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2015 IL App (3d) 140815-U

Order filed February 24, 2015

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2015

<i>In re</i> D.H., Jr., D.H., D.H., E.J. and A.W.,	)	Appeal from the Circuit Court
	)	of the 10th Judicial Circuit,
Minors	)	Peoria County, Illinois.
)	
(The People of the State of Illinois,)	
	)	Appeal Nos. 3-14-0815, 3-14-0816,
Petitioner-Appellee,	)	3-14-0817, 3-14-0818 & 3-14-0819
	)	Circuit Nos. 10-JA-300, 10-JA-301,
v.	)	10-JA-302, 10-JA-303 & 10-JA-304
)	
Shataria W.,)	
	)	Honorable
Respondent-Appellant).	)	Albert L. Purham,
	)	Judge, Presiding.

JUSTICE LYTTON delivered the judgment of the court.
Justices Holdridge and Schmidt concurred in the judgment.

ORDER

- ¶ 1 *Held:* The trial court's finding that it was in the minors' best interests to terminate respondent's parental rights was not against the manifest weight of the evidence.
- ¶ 2 Respondent, Shataria W., appeals from the judgments of the circuit court finding her to be an unfit parent of her minor children, E.J., A.W., D.H., D.H., Jr., and D.H., and terminating

her parental rights. On appeal, respondent maintains that the trial court's finding that it was in the minors' best interests to terminate her parental rights was against the manifest weight of the evidence. We affirm.

¶ 3

FACTS

¶ 4

On October 14, 2010, the State filed juvenile neglect petitions involving respondent's five children: E.J., born December 18, 2005; A.W., born April 6, 2007; D.H., born October 15, 2008; D.H., Jr., born June 3, 2009; and D.H., born May 9, 2010. The petitions alleged that D.H., Jr. was neglected as to medical care and that all the children were neglected because their environment was injurious to their welfare in that (1) respondent failed to take D.H., Jr. to doctors appointments and D.H., Jr. had been diagnosed with failure to thrive between February 10, 2010, and October 9, 2010, and (2) respondent had been given court supervision for a 2010 possession of cannabis charge.

¶ 5

At the adjudicatory and dispositional hearings on February 14 and March 14, 2011, the children were found to be neglected, respondent was found dispositionally unfit and the minors were made wards of the court. Respondent was ordered, in part, (1) to obtain a drug and alcohol assessment, (2) participate in and successfully complete parenting and domestic violence classes, (3) attend all doctor's appointments with her children, (4) maintain stable house conducive to the safe and healthy rearing of her children, and (5) attend supervised visitation with the children.

¶ 6

On August 16, 2013, the State filed petitions to terminate respondent's parental rights concerning E.J., A.W., D.H., D.H. Jr., and D.H. The petitions alleged that respondent was an unfit parent in that she failed to make reasonable progress toward the return of the children during a nine month period after the initial nine month period following the adjudication of neglect from November 14, 2012, to August 14, 2013. 750 ILCS 50/1(D)(m)(iii) (West 2012).

Respondent's fitness hearing took place on January 22 and June 18, 2014. The trial court found by clear and convincing evidence that respondent did not make reasonable progress toward the return of the children during the applicable nine month period.

¶ 7 The matter proceeded to a best interests hearing on September 17, 2014. In preparation for the hearing, caseworker Amber Schneider filed a best interests report. The report stated that E.J. and D.H., Jr. had been in the same foster home since they were placed in foster care in 2011. A.W., D.H., and D.H. were moved from their initial foster home and placed with E.J. and D.H., Jr. on January 10, 2013. The foster home met all of the children's basic needs of food, shelter, health and clothing. The children had adjusted to the home well. E.J. had developed a strong temperament that was cheerful, sympathetic, polite and respectful. A.W. and D.H. had developed strong leadership qualities, D.H., Jr.'s health had dramatically improved, and D.H. was strong, athletic and intelligent. All five children referred to their foster parents and "mom" and "dad." They had strong relationships with their foster mother and their foster father. The children stated that they loved their foster mother and they looked to her for comfort and guidance. They had developed a strong bond with their foster father, as well. They loved going fishing with him and helping him on the farm. The children were also doing well in school and daycare, and their foster parents were dedicated to their success. Finally, the children had developed strong ties in the community. The family attended church in the local area, and the children had close friends in the neighborhood and at school.

