2015 IL App (4th) 150241-U

NO. 4-15-0241

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
September 15, 2015
Carla Bender
4th District Appellate
Court, IL

In re: M.B., a Minor,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Coles County
v.	)	No. 11JA14
AZMIYAH BEY,	)	
Respondent-Appellant.	)	Honorable
	)	James R. Glenn,
	)	Judge Presiding.

JUSTICE HOLDER WHITE delivered the judgment of the court.
Justices Turner and Steigmann concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, concluding (1) the trial court had jurisdiction; (2) the minor's removal was not void; and (3) the court's unfitness and best-interest findings did not violate respondent's due-process rights.

¶ 2 In January 2015, the State filed an amended motion to terminate the parental rights of respondent, Azmiyah Bey, as to her child, M.B. (born June 1, 2011). Respondent father, Corey Brewer, is not a party to this appeal. Following a February 2015 hearing, the trial court found respondent unfit. In March 2015, the court determined it was in M.B.'s best interest to terminate respondent's parental rights.

¶ 3 Respondent appeals, asserting (1) the trial court lacked jurisdiction; (2) M.B. was removed from respondent's care based on the void "allegation 60" and, thus, the removal was void; and (3) respondent's constitutionally protected, fundamental parental rights were violated. For the following reasons, we affirm.

¶ 4 I. BACKGROUND

¶ 5 A. Initial Proceedings

¶ 6 In August 2011, the State filed a petition for adjudication of (1) neglect pursuant to sections 2-3(1)(a) and (b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(a), (b) (West 2012)); and (2) abuse pursuant to sections 2-3(2)(i) and (ii) of the Juvenile Court Act (705 ILCS 405/2-3(2)(i), (ii) (West 2012)), alleging M.B. received injuries to her brain, the retinas of her eyes, and her liver other than by accidental means and inflicted by the respondent mother, father, or both. In December 2011, the trial court entered an order finding severe shaking caused M.B.'s injuries and adjudicating M.B. abused and neglected as alleged in the petition. In January 2012, the court entered a dispositional order granting guardianship and custody of M.B. to the Department of Children and Family Services (DCFS) and granting respondent supervised visitation with M.B.

¶ 7 Following the adjudicatory and dispositional hearings, the matter was continued for status and permanency hearings for several months. During this time, respondent was represented by three different attorneys before ultimately choosing to proceed *pro se*. Following a change of judge, the court found respondent unfit to represent herself and appointed an attorney to represent respondent, over her objection.

¶ 8 B. Termination Proceedings

¶ 9 In January 2015, the State filed an amended motion to terminate respondent's parental rights. The motion, in part, alleged respondent failed to (1) maintain a reasonable degree of interest, concern, or responsibility for M.B.'s welfare; (2) make reasonable efforts to correct the conditions that were the basis for M.B.'s removal; and (3) make reasonable progress

toward the return of M.B. within any nine-month period following the December 2011 adjudication of abuse and neglect.

¶ 10 1. *Fitness Hearing*

¶ 11 In February 2015, the trial court held a fitness hearing. At the outset of the hearing, the court addressed two motions to dismiss for lack of jurisdiction respondent filed *pro se*. Appointed counsel indicated he did not intend to proceed on those motions and informed the court respondent twice stated she did not wish for counsel to represent her. Respondent presented no oral argument on her motions. The court reiterated its earlier ruling on a previous *pro se* motion contesting jurisdiction and found the court had jurisdiction.

¶ 12 a. Kathleen Davis

¶ 13 Kathleen Davis testified she was the supervisor of the foster-care program administered by One Hope United from December 2010 through June 2014. Davis supervised Lindsay Howell, the caseworker assigned to this case before the matter was reassigned to DCFS. Davis personally had contact with respondent and observed visitation between respondent and M.B. Davis testified:

> "There was [a] court [appearance] in May [2012] where it appeared as though [respondent] had stability and employment, housing, and the other goals that we had requested. It quickly became apparent that she had not been truthful about her employment and her housing and she moved—she talked about moving to Chicago to be—to live with relatives and find employment. She was adamant about moving despite discussions about the impact that may have."

