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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

In re M.W. and M.J., Minors)	Appeal from the Circuit Court
)	of Winnebago County
)	
)	Nos. 12-JA-104
)	12-JA-105
)	
(The People of the State of Illinois, Petitioner-)	Honorable
Appellee, v. K.W., Respondent-Appellant).)	Mary Linn Green,
)	Judge, Presiding.

JUSTICE HUDSON delivered the judgment of the court.
Justices Hutchinson and Birkett concurred in the judgment.

ORDER

¶ 1 *Held:* Counsel's motion to withdraw would be granted and the trial court's judgment would be affirmed where no credible argument could be made that the trial court's decisions regarding respondent's fitness and the minors' best interest was against the manifest weight of the evidence and no other issue warranted disturbing the trial court's judgment.

¶ 2 Respondent, K.W.,¹ appeals orders of the circuit court of Winnebago County finding her an unfit parent and that it was in the best interests of M.W. and M.J. (the minors) that her parental rights be terminated. Counsel has filed a motion to withdraw in accordance with the

¹ On the court's own motion, we will use initials to identify the parties in this case.

procedures set forth in *Anders v. California*, 386 U.S 738 (1967) (see also *In re Keller*, 138 Ill. App. 3d 746, 748 (1985)). Counsel states she served a copy of this motion on respondent by certified mail at her last known address. On February 29, 2015, the clerk of this court sent respondent a letter informing her of the pendency of this motion as well. The letter also informed respondent that proceedings were stayed for 30 days to allow her to file any additional material concerning why her appeal was meritorious or why counsel's motion should not be granted. The 30-day period has passed, and we have not received a response from respondent. We have reviewed the record as well. For the following reasons, we agree with counsel, grant her motion, and affirm the judgment of the circuit court.

¶ 3 In an accompanying memorandum, counsel explains why she believes this appeal lacks merit. Regarding fitness, counsel notes that respondent was found unfit on four separate grounds: (1) failure to maintain a reasonable degree of concern or responsibility for the minors' welfare; (2) failure to make reasonable progress toward return of the minors during the 9-month period following the adjudication of neglect; (3) failure to make reasonable progress during the 9-month periods from May 9, 2013, to February 9, 2014, and January 9 2014, to October 9, 2014; and (4) failure to protect the minors from conditions that were injurious to their welfare. Counsel notes that a proper finding of unfitness on any one of these grounds would be sufficient to sustain the trial court's judgment. *In re Gwynne P.*, 215 Ill. 2d 340, 349 (2005). Moreover, fitness presents a question of fact. *In re G.W.*, 357 Ill. App. 3d 1058, 1059 (2005). Accordingly, we owe great deference to a trial court's determination regarding a parent's fitness, and we will disturb such a decision only if it is against the manifest weight of the evidence. *In re J.A.*, 316 Ill. App. 3d 553, 561 (2000). A decision is against the manifest weight of the evidence only if an opposite conclusion is clearly apparent. *In re C.M.*, 305 Ill. App. 3d 154, 163 (1999).

¶ 4 Counsel asserts that none of the trial court's findings are contrary to the manifest weight of the evidence. Regarding Count 1, for example, the trial court found that while respondent showed a reasonable degree of interest in the minors, she failed to maintain a reasonable degree of concern or responsibility for their welfare. As this ground of unfitness is phrased disjunctively, a finding as to either interest, concern, *or* responsibility is sufficient to find a parent unfit. *In re J.B.*, 2014 IL App (1st) 140773, ¶ 51. The trial court noted that after the minors were removed from respondent's custody due to her criminal conduct, respondent did not comply with all of her services, "ended up being jailed," had "positive drug drops for marijuana," and was inconsistent in visiting the minors. These events obviously interfered with her ability to be responsible for the minors and also manifested a lack of concern for their welfare. All of these findings are supported by the record, so we could not find the trial court's decision to be contrary to the manifest weight of the evidence. As the trial court's finding on this ground is sufficient to support its ultimate decision that respondent was not fit, we need not discuss the other grounds in detail. Our review of the record indicates, however, that they too are not against the manifest weight of the evidence.

¶ 5 Counsel also discusses the trial court's determination that it was in the best interests of the minors to terminate respondent's parental rights. In its oral ruling, the trial court discussed the statutory factors pertaining to such determinations. See 750 ILCS 5/602 (West 2014). It noted that the minors' foster family has been providing for their basic needs and ensuring their physical safety and welfare. Further, the minors were bonded with their foster family and extended foster family and felt love and security from these relationships. The trial court also noted that respondent did love the minors as well. The trial court noted that the foster family provided a stable environment while respondent, due to her choices, created a disruptive

environment. The minors' need for permanency weighed in favor of terminating respondent's parental rights and keeping them with the foster family, who were willing to adopt. The minors' ties, in terms of school, church, and friends, also weighed in favor of keeping them with the foster family. The court also noted the burdens on the minors of remaining in substitute care. Having reviewed the record, we agree with counsel that a credible argument could not be made that these findings are contrary to the manifest weight of the evidence.

¶ 6 In light of the foregoing, we grant counsel's motion to withdraw and affirm the judgment of the trial court.

¶ 7 Affirmed.