

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

2013 IL App (4th) 130558-U
NO. 4-13-0558
IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
October 30, 2013
Carla Bender
4th District Appellate
Court, IL

In re: A.C. and K.C., Minors,)
THE PEOPLE OF THE STATE OF ILLINOIS,)
Petitioner-Appellee,)
v.)
TAKEYA JOHNSON,)
Respondent-Appellant.)
Appeal from)
Circuit Court of)
Champaign County)
No. 11JA47)
Honorable)
John R. Kennedy,)
Judge Presiding.)

JUSTICE POPE delivered the judgment of the court.
Justices Knecht and Holder White concurred in the judgment.

ORDER

- ¶ 1 *Held:* The trial court's judgment finding it was in the minors' best interests to terminate respondent's parental rights was not against the manifest weight of the evidence and is affirmed.
- ¶ 2 In November 2011, the State filed an amended petition for adjudication of abuse and neglect as to A.C. (born November 26, 2002) and K.C. (born April 28, 2004), as well as three other minors who are not involved in this appeal.
- ¶ 3 Respondent, Takeya Johnson, admitted one count of abuse of A.C. and K.C. On October 17, 2012, the State filed a motion to terminate respondent's parental rights. On July 2, 2013, the trial court terminated respondent's parental rights. Respondent appeals, challenging only the court's finding it was in the minors' best interests to terminate her parental rights. (This case was originally consolidated with case No. 4-13-0559, but because the respondents are

different and raised different issues, we have unconsolidated the cases for disposition.)

¶ 4

I. BACKGROUND

¶ 5 On November 9, 2011, respondent admitted she inflicted excessive corporal punishment on A.C. and K.C. when she struck them with electrical cords, pursuant to section 2-3(2)(v) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(2)(v) (West 2008)). This court affirmed the judgment of the trial court on appeal. *In re An.C.*, 2012 IL App (4th) 120004-U.

¶ 6 On October 17, 2012, the State filed a motion seeking a finding of unfitness and the termination of respondent's parental rights to A.C. and K.C. The State alleged respondent was unfit in that she failed to (1) make reasonable efforts to correct the conditions that were the basis for the minors' removal from her (750 ILCS 50/1(D)(m)(i) (West 2010)); (2) make reasonable progress toward the minors' return within nine months of adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2010)); and (3) maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare (750 ILCS 50/1(D)(b) (West 2010)).

¶ 7 The trial court heard evidence of unfitness on January 29, March 5, April 10, and April 18, 2013. On May 8, 2013, the court found respondent unfit on the first two grounds (failure to make reasonable efforts and failure to make reasonable progress). On June 26, 2013, the court considered several written reports prepared for the best-interests hearing, but heard no witness testimony. As to A.C., the best interest report indicated she was living with her paternal grandmother and her brother. She had lived with her grandmother off and on prior to any Department of Children and Family Services (DCFS) involvement. All of her needs were being met and she had a strong attachment to, and good relationship with, her grandmother. A.C.

reported she did not want to live with respondent. The report reflected her grandmother allowed A.C. to spend the night with a friend, but the friend's mother took A.C. to respondent's house, where A.C. spent the night in violation of a no-contact order. This incident occurred in April 2013. A.C.'s grandmother made a prompt report of the incident.

¶ 8 In addition, the best interest report reflected A.C. was in a safe and stable environment where her grandmother was ensuring her medical and educational needs were being met. Her grandmother continued to be a strong advocate for A.C. so that A.C. would receive services to help her grow and thrive. A.C.'s grandmother was willing to provide long-term permanency for her. A.C. verbalized she did not want to live with respondent.

¶ 9 Further, the report reflected K.C. was in a traditional foster placement where she had lived since June 14, 2012. While K.C. exhibited behavioral issues, they had decreased over time in frequency and severity. K.C. appeared happy and was responding well to the specialized foster home's structured environment. K.C. told her foster parent she did not want to live with respondent because she did not want to be hit. K.C. wanted to be adopted. K.C. had a strong attachment to her foster mother and all of her needs were being met.

¶ 10 Both A.C. and K.C. were healthy and doing well in school.

¶ 11 The court appointed special advocate's (CASA) report reflected the following. A.C. and K.C. had between 70 and 100 cord marks and scars on their bodies, including the neck, temple, buttocks, chest, legs, and inner-thigh area at the time the abuse was reported. Both minors had many different caretakers before coming into substitute care. Both minors felt safe, secure, and loved in their foster placements. Respondent's illicit visit with A.C. in violation of a court order was disruptive. Neither minor trusted nor wanted to live with respondent. The

CASA recommended the trial court terminate respondent's parental rights.

¶ 12 In addition, the minors' guardian *ad litem* (GAL) recommended termination of respondent's parental rights. Earlier, at the fitness hearing in April 2013, the GAL had noted respondent had been terminated from domestic violence counseling for the second time, was still exhibiting irresponsible thinking patterns, and struggled with holding herself responsible for the abuse of the minors. She had never completed any of the goals of her individual counseling and had just started anger-management counseling for the third time.

¶ 13 After hearing the arguments and recommendations of counsel, the trial court found it was in the minors' best interests to terminate respondent's parental rights.

¶ 14 This appeal followed.

¶ 15 II. ANALYSIS

¶ 16 Respondent has not challenged the trial court's finding she was unfit. Respondent only challenges the court's finding it was in the minors' best interests to terminate her parental rights.

¶ 17 After a parent is found unfit, the trial court shifts its focus in termination proceedings to the child's interests. *In re D.T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004). At the best-interest stage, a "parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *D.T.*, 212 Ill. 2d at 364, 818 N.E.2d at 1227. Before a parent's rights may be terminated, a court must find the State proved, by a preponderance of the evidence, it is in the child's best interests those rights be terminated. See *D.T.*, 212 Ill. 2d at 366, 818 N.E.2d at 1228.

¶ 18 When considering whether termination of parental rights is in a child's best interest,

the trial court must consider a number of factors within "the context of the child's age and developmental needs." 705 ILCS 405/1-3(4.05) (West 2010). These include the following:

"(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's familial, cultural[,] and religious background and ties; (4) the child's sense of attachments, including love, security, familiarity, continuity of affection, and the least[-] disruptive placement alternative; (5) the child's wishes and long-term goals; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parent figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1072, 859 N.E.2d 123, 141 (2006); 705 ILCS 405/1-3 (4.05) (a) through (4.05) (j) (West 2010).

¶ 19 The trial court's finding that termination of parental rights is in a child's best interest will not be reversed on appeal unless it is against the manifest weight of the evidence. *In re Anaya J.G.*, 403 Ill. App. 3d 875, 883, 932 N.E.2d 1192, 1199 (2010). A decision will be found to be against the manifest weight of the evidence "if the facts clearly demonstrate that the court should have reached the opposite conclusion." *Daphnie E.*, 368 Ill. App. 3d at 1072, 859 N.E.2d at 141.

¶ 20 Here, as recounted above, both A.C. and K.C. were thriving in their respective placements. They were doing well in school, their medical needs were being met, and they felt

safe and secure. Neither minor wanted to live with respondent because they were afraid they would be hit again and did not trust respondent. Both minors were attached to their foster mothers. Basically, all of the factors set forth in the statute quoted above favored termination.

¶ 21 Based on the evidence and reports presented to the trial court, its decision to terminate respondent's parental rights was clearly not against the manifest weight of the evidence.

¶ 22 III. CONCLUSION

¶ 23 For the reasons stated, we affirm the trial court's judgment.

¶ 24 Affirmed.