After respondent moved, her visits with M.B. became sporadic and, some months, no visits occurred at all. Respondent failed to engage in the mental-health treatment called for in the service plan, and she became argumentative and difficult to work with. Davis further testified respondent did not cooperate and, therefore, the goals set forth in the service plan were rated unsatisfactory.

¶ 14 b. Kim Taylor

¶ 15 A DCFS caseworker, Kim Taylor, testified she was assigned this case in June 2014 after it was reassigned from One Hope United. Taylor received the files associated with this case, including the initial September 2011 service plan and the subsequent service plans generated before Taylor was assigned the case. The trial court admitted the service plans into evidence. However, the record before this court does not appear to have petitioner's exhibit No. 7.

¶ 16 Taylor testified respondent did not engage in any services after Taylor took over the case in June 2014. Respondent allegedly underwent a mental-health assessment done at Life Links and agreed to release the information to Taylor but revoked her consent before Taylor received the information. Taylor testified, as of October 2014, respondent failed to comply with the service plans by refusing to consistently engage in mental-health treatment and not following through with additional parenting services. Taylor further testified respondent was difficult to contact, as she did not have a verified address or reliable telephone service. In Taylor's opinion, respondent was not receptive to the services DCFS provided. Specifically, Taylor testified respondent failed to (1) provide regular pay stubs, (2) complete an anger-management evaluation, (3) sign all the necessary releases of information, (4) apprise DCFS of housing or

employment changes, or (5) complete individual counseling—the service plan required all of the above.

¶ 17 Taylor testified she had concerns about M.B.'s safety based on respondent's behavior, which varied from "extremely agitated and very upset and angry and aggressive" to "catatonic." Taylor was also concerned respondent might attempt to remove M.B. because respondent contacted the foster parents directly to try to coordinate visitation and told Taylor's secretary "[s]he would just go get [M.B.]"

¶ 18 DCFS requested multiple mental-health assessments because lapses in respondent's mental-health treatment required updated assessments. Taylor testified some of the assessments respondent obtained were problematic. Taylor stated:

> "when [respondent] goes and obtains an assessment on her own, there's concern as to whether or not those providers are provided with the thorough case file[.] *** [I]t's important to obtain a mental health assessment by someone who is fully knowledgeable of her history with [DCFS], her past mental health treatment, past records, pasts [*sic*] diagnoses, past assessment, and when you simply walk into an agency and say, I need a mental health eval[uation], that's completely different and less relied on."

Taylor testified respondent remained inconsistent and resistant to the services recommended in her service plans.

¶ 19 c. Erika Weaver

¶ 20 In September 2011, Erika Weaver was assigned as the court-appointed special advocate (CASA) to advocate for M.B.'s best interest. Weaver testified she attended visits

between respondent and M.B., visited the foster home, attended family team meetings, and communicated with the biological parents, the foster parents, and the caseworker. In Weaver's opinion, respondent struggled to bond with M.B. during the early visits and was unable to respond to M.B.'s cues. Weaver thought respondent had unrealistic expectations for M.B.'s development, such as wanting M.B. to be potty trained around the age of 15 months. Weaver noted respondent "would tell [M.B.] that she wouldn't give [M.B.] a snack until [M.B.] would talk to her, but [M.B.] didn't talk very much during the visits."

¶ 21 According to Weaver, until June 2012, respondent regularly attended visits, had stable housing, and was employed. In June 2012, respondent moved to Chicago briefly, then relocated to Indiana. Following the relocation, respondent did not maintain regular visits for a time. Weaver further testified respondent's behavior began to change in 2012, becoming more aggressive, irrational, and paranoid.

¶ 22 In October 2013, Weaver filed a CASA report, which contained a timeline of events. The report indicated respondent complied with all aspects of the service plan until approximately May 2012. In May 2012, respondent requested M.B. be relocated from her foster home to the home of her godmother in Indiana. Also in May 2012, respondent "became very volatile, aggressive, irrational[,] and verbally paranoid of a conspiracy by Coles County to 'take her child away from her.' " Although warned that a move would significantly delay reunification, respondent moved to Chicago and then to Indiana. Between May 2012 and October 2013, respondent failed to maintain sufficient employment or housing, failed to attend visits with M.B. regularly, made complaints about the care M.B. received in foster care, and expressed suspicions that M.B. had not been returned because of respondent's race. During an

August 2013 meeting, respondent "explained that she only experienced homicidal ideations when she felt bullied, which is how she describes the case regarding the care of [M.B.]"

