

2014 IL App (2d) 130853-U
Nos. 2-13-0853, 2-13-0854, 2-13-0855 & 2-13-0856 cons.
Order filed February 13, 2014

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).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

In re STELLA M., a Minor) Appeal from the Circuit Court
) of Winnebago County.
)
) No. 08-JA-236
)
(The People of the State of Illinois, Petitioner-) Honorable
Appellee, v. Brooke M., Respondent-) Mary Linn Green,
Appellant.)) Judge, Presiding.

In re SOPHIA M., a Minor) Appeal from the Circuit Court
) of Winnebago County.
)
) No. 08-JA-237
)
(The People of the State of Illinois, Petitioner-) Honorable
Appellee, v. Brooke M., Respondent-) Mary Linn Green,
Appellant.)) Judge, Presiding.

In re DILLON L. M., a Minor) Appeal from the Circuit Court
) of Winnebago County.
)
) No. 08-JA-238
)
(The People of the State of Illinois, Petitioner-) Honorable
Appellee, v. Brooke M., Respondent-) Mary Linn Green,
Appellant.)) Judge, Presiding.

<i>In re</i> DEVON S. M., a Minor)	Appeal from the Circuit Court
)	of Winnebago County.
)	
)	No. 08-JA-239
)	
(The People of the State of Illinois, Petitioner-)	Honorable
Appellee, v. Brooke M., Respondent-)	Mary Linn Green,
Appellant.))	Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Presiding Justice Burke and Justice Schostok concurred in the judgment.

ORDER

¶ 1 *Held:* Where the trial court’s determination that it was in minors’ best interest to terminate respondent’s parental rights was not against the manifest weight of the evidence, the court’s order terminating respondent’s parental rights was affirmed.

¶ 2 In these consolidated cases, respondent, Brooke M., appeals from the trial court’s judgment terminating her parental rights to her minor children, Stella M., Sophia M., Dillon M., and Devon M. She concedes that the State proved that she was an unfit parent, in that she failed to protect the children from conditions in their environment injurious to their welfare (750 ILCS 50/1(D)(g) (West 2012)), but she challenges the court’s finding that terminating her parental rights was in the minors’ best interest. For the following reasons, we affirm.¹

¶ 3 I. BACKGROUND

¹ This is an accelerated appeal pursuant to Illinois Supreme Court Rule 311(a) (eff. Feb. 26, 2010). Appellant’s brief was due on October 2, 2013. Following two extensions of time, which extended the due date of appellant’s brief to November 18, 2013, this court ultimately granted appellant leave to file *instanter* a memorandum of law in lieu of a formal brief on December 3, 2013. The 62-day delay in appellant’s filing of her memorandum constitutes good cause for extending the deadline for the filing of this decision.

¶ 4 On June 12, 2008, the Illinois Department of Children and Family Services (DCFS) took Stella (age 9), Sophia (age 4), and Devon (age 3) into temporary protective custody after receiving a report that Randell H., who was Brooke's paramour and the father of Devon and Dillon (age 3), had abused Dillon.² Dillon had been taken to the hospital, where he underwent surgery for a lacerated intestine and was diagnosed with a compressed pancreas and significant bruising around his neck. When Dillon was released from the hospital, DCFS took him into temporary protective custody as well.

¶ 5 The State filed petitions for adjudication of wardship. Stella's, Sophia's, and Devon's petitions contained five counts and alleged they were neglected minors. Dillon's petition also contained five counts and alleged he was an abused and neglected minor. At the shelter care hearing, the court found probable cause to believe that the minors were neglected and abused and placed temporary custody and guardianship with DCFS.

¶ 6 At the adjudicatory hearing on September 17, 2008, Brooke stipulated to count V of the petitions, which alleged that she had failed to protect the children from conditions in their environment injurious to their welfare. The court found that Stella, Sophia, and Devon were neglected minors and that Dillon was an abused and neglected minor. The court transferred custody and guardianship of the minors to DCFS and granted it discretion to place the children with a relative or in foster care. The court admonished Brooke of the nine-month period during which she was to make reasonable efforts to comply with the terms of the service plan prepared by DCFS. The children were placed in foster care.

² The father(s) of Stella and Sophia are unknown. Randell consented to the adoption of Devon and Dillon and is not a party to this appeal.

