2015 IL App (2d) 150377-U
No. 2-15-0377
Order filed September 9, 2015

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re BRAELYNN H., a Minor	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	No. 13-JA-27
	)	
(The People of the State of Illinois,	)	Honorable
Petitioner-Appellee, v. Michael O.,	)	Mary Linn Green,
Respondent-Appellant).	)	Judge, Presiding.

JUSTICE BURKE delivered the judgment of the court.
Justices Hutchinson and Spence concurred in the judgment.

ORDER

¶ 1 *Held*: Respondent's appellate counsel granted leave to withdraw, and the judgment terminating his parental rights is affirmed.

¶ 2 On February 20, 2015, the trial court found respondent, Michael O., an unfit parent on the grounds that he failed, within nine months after an adjudication of neglected or abused minor, to (1) make reasonable efforts to correct the conditions that were the basis for the removal of the child (750 ILCS 50/1(D)(m)(i) (West 2012)) and (2) make reasonable progress toward the return of the child to respondent (750 ILCS 50/1(D)(m)(ii) (West 2012)). On April 3, 2015, the court ruled it was in the best interests of respondent's daughter, Braelynn H., to terminate respondent's parental rights. Respondent appeals.

¶ 3 Tina Long Rippy was appointed to represent respondent during his appeal. Rippy has filed a motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *In re Alexa J.*, 345 Ill. App. 3d 985 (2003). After examining appellate counsel's motion for leave to withdraw as counsel on appeal, we grant the motion.

¶ 4 I. BACKGROUND

¶ 5 Braelynn was born on January 18, 2012, as a result of respondent's one-year relationship with Braelynn's mother. Respondent met Braelynn for the first time in November 2012, after the maternal grandmother told him that Braelynn resembled him. Respondent was contacted when the Department of Children and Family Services (DCFS) opened the case, and he reported on January 3, 2013, that Braelynn's mother used methamphetamine, marijuana, and Xanax, and that she fled from Missouri to Illinois to evade an investigation of the family home, which was reported to be a "meth house." Respondent saw Braelynn a few times in Missouri before she was taken into DCFS custody in Winnebago County.

¶ 6 Braelynn was placed in the foster home on February 7, 2013, and respondent's paternity was established a few weeks later. Respondent lives a five- or six-hour drive away in Missouri with his girlfriend, Diane, and their son and daughter, born in 2013 and 2014, respectively. Braelynn, who is now 3½ years old, has resided with the foster family since she was about one year old, and she has never resided with respondent. The foster parents have expressed their commitment to providing permanency through adoption, attending to all of Braelynn's needs for food, shelter, health, and clothing.

¶ 7 A. Adjudication

¶ 8 On February 6, 2013, the State filed a one-count petition for an adjudication of neglect alleging that Braelynn's mother had a substance abuse problem that prevented her from properly

parenting the child, thereby placing her in an environment injurious to her welfare. See 705 ILCS 405/2-3(1)(b) (West 2012). The mother waived her right to a temporary shelter care hearing and agreed that temporary guardianship would transfer to DCFS. Respondent was notified of the proceedings, appeared at the next court date, and his paternity was established.

¶ 9 On May 2, 2013, the mother stipulated to the factual basis of the neglect petition and Braelynn was adjudicated neglected. Respondent did not attend the hearing, but his counsel appeared and explained that respondent lived far away and had authorized her to act on his behalf.

¶ 10 B. Disposition

¶ 11 On July 24, 2013, the proceedings progressed to disposition, and respondent appeared. The trial court took judicial notice of a report indicating that DCFS had given respondent the foster parents' telephone number in April 2013 to maintain contact with Braelynn, but the foster mother reported that respondent had not yet called. Despite repeated efforts by DCFS to contact respondent, he did not respond until July 1, 2013, at which time he claimed he misplaced the foster parents' phone number. DCFS gave respondent the number again, and the foster parents confirmed that respondent called once. A child-parent visit was scheduled.