¶ 23 In a report filed in November 2014, Weaver noted, "the interaction between [respondent] and [M.B.] has not changed from previous visits. The relationship as I observed has not improved nor declined in its nature."

¶ 24 d. Dr. Judy Osgood

¶ 25 Osgood testified she completed a psychological evaluation of respondent in late 2012. Respondent was adopted as a young child and her biological mother had mental-health and substance-abuse issues. Respondent had three psychiatric hospitalizations in 2008, 2009, and 2010 for hallucinations and homicidal ideations. After the first hospitalization, respondent was prescribed medication. When she stopped taking the medication, respondent had hallucinations and became homicidal again. Osgood testified respondent "was very adamant that *** she did not need any kind of medications or treatment or counseling, that—that she made it really clear to me in the interview that she felt that she just didn't really need any of the things that were being recommended to her such as counseling or psychiatric treatment." Initially, respondent agreed to give Osgood permission to review her hospitalization records but later withdrew that consent.

¶ 26 Osgood testified she diagnosed respondent with bipolar disorder with psychosis. Additionally, Osgood determined respondent had serious impairments in her functioning based on her history of bipolar disorder with psychosis, her past psychiatric hospitalizations, the fact she was not receiving any sort of treatment, and the instability in her residence and relationships. Osgood recommended respondent engage in regular, ongoing treatment for her mental-health issues and all visits between respondent and M.B. be supervised.

¶ 27 e. The Trial Court's Findings

¶ 28 The trial court found the State met its burden by clear and convincing evidence that respondent failed to make reasonable efforts to correct the conditions that led to M.B.'s removal and failed to make reasonable progress toward the return of M.B. The court further found respondent failed to maintain a reasonable degree of interest, concern, or responsibility for M.B. Accordingly, the court found respondent unfit.

¶ 29 2. *Best-Interest Hearing*

¶ 30 In March 2015, the trial court held a best-interest hearing. Kristin Bertrand, executive director of Coles County CASA, and M.B.'s foster mother, Marnita Yoder, testified as witnesses. Bertrand testified M.B. had lived with her foster family from the age of 2½ months. During that time, M.B. learned to walk, became potty trained, and learned to speak. M.B. was well cared for and thriving. Bertrand testified it would be in M.B.'s best interest to remain with, and be adopted by, her foster family.

¶ 31 Yoder testified M.B. adjusted to the foster family's home easily and was doing well. The Yoders have a 19-year-old biological daughter and two adopted children, ages 6 and 4. According to Yoder, M.B. is comfortable in their home and has a good relationship with the whole family. The Yoders intend to support and encourage M.B. to continue her education through high school and to learn about her African-American cultural background. Yoder testified, "I feel as if I could claim [M.B.] as my own, love her as my own daughter. She's very special to me." If M.B. were free for adoption, the Yoders intended to adopt her.

¶ 32 The trial court considered the evidence before it and the relevant statutory factors. In particular, the court considered M.B.'s safety and welfare, her sense of attachment, and her

community ties and found the factors indicated it was in M.B.'s best interest to remain with the Yoder family. Accordingly, the court entered an order terminating respondent's parental rights.

¶ 33 This appeal followed.

¶ 34 II. ANALYSIS

¶ 35 On appeal, respondent argues (1) the trial court did not have jurisdiction over this case; (2) M.B. was removed from respondent's care based on the void "allegation 60" and, thus, the removal was void; and (3) respondent's constitutionally protected, fundamental parental rights were violated.

¶ 36 As an initial matter, we note the State's complaint in the final paragraph of its brief regarding respondent's failure to cite to the record in violation of Illinois Supreme Court Rule 341(h) (eff. Feb. 6, 2013). We are disappointed the only context in which the State addresses any of respondent's claims outlined above is to cite noncompliance with Rule 341(h) and dismiss the "allegation 60" claim out of hand. Instead of addressing the issues raised in respondent's brief, the State assumed respondent asserts the trial court's termination of her parental rights was against the manifest weight of the evidence and focused its brief on those issues. However, respondent's brief clearly raises jurisdictional, statutory, and constitutional claims. The State was remiss to ignore those claims.

