2015 IL App (2d) 150466-U
No. 2-15-0466
Order filed October 6, 2015

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re D.C., P.C. and M.C., Minors	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	Nos. 11-JA-30
	)	11-JA-31
	)	12-JA-187
	)	
(The People of the State of Illinois,	)	Honorable
Petitioner-Appellee, v. Calandra D.,	)	Mary Linn Green,
Respondent-Appellant).	)	Judge, Presiding.

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

ORDER

¶ 1 *Held:* Pursuant to *Anders v. California*, 386 U.S. 738 (1967), appellate counsel's motion to withdraw would be allowed and the judgment of the circuit court would be affirmed where no issues of arguable merit were identified on appeal concerning the court's rulings that respondent was shown to be unfit by clear and convincing evidence and that it was in the best interest of the minors that respondent's parental rights be terminated.

¶ 2 On May 1, 2015, the circuit court of Winnebago County found respondent, Calandra D., to be an unfit parent with respect to three of her minor children, D.C., P.C., and M.C.[1]

[1] On the court's own motion, we will use initials to refer to the minors.

Subsequently, the court concluded that the termination of respondent's parental rights was in the minors' best interest, and respondent filed a notice of appeal. The trial court appointed counsel to represent respondent on appeal. Pursuant to the procedures established in *Anders v. California*, 386 U.S. 738 (1967), appellate counsel has filed a motion for leave to withdraw as appellate counsel.[2] In his motion, appellate counsel represents that he has reviewed the record but has not discovered any issue that would warrant relief on appeal. Attached to his motion, counsel submitted a memorandum of law summarizing the proceedings in the trial court, identifying any potential meritorious issues for appeal, and explaining why the issues lack arguable merit. Counsel further represents that he mailed to respondent a copy of the motion and the memorandum of law. The clerk of this court also notified respondent of the motion and informed her that she would be afforded an opportunity to present, within 30 days, any additional matters to this court. This time has past, and respondent has not presented anything to this court. For the reasons set forth below, we grant appellate counsel's motion to withdraw and affirm the judgment of the circuit court.

¶ 3 I. BACKGROUND

¶ 4 Respondent is the mother of seven children. This case concerns only three of those children, D.C. (born June 20, 2012), P.C. (born October 6, 2008), and M.C. (born October 1, 2007), all of whom were fathered by Antwon C.[3] The incident that brought P.C. and M.C. into care occurred prior to D.C.'s birth. Specifically, on February 8, 2011, the Rockford police

[2] The *Anders* procedure has been applied to proceedings to terminate parental rights. See *In re S.M.*, 314 Ill. App. 3d 682, 685 (2000).

[3] We affirmed the termination of Antwon's parental rights to the minors in a separate order. See *In re P.C., M.C., and D.C.*, 2015 IL App (2d) 150507-U.

department was summoned to a residence in response to a report of a domestic dispute between respondent and Antwon. When the police arrived, they contacted the Illinois Department of Children and Family Services (DCFS) to assist with the placement of respondent's then six children. The DCFS caseworker who responded reported that respondent had become angry with Antwon and threw things about the house, resulting in broken glass and holes in the walls. The caseworker also reported that respondent set a fire in the kitchen, which is adjacent to the children's bedroom. The children were in the bedroom at the time of the incident, but were ushered out of the residence by another adult who was in the home. The caseworker observed open bottles of alcohol and what appeared to be drug paraphernalia in the residence. Antwon fled the scene, but the police arrested respondent, so all six children, including P.C. and M.C., were taken into protective custody by DCFS. The caseworker noted that there were four previous DCFS indicated reports against respondent and Antwon for domestic violence.

¶ 5 Following the incident, respondent was interviewed at the jail. She reported that other women were smoking marijuana and drinking alcohol in the home. She also admitted to being involved in a physical altercation with another woman at the home. Respondent was charged by indictment with one count of attempted aggravated arson (720 ILCS 5/20-1.1, 8-4 (West 2010)) and six counts of endangering the life or health of a child (720 ILCS 5/12-21.6(a) (West 2010), now codified as amended at 720 ILCS 5/12C-5(a) (West 2014)).

