



## BACKGROUND

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¶ 4 Corey B. and Jennifer W. are the natural parents of C.C.B., who was born on May 3, 2005. Corey B. and Jennifer W. were divorced on March 5, 2010. Pursuant to the judgment of dissolution, Jennifer W. was awarded custody of C.C.B. and Corey B. was granted visitation every other weekend. Corey B. was ordered to pay \$160 per month in child support.

¶ 5 On September 3, 2011, Jennifer W. married Joshua W.

¶ 6 On June 18, 2012, Joshua W. and Jennifer W. filed a petition to adopt C.C.B., alleging that Corey B. had failed to provide support for C.C.B. or to maintain a reasonable degree of contact with C.C.B.

¶ 7 Hearings on Corey B.'s fitness as a parent were held on May 24 and June 10, 2013. Joshua W. testified that he and Jennifer W. were married on September 3, 2011, and that C.C.B. has lived with them since that time. Joshua W. described some of the activities in which the family participated, including going out to eat, watching television, playing video games with C.C.B., and going fishing. Joshua W. stated that he had never observed any relationship between Corey B. and C.C.B. Joshua W. further stated that Corey B. had made no attempts to contact Jennifer W., and that he had never met Corey B. prior to the hearing on the petition to adopt. Joshua also testified that Corey B. had made no financial contributions toward C.C.B.'s welfare.

¶ 8 Called as an adverse witness for the petitioners, Corey B. testified as follows. He and Jennifer W. had been separated for about a year and a half prior to their divorce. Once the parties separated, he moved out of the marital home. Prior to the divorce, C.C.B. stayed with Corey B.'s grandmother approximately 17 days per month. After the divorce, he saw C.C.B. for visitation in March, April, May, and June 2010. He did not have a driver's license so Jennifer W. would bring C.C.B. for visitation and pick him up afterwards. His

last visitation with C.C.B. was in June 2010. When Jennifer W. did not bring C.C.B. for the next visitation he called her and sent her several text messages, but she never responded. He knew where Jennifer W. worked and he had called there several times, but was never able to speak with her. Corey B. did not go to her place of work to speak with her about visitation with C.C.B. because he feared that she would seek a restraining order or have him arrested.

¶ 9 The next time Corey B. saw C.C.B. was January 2011. After helping take a friend to the hospital he went by the former marital residence and saw Jennifer W. and C.C.B. briefly. When he next went to the marital residence, Jennifer W. was no longer living there. He did not take any legal action to enforce his visitation rights because he could not afford a lawyer. He had not paid any child support because he did not know where Jennifer W. was living. He filed a petition to modify child support, but it was never served on Jennifer W. because he did not know her address. He sent cards and gifts to C.C.B. through Faye Lindsey, Jennifer W.'s mother, and through a friend named Chris Bainbridge. Corey B. and Lindsey live in the same housing project.

¶ 10 Jennifer W. testified that she divorced Corey B. because he was abusive and because he struggled with drugs and alcohol. He would sometimes be gone for days before coming home intoxicated. She transported C.C.B. to and from court-ordered visitation because Corey B. did not have a driver's licence. Many times Corey B. would not be there when they arrived. When Jennifer W. arrived to pick up C.C.B. from the last visitation, Corey B. was intoxicated, pushed her, and called her names. He told her that he did not care about visitation as long as he did not have to pay child support and that Jennifer W. should make her boyfriend take care of C.C.B.

¶ 11 After the divorce Jennifer W. continued to live in the former marital residence until September 2011, when she married Joshua W. Jennifer W. changed her phone number

shortly after the divorce because Corey B. was making harassing phone calls and sending blank texts. After the last visitation, Corey B. made no attempt to contact Jennifer W. except for once when he called her at work. He did not ask about C.C.B. Instead, he called Jennifer W. names and said that he "was dancing with the devil." According to the judgment of dissolution, Corey B. had been ordered to pay \$160 per month in child support, and he was supposed to make child support payments through the circuit clerk's office. Corey B. had never made any payments, however. Chris Bainbridge never brought C.C.B. any gifts from Corey B.