¶ 37 We agree respondent's brief fails to comply with—and her *pro se* status does not excuse her from—Rule 341. *In re A.H.*, 215 Ill. App. 3d 522, 529, 575 N.E.2d 261, 266 (1991) (courts will not apply a more lenient standard to *pro se* parties on appeal). However, Rule 341 is a limitation on the parties, not this court. *Id.* "[B]ecause of the serious nature of these proceedings, we will address the merits of the case. Our courts have recognized parental rights

and responsibilities are of deep human importance and thus, will not be lightly terminated." *Id.* at 530, 575 N.E.2d at 266. We turn now to respondent's claims.

¶ 38 A. Jurisdiction

¶ 39 Respondent challenges the jurisdiction of the trial court but fails to raise any legally recognized jurisdictional defect. Our review of the record reveals the court had jurisdiction over both the subject matter and respondent's person. To involuntarily terminate parental rights, a proceeding may be brought under the Juvenile Court Act. See, *e.g.*, *In re A.S.B.*, 381 Ill. App. 3d 220, 222, 887 N.E.2d 445, 448 (2008). In August 2011, the State properly filed a petition pursuant to section 2-13 of the Juvenile Court Act alleging abuse and neglect under section 2-3. 705 ILCS 405/2-13, 2-3 (West 2010). The State's petition presented a justiciable matter and clearly invoked the court's subject-matter jurisdiction. *In re Antwan L.*, 368 Ill. App. 3d 1119, 1128, 859 N.E.2d 1085, 1093 (2006).

¶ 40 As to personal jurisdiction, the record shows a person purporting to be respondent appeared at the initial August 2011 hearing, waived service of the petition, and accepted the trial court's jurisdiction. We note respondent later claimed she was not present at the August 2011 hearing, but she does not raise this argument on appeal. In any event, respondent's continued appearance at subsequent termination proceedings operated as a waiver. *Id.* at 1126, 859 N.E.2d at 1091. Accordingly, respondent's jurisdictional challenge fails.

¶ 41 B. Allegation 60

¶ 42 Respondent argues the underlying basis the trial court and DCFS relied upon to terminate her parental rights was void. In support, respondent relies on the Illinois Supreme Court decision *Julie Q. v. Department of Children & Family Services*, 2013 IL 113783, 995 N.E.2d 977. In that case, the plaintiff filed an administrative-review action challenging DCFS's

indicated finding of child neglect based on the DCFS-promulgated "allegation 60," titled "Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare." *Id.* ¶ 1, 995 N.E.2d 977. DCFS promulgated "allegation 60" pursuant to its authority under the Children and Family Services Act (20 ILCS 505/4 (West 2008)). *Id.* ¶ 23, 995 N.E.2d 977. The plaintiff argued the injurious environment portion of "allegation 60" exceeded the scope of DCFS's authority under the Abused and Neglected Child Reporting Act (Reporting Act) (325 ILCS 5/1 *et seq.* (West 2008)) because the legislature specifically removed the "environment injurious" language from the Reporting Act in 1980 (in 2012 the legislature reinserted the injurious-environment language in the Reporting Act in response to *Julie Q.*). *Id.* ¶¶ 15, 22, 995 N.E.2d 977. The supreme court agreed and held the "allegation 60"-based indicated finding of neglect void *pursuant to the pre-amendment Reporting Act*. *Id.* ¶¶ 35-37, 995 N.E.2d 977.

¶ 43 In reaching its decision, the *Julie Q.* court distinguished between the Reporting Act and the Juvenile Court Act.

> "The [Reporting] Act and the Juvenile Court Act serve different purposes. The [Reporting] Act is a reporting act and requires that certain individuals report suspected child abuse or neglect to DCFS. The purpose of the Juvenile Court Act, on the other hand, is to 'ensure that the best interests of the minor, the minor's family, and the community are served.' *In re J.J.*, 142 Ill.2d 1, 8 [, 566 N.E.2d 1345] (1991). Proceedings under the Juvenile Court Act are civil, nonadversarial proceedings where the court determines whether the child has been abused or neglected. *Id.* The civil rules of evidence apply. *Id.* Under the [Reporting]

> Act, a parent who is found to have abused or neglected his child is placed on the State Central Register, but under the Juvenile Court Act, the court may terminate parental rights. 705 ILCS 405/2-21(5) (West 2008). Before such a finding can be made under the Juvenile Court Act, however, the court must find that the child was abused or neglected by a preponderance of the evidence. 705 ILCS 405/2-21(5)(ii) (West 2008)." *Id.* ¶ 39, 995 N.E.2d 977.

