

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) 130560-U
NO. 4-13-0560
IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
November 26, 2013
Carla Bender
4th District Appellate
Court, IL

In re: M.D. and M.H., Minors,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Champaign County
v.)	No. 11JA29
MARCIE JOHNSON,)	
Respondent-Appellant.)	Honorable
)	John R. Kennedy,
)	Judge Presiding.

JUSTICE APPLETON delivered the judgment of the court.
Justices Pope and Turner concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court's judgment terminating respondent's parental rights was not against the manifest weight of the evidence when the evidence supported the court's decision that termination was in the children's best interests.

¶ 2 Respondent, Marcie Johnson, appeals from the trial court's order terminating her parental rights to her children, M.D., born November 29, 2003, and M.H., born February 10, 2011. Respondent contends the court's best-interest decision was against the manifest weight of the evidence. We disagree and affirm.

¶ 3 I. BACKGROUND

¶ 4 Respondent contests neither the nature of the neglect proceedings in this case, nor the trial court's order finding her to be an unfit parent. In fact, respondent admitted the State's

allegations of unfitness as set forth in its petition to terminate her parental rights to the minors. The only issue before this court is whether the court's decision finding it in the children's best interests that respondent's parental rights be terminated was against the manifest weight of the evidence.

¶ 5 On June 24, 2013, at a best-interest hearing, the trial court received and considered the best-interest report prepared by Keona Johnson of the Center for Youth and Family Solutions. The report provides in pertinent part that the children became involved with the Illinois Department of Children and Family Services (DCFS) after several hotline calls regarding inadequate supervision by respondent. The two minors were placed together with other half-siblings in a relative adoptive foster placement.

¶ 6 The minor, M.D., age nine, is the oldest child in the foster home and takes pride in that designation. He helps a great deal with the younger children in the home. He is healthy with no reported issues of concern with the exception of a diagnosis of attention-deficit/hyperactivity disorder, for which he takes medication. He is well-bonded with his foster parent and all relatives in the home. He has been in the home since October 7, 2011. He attends counseling to address emotional issues related to this DCFS case. The counselor indicated M.D. enjoys his sessions and speaks fondly of his foster-home environment. M.D. had not visited with respondent since January 2012 when visits were suspended due to respondent's "failure to attend previously scheduled visits and lack of engagement in services."

¶ 7 The minor, M.H., age two, is described as "happy" and well-adjusted. She is the youngest and only female in the home. She has no reported issues and is on target for physical development. She is "very bonded" to her foster father and calls him "Da-Da." She was placed

in the home at the age of five months. The foster parent is very affectionate and nurturing toward her, and is in the process of potty training her. She reportedly often hugs her foster father, lays in his lap, or is "always in close proximity" to him. The caseworker has not observed any interaction between respondent and M.H., and therefore she is unable to report whether M.H. knows respondent. As with M.D., the last known visit between M.H. and respondent occurred in January 2012.

¶ 8 No other evidence was presented. After considering the best-interest report and the parties' recommendations, the court found the statutory factors weighed "overwhelmingly" in favor of termination. In the interest of the minors' permanency and stability, the court found by a preponderance and clear and convincing evidence that termination was in the minors' best interests. This appeal followed.

¶ 9 II. ANALYSIS

¶ 10 Respondent contends the trial court erred in finding the children's best interests would be served by terminating her parental rights. She claims she "was on track toward reunification" and simply needed more time to make sufficient progress toward that goal.

¶ 11 The primary issue before the trial court at the best-interest hearing is the child's best interest. *In re Jay H.*, 395 Ill. App. 3d 1063, 1070 (2009). The State must prove by a preponderance of the evidence that termination is in the child's best interest. *Jay H.*, 395 Ill. App. 3d at 1071. We will not reverse the court's determination unless it is against the manifest weight of the evidence, meaning only if the facts clearly demonstrate the court should have reached the opposite result. *Jay H.*, 395 Ill. App. 3d at 1071.

¶ 12 Our review of this record shows the trial court appropriately applied the evidence,

in the form of the best-interest report, to each of the statutory factors under section 1-3(4.05) of the Juvenile Court Act of 1987 (705 ILCS 405/1-3(4.05) (West 2010)). The court found the minors were doing well in their current home environment, were well-bonded to their foster father and the other members of the family, and had the opportunity for stability and permanency in this home. Given our standard of review, we conclude the court's finding that it was in the minors' best interests to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 13

III. CONCLUSION

¶ 14

For the foregoing reasons, we affirm the trial court's judgment.

¶ 15

Affirmed.