. and C.W. and to encourage C.W. to be assessed for services.

¶ 22 Conwell additionally testified that after the change in permanency goal, her agency continued to recommend domestic violence services and a parent capacity assessment. When questioned regarding whether E.S. completed any of these services, Conwell responded she recalled E.S. submitted a certificate, but she could not recall any details. Conwell subsequently testified this certificate must have been an exhibit indicating E.S. completed 10 hours of domestic violence classes from November 4, 2010, through January 6, 2011. Conwell further testified she was aware E.S. moved out of C.W.'s parents' residence in 2011 and was living on her own with T.W. Conwell received no other documentation from E.S. Conwell also recalled no efforts by the putative fathers to contact her agency.

¶ 23 Deborah Holmes-Thomas (Holmes-Thomas) testified she became the caseworker for One Hope United in June 2012, after the permanency goal was changed. According to Holmes-Thomas, E.S. continued to attend weekly therapy sessions and showed Holmes-Thomas medication her psychiatrist had prescribed, but provided no documentation she was participating in any of the other recommended services, including a parent capacity evaluation, domestic violence assessment and a psychiatric evaluation. In February 2013, E.S. informed Holmes-Thomas her therapist had quit and she needed to find another therapist.

¶ 24 E.S. had supervised monthly visits with J.H. and B.S. These visits were conducted at the agency because E.S. had a bedbug problem at her apartment and the agency never received any documentation regarding remediation of that problem. Holmes-Thomas testified E.S. behaved appropriately during visits with the children and had a bond with them.

¶ 25 E.S. testified she lived with her son, T.W., in a two-bedroom apartment in Chicago,

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which rented for \$650 monthly. E.S. received \$710 in Social Security disability payments, \$358 in food stamps, and \$117 from the Temporary Assistance for Needy Families program monthly. E.S. had moved from C.W.'s parents' home in February 2011. She was on a waiting list for a three-bedroom apartment from the Chicago Housing Authority and expected to move in August 2013.

¶ 26 E.S. also testified she was participating in weekly therapy sessions, as well as seeing a psychiatrist quarterly for her prescription of a generic brand of Zoloft. According to E.S., she has been diagnosed with depression and is helped by the medication. E.S. sought out her current therapist after One Hope United discontinued services when her permanency goal changed. E.S. was not in therapy between November 2010 and September 2012. E.S. believed she benefitted from the therapy regarding her interaction with J.H. and B.S. during visits.

¶ 27 E.S. further testified she completed parenting classes during the Summer of 2010. E.S. also completed domestic violence classes sponsored by the Chicago Urban League in 2011. At the parenting classes, E.S. learned how to respond to and raise a child, both in terms of spending time with a child and appropriate punishment for misbehavior. In addition, E.S. testified her domestic violence classes taught her to be aware of and avoid domestic violence and how to protect her children.

¶ 28 E.S. additionally testified regarding her monthly visits with J.H. and B.S., stating they are bonded with her. E.S. stated she has no problem caring for T.W. and believed she could care for three children. According to E.S., C.W. occasionally takes custody of T.W. for weekends. C.W. paid \$50 in child support once or twice during the year, then ceased payments.

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¶ 29 E.S. did not believe there was ever a safety problem while she was living with C.W. and his parents. E.S. acknowledged J.H. and B.S. were taken into DCFS care based on her former paramour's abuse of J.H. E.S., however, testified there was nothing she could have done to prevent J.H. and B.S from being taken into DCFS care.

¶ 30 On May 20, 2013, following the conclusion of the testimony, the circuit court found E.S. unfit. The circuit found E.S. failed to maintain a reasonable degree of interest, concern or responsibility as to the minors' welfare. The circuit court also found E.S. failed to make reasonable progress towards the minors' return in the first nine months after the adjudication of neglect or abuse, or any nine-month period thereafter. The circuit court also observed the case had been open for almost four years, when the law aims to close cases within two years. The circuit court further observed E.S. would be in need of additional services and had never progressed beyond supervised visitation. Although E.S. came forward to state her concern for the children, the circuit court concluded she was "not exactly responsible as a parent to do what is necessary to have her children returned home to her."