¶ 6 On February 10, 2011, the State filed separate 10-count petitions alleging that P.C. and M.C. were neglected in that their environment was injurious to their welfare (see 705 ILCS 405/2-3(1)(b) (West 2010)) and that they had been abused (see 705 ILCS 405/2-3(2)(ii) (West 2010)). On the same day, the trial court held a shelter-care hearing. At that time, respondent waived her right to a hearing on whether there was probable cause to believe that P.C. and M.C.

were neglected or abused, and the court granted temporary guardianship and custody of the minors to DCFS. On May 11, 2011, respondent stipulated to count I of the neglect petitions, which alleged that P.C.'s and M.C.'s environment is injurious to their welfare in that respondent committed the offense of domestic violence in the presence of the minors, thereby placing them at risk of harm. 705 ILCS 405/2-3(1)(b) (West 2010). The remaining counts of the petitions were dismissed on the motion of the State, but respondent was ordered to engage in services based on all counts set forth in the petitions. On July 20, 2011, the trial court entered an order of disposition, adjudicating P.C. and M.C. wards of the court and placing guardianship and custody of them with DCFS. On November 1, 2011, respondent pleaded guilty to one count of attempted residential arson (720 ILCS 5/20-1.2, 8-4(a) (West 2010)) in relation to the incident that brought P.C. and M.C. into care, and the court sentenced respondent to 30 months' probation.

¶ 7 Meanwhile, respondent gave birth to D.C. on June 20, 2012. D.C. was taken into protective custody at the hospital. On June 25, 2012, the State filed a two-count petition alleging that D.C. was neglected in that his environment was injurious to his welfare (see 705 ILCS 405/2-3(1)(b) (West 2010)). That same day, respondent waived her right to a hearing on whether there was probable cause to believe that D.C. was neglected, and the court granted temporary guardianship and custody of him to DCFS. On September 27, 2012, respondent stipulated to count I of the neglect petition, which alleged that D.C.'s environment is injurious to his welfare in that his siblings were removed from respondent's care and respondent had failed to cure the conditions which caused the removal of D.C.'s siblings, thereby placing D.C. at risk of harm. 705 ILCS 405/2-3(1)(b) (West 2010). Count II of the neglect petition was dismissed on the motion of the State, but respondent was ordered to engage in services based on both counts of the

petition. Also on September 27, 2012, the trial court entered a dispositional order adjudicating D.C. a ward of the court and placing guardianship and custody of him with DCFS.

¶ 8 On January 12, 2015, the State filed, as to each minor, a motion for termination of parental rights. As to P.C. and M.C., the State's motions alleged that respondent was unfit on three grounds. Count I alleged that respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare (see 750 ILCS 50/1(D)(b) (West 2014)). Count II alleged that respondent has failed to make reasonable progress towards the return of each minor to her within any nine-month period after an adjudication of neglected minor (see 750 ILCS 50/1(D)(m)(ii) (West 2014)). Count II listed the following nine-month periods: (1) May 11, 2011, through February 11, 2012; (2) February 11, 2012, through November 11, 2012; (3) November 11, 2012, through August 11, 2013; (4) August 11, 2013, through June 11, 2014; and (5) April 11, 2014, through January 11, 2015. Count III alleged that respondent failed to protect the minors from conditions in the environment injurious to the minors' welfare (see 750 ILCS 50/1(D)(g) (West 2014)). As to D.C., the State's motion alleged that respondent was unfit on two grounds. Count I alleged that respondent failed to maintain a reasonable degree of interest, concern or responsibility as to D.C.'s welfare (see 750 ILCS 50/1(D)(b) (West 2014)), while count II alleged that respondent has failed to make reasonable progress towards the return of D.C. to her within any nine-month period after an adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2014)). Count II of the motion with respect to D.C. listed the following nine-month periods: (1) September 27, 2012, through June 27, 2013; (2) June 27, 2013, through March 27, 2014; and (3) March 27, 2014, through January 27, 2015.