¶ 12 Bounmi Odutola, a DCFS caseworker, had been assigned to Braelynn's case since March 2013 and confirmed the contents of the report. The recommended services for respondent included parenting education, contacting Braelynn weekly, visiting her monthly, and checking in with DCFS monthly. The parenting education had not yet been set up because respondent had failed to contact the caseworker. Odutola testified that respondent was unsatisfactory because he was not contacting or visiting Braelynn or contacting the agency as recommended. When Odutola asked respondent why he had not called to get the correct phone number of the foster

parents, respondent answered that he had his own life to lead, had work obligations, and needed to care for another child.

¶ 13 The guardian *ad litem* (GAL) questioned Odutola and established that, because Braelynn was only 1½ years old, she could not really talk on the phone due to her age. The GAL also established that respondent had not sent any letters, clothes, gifts, or toys or offered to pay for Braelynn's care since she entered foster care.

¶ 14 Odutola conceded that she had not mailed a copy of the service plan to respondent when it was set up in April 2013. She also was aware that respondent worked from the early morning to 5 p.m. on Monday through Thursday to provide for himself, his son, and Braelynn. Odutola admitted that she did not inform respondent that he could send clothing, toys, gifts, cards, and money and that he did not have an address for sending those items.

¶ 15 Odutola indicated that a home check on July 16, 2013, did not reveal any concerns about respondent's home. Respondent was cooperative with the integrated assessment, and he paid for the DNA testing that had established his paternity.

¶ 16 Respondent testified that, at the April 4, 2013, hearing, he met the caseworker, gave her updated contact information, and received the foster parents' phone number. Respondent attempted to contact the foster parents but realized the number was incorrect. Respondent admitted that he did not contact the caseworker again until July 1, 2013. Respondent also admitted receiving three calls from the caseworker, but his work schedule prevented him from returning her calls. Respondent believed he could call only during working hours, but he admitted that he did not work every Friday.

¶ 17 Respondent testified that he had been dating Diane for about two years, and she did not have any substance abuse problems. Respondent and Diane did not live together at the time.

However, respondent interacted daily with his son, changing him, feeding him, taking him to the babysitter, who is Diane's mother. Respondent had no concerns about Diane's mother taking care of his son. Respondent testified that his experience in caring for his son would relate to taking care of Braelynn. Respondent had prepared his home for Braelynn, setting up a room with a bed, clothes, and diapers. Respondent's family was very excited about Braelynn coming to live with him, and they hosted a baby shower to give her gifts and clothes.

¶ 18 On cross-examination, respondent stated that he did not ask whether he could or should send money or gifts for Braelynn. However, he admitted that he provided such things for his son even though no one told him to do so. Respondent admitted that he did not call the caseworker on the Fridays when he did not work. Respondent further admitted that the GAL called him on June 7, 2013, to set up a meeting on July 1, but they did not speak until June 28 after playing "phone-tag" for several weeks.

¶ 19 The trial court found that respondent was willing, able, and excited to care for Braelynn. However, respondent's lack of familiarity with Braelynn rendered him not fit to go home with the child. The court further indicated that, from Braelynn's perspective, it was unreasonable to send her home with respondent, whom she barely knew. The court granted DCFS discretion to place Braelynn with respondent to establish some kind of relationship. The court considered that respondent lived far away and indicated it was happy that respondent's family was excited to care for and support Braelynn. The court encouraged respondent to schedule visits with Braelynn.

¶ 20 C. Permanency Reviews

¶ 21 Respondent did not attend the first permanency review on January 10, 2014, because he lived far away and his baby son was hospitalized with a respiratory condition. Odutola

confirmed that the interstate compact report concluded that respondent's home was safe and appropriate to accommodate Braelynn. Odutola testified that respondent had completed parenting classes as directed and passed drug tests. However, Odutola recommended that respondent be found to not have reasonable efforts because he failed to (1) call the caseworker each month, (2) visit Braelynn each month, and (3) call Braelynn or the foster parents each week. Odutola admitted that respondent's contact had improved since the last court date. She testified that respondent had two visits during the period and they were "okay" in that respondent and Braelynn warmed up to each other as each visit progressed. The court reviewed the report, considered the testimony, and found that respondent had not made reasonable efforts for this review period.