¶ 8 The report noted that during visitation, the children appeared to have a minimal bond with the respondent. They called her "Tay Tay mom," and although they interacted with her, they gravitated toward their foster mother. The children stated that they had few memories of living with their biological family and most of them were unpleasant. D.H., Jr. did not

remember living with respondent because he was placed in foster care when he was 23 months old. During visits with respondent, he physically and verbally expressed fear of respondent and his biological father and insisted that a foster parent or social worker remain in the room to keep him safe. D.H. also had a limited relationship with respondent because he was placed in foster care when he was only 10 months old. All five children had only positive things to say about their foster parents.

¶ 9 The report further stated that the foster parents loved the children. The foster mother had developed a particularly close bond with D.H., Jr. The foster mother and father were willing and able to adopt E.J., A.W., D.H., D.H., Jr., and D.H.

¶ 10 Respondent testified that she visited the children once a month for one hour and that the visits were supervised at the agency. The children were always happy to see her and they always ran to her and told her how much they loved and missed her. At the end of the visits, she would walk them to the car and help them get ready to leave. Respondent stated that she felt as though she had bonded with all the children. The children always gave her hugs and kisses and told her that they would see her later. She noted that sometimes at the end of the visits the children were sad. Respondent testified that she and her sister and her grandmother also visited the children at least twice a month in the community, with the foster mother supervising. They usually met at Chuck E. Cheese. During those family visits, the children would turn to her grandmother for comfort. She testified that the children also remembered her mother and her brother and that they frequently asked about her mother.

¶ 11 Respondent testified that she was employed in a temporary position and that she resided in stable housing with her grandmother, along with her sister and her uncle. She was attempting

to find a suitable home for herself and the children. She stated that she loved her children and asked the court not to terminate her parental rights.

¶ 12 After considering the best interest report, evidence and arguments, the trial court found that it was in minors' best interests to terminate respondent's parental rights.

¶ 13 ANALYSIS

¶ 14 Respondent argues that the trial court's finding that it was in the minors' best interests to terminate her parental rights was against the manifest weight of the evidence. Specifically, respondent asserts that the trial court failed to consider the strong bond the children have to her and other members of her family.

¶ 15 On review, we will not disturb the trial court's best interests ruling unless it is contrary to the manifest weight of the evidence. *In re Austin W.*, 214 Ill. 2d 31, 51-52 (2005). A finding is against the manifest weight of the evidence where a review of the record demonstrates that the opposite conclusion is clearly evident. *In re N.B.*, 191 Ill. 2d 338, 346 (2000).

¶ 16 At the best interests hearing, all considerations must yield to the best interests of the minors. *In re G.L.*, 329 Ill. App. 3d 18, 24 (2002). It is the State's burden to prove by a preponderance of the evidence that terminating parental rights is in the minors' best interests. *In re D.T.*, 212 Ill. 2d 347, 366-67 (2004). The trial court must consider several statutory factors, including: (1) the minors' physical safety and welfare; (2) the development of the minors' identity; (3) the minors' familial, cultural, and religious background and ties; (4) the minors' sense of attachment and continuity of relationships with parental figures; (5) the minors' wishes; (6) the minors' community ties; (7) the minors' need for permanence; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of persons available to care for the minors. 705 ILCS 405/1-3(4.05) (West 2012).

¶ 17 Our review of the record indicates that the State proved by a preponderance of the evidence that it was in minors' best interests to terminate respondent's parental rights. Beginning in 2011, E.J. and D.H., Jr. were placed with the same foster family. As of January of 2013, all five siblings resided together in the same foster home. The foster parents expressed commitment to providing permanence and stability for the children and were committed to adopting all five siblings. The best interests report indicated that the foster family provided the children's daily needs; they attended their doctor appointments, participating in their schooling and education, and provided them with a safe and loving home. All five children had developed emotional attachments to both foster parents and had formed independent identities in their care. In contrast to the stability and permanence of the foster family, respondent had spent minimal time with the children since they were removed from her care in March of 2011. The children did not express a strong bond with her, and they did not have pleasant memories of their biological family. While respondent testified that she had a strong relationship with her children and that the children had strong ties to her extended family, the record and the best interests report contradicted her testimony. Based on the evidence, the trial court's finding that it was in the best interests of the minors to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 18 CONCLUSION

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

¶ 20 Affirmed.