¶ 9 An evidentiary hearing on the State's motions commenced on February 12, 2015. At the fitness portion of the hearing, the parties presented the testimony of various individuals,

including Mary Seehaver (the caseworker assigned to the case at the time of the hearing), respondent, Tess Beyer (a case aide who supervised respondent's visits with the minors), Stephanie Johnson (a mental-health therapist with Clarity Counseling), Tony Wright (respondent's aunt), and Rachel Rothermel (respondent's counselor at Lutheran Social Services of Illinois (LSSI)). During the course of the fitness phase of the hearing, the court allowed into evidence various documents, including: (1) the indicated packets; (2) a certified copy of the transcript of the grand jury testimony in respondent's arson case; (3) respondent's indictment, guilty plea, and probation order in the arson case; and (4) the five service plans for the case. Following closing arguments, the court took the matter under advisement.

¶ 10 The parties reconvened on May 1, 2015, at which time the trial court announced its ruling. The court found respondent unfit based on all three counts alleged in the motions with respect to M.C. and P.C. The court also found respondent unfit based on both allegations in the motion to terminate with respect to D.C. The court set forth a factual basis for its findings before moving to the best-interest hearing. At the best-interest hearing, the parties presented testimony from Seehaver, respondent, Yvonne Loury (respondent's grandmother and the minors' great grandmother), and Christy J. (D.C.'s foster mother). In addition, the court took judicial notice of the evidence and testimony presented at the unfitness phase of the proceeding and a report dated May 1, 2015, from LSSI. Following closing arguments, the court found that the State had proven by a preponderance of the evidence that it was in the minors' best interest that respondent's parental rights be terminated. Thereafter, respondent instituted the present appeal.

¶ 11 II. ANALYSIS

¶ 12 The Juvenile Court of 1987 sets forth a bifurcated procedure for the involuntary termination of parental rights. 705 ILCS 405/2-29(2) (West 2010). Under this procedure, the

State must make a threshold showing of parental unfitness. *In re Adoption of Syck*, 138 Ill. 2d 255, 277 (1990); *In re Antwan L.*, 368 Ill. App. 3d 1119, 1123 (2006). If a court finds a parent unfit, the State must then show that termination of parental rights would serve the child's best interest. See *Syck*, 138 Ill. 2d at 277; *Antwan L.*, 368 Ill. App. 3d at 1123. We first address counsel's argument that no meritorious argument could be made that the bases for the trial court's findings of unfitness are against the manifest weight of the evidence.

¶ 13 A. Unfitness

¶ 14 Section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2010)) lists various grounds under which a parent may be found unfit. *Antwan L.*, 368 Ill. App. 3d at 1123. Although the State may allege several grounds of unfitness, any one ground, properly proven, is sufficient to support a finding of unfitness. 750 ILCS 50/1(D) (West 2014) (providing that the "grounds of unfitness are any *one* or more" of the enumerated grounds (emphasis added)); *In re C.W.*, 199 Ill. 2d 198, 210 (2002). The State has the burden of proving a parent's unfitness by clear and convincing evidence, and a trial court's determination of a parent's unfitness will not be reversed unless it is contrary to the manifest weight of the evidence. *In re Brianna B.*, 334 Ill. App. 3d 651, 655 (2002). A decision is against the manifest weight of the evidence "if a review of the record 'clearly demonstrates that the proper result is the one opposite that reached by the trial court.' " *Brianna B.*, 334 Ill. App. 3d at 656 (quoting *In re M.K.*, 271 Ill. App. 3d 820, 826 (1995)).

¶ 15 1. P.C. and M.C.