The court further noted:

> "Due to the different purposes and rights at stake under each act, the legislature could have properly decided to cast a more narrow definition of neglect under the [Reporting] Act. Under the Juvenile Court Act, the court formalities provide due process protections and the court's finding must be supported by a preponderance of the evidence. Due to these added protections, once the court has made a finding of neglect, it is reasonable for DCFS to issue a nonappealable finding of neglect under section 7.16 regardless of the trial court's basis for its finding of neglect. Under the [Reporting] Act, however, the finding is not made by a court, and the same due process protections are not offered." *Id.* ¶ 40, 995 N.E.2d 977.

In other words, although "allegation 60" has been found to violate the pre-amendment Reporting Act, that finding does not preclude the State from pursuing a neglect or abuse petition under the Juvenile Court Act.

¶ 44 In the case at bar, the trial court proceeded under the Juvenile Court Act; thus, the holding in *Julie Q* is not applicable. Rather, the court heard testimony and received into evidence reports from One Hope United, DCFS, and CASA in adjudicating M.B. abused and neglected, making her a ward of the court, finding respondent unfit, and determining it was in M.B.'s best interest to terminate respondent's parental rights. Accordingly, whether an indicated finding of neglect based on "allegation 60" was void is irrelevant and *Julie Q.* provides no support for respondent's position on appeal.

¶ 45 C. Constitutional Claim

¶ 46 Finally, respondent argues the termination proceedings violated her constitutional rights. The cases respondent cites as authority to support her constitutional claim raise a due-process claim.

¶ 47 It is well settled a parent's right to raise his or her child is a fundamental liberty interest and parents are entitled to extensive due-process protections. *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); see also *In re M.H.*, 196 Ill. 2d 356, 363, 751 N.E.2d 1134, 1140 (2001). To comport with due-process requirements, Illinois has a two-step process to terminate parental rights. *In re D.T.*, 212 Ill. 2d 347, 352, 818 N.E.2d 1214, 1220 (2004). First, the State must establish by clear and convincing evidence the parent is "unfit" based on one or more of the grounds set forth in the Adoption Act (750 ILCS 50/1 *et seq.* (West 2012)). 705 ILCS 405/2-29(2) (West 2012). "If the trial court finds the parent to be unfit, the court then determines [by a preponderance of the evidence] whether it is in the best interests of the minor that parental rights be terminated." *D.T.*, 212 Ill. 2d at 352, 818 N.E.2d at 1220.

¶ 48 1. *Fitness Finding*

¶ 49 The State has the burden of proving a parent unfit by clear and convincing evidence. *In re Gwynne P.*, 215 Ill. 2d 340, 354, 830 N.E.2d 508, 516 (2005). A reviewing court will not disturb a trial court's finding of unfitness unless it is against the manifest weight of the evidence. *Id.*, 830 N.E.2d at 516-17. The court's decision is given great deference due to "its superior opportunity to observe the witnesses and evaluate their credibility." *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067, 808 N.E.2d 596, 604 (2004).

¶ 50 The trial court found respondent unfit on three separate grounds: respondent failed to (1) maintain a reasonable degree of interest, concern, or responsibility for M.B.; (2) make reasonable efforts to correct the condition that led to M.B.'s removal within any nine-month period following adjudication of neglect or abuse; and (3) make reasonable progress toward the return of M.B. within any nine-month period following adjudication of neglect or abuse. 750 ILCS 50/1(D)(b), (m)(i)(ii) (West 2012).

¶ 51 The trial court found clear and convincing evidence respondent failed to maintain a reasonable degree of interest, concern, or responsibility for M.B. The degree of interest, concern, or responsibility a parent shows must be objectively reasonable under the circumstances. *In re J.B.*, 2014 IL App (1st) 140773, ¶ 51, 19 N.E.3d 1273. Courts have found "[n]oncompliance with an imposed service plan, a continued addiction to drugs, a repeated failure to obtain treatment for an addiction, and infrequent or irregular visitation with the child" sufficient bases for a finding of unfitness under section 1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2012)). *In re Jaron Z.*, 348 Ill. App. 3d 239, 259, 810 N.E.2d 108, 125 (2004).