¶ 22 At the second permanency review on June 27, 2014, Odutola recommended changing the goal from return home to substitute care because respondent had not followed the service plan. He failed to consistently contact the foster parents to inquire about Braelynn, calling either once a month or not at all. For the past six months, the foster mother had documented two or three calls. Odutola also testified that respondent had failed to contact her once a month as directed. Odutola admitted on cross-examination that respondent had contacted her in January and February 2014 and that respondent missed the January visit with Braelynn because his son was hospitalized. He visited Braelynn in March and May, but not in April.

¶ 23 Respondent testified that he attempted to contact Odutola in January 2014 but could not reach her. He testified that he did, in fact, visit Braelynn in April and that his parents and brother joined him. Respondent testified that Braelynn gets along with her siblings during the visits and responds to him with hugs and kisses. Braelynn is excited to see him and calls him "daddy."

Respondent tried contacting the foster family but sometimes could not reach them or hear them on the phone. Respondent estimated that he called the foster parents two or three times a month.

¶ 24 The court found that, while respondent had made some efforts, he had not made reasonable efforts or reasonable progress during the second review period. The court found it was in Braelynn's best interests to change the goal to substitute care pending court determination on termination of parental rights.

¶ 25 D. Termination of Parental Rights

¶ 26 The State petitioned to terminate respondent's parental rights on August 8, 2014, and the State amended the petition on October 7, 2014. The State alleged that respondent was unfit for failing to (1) maintain a reasonable degree of interest, concern, or responsibility as to Braelynn's welfare (750 ILCS 50/1(D)(b) (West 2012); (2) make reasonable efforts to correct the conditions that were the basis for the removal of the child within nine months of the adjudication of neglect (750 ILCS 50/1(D)(m)(i) (West 2012)); and (3) make reasonable progress toward her return home within nine months of the adjudication (750 ILCS 50/1(D)(m)(ii) (West 2012)). Because the allegation regarding reasonable progress within nine months of the adjudication is the grounds on which we grant appellate counsel's motion to withdraw and affirm the finding of unfitness, we focus on the facts relevant to that count. The relevant nine-month period was the date of the adjudication, May 2, 2013, to February 2, 2014.

¶ 27 1. Unfitness

¶ 28 The foster mother testified that she supervised two visits with respondent in 2013. She told respondent that he could contact her any time, but Braelynn needed help using the phone because she was so young. The foster mother gave respondent her phone number, but he called Braelynn only twice in 2013.

¶ 29 The foster mother supervised no visits in 2014, and respondent did not call from January to June 2014, at which point he began calling about three times a month. Respondent gave Braelynn an outfit during the winter of 2013, but he otherwise did not inquire about sending gifts or cards.

¶ 30 Respondent did call Braelynn on her birthday in January 2014, but he did not send a gift or card. In the fall of 2013, Braelynn cut her forehead while playing and was treated in the emergency room. Respondent visited Braelynn shortly after the accident and asked about the injury, but he did not ask any follow up questions about how it was healing or call any other time about her medical care.

¶ 31 Respondent testified to two visits in 2013: one before July and one after. Diane and the caseworker were present at the visits, and respondent recalled that he always brought gifts. Respondent also recalled two visits in December 2013 and January 2014 that were cancelled due to inclement weather and his young son's hospitalization.

¶ 32 Respondent reported completing the parenting classes and that he was not directed to participate in any other services. However, he admitted that he had trouble maintaining contact with the caseworker, due to his schedule and poor cell phone service. Respondent insisted that he had made arrangements for Braelynn to come live with him, such as preparing her own bedroom and purchasing clothes, toys, and furniture. Respondent admitted not attending the administrative case reviews in person, and even though he knew he could participate by telephone, he did so only for the first review. He also admitted that he did not send money or clothing to Braelynn. Finally, respondent affirmed that he had not challenged any of the court reports regarding his visits, but at the hearing, he claimed the reports were inaccurate.