¶ 7 The court conducted permanency review hearings either every six months or every three months. At seven of the nine hearings, the court found that Brooke had made reasonable efforts to correct the conditions that led to the removal of her children. Following the first three hearings, the permanency goal remained return home within 12 months. However, at the fourth hearing, the court changed the permanency goal to return home within 5 months. Shortly thereafter, however, caseworker Nina Campbell, who was employed by Lutheran Social Services of Illinois (LSSI), discovered that, during an unsupervised visitation, Brooke had “smacked” one of the children and hit another one with a spatula. The children also disclosed to Campbell that Brooke had been promising gifts to them in exchange for withholding information, such as the presence of unauthorized persons at visitations. At the fifth permanency review hearing, the court changed the permanency goal back to return home within 12 months, and the goal remained unchanged until the ninth permanency review hearing. At no hearing did the court find that Brooke had made reasonable progress toward the return of her children.

¶ 8 The ninth permanency review hearing was held on November 28, 2012. LSSI caseworker Elizabeth Razaa, who had taken over the case from Campbell, testified that she was concerned about Brooke’s ability to follow through with tasks. Razaa testified that, since the last hearing, LSSI had made the decision to allow Brooke to drive the children to their counseling appointments. Approximately two weeks prior to the first appointment, Razaa requested that Brooke provide a copy of her driver’s license and insurance card. She called Brooke once to remind her. The morning of the appointment, however, Brooke called Razaa, said she could not find her driver’s license, and asked if her boyfriend could drive the children.

¶ 9 Razaa further testified that she was concerned that Brooke did not fully appreciate the trauma the children had experienced or understand the way her interactions with the children

affected them. She discussed a visit during which Dillon told his mother that he did not remember what happened when his father abused him. Instead of bringing Dillon's questions to his counselor's attention, Brooke called a family meeting and had Dillon's siblings tell him what they remembered about the incident. Razaa was concerned that Brooke did not appreciate the children's diagnoses or understand their therapeutic needs. At the conclusion of the permanency review hearing, the court found that it was in the children's best interest to change the permanency goal to substitute care pending termination of parental rights.

¶ 10 On February 21, 2013, the State petitioned to terminate parental rights. The State alleged that Brooke had failed to maintain a reasonable degree of interest, concern, or responsibility as to the children's welfare (count I); had failed to protect the children from conditions within their environment that were injurious to their welfare (count II); had failed to make reasonable efforts to correct the conditions that were the basis for the removal of the children within nine months after an adjudication of abuse or neglect (count III); had failed to make reasonable progress toward the return of the children within nine months after an adjudication of abuse or neglect (count IV); and had failed to make reasonable progress toward the return of the children during any nine-month period after the end of the initial nine-month period (count V).

¶ 11 A fitness hearing was held on March 28, 2013. Brooke testified as follows. On a day in February 2008, she came home from work to find that Dillon "was blue" and "looked like a grape." She confronted Randell, who said that Dillon had fallen down the stairs and choked on a fruit snack. Brooke took Dillon to the hospital, and the physician told her that Dillon's injuries were consistent with falling down the stairs. Brooke continued to allow Randell to live with and care for the children.

¶ 12 Brook further testified that, on June 12, 2008, she awoke around 9:30 a.m. to find Stella, Sophia, and Devon in her room. The children told her that Randell had choked Dillon and hit him in the stomach. Brooke went downstairs to find Dillon with fingerprint marks on his neck. Dillon was complaining that his stomach hurt and that Randell had hit him. Brooke never called 911. Instead, a neighbor called 911 after overhearing Brooke and Randell arguing.

¶ 13 Nina Campbell testified that she was the assigned caseworker from December 2008 to February 2012. When DCFS took custody of the children, they had not received adequate medical care, and their teeth “were rotted.” In addition to the surgery Dillon required for the lacerated intestine, he also required surgery for an unrelated medical condition that had gone untreated. The children were behind in their immunizations.

