

NOTICE
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2015 IL App (4th) 141066-U
NO. 4-14-1066

FILED
March 26, 2015
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

In re: Q.R., a Minor,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Champaign County
v.)	No. 13JA39
OCTOBER WESLEY,)	
Respondent-Appellant.)	Honorable
)	John R. Kennedy,
)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.
Presiding Justice Pope and Justice Knecht concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court found the trial court did not err in terminating respondent's parental rights.

¶ 2 In August 2013, the State filed a petition for adjudication of wardship with respect to Q.R., the minor child of respondent, October Wesley. In November 2013, the trial court made the minor a ward of the court and placed custody and guardianship with the Department of Children and Family Services (DCFS). In August 2014, the State filed a motion to terminate respondent's parental rights. In October 2014, the court found respondent unfit. In December 2014, the court found it in the minor's best interest that respondent's parental rights be terminated.

¶ 3 On appeal, respondent argues the trial court erred in terminating her parental rights. We affirm.

¶ 4

I. BACKGROUND

¶ 5 In August 2013, the State filed a petition for adjudication of neglect and shelter care with respect to Q.R., born in August 2005, the minor child of respondent. The petition alleged the minor was neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b) (West 2012)) because his environment was injurious to his welfare when he resided with respondent in that the environment exposed him to risk of physical harm (count I) and substance abuse (count II). The trial court entered a temporary custody order, finding probable cause to believe the minor was neglected, abused, or dependent.

¶ 6 In October 2013, the trial court found the minor was abused or neglected based on an injurious environment. In its November 2013 dispositional order, the court found respondent unfit and unable, for reasons other than financial circumstances alone, to care for, protect, train, or discipline the minor and the health, safety, and best interest of the minor would be jeopardized if he remained in respondent's custody. The court adjudged the minor neglected, made him a ward of the court, and placed custody and guardianship with DCFS.

¶ 7 In August 2014, the State filed a motion to terminate respondent's parental rights. The motion alleged respondent was unfit because she (1) failed to make reasonable efforts to correct the conditions that were the basis for the minor's removal from her (count I) (750 ILCS 50/1(D)(m)(i) (West 2012)); (2) failed to make reasonable progress toward the return of the minor within the initial nine months of the adjudication of neglect or abuse (count II) (750 ILCS 50/1(D)(m)(ii) (West 2012)); (3) failed to maintain a reasonable degree of interest, concern, or responsibility as to the minor's welfare (count III) (750 ILCS 50/1(D)(b) (West 2012)); and (4) was incarcerated at the time the motion for termination of parental rights was filed, had repeatedly been incarcerated as a result of criminal convictions, and her repeated incarceration

had prevented her from discharging her parental responsibilities for the minor (count IV) (750 ILCS 50/1(D)(s) (West 2012)).

¶ 8 In October 2014, the trial court conducted a fitness hearing. Parisha Carter, a case manager at Lutheran Social Services, testified she was assigned to Q.R.'s case in December 2013. At that time, respondent was incarcerated. Carter sent letters to respondent once a month while she was in prison. Correctional officials indicated respondent needed to sign a consent form before they could release information to Carter. She did not receive any responses from respondent until August 2014. During her incarceration, respondent had been dropped from parenting classes and substance-abuse classes due to lack of participation and attendance. Carter stated visitation between respondent and Q.R. had been suspended.

¶ 9 The trial court took judicial notice of respondent's convictions for obstructing justice, domestic battery, unlawful use of weapons, prostitution, and burglary. Respondent testified she resided at Decatur Correctional Center and expected to be released on parole in August 2015. She stated she was participating in parenting classes and completed a class in anger management. She was also taking classes for her general equivalency diploma. She stated she was delayed in signing releases "because there wasn't no caseworker there."

¶ 10 Following closing arguments, the trial court found respondent unfit on all four counts. In December 2014, the court conducted the best-interest hearing. The best-interest report indicated respondent's projected parole date was June 2015. The report indicated Q.R. lived in a licensed foster home with his paternal grandmother. He appeared comfortable in the home and his needs were being met. The report stated Q.R. appeared to love his foster parent and had "a very strong attachment and good relationship with her." Although Q.R. had shown some anger issues in the home, his caseworker had referred him to counseling. Q.R.'s

grandmother indicated her willingness to provide support and permanency in his life. Q.R. had also stated he did not want to see respondent.

¶ 11 Following arguments, the trial court found it in the minor's best interest that respondent's parental rights be terminated. This appeal followed.

¶ 12 II. ANALYSIS

¶ 13 Respondent argues the trial court's decision to terminate her parental rights was against the manifest weight of the evidence. We disagree.

¶ 14 "Courts will not lightly terminate parental rights because of the fundamental importance inherent in those rights." *In re Veronica J.*, 371 Ill. App. 3d 822, 831, 867 N.E.2d 1134, 1142 (2007) (citing *In re M.H.*, 196 Ill. 2d 356, 362-63, 751 N.E.2d 1134, 1140 (2001)). Once the trial court finds the parent unfit, "all considerations must yield to the best interest of the child." *In re I.B.*, 397 Ill. App. 3d 335, 340, 921 N.E.2d 797, 801 (2009). When considering whether termination of parental rights is in a child's best interest, the trial court must consider a number of factors within "the context of the child's age and developmental needs." 705 ILCS 405/1-3(4.05) (West 2012). These include the following:

"(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's familial, cultural[,] and religious background and ties; (4) the child's sense of attachments, including love, security, familiarity, continuity of affection, and the least[-]disruptive placement alternative; (5) the child's wishes and long-term goals; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parent figures and siblings; (8) the uniqueness of

every family and child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child."

In re Daphnie E., 368 Ill. App. 3d 1052, 1072, 859 N.E.2d 123, 141 (2006).

See also 705 ILCS 405/1-3(4.05)(a) to (j) (West 2012).

¶ 15 A trial court's finding that termination of parental rights is in a child's best interest will not be reversed on appeal unless it is against the manifest weight of the evidence. *In re Anaya J.G.*, 403 Ill. App. 3d 875, 883, 932 N.E.2d 1192, 1199 (2010). A decision will be found to be against the manifest weight of the evidence in cases "where the opposite conclusion is clearly evident or where the findings are unreasonable, arbitrary, and not based upon any of the evidence." *In re Tasha L.-I.*, 383 Ill. App. 3d 45, 52, 890 N.E.2d 573, 579 (2008).

¶ 16 In the case *sub judice*, the best-interest report indicated nine-year-old Q.R. lived with his paternal grandmother, appeared comfortable in the home, and his needs were being met. He also showed "a very strong attachment and good relationship" with his grandmother. Q.R. had lived with his grandmother for over a year, and she had indicated her willingness to provide support and permanency in his life. The report indicated Q.R. had stated he did not want to see respondent.

¶ 17 The best-interest report also listed respondent's criminal convictions and noted she was in prison for the offense of burglary. Her projected parole date is June 29, 2015. The report indicated respondent had not signed up for substance-abuse counseling, stating respondent did not believe she had a problem with substance abuse. The report also noted respondent completed some services but did not start those services until a year after she was incarcerated.

¶ 18 In considering the relevant statutory factors, the trial court noted the most relevant