¶ 33 Diane testified to the visits she attended and reported that Braelynn and respondent have a loving relationship, and Braelynn calls respondent "daddy." Diane and respondent brought gifts or clothes to all but one visit. Diane admitted that she can reach respondent at work by text message. Diane confirmed that she and respondent resided in a two-bedroom home, with the baby sleeping in their bedroom.

¶ 34 The trial court indicated that it considered all the documentary evidence and testimony relevant to the period from May 2, 2013, to February 2, 2014, and weighed the credibility of the witnesses. The six-month permanency order entered on January 14, 2014, which fell entirely within the nine-month period, stated that respondent had not made reasonable efforts to correct the conditions that were the basis for Braelynn's removal. The permanency order entered on June 27, 2014, which fell partially within the nine-month period, further stated that respondent had not made reasonable efforts to correct the conditions or reasonable progress toward the return of Braelynn. Respondent had not complied with the service plan because he had failed to return phone messages from April 4, 2013, to July 2013. Respondent's contact with the foster mother, Braelynn, and the caseworker was inconsistent; and the interstate compact home study took five months to complete due to delays caused by respondent.

¶ 35 The court found that, over a period of 1½ years, respondent visited Braelynn only six times. During the relevant nine-month period, respondent visited Braelynn in July 2013, September 2013, and December 2013. In July 2013, respondent was given the foster parents' phone number but he made only a nominal number of phone calls. The court concluded that respondent had not made reasonable progress because he was no closer to having Braelynn return home than he was at the start of the nine-month period.

¶ 36 2. Best Interests

¶ 37 At the best interests hearing, the court granted, without objection, the State's motion to take judicial notice of the evidence presented at the unfitness hearing. Stephanie Sanders, Braelynn's caseworker since June 2014, testified that she visited Braelynn each month in the home she shared with the foster parents and three other foster siblings. Braelynn had her own room with toys and other belongings. The foster parents had their own biological children, who were adults with children of their own, and that they played with Braelynn. Sanders witnessed Braelynn's behavior and reported that she was happy in the home, smiling, running to the foster parents when called, sitting in their laps, and calling them "mama" and "papa." Sanders reported that the foster parents helped Braelynn make connections in the community by taking her to religious services and KinderCare, where she had made friends with the other children. The foster parents included Braelynn in family vacations and holiday celebrations. Sanders opined that removing Braelynn would be very detrimental because she had lived with the foster family since she was very young and her primary attachment was to them.

¶ 38 During respondent's visits, Sanders observed that Braelynn usually was more focused on her toys than interacting with respondent. Respondent did bring gifts, and Braelynn calls him "daddy."

¶ 39 In January 2015, the visits began to be supervised by Help at Home, which reported that respondent's family attended all the visits. The notes showed that Braelynn interacted with Diane and called her "mom." Respondent's interaction with Braelynn appeared to be minimal, as his extended family seemed to be more involved. Sanders testified that the extended family's participation made it difficult to assess Braelynn's bond with respondent. Thus, the three-hour visits were modified to exclude the extended family after the first hour, so respondent and Braelynn could be alone for the remainder of the visit. When informed of the change,

respondent became angry and used profanity, but he became a bit more hands-on during the subsequent visits.

¶ 40 Respondent began criticizing the foster family about their care, after which they no longer were willing to facilitate phone calls and texts with Braelynn. The daycare providers had no concerns about her care at home, reporting that when Braelynn arrived her hair was combed and she was dressed neatly.

¶ 41 Braelynn does not speak spontaneously about respondent and has never asked to go live with him. When asked "where is your home," Braelynn responded "right here with my mama and papa." The foster parents are very tuned into Braelynn's feelings and could interpret her facial expressions and redirect her positively. Braelynn was very advanced in reading and vocabulary for her age, and the foster parents work with her and encourage her learning. Sanders opined that, based on her observations of Braelynn in the foster home and with respondent and her review of the visitation notes prepared by Help at Home, it would be in Braelynn's best interests to remain in the foster home.