¶ 14 Campbell testified that, for the first six months of the case, it was very difficult to contact Brooke, who was not attending scheduled meetings. She further testified that the children had begun unsupervised visits with Brooke in March 2010, but that, in December 2010, the visits were changed back to supervised because the children reported that Brooke had “smacked” one of the children in the mouth and hit another with a spatula. Brooke admitted to hitting the children because she felt overwhelmed. Also in December 2010, according to Campbell, the children began telling her “all these other little things” that Brooke had instructed the children not to tell her. Around that time, the children reverted to prior behaviors, including hoarding food and throwing extreme tantrums. According to Campbell, Stella’s behavior “regress[ed] terribly.” Campbell supervised many visits and observed the children being extremely difficult and throwing a lot of tantrums. There were times when Stella or the other children would refuse to attend visits.

¶ 15 Regarding Brooke's efforts to comply with the service plan, Campbell testified that Brooke was unsuccessfully discharged from individual counseling three times for lack of attendance during the time Campbell was assigned to the case. Brooke never tested positive for drugs. She always maintained steady employment. Brooke also spent "a great deal" of money on the children at Christmas. She was consistent in her attendance at visitations.

¶ 16 Elizabeth Razaa testified that she was the assigned caseworker from February 2012 to December 2012. Razaa described the incident during October 2012 when Brooke failed to provide copies of her driver's license and insurance card in time to drive the children to their counseling appointments. Razaa testified that Brooke eventually did provide the copies and did transport the children to their appointments.

¶ 17 Mary Alice Wentling testified that she was the clinical supervisor of counseling at LSSI. She was Stella and Dillon's counselor. When she began counseling Stella and Dillon, they were experiencing the effects of having been traumatized. Regarding Stella in particular, Wentling testified that Stella repeatedly stated that she felt responsible for Dillon's abuse, because she felt she should have made sure Dillon was behaving. Stella also stated that, although she cared about her mother, she did not feel that her mother could keep her safe. According to Wentling, Stella suffered anxiety regarding her uncertain future and needed stability. Regarding visitations, Wentling testified that Brooke engaged very easily with the children and became playful but had difficulty structuring activities and "helping [the children] regulate." Brooke would often turn over control to the children.

¶ 18 The court found that the State had proven by clear and convincing evidence all five counts of the petitions to terminate Brooke's parental rights. The court found that Brooke was unfit as a parent. The matter proceeded to a best interest hearing on June 27, 2013.

¶ 19 LSSI caseworker Kelli Olson testified that she was assigned to the case in January 2013. She testified that Stella, Sophia, and Devon had been together in foster care with Mary Jo Hill since March 2010.³ The children had a strong bond with Hill. Devon said that “his dream in life” was to remain in Hill’s home. Sophia also expressed wanting to remain with Hill. Stella cared very deeply about Hill and wanted to be adopted by her. Olson testified that she did not observe Stella behaving as a parent in Hill’s home. Olson further testified that Hill agreed to adopt Stella, Sophia, and Devon.

¶ 20 Olson testified that Sophia and Devon both were diagnosed with attention deficit hyperactivity disorder (ADHD) and attended individual counseling. Stella also attended individual counseling to address her generalized anxiety and posttraumatic stress disorder (PTSD). Hill ensured that the children attended all of their counseling appointments and received all required medical care. Hill had also worked with school personnel to develop section 504b plans⁴ for Sophia and Devon and an Individual Education Plan (IEP) for Stella. Olson believed that Stella, Sophia, and Devon all improved as a result of the structure and stability that Hill provided. Olson did not believe that Brooke could provide the same level of structure and stability that the children needed. Olson was concerned that Brooke did not recognize the trauma the children had experienced or their special needs.

³ The record reflects that Stella and Sophia had been with Hill since 2008, except for a brief period in 2010 when DCFS tried to place all four children together with different foster parents. For reasons undisclosed by the record, that arrangement did not last.

⁴ This refers to section 504b of the Rehabilitation Act of 1973 (Pub. L. No. 93-112, 87 Stat. 355), which provides protections to qualified individuals with disabilities participating in programs or activities that receive federal funding.