¶ 16 As noted earlier, the trial court found respondent unfit on all three grounds alleged in the State's motions with respect to P.C. and M.C. Appellate counsel argues that no meritorious argument could be made that the basis for the trial court's finding that respondent was unfit as to

P.C. and M.C. is against the manifest weight of the evidence. Specifically, appellate counsel asserts that the trial court properly found respondent unfit as to P.C. and M.C. for failing to protect them from an environment injurious to their welfare where respondent intentionally set fire to her home while the children were still inside.

¶ 17 Under section 1(D)(g) of the Adoption Act (750 ILCS 50/1(D)(g) (West 2014)), parental unfitness may be based on the "[f]ailure to protect the child from conditions within his environment injurious to the child's welfare." Evidence in support of this ground of unfitness focuses on "the child's environment and the parent's failure to protect *before* removal of the child from the injurious home environment." (Emphasis added.) *C.W.*, 199 Ill. 2d at 214-15, 219. Thus, in evaluating unfitness under section 1(D)(g), a trial court may not consider evidence of a parent's conduct *after* the child was removed from his or her care. *C.W.*, 199 Ill. 2d at 212. Moreover, there is no requirement under section 1(D)(g) that a parent be permitted time to correct or improve an injurious environment before he or she may be found unfit on this basis. *C.W.*, 199 Ill. 2d at 216. As the supreme court has noted, evidence that a parent substantially completed offered services "does not somehow absolve or erase the parent's initial failing that triggered State intervention and removal of the child." *C.W.*, 199 Ill. 2d at 217. A court may find a parent unfit based on the same injurious environment that led to the child's removal. *C.W.*, 199 Ill. 2d at 218-19.

¶ 18 In the present case, the trial court found that the State had proven by clear and convincing evidence that respondent failed to protect P.C. and M.C. from conditions within their environment injurious to their welfare. Specifically, the court stated that "the issue of arson and the minors, while they were in the home, is [an] environment injurious." In its factual basis, the court cited the transcript of the grand-jury testimony of respondent's criminal case and the

indicated packet. Based on our review of the record, we agree with appellate counsel that no meritorious argument could be made that the trial court's finding of unfitness based on the failure to protect P.C. and M.C. from an environment injurious to their welfare is against the manifest weight of the evidence where respondent intentionally set fire to her home while the children were still inside.

¶ 19 Significantly, the indicated packet and the report of the DCFS caseworker who took the children into care establish that on February 8, 2011, the police responded to a report of a domestic dispute at respondent's residence. When the police arrived, they contacted DCFS to assist with the placement of respondent's then six children. The DCFS caseworker reported that the house was in disarray, with broken glass and holes in the walls. The caseworker also reported that respondent set a fire in the kitchen, which is adjacent to the children's bedroom. The children were in the bedroom at the time of the incident, but were ushered out of the residence by another adult who was in the home.

¶ 20 Testimony from the grand jury proceeding in respondent's criminal case corroborates the information in the indicated packet and the report of the DCFS caseworker who took the minors into care. Mark Marinaro of the Rockford fire department testified before the grand jury that on February 8, 2011, the fire department responded to a report of a domestic disturbance at a residence in Rockford. When the fire department arrived, respondent was observed crying hysterically in the kitchen. The kitchen table was overturned and there was a large pile of food on the floor. A box of food was on fire along with numerous pages from a phonebook. After the fire was extinguished, respondent reported that she was upset with her boyfriend, so she began grabbing items in the kitchen and throwing them on the floor. The responding officers also spoke with Markeea Benjamin, who was in the home when the argument occurred. Benjamin

indicated that after throwing items in the kitchen, respondent poured cooking oil over the floor in the kitchen, living room, and children's bedroom. At the time, respondent was yelling that she was going to "burn this mother Fer down." Respondent then went into the kitchen. Using the stove burners, respondent ignited pages from the phonebook and threw the burning pages on the floor. During this time, P.C., M.C., and four other minors were inside the residence. Benjamin ordered the older children to escort the other minors from the home.