¶ 42 On cross-examination, Sanders admitted that she observed only 15 minutes of one visit between respondent and Braelynn, which occurred on the last court date. Sanders also admitted that previous visitation notes contained descriptions of spontaneous affection from Braelynn to respondent.

¶ 43 Diane testified that Braelynn's half-siblings are very affectionate with Braelynn, and they have nicknames for each other. Braelynn has been calling Diane "mommy" for quite a while. At the end of visits, respondent places Braelynn in the car, and she expresses an interest in going home with him. Braelynn calls the paternal grandparents "grandma" and "grandpa" and is very

affectionate toward them. Diane conceded on cross-examination that she has observed a good relationship between Braelynn and her foster mother.

¶ 44 Darla, Braelynn's paternal grandmother, testified that it would be devastating if Braelynn could not see respondent and his family again. Braelynn knows that they are all family, and she described respondent's relationship with Braelynn as amazing. Braelynn begs to leave with respondent at the end of each visit. Besides attending respondent's visits, Darla and her husband, Braelynn's paternal grandfather, had arranged six or seven additional visits through the foster parents.

¶ 45 Respondent testified that his first visit with Braelynn was in July 2013 and that he did not visit her sooner because he believed DCFS would arrange all the visits. Respondent testified to his visits with Braelynn, explaining that his two other children came along and enjoyed their time with Braelynn. Braelynn calls respondent "daddy," plays with him, and hugs him. Respondent reported moving to a larger house in July 2014, not far from where he lived when the case began. Respondent resides with Diane and their two children, with the time and space for Braelynn to live with the family. Diane shows Braelynn affection and treats her like one of her own children. Respondent believes that Braelynn knows he is her father and that she would be devastated if they never saw each other again.

¶ 46 On cross-examination, respondent explained that he could not pay for the results of the paternity test when they became available, which caused the delay in learning that he is Braelynn's father. Respondent admitted that, before receiving the results, he did not pay any child support for Braelynn but did provide some clothes and pacifiers. Respondent admitted that he did not initiate any custody proceedings in Missouri or request additional visitation from

Braelynn's mother before DCFS became involved. Respondent testified that he requested a new home study for his new residence.

¶ 47 The trial court stated that it considered the statutory factors as they related to the evidence. The court found that the State had proved by a preponderance of the evidence that it was in the best interests of Braelynn to terminate respondent's parental rights. The court acknowledged that respondent clearly showed that he loves Braelynn and his family wants what is best for her, but the foster parents had been caring for her for two years. When respondent learned of the pregnancy, he knew he might be Braelynn's father, but by failing to follow up, he lost out on being involved in the first 10 months' of Braelynn's life. Braelynn had spent most of her life with the foster family and very little time with respondent.

¶ 48 Braelynn's bond and attachment was much stronger with her primary caregivers of the past two years, and she had strong ties to the foster parents' community. The least disruptive placement for Braelynn would be with the foster family. Although Braelynn knew respondent and his family, she had never lived with him. Taking her out of a place where she had been securely attached for two years would not be in her best interests. Braelynn would be exposed to new doctors, new daycare providers, new children, and a new family, among other things. The foster family provided food, clothing, and shelter; her identity, attachment, and bond are with them. Respondent caused much of the delay in this case, and Braelynn could not wait for him, so she grew roots with the foster family. The order terminating parental rights was entered on April 14, 2015, and this timely appeal followed.

¶ 49 II. ANALYSIS

¶ 50 In her motion to withdraw, counsel represents that she has carefully read the entire record, including the findings of unfitness and decision on best interests, has researched the

applicable law, and has discovered no possible justiciable issue that would warrant relief in this court. In support of the motion, she has filed a memorandum of law that summarizes the proceedings in the trial court. The memorandum identifies two potentially meritorious issues: whether the court erred in finding respondent to be an unfit parent and deciding that termination of his parental rights was in Braelynn's best interests.

¶ 51 The motion states that counsel has served respondent with a copy of the motion by certified mail at his last known address and informed him of the opportunity to present any additional matters to this court within 30 days. This court also served respondent with a copy of the motion and informed him that he had 30 days to respond with any additional matters he felt may be meritorious or other matters as to why the motion to withdraw should not be granted. There is no response from respondent, and the time to respond has expired.