¶ 21 Olson testified that Dillon had been classified as “specialized” and was placed in foster care with Sylvia Edwards in September 2011.⁵ Dillon was classified as specialized because he was having “significant behavior issues” due to his PTSD. Dillon exhibited “explosive behavior” and needed lots of redirection and structuring. Dillon’s behavior “really stabilized” in Edwards’ home, because she provided the stability and structure that had “huge significance” for Dillon. Based on her observations of Brooke’s interactions with Dillon, Olson was concerned with Brooke’s ability to meet Dillon’s needs. According to Olson, Brooke struggled to recognize the trauma that Dillon had experienced, and she had not progressed in her ability to manage Dillon’s behavior. Dillon had a very good relationship with the two other adoptive children in Edwards’ home. The three children referred to each other as siblings and were “very bonded.” Olson testified that Dillon expressed wanting to continue his relationship with his mother but to remain living with Edwards. According to Olson, Edwards had agreed to adopt Dillon.

¶ 22 Brooke testified that she had lived with her current boyfriend for three years, and that he was approved by DCFS to participate in visits. She testified that her two-hour visits with the children were “very structured.” She testified that she discussed structuring the visits with her counselor and implemented the plan during the visits. She kept a board on her wall with a schedule for the visits. Brooke further testified that two hours was not much time for giving individual attention to each child. According to Brooke, she talked to Stella about not filling a parental role during the visits. Brooke thought that Stella had improved significantly in that

⁵ The record reflects that, previously, Dillon was placed with at least three different foster parents. At least one of those foster parents requested that Dillon be removed due to behavioral problems.

regard. Brooke further testified that she loved her children and believed she could parent them and keep them safe.

¶ 23 On cross-examination, Brooke testified that the reason DCFS took custody of her children was because she thought she could trust Randell, and she “should have seen the signs.” Brooke testified that she “thought putting a roof and putting clothes and food [*sic*] were more important than not getting help at all.” She knew it was a bad decision to move in with Randell. Brooke acknowledged that the children were exposed to “continual violence in the home.” When asked if it was understandable that the children “may not feel safe with [her] decision making,” Brooke testified, “Yes.” She also agreed that the children felt safe in their current foster care placements and that all their needs were met.

¶ 24 Hill made a statement to the trial court. She expressed her willingness to adopt Stella, Sophia, and Devon and her belief that this was in their best interest. She further stated that she was willing to permit Brooke to continue visiting the children in some capacity.

¶ 25 The court took judicial notice of the testimony from the fitness hearing and the reports filed by LSSI and the Court Appointed Special Advocate (CASA). LSSI’s report indicated that Stella was diagnosed with PTSD, had negative thoughts about herself, and did not want to return home to her mother. The report indicated that Sophia was diagnosed with ADHD and PTSD; exhibited impulsivity, hyperactivity, and aggression; and suffered from mood swings and tantrums. With respect to Devon, the report stated that he was diagnosed with ADHD and encopresis and that, historically, he had exhibited disruptive behaviors, including violent shaking and rocking, defiance, tantrums, aggression, food hoarding, and bed wetting. The report stated that Dillon was diagnosed with anxiety disorder arising out of his past trauma, that he had difficulty managing his behavior, and that he exhibited the same disruptive behaviors as Devon.

The report stated that all four children were in nurturing homes that provided them with permanency, stability, and safety.

¶ 26 Attached to LSSI's report were progress reports regarding Stella and Dillon by Mary Alice Wentling, their counselor. Wentling recommended that, should Brooke's parental rights be terminated, continued visitation between Stella and Brooke should be permitted. She reported that it "would be detrimental to Stella to no longer have contact with" Brooke. Nevertheless, Wentling reported that it would not be in Stella's best interest to return to her mother's care. Wentling made identical recommendations with respect to Dillon.

¶ 27 The trial court found that the State proved by a preponderance of the evidence that it was in the children's best interest to terminate Brooke's parental rights. Brooke timely appealed.

¶ 28

II. ANALYSIS

¶ 29 Termination of parental rights under the Juvenile Court Act of 1987 (Act) (705 ILCS 405/1-1 *et seq.* (West 2012)) is a two-step process. *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 1. The State first must establish by clear and convincing evidence one ground of parental unfitness from those listed in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2012)). 705 ILCS 405/2-29(2) (West 2012); *In re B.B.*, 386 Ill. App. 3d 686, 698 (2008). If the trial court finds a parent unfit, the court must conduct a second hearing to determine, by a preponderance of the evidence, whether it is in the best interest of the minor to terminate parental rights. *B.B.*, 386 Ill. App. 3d at 698. A reviewing court will not disturb a trial court's decision at a termination hearing unless it is against the manifest weight of the evidence. *Julian K.*, 2012 IL App (1st) 112841, ¶ 65. A trial court's decision is against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or the decision is unreasonable, arbitrary, and not based on evidence. *B.B.*, 386 Ill. App. 3d at 697-98.