¶ 21 As the foregoing evidence establishes, respondent not only failed to protect P.C. and M.C. from an environment injurious to their welfare, she actually created the injurious environment by intentionally setting the residence on fire while the children were inside. Given this factual record, there is little appellate counsel could do to demonstrate that the trial court's finding of unfitness under section 1(D)(g) (750 ILCS 50/1(D)(g) (West 2014)) is contrary to the manifest weight of the evidence. Because only one ground of unfitness need be proven, we do not address the other grounds found by the trial court. See *C.W.*, 199 Ill. 2d at 210.

¶ 22 2. D.C.

¶ 23 The trial court found respondent unfit on both grounds alleged in the State's motion with respect to D.C. Appellate counsel again argues that no meritorious argument could be made that the basis for the trial court's finding of unfitness with respect to D.C. is against the manifest weight of the evidence. Appellate counsel focuses his argument on the trial court's finding that respondent was unfit for failing to make reasonable progress towards the return of D.C. to her within the nine-month period from June 27, 2013, to March 27, 2014.

¶ 24 Under section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2014)), a parent is unfit where he or she fails to make reasonable progress towards the return of the child to the parent during any nine-month period following the adjudication of abused or neglected

minor. "Reasonable progress" means "demonstrable movement toward the goal of reunification." *In re C.N.*, 196 Ill. 2d 181, 211 (2001). "[T]he benchmark for measuring a parent's 'progress toward the return of the child' *** encompasses the parent's compliance with the service plans and the court's directives, in light of the condition which gave rise to removal of the child, and in light of other conditions which later became known and which would prevent the court from returning custody of the child to the parent." *C.N.*, 196 Ill. 2d at 216-17. When proceeding on an allegation under section 1(D)(m) of the Adoption Act (750 ILCS 50/1(D)(m) (West 2014)), the State is required to give notice to the parent of which nine-month periods it intends to rely on at trial. 750 ILCS 50/1(D)(m) (West 2014). The court may only consider evidence of the parent's conduct during the relevant nine-month time period identified by the State. *In re R.L.*, 352 Ill. App. 3d 985, 999 (2004).

¶ 25 In the present case, D.C. was adjudicated a neglected minor on September 27, 2012, after respondent stipulated to count I of the neglect petition. That count alleged that D.C.'s environment is injurious to his welfare in that his siblings were removed from respondent's care and respondent has failed to cure the conditions which caused the removal of D.C.'s siblings, thereby placing D.C. at risk of harm. 705 ILCS 405/2-3(1)(b) (West 2010). As noted above, D.C.'s siblings were removed from respondent's care as a result of a domestic violence incident during which respondent set her home on fire while the children were still inside. At the time D.C.'s siblings were taken into custody, the caseworker also noticed open alcohol containers and what appeared to be drug paraphernalia in the residence.

¶ 26 In its motion to terminate respondent's parental rights as to D.C., the State set forth two grounds of unfitness, including an allegation that respondent has failed to make reasonable progress towards the return of the minor to her within any nine-month period after an

adjudication of neglect. See 750 ILCS 50/1(D)(m)(ii) (West 2014). The motion listed three nine-month periods, including the period from June 27, 2013, through March 27, 2014. Appellate counsel asserts that while respondent could argue that she made progress prior to this nine-month period, her progress stagnated after June 2013. See *R.L.*, 352 Ill. App. 3d at 999 (noting that court may only consider evidence of the parent's conduct during the relevant nine-month time period identified by the State). We agree.