¶ 31 The circuit court immediately proceeded to consider whether termination of parental rights was in the best interests of J.H. and B.S. At the best interests hearing, D.F. testified she has served as the minors' foster parent since they entered the system in 2009. D.F. had previously adopted the minors' sibling, as well as another girl.

¶ 32 The children in D.F.'s care get along with each other and participate in family events, including B.S.'s recent birthday party. D.F.'s mother assists her in caring for the children. D.F.'s eldest daughter, who lives around the corner from D.F. and sees the children daily, is also

available to provide backup care. According to D.F., B.S. was in pre-kindergarten and J.H. was in kindergarten. Both children are doing well in school. Neither child had special medical needs, although B.S. occasionally suffered from asthma attacks.

¶ 33 D.F. also testified she preferred to adopt J.H. and B.S., in part because she adopted their older sister and also did not want them to feel abandoned. D.F. did not want the children to feel they were different because they had not been adopted. D.F. further testified J.H. and B.S. had bonded with E.S. and are happy when E.S. visits them.

¶ 34 In addition, Holmes-Thomas testified. Holmes-Thomas opined it was in the best interests of J.H. and B.S. to terminate E.S.'s parental rights in order to permit their adoption by D.F. The minors had been placed with D.F. since 2009 and called her "Mom." The minors are bonded to D.F. Holmes-Thomas agreed all of the children under D.F.'s care acted well together and behaved like siblings.

¶ 35 At the conclusion of the hearing, the circuit court found it was in the best interests of J.H. and B.S. to terminate E.S.'s parental rights, in order that they could be adopted by D.F. Later on May 20, 2013, the circuit court entered termination orders regarding both J.H. and E.S. On June 13, 2013, E.S. filed a timely notice of appeal to this court.

¶ 36 DISCUSSION

¶ 37 On appeal, E.S. argues the trial court erred in: (1) changing her permanency goal from a return home to a termination of parental rights; and (2) finding her an unfit parent. The guardian *ad litem*, as an appellee, argues the trial court erred in finding E.S. unfit and in determining termination of parental rights was in the best interests of the children. We address these

contentions in turn.

¶ 38 The Permanency Goal

¶ 39 E.S. first contends the trial court erred in changing the permanency goal from return home within 12 months to substitute care pending termination of parental rights. E.S. asserts she was making sufficient progress towards a return home of J.H. and B.S. She also argues the biggest obstacle to reunification was her paramour, C.W., and the trial court deprived her of the opportunity to persuade him to engage in services by declining C.W.'s testimony on February 15, 2011.

¶ 40 The setting of a permanency goal is governed by section 2-28 of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-28 (West 2010)), which requires the court make efforts to establish timely, permanent living arrangements for a child who has been made a ward of the circuit court. *In re Curtis B.*, 203 Ill. 2d 53, 55 (2003). Relevant considerations in establishing a permanency goal include the following: "(1) the age of the children; (2) the options available for permanence; (3) the current placement of the children and the intent of the family regarding adoption; (4) the emotional, physical, and mental status or condition of the children; (5) the types of services previously offered and whether the services were successful and, if not successful, the reasons the services failed; (6) the availability of services currently needed and whether the services exist; and (7) the status of any siblings." *In re S.E.*, 319 Ill. App. 3d 937, 942-43 (2001). The trial court is not required to make specific findings regarding every relevant factor. See *In re A.S.*, 394 Ill. App. 3d 204, 213 (2009).

¶ 41 The Act provides the child's family ties should be preserved whenever possible. 705

ILCS 405/1-2(1) (West 2010). However, the statute also sets forth other considerations, including the welfare of the child and the need to establish permanency "at the earliest opportunity." 705 ILCS 405/1-2(1) (West 2010). It is not in the minors' best interests to remain in limbo for extended periods of time. *In re D.S.*, 198 Ill. 2d 309, 328 (2001).