¶ 30 Brooke concedes that the State proved her unfitness, in that she failed to protect the children from conditions in their environment injurious to their welfare (750 ILCS 50/1(D)(g) (West 2012)), but she challenges the court's finding that terminating her parental rights was in the minors' best interest. She contends that transferring permanent guardianship of the minors to a foster parent, instead of terminating her parental rights, would have allowed her to continue visiting the children, which would have been in their best interest. She cites section 2-28(2)(E) of the Act, which provides that one of the permanency goals available to the court is to transfer guardianship of the minor "to an individual or couple on a permanent basis." 705 ILCS 405/2-28(2)(E) (West 2012). She cites *In re Robert H.*, 353 Ill. App. 3d 316 (2004), *In re V.M.*, 352 Ill. App. 3d 391 (2004), and *In re M.M.*, 337 Ill. App. 3d 764 (2003), cases in which the appellate courts affirmed orders transferring permanent guardianship of minors to third parties without terminating parental rights. *Robert H.*, 353 Ill. App. 3d at 321-22; *V.M.*, 352 Ill. App. 3d at 392, 397-98; *M.M.*, 337 Ill. App. 3d at 767, 779-80.

¶ 31 As the State argues, the goal of permanent guardianship under subsection (E) of section 2-28 is available only if "goals (A) through (D) have been ruled out." 705 ILCS 405/2-28(2)(E) (West 2012). The goals listed in subsections (A) through (E) are:

“(A) The minor will be returned home by a specific date within 5 months.

(B) The minor will be in short-term care with a continued goal to return home within a period not to exceed one year, where the progress of the parent or parents is substantial giving particular consideration to the age and individual needs of the minor.

(B-1) The minor will be in short-term care with a continued goal to return home pending a status hearing. When the court finds that a parent has not made reasonable efforts or reasonable progress to date, the court shall identify what actions the parent and

the Department must take in order to justify a finding of reasonable efforts or reasonable progress and shall set a status hearing to be held not earlier than 9 months from the date of adjudication nor later than 11 months from the date of adjudication during which the parent's progress will again be reviewed.

(C) The minor will be in substitute care pending court determination on termination of parental rights.

(D) Adoption, provided that parental rights have been terminated or relinquished.

(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis provided that goals (A) through (D) have been ruled out.” 705 ILCS 405/2-28(2) (West 2012).

As the structure of the statute makes clear, the permanency goals of return home and adoption in subsections (A) through (D) “are statutorily preferred” to the goal of permanent guardianship in subsection (E). See *In re Jeffrey S.*, 329 Ill. App. 3d 1096, 1103 (2002) (“[T]he permanency goals of return home and adoption *** are statutorily preferred to a subsidized guardianship.”). In Brooke’s case, because the trial court had not ruled out adoption as a permanency goal (indeed, it had found that the goal of adoption was in the minors’ best interest), the goal of permanent guardianship was not available to it. See *Jeffrey S.*, 329 Ill. App. 3d at 1103 (holding that the trial court did not err in failing to order a permanent guardianship where it had not ruled out the options of return home and adoption, which remained viable options).

¶ 32 Brooke’s reliance on *Robert H., V.M.*, and *M.M.* is misplaced. In *Robert H.*, the trial court denied the State’s petition to terminate parental rights after finding that the State had failed to prove the parents’ unfitness by clear and convincing evidence. *Robert H.*, 353 Ill. App. 3d at 318. Because adoption was not an option (because parental rights had not been terminated), and

because the court had found that return home was not in the children's best interest, the trial court transferred permanent guardianship to foster parents. *Robert H.*, 353 Ill. App. 3d at 318-19. The appellate court affirmed, noting that section 2-28(2)(E) authorized the trial court to transfer permanent guardianship to foster parents where the court had ruled out the permanency goals in subsections (A) through (D). *Robert H.*, 353 Ill. App. 3d at 320. Here, by contrast, the trial court had not ruled out adoption as a permanency goal, but, rather, had found it to be the permanency goal that was in the children's best interest.