¶ 27 The record reveals that prior to the nine-month period in question, respondent was making progress with the tasks outlined for her in the service plans. She had completed parenting classes, substance-abuse counseling, and a domestic-violence program. In addition, her drug drops were negative and her visits with the children had been consistent and appropriate. Respondent's client-service plan dated February 14, 2013, included tasks requiring respondent to establish (1) housing for herself that is safe and appropriate for her children and (2) a means of support for herself and her children through employment, public aid, social security, or child support. The targeted completion dates for those tasks was August 31, 2013. Respondent's client service plan dated February 13, 2014, rated respondent unsatisfactory on both tasks. Crystal Zynda, the caseworker at the time, noted that respondent continued to struggle in gaining employment and establishing safe and appropriate housing for herself that is appropriate for the return of the children. Although respondent reported to have been working on these tasks for about 1½ years, she was not employed and was living with her mother. As Seehaver explained at the fitness hearing, respondent's mother's home was not an appropriate placement for the minors because of a history of domestic violence between the two women. Moreover, Zynda described respondent's lack of employment and stable housing as "the two major barriers to returning any children home."

¶ 28 Respondent's client-service plan dated February 14, 2013, also required respondent to maintain a sober lifestyle through tasks such as (1) attending sobriety meetings, (2) providing documentation of her attendance at these meetings, (3) not using illegal drugs or alcohol, and (4) cooperating with drug testing. Respondent testified at the fitness hearing that she stopped using alcohol when the minors first came into care in February 2011. However, the February 2014 client-service plan shows that respondent was arrested in August 2013 for the illegal transportation of alcohol in case No. 13-TR-31767. Respondent acknowledged at the fitness hearing that she pleaded guilty to this offense. The February 2014 service plan also states that respondent had not provided documentation of her attendance at sobriety meetings. Although respondent did not have any positive drug drops for the review period ending in February 2014, the caseworker stressed the importance of the sobriety meetings in light of respondent's alcohol-related arrest in August 2013.

¶ 29 The record also establishes that respondent was discharged from individual counseling on March 20, 2014. Although the discharge was not considered "unsuccessful," Rachel Rothermel, respondent's counselor, testified that respondent's case had not been "successfully closed." Rothermel explained that she discharged claimant from counseling because respondent had reached maximum clinical intervention, *i.e.*, she was no longer making any progress in therapy. Rothermel testified that respondent had been stagnant in counseling for six months prior to her discharge. Rothermel noted that although respondent was able to verbalize some important skills covered in therapy, she did not apply what she learned to her daily life and she was not making progress toward reunification. Rothermel cited, for instance, respondent's alcohol-related arrest

in August 2013 and a domestic-violence incident with her mother, which occurred late in 2013 or early in 2014.[4]

¶ 30 In short, during the nine-month period from June 27, 2013, through March 27, 2014, respondent failed to obtain stable employment and housing, she was arrested for and pleaded guilty to a criminal offense, she was involved in a domestic dispute with her mother, and she was discharged from individual counseling because her progress stagnated. Her discharge from therapy was significant because it showed that while respondent was able to verbalize her understanding of some important skills, she was unable to implement the skills in her daily life. Equally significant was respondent's failure to obtain stable employment and housing, as these tasks were described as the two principal barriers to returning the children home. Given this factual record, we conclude that there is little appellate counsel could do to demonstrate that the trial court's finding of unfitness under section 1(D)(m)(ii) (750 ILCS 50/1(D)(g) (West 2014)) during the relevant nine-month period is contrary to the manifest weight of the evidence.

[4] Respondent testified that the incident with her mother occurred late in 2012, after which she moved in with her aunt. However, this is not consistent with the other evidence presented. The February 2014 client service plan indicates that respondent was living with her mother "until she and her mother got into an argument where the police had to intervene." Consistent with respondent's testimony, the client service plan states that, following the incident with her mother, respondent moved in with her aunt. However, the aunt testified that respondent moved in with her in January 2014. Moreover, as noted above, it was Rothermel's understanding that the altercation between respondent and her mother occurred late in 2013 or early in 2014, which would place it within the nine-month period in question.

Because only one ground of unfitness need be proven, we do not address the other ground found by the trial court as to D.C. See *C.W.*, 199 Ill. 2d at 210.