¶ 12 Testifying on his own behalf, Corey B. denied being intoxicated at the last visitation or pushing Jennifer W. He admitted that he had been gone into rehabilitation for alcohol three times, the most recent of which was in August/September 2012. He denied ever being intoxicated when C.C.B. visited. Corey B. testified that when C.C.B. came for visitation he would take him to the Dollar Store, and that he and his mother would take C.C.B. swimming, to the movies, and to an arcade. Corey B. stated that he had called Jennifer W.'s place of work numerous times to inquire about visitation with C.C.B., and that he had called C.C.B.'s school. He contacted the police department but was told that Jennifer W. could deny him visitation because he "did not have times set up."

¶ 13 Ladonna Hall, Corey B.'s mother, testified that Corey B. was a caring and supportive father. He took C.C.B. swimming, played with him, and taught him to ride a bicycle. She never observed Corey B. intoxicated in C.C.B.'s presence.

¶ 14 David Ashford, Corey B.'s uncle, testified that he had been present on several occasions when Corey B. had telephoned Jennifer W.'s place of employment but that he was never able to speak with her. Ashford was staying with Corey B.'s grandmother around the same time Corey B. was staying with her. When C.C.B. was there, Corey B. would watch cartoons with him or they would go outside and play kickball and engage in other activities.

¶ 15 At the conclusion of the hearing on parental fitness, the circuit court found that the petitioners had proved by clear and convincing evidence that Corey B. was an unfit person. The court noted that Corey B. had made no attempt to exercise his visitation rights for approximately three years even though Jennifer W. had continued to live in the former marital residence until September 2011 and had worked at the same place of employment since 2008. The court further noted that Corey B. had taken no legal steps to enforce his visitation rights, but that he had attempted to have his child support payments terminated. The court also observed that Corey B. lived very close to Jennifer W.'s mother.

¶ 16 A best-interests hearing was held on June 19, 2013. Jennifer W. testified that Corey B. had not provided for any of C.C.B.'s needs in "[a] long time." Jennifer W. testified that she was concerned for C.C.B.'s safety around Corey B. because he struggles with drugs and alcohol. Joshua W. assists her in providing for all of C.C.B.'s needs and provides him with love and affection on a daily basis. C.C.B. sees Joshua as a father figure and feels a sense of belonging with her and Joshua W. C.C.B. does not know Corey B. Jennifer W. believed that it was in C.C.B.'s best interests that Joshua W. be made his father.

¶ 17 Joshua W. testified that he helps Jennifer W. provide for C.C.B.'s basic needs such as food, clothing, and shelter. He also provides C.C.B. with love and affection on a daily basis and takes steps to ensure C.C.B.'s safety. To his knowledge, Corey B. has never provided for any of C.C.B.'s needs. C.C.B. calls him "dad."

¶ 18 Corey B. testified that while he and Jennifer W. were married he provided for C.C.B., working numerous jobs to pay the bills. He had a good relationship with C.C.B. for the first five years. He acknowledged that he had not provided for C.C.B. for the previous three years, but claimed that he could not find Jennifer W. or C.C.B. He acknowledged that Jennifer W. and Joshua W. provided for all of C.C.B.'s needs.

¶ 19 Admitted into evidence was the January 17, 2013, report of the guardian *ad litem*

(GAL). The GAL stated that he had met with Joshua W., Jennifer W., Corey B., and C.C.B. The GAL stated that Joshua W. and Jennifer W. were deeply concerned with C.C.B.'s well-being. Both spoke of their affection for C.C.B. and their involvement in his day-to-day activities. Joshua W. had developed a very close and loving relationship with C.C.B., and C.C.B. had bonded with Joshua W. The GAL believed that Corey B. loved C.C.B. but that there was a substantial disconnect between them. The GAL noted that Corey B. has had no contact with C.C.B. for more than two years and that Corey B. acknowledged that it had been a substantial length of time since he contacted Jennifer W. regarding C.C.B. The GAL concluded that it was in C.C.B.'s best interests that the petition for adoption be granted.

¶ 20 The circuit court found that it was in C.C.B.'s best interests to grant the petition for adoption. The court found that the petitioners provide all of C.C.B.'s food, shelter, clothing, and education, that they provide a safe environment for C.C.B., and that the petitioners and C.C.B. are bonded as a family unit. Corey B. appeals.