¶ 33 Both *V.M.* and *M.M.* are distinguishable on a different basis. In both cases, the appellate courts affirmed orders transferring permanent guardianship to either foster parents or relatives without terminating parental rights, but the State in neither case filed a petition to terminate parental rights pursuant to section 2-29 of the Act. *V.M.*, 352 Ill. App. 3d at 392, 397-98; *M.M.*, 337 Ill. App. 3d at 767, 779-80. Instead, in both cases, the State filed petitions for adjudication of wardship only. *V.M.*, 352 Ill. App. 3d at 392; *M.M.*, 337 Ill. App. 3d at 767. Thus, adoption, which requires either the biological parents' consent or termination of the biological parents' rights, was not a viable option. The State in Brooke's case petitioned to terminate her parental rights pursuant to section 2-29 of the Act, which made the goal of adoption available.

¶ 34 In sum, Brooke is incorrect that, in deciding whether to terminate her parental rights, the court had to consider whether permanent guardianship was a less intrusive, "middle ground" alternative. Only if the court had found that it was not in the minors' best interest to terminate her parental rights, could the court have then considered the option of permanent guardianship.

¶ 35 We now turn to the issue of whether the trial court's determination that it was in the minors' best interest to terminate Brooke's parental rights was against the manifest weight of the evidence. Under the Act, a child's best interest is the paramount consideration to which no other

takes precedence. *In re I.H.*, 238 Ill. 2d 430, 445 (2010). It is not to be balanced against any other interest. *In re Austin W.*, 214 Ill. 2d 31, 49 (2005). Accordingly, once a parent is found unfit, the focus shifts to the child, and the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life. *In re D.T.*, 212 Ill. 2d 347, 364 (2004). The Act sets forth the factors to be considered whenever a best interest determination is required:

- “(a) the physical safety and welfare of the child, including, food, shelter, health, and clothing;
- (b) the development of the child's identity;
- (c) the child's background and ties, including familial, cultural, and religious;
- (d) the child's sense of attachments, including:
 - (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
 - (ii) the child's sense of security;
 - (iii) the child's sense of familiarity;
 - (iv) continuity of affection for the child;
 - (v) the least disruptive placement alternative for the child;
- (e) the child's wishes and long-term goals;
- (f) the child's community ties, including church, school, and friends;
- (g) 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;
- (h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care;

(j) the preferences of the persons available to care for the child.” 705 ILCS 405/1-3(4.05) (West 2012).

Also relevant in a best interest determination is the nature and length of the minor’s relationship with his or her present caretaker and the effect that a change in placement would have upon the minor’s emotion and psychological well-being. *In re William H.*, 407 Ill. App. 3d 858, 871 (2011).

¶ 36 In arguing that it was not in the minors’ best interest to terminate her parental rights, Brooke primarily focuses on her conduct after the children were removed from her care. She contends that she attended all scheduled visits and parented appropriately, that she complied with all service plan requirements, that she bought the children presents and school supplies, and that she took the children to counseling appointments when given the opportunity. Noticeably missing from Brooke’s memorandum is any discussion of the children’s emotional and behavioral problems, their diagnoses of PTSD and ADHD, or their need for structure and stability. In fact, by arguing that the court should have entered a permanent guardianship rather than terminating her parental rights, Brooke effectively concedes that it would not be in the children’s best interest to return them to Brooke’s care. Although we appreciate Brooke’s desire for continued visitation with the children, her argument is unavailing, given that the focus of a best interest hearing is the children’s interest in a stable, loving home life, not the parent’s interest in maintaining the parent-child relationship. *D.T.*, 212 Ill. 2d at 364.

¶ 37 The evidence at the best interest hearing overwhelmingly established that it was in the children’s best interest to remain in their foster care placements. All four children suffered trauma at a young age due to Randell’s abuse of Dillon, and all four children experienced

emotional and behavioral problems in the wake of that trauma. Stella, Sophia, and Devon had been with Hill for over three years at the time of the best interest hearing, and all three improved as a result of the structure and stability that Hill provided. Hill ensured that the children received all of the counseling and medical care they needed, and she had worked with their schools to develop section 504b plans and IEPs.