¶ 31 B. Best Interest

¶ 32 As noted above, once the trial court finds a parent unfit, it must determine whether termination of parental rights is in the minor's best interest. *In re Anaya J.G.*, 403 Ill. App. 3d 875, 882 (2010). As our supreme court has noted, at the best-interest phase, "the parent's interest in maintaining a 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 State bears the burden of proving by a preponderance of the evidence that termination is in the best interest of the minor. *D.T.*, 212 Ill. 2d at 366; *In re Deandre D.*, 405 Ill. App. 3d 945, 953 (2010).

¶ 33 Appellate counsel contends that no meritorious argument could be made that the trial court's finding that it is in the minors' best interest that respondent's parental rights be terminated is against the manifest weight of the evidence. Whenever a best-interest determination is required, certain statutory factors shall be considered in the context of the minor's age and developmental needs. 705 ILCS 405/1-3(4.05) (West 2010). These factors include: (1) the physical safety and welfare of the child; (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 attachment, including love, security, familiarity, continuity of affection, and the least disruptive placement alternative; (5) the child's wishes and long-term goals; (6) community ties; (7) the child's need for permanence, including the child's need for stability and continuity of relationships with parent figures, siblings, and other relatives; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the person or persons available to care for the child. 705 ILCS 405/1-3(4.05) (West 2010). The court may

also consider the length of the minor's relationship with their present caretaker and the effect that a change in placement would have upon the minor's emotional and psychological well-being. *In re William H.*, 407 Ill. App. 3d 858, 871 (2011). We agree with appellate counsel that an application of these factors in light of the evidence considered at the best-interest hearing leads to the conclusion that it is in the minors' best interest that respondent's parental rights be terminated.

¶ 34 1. P.C. and M.C.

¶ 35 At the time of the best-interest hearing, P.C. and M.C. were six and seven years old, respectively. They had been residing in their current placement, a relative foster home, for two years. The foster family consists of the foster mother, her paramour, and the foster mother's four biological children. The evidence at the best-interest hearing established that P.C.'s and M.C.'s foster mother was providing for the minors' physical safety, welfare, and needs. 705 ILCS 405/1-3(4.05)(a) (West 2014). During the minors' placement with the foster mother, she has provided for the minors' food, shelter, clothing, and medical care. The evidence also shows that M.C. had been diagnosed with post-traumatic stress disorder (PTSD), a mood disorder, and behavioral problems. The foster mother ensures M.C. attends therapy, and the minor's condition has improved. The diagnosis of PTSD was "removed," M.C.'s medication was discontinued, and her behavior stabilized. In addition, given the time that P.C. and M.C. have spent with the foster family and the relationships that have developed, it is clear that the minors' identity, background, ties, sense of attachment, sense of security, and sense of affection all lie with the foster families. 705 ILCS 405/1-3(4.05)(b), (c), (d) (West 2014). Notably, the foster mother has incorporated M.C. and P.C. into her family while also maintaining a relationship with the minors' other siblings.

¶ 36 It is also apparent from the testimony presented at the best-interest hearing that the minors' feel love in their respective foster families. 705 ILCS 405/1-3(4.05)(d) (West 2014). In this regard, the caseworker testified that the foster mother is attentive to and nurturing of the minors. She includes the minors in all of the family's activities. The minors acknowledge the love they feel in the foster home by hugging the foster mother, drawing pictures for her, and actively seeking her attention. The evidence also shows that P.C. and M.C. are doing well in school. 705 ILCS 405/1-3(4.05)(f) (West 2014). Moreover, the foster mother has agreed to maintain a relationship with the minors' other siblings. Finally, the P.C. and M.C. have expressed a desire to remain with their foster mother (705 ILCS 405/1-3(4.05)(e) (West 2014)) and the foster mother has expressed a desire to adopt the minors (705 ILCS 405/1-3(4.05)(i) (West 2014)).