¶ 42 The trial court possesses broad discretion in setting a permanency goal, and its decision will not be disturbed unless it is contrary to the manifest weight of the evidence. *In re Faith B.*, 359 Ill. App. 3d 571, 573 (2005). A decision is contrary to the manifest weight of the evidence only where an opposite conclusion is clearly apparent. *Id.*

¶ 43 In this case, the circuit court noted the case has been in the system since January 2009 and E.S. had been in services "on and off for over a year-and-a-half." The circuit court also observed E.S. had not progressed to unsupervised visits.<sup>4</sup> E.S. does not dispute these findings, only the conclusion to be drawn from them. In addition, the circuit court heard evidence the children were doing well in a placement with a foster mother willing to adopt them, as she had done with the children's sibling. The circuit court further noted E.S. was living with C.W., which precluded reunification. C.W. had refused to be evaluated for services. The circuit court heard Tibbs-Moore testify E.S. had been informed continuing to live with C.W. could stand in the way of reunification with J.H. and B.S., and E.S. verbalized her understanding of this, although Tibbs-

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<sup>4</sup> Although not expressly noted by the circuit court, the record also does not indicate E.S. had taken classes or other steps to address issues related to domestic violence at this point in the proceedings.

Moore was uncertain whether E.S. truly understood it. Tibbs-Moore's agency recommended retaining a goal of reunification, but only as a "last chance" for E.S.

¶ 44 E.S. objects to the trial court declining to hear testimony from C.W. on February 15, 2011. The status hearing where C.W. appeared, however, occurred after the change in the permanency goal, when C.W. would not be provided services. Thus, the circuit court's refusal to hear the testimony cannot be a basis for overturning the change in the permanency goal.

Moreover, the transcript establishes C.W. appeared under subpoena. E.S.'s counsel represented C.W.'s testimony would address why C.W. refused to be evaluated for services. Such testimony would have tended to support the circuit court's ruling, which was based in part on C.W.'s refusal to be evaluated for services. Given the procedural posture of the case, E.S. has failed to show the circuit court erred in refusing to hear testimony from C.W.

¶ 45 In sum, based on the record on appeal, we cannot conclude the trial court's change in permanency goal was against the manifest weight of the evidence.

¶ 46 Parental Unfitness

¶ 47 E.S. and the guardian *ad litem* next contend the trial court erred in finding her unfit under section 2-29 of the Act (705 ILCS 405/2-29 (West 2010)). The determination as to whether an individual's parental rights should be terminated involves a two-step process whereby the State must prove the individual is unfit by clear and convincing evidence (750 ILCS 50/1(D) (West 2010)), and, if unfitness is found, the court must then consider whether it is in the best interest of the children to terminate parental rights (705 ILCS 405/2-29(2) (West 2010)). See *In re D.F.*, 201 Ill. 2d 476, 494-95 (2002); *In re Tiffany M.*, 353 Ill. App. 3d 883, 889 (2004). A reviewing

court will reverse the trial court's determination of unfitness only if it is against the manifest weight of the evidence. *D.F.*, 201 Ill. 2d at 495; *In re C.W.*, 199 Ill. 2d 198, 211 (2002). "[T]he trial court's findings must be given great deference because of its superior opportunity to observe the witnesses and evaluate their credibility." *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067 (2004).

¶ 48 The circuit court here found E.S. failed to maintain a reasonable degree of interest, concern or responsibility as to the minors' welfare. See 750 ILCS 50/1(D)(b) (West 2010). The circuit court also found E.S. failed to make reasonable progress towards the minors' return in the first nine months after the adjudication of neglect or abuse, or any nine-month period thereafter. See 750 ILCS 50/1(D)(m)(ii),(iii) (West 2010). The State need only prove one statutory ground to establish parental unfitness. *In re Donald A.G.*, 221 Ill. 2d 234, 244 (2006).

¶ 49 In this case, a consideration of the latter ground is sufficient. "Reasonable progress" is an objective standard that "may be found when the trial court can conclude the parent's progress is sufficiently demonstrable and of such quality that the child can be returned to the parent in the near future." *In re Janine M.A.*, 342 Ill. App. 3d 1041, 1051 (2003). "[T]he benchmark for measuring a parent's 'progress toward the return of the child' under section 1(D)(m) of the Adoption Act encompasses the parent's compliance with the service plans and the court's directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later become known and which would prevent the court from returning custody of the child to the parent." *In re C.N.*, 196 Ill. 2d 181, 216-17 (2001). "The law does not afford a parent an unlimited period of time to make reasonable progress toward regaining custody of the children." *In re Davonte L.*, 298 Ill. App. 3d 905, 921 (1998).