¶ 21 ANALYSIS

¶ 22 On appeal, Corey B. argues that the circuit court's findings that he was an unfit parent and that it was in C.C.B.'s best interests to grant the petition for adoption, thereby severing his parental rights, were contrary to the manifest weight of the evidence. We disagree.

¶ 23 In order to adopt a child whose parent does not consent to the adoption, the circuit court must first determine, by clear and convincing evidence, whether the parent is an unfit person as defined by section 1(D) of the Act (750 ILCS 50/1(D) (West 2010)). *In re Adoption of L.T.M.*, 214 Ill. 2d 60, 67, 824 N.E.2d 221, 226 (2005); *In re Adoption of C.A.P.*, 373 Ill. App. 3d 423, 426, 869 N.E.2d 214, 217-18 (2007). A circuit court's determination regarding unfitness will not be disturbed on review unless it is contrary to the manifest weight of the evidence. *In re Adoption of C.A.P.*, 373 Ill. App. 3d at 427, 869 N.E.2d at 218.

¶ 24 If the circuit court determines that the parent is unfit, it must next determine whether termination of parental rights is in the child's best interests. *In re Adoption of Syck*, 138 Ill. 2d 255, 277, 562 N.E.2d 174, 184 (1990). In determining whether termination of parental rights is in the child's best interests, a court should consider (1) the physical safety and welfare of the child, including food, shelter, health, and clothing, (2) the development of the child's identity, (3) the child's background and ties, including familial, cultural, and religious, (4) the child's sense of attachments, (5) the child's wishes and long-term goals, (6) the child's community ties, including church, school, and friends, (7) the child's need for permanence, (8) the uniqueness of every family and child, (9) the risks attendant to entering and being in substitute care, and (10) the preferences of the persons available to care for the child. *In re A.F.*, 2012 IL App (2d) 111079, ¶ 45, 969 N.E.2d 877. As with the determination of fitness, the circuit court's finding that termination of parental rights is in a child's best interests will not be disturbed on review unless it is contrary to the manifest weight of the evidence. *In re Anaya J.G.*, 403 Ill. App. 3d 875, 883, 932 N.E.2d 1192, 1199 (2010).

¶ 25 In the present case, the court found that Corey B. was an unfit person in that he had failed to maintain a reasonable degree of interest, concern, or responsibility as to the child's welfare (750 ILCS 50/1(D)(b) (West 2010)). When determining whether a parent is unfit based on having failed to maintain a reasonable degree of interest, concern, or responsibility as to the child's welfare, the court should examine whether the parent made reasonable efforts to communicate with and show interest in the child. *In re Adoption of L.T.M.*, 214 Ill. 2d at 68, 824 N.E.2d at 226. Following his last visitation in June 2010, Corey B. made almost no effort to contact C.C.B. Corey B. knew where C.C.B. was because Jennifer W. did not move from the former marital residence until September 2011. Jennifer W.'s place of employment had not changed and her mother lived in the same housing project as Corey B. Jennifer W. did not refuse Corey B. visitation, she simply stopped bringing C.C.B. to

visitation. Corey B. took no legal steps to enforce his visitation rights, but he did attempt to have his child support payments terminated. Both Corey B. and Jennifer W. testified that Corey B. never made any child support payments. Corey B. admitted that he provided C.C.B. with no food, shelter, or clothing. Given this evidence, we cannot say that the circuit court's determination that Corey B. had failed to maintain a reasonable degree of interest, concern, or responsibility as to C.C.B.'s welfare was contrary to the manifest weight of the evidence.

¶ 26 We next consider whether the circuit court's determination that termination of Corey B.'s parental rights was in C.C.B.'s best interests was contrary to the manifest weight of the evidence. The evidence demonstrated that C.C.B. was bonded with the petitioners and considered Joshua W. to be his father. The petitioners provided for all of C.C.B.'s physical and emotional needs, and he was happy and well-adjusted. Corey B. has not provided for any of C.C.B.'s needs since the divorce. Under these circumstances, the circuit court's determination that termination of Corey B.'s parental rights was in C.C.B.'s best interests was not contrary to the manifest weight of the evidence.

¶ 27 For the foregoing reasons, the judgment of the circuit court of Saline County is affirmed.

¶ 28 Affirmed.