¶ 52 We agree with counsel that the trial court's unfitness and best interests determinations do not present justiciable issues that would warrant relief on appeal. A parent's right to raise his or her biological child is a fundamental liberty interest, and the involuntary termination of that right is a drastic measure. *In re Haley D.*, 2011 IL 110886, ¶ 90. Accordingly, the Juvenile Court Act of 1987 (Juvenile Court Act) provides a two-stage process for the involuntary termination of parental rights. 705 ILCS 405/2-29(2) (West 2012). Initially, the State must prove that the parent is unfit. 705 ILCS 405/2-29(2), (4) (West 2012); 750 ILCS 50/1(D) (West 2012); *In re Adoption of Syck*, 138 Ill. 2d 255, 277 (1990); *In re Antwan L.*, 368 Ill. App. 3d 1119, 1123 (2006). We will reverse the trial court's finding of unfitness only if it was against the manifest weight of the evidence. A determination of unfitness is against the manifest weight of the evidence only if the opposite conclusion is clearly evident or the determination is unreasonable, arbitrary, or not based on the evidence presented. *In re Addison R.*, 2013 IL App (2d) 121318, ¶ 22.

¶ 53 If the court finds the parent unfit, the petitioner must then show that termination of parental rights would serve the child's best interests. 705 ILCS 405/2-29(2) (West 2012); *Syck*, 138 Ill. 2d at 277; *Antwan L.*, 368 Ill. App. 3d at 1123. As our supreme court has noted, at the best-interests phase, "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). Section 1-3(4.05) of the Adoption Act (705 ILCS 405/1-3(4.05) (West 2012)) sets forth various factors for the trial court to consider in assessing a child's best interests. The petitioner bears the burden of proving by a preponderance of the evidence that termination is in the best interests of the minor. *D.T.*, 212 Ill. 2d at 366; *In re Deandre D.*, 405 Ill. App. 3d 945, 953 (2010). A trial court's best-interests finding will not be disturbed on appeal unless it is against the manifest weight of the evidence. *Deandre D.*, 405 Ill. App. 3d at 953.

¶ 54 A. Unfitness

¶ 55 Section 1(D) of the Adoption Act sets forth numerous grounds under which a parent may be found unfit, but any one of the grounds, if properly proven, is sufficient to enter a finding of unfitness. *In re Joshua S.*, 2012 IL App (2d) 120197, ¶ 44. Proof of parental unfitness must be clear and convincing, and a trial court's finding of unfitness will not be disturbed unless it is against the manifest weight of the evidence, *i.e.*, unless the opposite conclusion is clearly evident. *Joshua S.*, 2012 IL App (2d) 120197, ¶ 44. The trial court is generally in the best position to assess the credibility of the witnesses and, therefore, we will not reweigh or reassess credibility on appeal. As cases concerning parental unfitness are *sui generis*, unique unto themselves, courts generally do not make factual comparisons to other cases. *Joshua S.*, 2012 IL App (2d) 120197, ¶ 44.

¶ 56 In this case, the trial court found respondent unfit on the grounds that he failed to (1) make reasonable efforts to correct the conditions that were the basis for the removal of the child (750 ILCS 50/1(D)(m)(i) (West 2012)) and (2) make reasonable progress within nine months after an adjudication of neglected or abused minor (750 ILCS 50/1(D)(m)(ii) (West 2012)). Even if respondent could reasonably argue that the trial court erred in finding him unfit for failing to make reasonable efforts, he could not also reasonably advocate reversal of the court's unfitness finding under section 1(D)(m)(ii) of the Adoption Act.