¶ 38 Dillon, whose needs were classified as “specialized,” suffered more extreme emotional and behavioral problems as a result of the trauma he had experienced. Although it took nearly three years to find a stable foster care placement for him, Dillon had been with Edwards for nearly two years at the time of the best interest hearing. Edwards provided structure and stability that had “huge significance” for Dillon, and he “really stabilized” in Edwards’ home. According to Olson, Brooke did not recognize the trauma the children experienced and was unable to provide the structure and stability that Hill and Edwards provided. Olson also testified that Brooke did not appreciate the children’s special needs and had not progressed in her ability to manage their behavior.

¶ 39 Brooke’s only argument specifically focused on the children’s best interest is that the children remained bonded to her and wanted to continue a relationship with her. The best interest factors include “the child’s sense of attachments, including *** (i) where the child actually feels love, attachment, and a sense of being valued *** and (iv) continuity of affection for the child.” 705 ILCS 405/1-3(4.05) (West 2012). Although there was evidence that the children loved Brooke and wanted to maintain their relationship with her, there was also evidence that the children loved their foster families and were bonded to them. Devon said that “his dream in life” was to remain in Hill’s home. Sophia also expressed a desire to remain with Hill. Stella cared very deeply about Hill and wanted to be adopted by her. Although Wentling’s

report indicated that it “would be detrimental to Stella to no longer have contact” with her mother, Wentling also testified at the fitness hearing that, although Stella cared about her mother, she did not feel that her mother could keep her safe. According to Olson, Dillon expressed a desire to continue his relationship with his mother but to remain living with Edwards. Dillon had become “very bonded” with the two other adoptive children in Edwards’ home and referred to them as his siblings.

¶ 40 Although we agree with Brooke that the children expressed a desire to maintain a relationship with her, the best interest factors nevertheless overwhelmingly favored terminating her parental rights and proceeding with adoption. Not only were the children bonded to their foster families, but also the foster families were far more capable of providing a safe and nurturing environment and providing for the children’s emotional, physical, and behavioral needs. The evidence made clear that Brooke did not appreciate the trauma the children experienced and had not progressed in her ability to manage the emotional and behavioral problems the children experienced as a result.

¶ 41 Brooke’s reliance on *In re B.B.*, 386 Ill. App. 3d 686 (2008), is misplaced. In *B.B.*, the appellate court reversed a trial court’s finding that it was in two children’s best interest to terminate their mother’s parental rights. *B.B.*, 386 Ill. App. 3d at 703. While the case was pending in the trial court, the mother had fled to Florida with the children, and DCFS had lost contact with her. *B.B.*, 386 Ill. App. 3d at 702-03. The foster mother had not cooperated with DCFS and had helped the mother remove the children from Illinois. *B.B.*, 386 Ill. App. 3d at 702. Eventually, the children were returned to Illinois, and the matter proceeded to a best interest hearing. *B.B.*, 386 Ill. App. 3d at 703. At the time of the hearing, the children had been separated from their mother for only 10 months. *B.B.*, 386 Ill. App. 3d at 703. The appellate

court determined that, regardless of the mother’s misconduct, the trial court had “overlooked the fact that the children’s bonds to their mother continued and may have grown stronger due to the mismanaged first placement.” *B.B.*, 386 Ill. App. 3d at 703. The court further reasoned that “[t]erminating the children’s relationship with their mother 10 months after effective removal from her control created an unnecessarily accelerated timetable for these young children.” *B.B.*, 386 Ill. App. 3d at 703.

¶ 42 Here, although Brooke consistently visited with the children during the five years the case was pending prior to the best interest hearing, there was no evidence that their bonds to their mother increased during that period. Instead, the children found permanency and stability with their foster families, to whom the children were bonded. The five years this case was pending prior to the best interest hearing was not an “unnecessarily accelerated timetable.” The very unique facts of *B.B.* are not present here.

¶ 43 In sum, because the trial court was not required to consider the option of permanent guardianship when considering whether it was in the children’s best interest to terminate Brooke’s parental rights, and because the evidence overwhelmingly established that terminating Brooke’s parental rights and pursuing adoption by the children’s foster parents was in the children’s best interest, we affirm the trial court’s judgment.

¶ 44 III. CONCLUSION

¶ 45 For the reasons stated, we affirm the judgment of the circuit court of Winnebago County.

¶ 46 Affirmed.