¶ 52 The trial court's finding of unfitness was not against the manifest weight of the evidence. Respondent failed to maintain satisfactory progress in fulfilling the requirements of the service plan. Respondent initially did make some satisfactory progress, but after June 2012,

respondent failed to (1) maintain stable housing, (2) maintain employment, and (3) comply with the mental-health-treatment recommendations in the service plan. After respondent moved to Chicago in June 2012 (and then to Indiana at an unspecified date), DCFS had no known address for her and mail sent to the address she provided was returned unopened. Respondent also refused to allow caseworkers to view her mental-health assessments and refused to engage in on-going therapy sessions, despite numerous recommendations for treatment. As the court observed, "She not only failed to maintain satisfactory progress[,] she combatively opposed the service plan, and she did so by revoking consents, [and] canceling depositions." These facts support the court's finding of unfitness for failure to maintain a reasonable degree of interest, concern, or responsibility for M.B. That finding was not against the manifest weight of the evidence.

¶ 53 We need not address the remaining grounds, as we have upheld the trial court's finding as to one ground of unfitness. See *In re D.H.*, 323 Ill. App. 3d 1, 9, 751 N.E.2d 54, 61 (2001) ("When multiple grounds of unfitness have been alleged, a finding that any one allegation has been proved is sufficient to sustain a parental unfitness finding."). At the fitness phase of proceedings to terminate parental rights, due process requires clear and convincing evidence of a parent's unfitness. *D.T.*, 212 Ill. 2d at 364, 818 N.E.2d at 1227. The trial court found respondent unfit based on clear and convincing evidence; thus, respondent's constitutional rights were not violated by the fitness-finding process.

¶ 54 2. *Best-Interest Finding*

¶ 55 Once the trial court determines a parent to be unfit, the next stage is to determine whether it is in the best interest of the minor to terminate parental rights. *Jaron Z.*, 348 Ill. App. 3d at 261, 810 N.E.2d at 126. The State must prove by a preponderance of the evidence that

termination is in the best interest of the minor. *Id*. The court's finding will not be overturned unless it is against the manifest weight of the evidence. *Id.* at 261-62, 810 N.E.2d at 126-27.

¶ 56 The focus of the best-interest hearing is determining the best interest of the child, not the parent. 705 ILCS 405/1-3(4.05) (West 2012). The trial court must consider the following factors, in the context of the child's age and developmental needs, in determining whether to terminate parental rights:

> "(a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
>
> (b) the development of the child's identity;
>
> (c) the child's background and ties, including familial, cultural, and religious;
>
> (d) the child's sense of attachments ***[;]
>
> * * *
>
> (e) the child's wishes and long-term goals;
>
> (f) the child's community ties, including church, school, and friends;
>
> (g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;
>
> (h) the uniqueness of every family and child;
>
> (i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child." 705 ILCS 405/1-3(4.05) (West 2012).

¶ 57 The record shows M.B. was placed with her foster family at 2½ months old. M.B. learned to walk, became potty trained, and learned to speak with her foster family. M.B. was well cared for and thriving. The record also reflects her foster family's love for her and their commitment to adopt her at some point in the future. Over the course of what is now more than four years, M.B. has been accepted into her foster family and the community where they reside. In contrast, the record does not show respondent has made any attempts to engage in regular mental-health treatment, maintain employment, or maintain stable housing in compliance with the service plan such that she would be in a position to provide permanency in the near future.

¶ 58 The trial court thoughtfully considered the evidence before it and the relevant statutory factors, including M.B.'s safety and welfare, her sense of attachment, and her community ties. A preponderance of the evidence showed it was in M.B.'s best interest to remain with the Yoder family. The court's finding was not against the manifest weight of the evidence. Accordingly, we conclude respondent received all the process she was due. See *D.T.*, 212 Ill. 2d at 366, 818 N.E.2d at 1228. Her due-process claim therefore fails.

¶ 59 III. CONCLUSION

¶ 60 For the foregoing reasons, we affirm the trial court's judgment.

¶ 61 Affirmed.