¶ 50 The circuit court entered orders adjudicating the children abused or neglected on August 21, 2009. Thus, the initial nine-month period concluded on May 21, 2010. The findings of the trial court almost four months later in changing the permanency goal thus encompass the initial nine-month period contemplated by the statute. The trial court determined E.S. had made little progress and was living with C.W., which was of particular concern given the conditions which gave rise to the removal of the children.

¶ 51 E.S. argues she subsequently left C.W.'s parents' residence, engaged in individual therapy, and took classes in parenting and domestic violence issues. E.S. also observes her efforts to make progress were hindered by the change in the permanency goal because services were no longer offered to her. The record establishes E.S. did not leave C.W.'s parents' home until February 2011. The record also establishes E.S.'s then current residence had bedbug problems. E.S. was not in therapy between November 2010 and September 2012, nearly nine months after filing of the petition to terminate parental rights. Although the change in permanency goal may have hindered E.S.'s efforts to obtain therapy, the trial court could take the nearly two years of delay into account. E.S. testified she did not complete further parenting classes until the Summer of 2010. E.S. did not complete domestic violence classes until January 2011. E.S. provided no documentation she was participating in any of the recommended services other than the therapy and domestic violence classes. E.S. never progressed to the point of unsupervised visits with her children. Moreover, E.S. testified there was nothing she could have done to prevent J.H. and B.S from being taken into DCFS care, from which the trial court inferred E.S. had not truly absorbed the lessons to be imparted by parenting and domestic



interest is not part of an equation. It is not to be balanced against any other interest. In custody cases, a child's best interest is and must remain inviolate and impregnable from all other factors \*\*\*.'" *In re Austin W.*, 214 Ill. 2d 31, 49 (2005). (quoting *In re Ashley K.*, 212 Ill. App. 3d 849, 879 (1991)).

¶ 55 A parent's unfitness to have custody of her children, however, does not automatically result in the termination of her legal relationship with them. *In re M.F.*, 326 Ill. App. 3d 1110, 1115 (2002). The State must prove by a preponderance of the evidence the termination of E.S.'s parental rights was in the minors' best interest. See *D.T.*, 212 Ill. 2d at 366. "Proof by a preponderance of the evidence means that the fact at issue \*\*\* is rendered more likely than not." *People v. Houar*, 365 Ill. App. 3d 682, 686 (2006). A court reviews a best-interest determination under the manifest weight of the evidence standard. *Austin W.*, 214 Ill. 2d at 51-52.

¶ 56 The Act sets forth the factors to be considered whenever a best-interests determination is required, all of which are to be considered in the context of a child's age and developmental needs: the physical safety and welfare of the child; the development of the child's identity; the child's family, cultural, and religious background and ties; the child's sense of attachments, including feelings of love, being valued, and security, and taking into account the least disruptive placement for the child; the child's own wishes and long-term goals; the child's community ties, including church, school, and friends; the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives; the uniqueness of every family and child; the "risks attendant to entering and being in substitute care"; and the wishes of the persons available to care for the child. 705 ILCS 405/1-

3(4.05) (West 2010). Other relevant factors in best-interests determinations include the nature and length of the minors' relationships with their present caretaker and the effect a change in placement would have upon their emotion and psychological well-being. *In re William H.*, 407 Ill. App. 3d 858, 871 (2011).

¶ 57 In this case, the guardian *ad litem* and E.S. argue the trial court erred because E.S. regularly visited her children and maintained contact with them. The statute requires the trial court to consider a far broader range of considerations. J.H. was born on March 1, 2007 and B.S. was born on April 26, 2008. Both have been in custody since January 29, 2009, and have been in the foster care system for virtually their entire lives. They have been in the care of a foster mother, D.F., whom J.H. and B.S. refer to as "Mom." D.F. preferred to adopt J.H. and B.S., in part because she adopted their older sister and did not want the children to feel they were different because they had not been adopted. All of D.F.'s children function as a family unit. J.H. and B.S. are both doing well in school as part of this family unit. E.S. never progressed to unsupervised visitation with the children. Given this record, we cannot conclude the trial court's determination that it was in the best interests of J.H. and B.S. to terminate E.S.'s parental rights in order to permit their adoption by D.F. is against the manifest weight of the evidence.

¶ 58 CONCLUSION

¶ 59 For all of the aforementioned reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 60 Affirmed.