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2014 IL App (3d) 130826-U

Order filed March 13, 2014

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2014

<i>In re</i> A.T.,)	Appeal from the Circuit Court
)	of the 10th Judicial Circuit,
a Minor)	Peoria County, Illinois,
)	
(The People of the State of Illinois,)	
)	
Petitioner-Appellee,)	Appeal No. 3-13-0826
)	Circuit No. 09-JA-228
v.)	
)	
Yolanda T.,)	
)	The Honorable
Respondent-Appellant).)	Mark E. Gilles,
)	Judge, Presiding.

JUSTICE CARTER delivered the judgment of the court.
Presiding Justice Lytton and Justice Holdridge concurred in the judgment.

ORDER

- ¶ 1 *Held:* In a case involving the termination of the respondent's parental rights to the minor, the appellate court affirmed the circuit court's order that found it was in the minor's best interest to terminate the respondent's parental rights.
- ¶ 2 The circuit court entered orders finding the respondent, Yolanda T., to be an unfit parent and terminating her parental rights to the minor, A.T. On appeal, the respondent argues that the

court erred when it found it was in the minor's best interest to terminate her parental rights. We affirm.

¶ 3

FACTS

¶ 4

On September 10, 2009, a juvenile petition was filed that alleged the minor, A.T., was neglected by reason of an injurious environment. With regard to the respondent, the petition alleged that she had a history of mental health issues, including depression, schizophrenia, and bipolar disorder, and that she should not be left alone with the minor. The circuit court held a hearing on the petition, and on December 4, 2009, the court found the minor to be neglected. After a dispositional hearing, on January 8, 2010, the court found the respondent to be an unfit parent.

¶ 5

On March 21, 2013, the State filed a petition to terminate the respondent's parental rights to the minor. The petition alleged that the respondent was an unfit parent because she failed to make reasonable progress toward the return of the minor to her care during the nine-month period between April 15, 2012, and January 15, 2013. A hearing was held and on August 7, 2013, the circuit court found that the respondent was an unfit parent.

¶ 6

On September 25, 2013, the circuit court held a best-interest hearing. The only evidence presented by the State was the caseworker's best-interest hearing report. That report, compiled on September 10, 2013, detailed the case's history and noted that during the life of the case, the respondent had spent significant portions of time in mental health facilities due to severe mental illness. The report noted that the respondent had been diagnosed as schizophrenic.

¶ 7

With regard to the minor, the report noted that he had been in the same foster home since he was removed from the respondent's care at eight months old in September 2009. He was placed in the same home as three of his older sisters and the foster family was willing to adopt

him. The caseworker noted that she had at least monthly contact with the minor and the foster parent in the foster home. The minor's basic needs were being met and the foster home was adequate in all respects. He was attending a Head Start program and his teacher reported that he was doing well. He was also excited to tell the caseworker about school and his teacher. Developmentally, the minor was on schedule. The report also noted that the minor had an outgoing personality and excellent verbal skills. Further, the report noted that the minor's ties were to the foster family and his siblings. He had a strong bond with one of his older sisters and attended church on a regular basis.

¶ 8 The report also noted that the minor had a strong relationship with his foster mother, who was also his godmother. He called her "mommy" and expressed that he loved her very much. The caseworker observed the minor to be very happy in the foster home. In contrast, the report stated that the minor did not have a strong bond with the respondent, which was due in part to the respondent being unable to visit at times because she had been in and out of psychiatric facilities. In sum, the report recommended in relevant part that the circuit court terminate the respondent's parental rights to the minor.

¶ 9 At the close of the hearing, the circuit court announced its ruling. First, the court noted that the respondent had significant mental health issues, that she needed to be in a certain placement to ensure her safety, and that due to her mental health issues she was unable to care for a child. Second, with regard to the minor, the court noted that he had been in the same placement since 2009. He had an older sibling in that foster home and he had been doing well in that placement, which was a safe and secure environment for him. He enjoyed a strong bond with the foster parents and his foster siblings, and the foster parents were willing to adopt him. The court also noted that the minor had no bond with the respondent. The court then found that

it was in the minor's best interest to terminate the respondent's parental rights. The respondent appealed.

¶ 10 ANALYSIS

¶ 11 On appeal, the respondent argues that the court erred when it found it was in the minor's best interest to terminate her parental rights.

¶ 12 At a best-interest hearing, the circuit court must determine whether it is in the best interest of the minor to terminate parental rights (705 ILCS 405/2-29(2) (West 2010)). Section 1-3(4.05) of the Juvenile Court Act of 1987 provides:

"Whenever a 'best interest' determination is required, the following factors shall be considered in the context of the child's age and developmental needs:

- (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; and
- (j) the preferences of the persons available to care for the child." 705 ILCS 405/1-3(4.05) (West 2010).

The circuit court is not required to expressly mention these factors or articulate a particular reason for its best-interest ruling. *In re Jaron Z.*, 348 Ill. App. 3d 239, 262-63 (2004).

¶ 13 "[A]t a best-interests hearing, 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). A reviewing court will not disturb the circuit court's best-interest ruling unless it was contrary to the manifest weight of the evidence. *In re S.D.*, 2011 IL App (3d) 110184, ¶ 33.

¶ 14 Our review of the record in this case reveals that the circuit court did not err when it ruled that it was in the minor's best interest to terminate the respondent's parental rights. The report compiled for the best-interest hearing detailed the minor's safe and stable foster placement. His basic needs were being met and his identity, ties, and attachments were all with the foster family and the community in which they lived. Significantly, the minor enjoyed a strong bond with the foster parent and with one of his older sisters, while he had no appreciable bond with the respondent. The minor had been removed from the respondent's care when he was just eight

months old and had been in the same foster home since that time, which was a period of four years. The foster parent was also willing to adopt the minor.

¶ 15 Without citation to supporting authority, the respondent argues that:

"While it is undisputed that the mother is currently unable to parent due to her mental disease and defects, that condition may change in the future with the advancement of medication and treatment protocols for mentally and emotionally disabled.

There is no reason to believe that in light of the mother's clearly expressed interest in being involved in the life of her child, *** with future supervised contacts between mother and child, a bond cannot be formed. While residential custody with the mother is an unlikely possibility, maintenance of parent child relationship to even a limited extend [sic], is the best interests of the child."

In essence, the respondent would deny the minor permanence and stability indefinitely even after a period of four years in a foster home in which the minor was thriving. While we recognize that "[a] parent's right to raise his or her child is a fundamental liberty interest, and the involuntary termination of that right is a drastic measure" (*In re B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 27)), the respondent's request in this case runs contrary to the stated purpose of these types of proceedings under the Juvenile Court Act of 1987 (705 ILCS 405/1-2(1) (West 2010)). Under the circumstances of this case, we hold that the circuit court's best-interest ruling was not contrary to the manifest weight of the evidence.

¶ 16 CONCLUSION

¶ 17 The judgment of the circuit court of Peoria County is affirmed.

¶ 18 Affirmed.