¶ 37 The evidence does suggest that respondent is bonded to P.C. and M.C. Despite this bond, the record establishes that respondent was unable to provide the minors with either a safe and stable home or consistent support. While respondent's visits with the minors have been consistent and appropriate, she acknowledged that P.C. and M.C. had not lived with her since 2011. Moreover, the foster mother has expressed that she would allow contact between the minors and respondent, if appropriate. In light of the foregoing, the trial court's determination that it was in the best interest of P.C. and M.C. that respondent's parental rights be terminated was supported by ample evidence. Consequently, we conclude that the trial court's finding at the best-interest phase was not against the manifest weight of the evidence, and counsel could not make a reasonable argument to the contrary.

¶ 38 2. D.C.

¶ 39 At the time of the best-interest hearing, D.C. was almost three years old. He had been residing in his current placement, a traditional foster home, for two years. Aside from D.C., the foster family consists of the foster parents and three other children—the foster parent's 12-year old biological son and two other foster children, both of whom are younger than D.C. The evidence at the best-interest hearing established that D.C.'s foster parents were providing for his physical safety, welfare, and needs. 705 ILCS 405/1-3(4.05)(a) (West 2014). During D.C.'s placement with the foster family, they have provided virtually all of the minor's food, shelter, clothing and medical care. In addition, given the time that D.C. has resided with his foster family and the relationships that have developed, it is clear that the minors' identity, background, ties, sense of attachment, sense of security, and sense of affection all lie with the foster family. 705 ILCS 405/1-3(4.05)(b), (c), (d) (West 2014). D.C. refers to his foster parents as "mom" and "dad," and he has established a relationship with the foster family's other children. Further, the foster family has indicated that they will ensure that D.C. stays in contact with P.C., M.C., and his other biological siblings.

¶ 40 It is also apparent that the testimony presented at the best-interest phase that the minors' feel love in their respective foster families. 705 ILCS 405/1-3(4.05)(d) (West 2014). The foster family includes D.C. in family functions, activities, photos, and vacations. For his part, D.C. approaches the foster parents when he is happy or becomes upset. In addition, D.C. hugs the foster parents and sits on their laps. D.C. has attended the same daycare facility throughout his placement with the foster family and is doing well in that environment. 705 ILCS 405/1-3(4.05)(f) (West 2014). Although D.C. is too young to express his wishes (705 ILCS 405/1-3(4.05)(e) (West 2014)), the foster parents have expressed a desire to adopt him (705 ILCS 405/1-3(4.05)(i) (West 2014)).

¶ 41 As was the case with P.C. and M.C., the evidence with respect to D.C. suggests that respondent is bonded to him. However, respondent has been unable to provide D.C. a safe and stable home or consistent support. While respondent's visits with D.C. have been consistent and appropriate, respondent acknowledged that D.C. has never lived with her. D.C. was placed with his current foster family when he was 10 months old, and it is the only home he has truly known. Indeed, the caseworker, having observed D.C. interact with respondent on one occasion in the summer of 2014, related that D.C. is "much more distant" with respondent than he is with the foster parents. Moreover, the foster parents have indicated that they would allow contact between the minors and respondent as long as the visits were appropriate and the foster parents were allowed to be present. In light of the foregoing, the trial court's determination that it was in D.C.'s best interest that respondent's parental rights be terminated was supported by ample evidence. Hence, we conclude that the trial court's finding that it is in D.C.'s best interest that respondent's parental rights be terminated is not against the manifest weight of the evidence, and counsel could not make a reasonable argument to the contrary.

¶ 42 III. CONCLUSION

¶ 43 In sum, after carefully examining the record, the motion to withdraw, the accompanying memorandum of law, and the relevant authority, we agree with appellate counsel that no meritorious issue exists that would warrant relief in this court. Therefore, we allow the motion of appellate counsel to withdraw in this appeal, and we affirm the judgment of the circuit court of Winnebago County finding respondent unfit and terminating her parental rights to the three minors.

¶ 44 Affirmed.