¶ 57 Section 1(D)(m)(ii) provides that a parent is unfit if, within nine months after the adjudication of neglect, he failed to make reasonable progress toward the return of the minor. See 750 ILCS 50/1(D)(m)(ii) (West 2012)). Under an objective standard, reasonable progress requires, at a minimum, the parent make measurable steps toward the goal of reunification through compliance with court directives, service plans or both. *In re J.A.*, 316 Ill. App. 3d 553, 564-65 (2000). The trial court must consider evidence occurring only during the relevant nine-month period mandated in section 1(D)(m) in determining whether a parent has made reasonable progress toward the return of the children. *In re J.L.*, 236 Ill. 2d 329, 341 (2010). In this case, we review respondent's efforts for the nine-month period from May 2, 2013, to February 2, 2014.

¶ 58 The State presented substantial evidence that respondent failed to maintain consistent contact with Odutola, Braelynn, and the foster parents. Respondent's visits in 2013 and 2014 were supervised and respondent was no closer to reunification with Braelynn at the end of the nine-month period than he was at the beginning. The court heard evidence that respondent's lack of cooperation led to a delay in the completion of the interstate compact home study in Missouri, and since respondent had relocated in July 2014, a new home study was necessary and would

result in an additional two- or three-month delay. Respondent cannot reasonably argue that the finding of unfitness for failure to make reasonable progress toward reunification with Braelynn between May 2013 and February 2014 is against the manifest weight of the evidence.

¶ 59 B. Best Interests

¶ 60 Once the trial court finds a parent unfit, it must determine whether termination of parental rights is in the minor's best interests. *In re B'yata I.*, 2015 IL App (2d) 130558, ¶ 41. We conclude that respondent cannot establish that the trial court's best-interests finding is against the manifest weight of the evidence. The trial court reasonably concluded that an adoption would be the best option for providing Braelynn stability and permanency. At the time of the best interests hearing, Braelynn was three years old. The court heard ample evidence that Braelynn's primary attachment was to her foster parents, with whom she had lived since she was one year old. The foster parents are committed to providing permanency through adoption, attending to all of Braelynn's needs for food, shelter, health, and clothing. The foster parents have provided Braelynn with a sense of security, ensuring that she had received all of her medical and dental exams.

¶ 61 The court heard evidence that the foster parents spend time with Braelynn by taking her on family trips and outings in the community, including attending religious services. Braelynn enjoys these times with her foster family. Braelynn attends KinderCare, where she has friends, and she also attends birthday parties when the foster parents can take her.

¶ 62 Braelynn finds comfort and feels safe with her foster parents and siblings. She appears to be very attached to her family, smiling every time they call her name. When Braelynn is scared or upset, she usually cries for her foster mom or dad, and they comfort her. When Braelynn makes drawings, she always includes her foster family.

¶ 63 The court heard evidence that the foster home is the least disruptive placement because Braelynn has lived there since she was one year old. In contrast, Braelynn has never resided with respondent. Braelynn is too young to articulate her goals and wishes, but she can express through her actions that she loves her foster mother, looks to her for comfort and guidance, and appears to feel safe and secure in the home. Odutola reported that, when asked about her home, Braelynn replies that it is with her foster parents.

¶ 64 No one disputes that respondent and his extended family love Braelynn and that he wants a second chance to complete the service plans toward her return home. However, he introduced scant evidence of how long he would need to demonstrate his commitment to parent Braelynn, leaving the trial court to speculate on respondent's future efforts. Extending Braelynn's stay in the foster home without adoption would not be in her best interests.

¶ 65 The trial court found that terminating respondent's parental rights and freeing Braelynn for adoption is in her best interests. Given the foregoing evidence, we cannot say that a conclusion opposite to the one reached by the trial court is clearly apparent. Respondent cannot establish in this appeal that the court's best-interests determination is against the manifest weight of the evidence.

¶ 66 III. CONCLUSION

¶ 67 After carefully examining the record, as well as the motion to withdraw and the accompanying memorandum of law, we agree with appellate counsel that there is no meritorious issue that might warrant relief in this court. Neither the finding of unfitness nor the best-interests determination is against the manifest weight of the evidence. We therefore grant the motion of counsel to withdraw in this appeal, and we affirm the judgment of the circuit court terminating respondent's parent rights.

¶ 68 Affirmed.