

NOTICE

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FILED
October 21, 2015
Carla Bender
4th District Appellate
Court, IL

2015 IL App (4th) 150421-U
NOS. 4-15-0421, 4-15-0422, 4-15-0423 cons.

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

In re: J.J. and Z.R., Minors,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Champaign County
v. (No. 4-15-0421))	No. 12JA43
MONICA ROBINSON,)	
Respondent-Appellant.)	
-----)	
In re: J.R., a Minor,)	No. 13JA37
THE PEOPLE OF THE STATE OF ILLINOIS,)	
Petitioner-Appellee,)	
v. (No. 4-15-0422))	
MONICA ROBINSON,)	
Respondent-Appellant.)	
-----)	
In re: J.R., a Minor,)	No. 13JA37
THE PEOPLE OF THE STATE OF ILLINOIS,)	
Petitioner-Appellee,)	
v. (No. 4-15-0423))	Honorable
JERRY O'NEAL,)	John R. Kennedy,
Respondent-Appellant.)	Judge Presiding.

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

ORDER

- ¶ 1 *Held:* The appellate court affirmed, concluding the trial court's unfitness and best-interest findings were not against the manifest weight of the evidence.
- ¶ 2 In November 2014, the State filed a petition to terminate the parental rights of respondent mother, Monica Robinson, as to her children, J.J. (born March 17, 2009) and Z.R. (born January 19, 2012). The respondent fathers of J.J. and Z.R. are not parties to this appeal.

That same month, the State filed a petition to terminate the parental rights of Robinson and respondent father, Jerry O'Neal, as to their child, J.R. (born July 20, 2013). In April 2015, the trial court found respondents unfit. In May 2015, the court determined it was in the best interest of J.J., Z.R., and J.R. to terminate respondents' parental rights.

¶ 3 Robinson appeals, asserting the trial court erred in finding her unfit and determining it was in the best interest of J.J., Z.R., and J.R. to terminate her parental rights. O'Neal also appeals, asserting the court erred in determining it was in J.R.'s best interest to terminate his parental rights.

¶ 4 I. BACKGROUND

¶ 5 A. Initial Proceedings

¶ 6 In October 2012, the State filed a petition for adjudication of wardship, alleging J.J. and Z.R. were neglected in that their environment was injurious to their welfare in exposing the minors to (1) a risk of physical harm (count I); (2) inadequate supervision (count II); and (3) a risk of excessive corporal punishment (count IV). 705 ILCS 405/2-3(1)(b) (West 2012). The petition also alleged J.J. and Z.R. were abused in that Robinson "and/or her paramour" inflicted excessive corporal punishment upon them (count III). 705 ILCS 405/2-3(2)(v) (West 2012). In November 2012, the trial court entered an adjudicatory order finding J.J. and Z.R. abused or neglected. Following a January 2013 dispositional hearing, the court (1) found J.J. and Z.R. were neglected; (2) determined Robinson was unfit and unable to care for J.J. and Z.R.; (3) made J.J. and Z.R. wards of the court; and (4) placed guardianship of J.J. and Z.R. with the Department of Children and Family Services (DCFS).

¶ 7 Following J.R.'s July 2013 birth, the State filed a petition for adjudication of wardship, alleging J.R. was neglected in that his environment was injurious to his welfare due to

Robinson having failed to correct the conditions which resulted in J.J. and Z.R. becoming wards of the court. O'Neal was not disclosed as J.R.'s putative father in the petition. In September 2013, the trial court entered an adjudicatory order finding J.R. neglected. Following an October 2013 dispositional hearing, the court (1) found J.R. was neglected; (2) determined Robinson was unfit and unable to care for J.R.; (3) made J.R. a ward of the court; and (4) placed guardianship of J.R. with DCFS.

¶ 8 In December 2013, the State filed a supplemental petition for adjudication of neglect, listing O'Neal as the putative father. In January 2014, O'Neal appeared for an adjudicatory hearing and the trial court entered a supplemental order adjudicating J.R. neglected. In February 2014, the court entered another dispositional order (1) finding J.R. neglected; (2) finding O'Neal unfit and unable to care for J.R.; and (3) placing custody and guardianship with DCFS.

¶ 9 B. Termination Proceedings

¶ 10 In January 2014, the State filed a petition to terminate Robinson's parental rights with respect to J.J. and Z.R. Following a June 2014 hearing, the trial court found Robinson had not been proved unfit.

¶ 11 In November 2014, the State filed a second petition to terminate Robinson's parental rights as to J.J. and Z.R. That same month, the State filed a petition to terminate both respondents' parental rights as to J.R. As to J.J. and Z.R., the petition alleged Robinson failed to (1) make reasonable efforts to correct the conditions that were the basis for the removal of J.J. and Z.R. (750 ILCS 50/1(D)(m)(i) (West 2012)) (count I); (2) make reasonable progress toward the return of J.J. and Z.R. within the initial nine months following the adjudication of neglect or abuse (750 ILCS 50/1(D)(m)(ii) (West 2012)) (count II); (3) maintain a reasonable degree of

interest, concern, or responsibility as to J.J.'s and Z.R.'s welfare (750 ILCS 50/1(D)(b) (West 2012)) (count III); and (4) make reasonable progress toward the return of J.J. and Z.R. within the nine-month period between February 10, 2014, and November 10, 2014 (750 ILCS 50/1(D)(m)(iii) (West 2012)) (count IV). As to J.R., the petition alleged both respondents were unfit persons because they failed to (1) make reasonable efforts to correct the conditions that were the basis for the removal of J.R. (750 ILCS 50/1(D)(m)(i) (West 2012)) (count I); (2) make reasonable progress toward the return of J.R. within the initial nine months following the adjudication of neglect or abuse (750 ILCS 50/1(D)(m)(ii) (West 2012)) (count II); and (3) maintain a reasonable degree of interest, concern, or responsibility as to J.R.'s welfare (750 ILCS 50/1(D)(b) (West 2012)) (count III). The petition further alleged O'Neal was an unfit person because he was incarcerated at the time the petition to terminate his rights was filed, had repeatedly been incarcerated, and his repeated incarceration prevented him from discharging his parental responsibilities (750 ILCS 50/1(D)(s) (West 2012)) (count IV).

¶ 12 *1. Fitness Hearing*

¶ 13 In March 2015, respondents' fitness hearing commenced and spanned three nonconsecutive days. The trial court heard the following testimony.

¶ 14 a. Jessica Firmand

¶ 15 Jessica Firmand, a caseworker for the Center for Youth and Family Solutions (CYFS), testified she was assigned to the case after J.J. and Z.R. were adjudicated neglected and abused. The children initially came into shelter care due to abuse to J.J. According to Firmand, respondent mother initially named Brandon Lemons as J.J.'s abuser. In October 2013, Robinson told Firmand, contrary to her earlier identification of the abuser, that O'Neal had abused J.J.

Firmand testified Robinson lied initially because she was afraid to mention O'Neal's name and she feared she would not get her children back if she admitted who had actually abused J.J.

¶ 16 Firmand described Robinson as friendly and appropriately dressed at the October 2012 integrated assessment. At the integrated assessment, Robinson told Firmand there was a period of time she used marijuana daily. Firmand discussed how Robinson's use of marijuana would impact her ability to care for her children, which Robinson disagreed with. As a result of the integrated assessment, Robinson was referred to Prairie Center for a substance-abuse evaluation and for individual therapy with a CYFS counselor. The initial referral for the substance-abuse evaluation expired, but Robinson completed the evaluation in April 2013.

¶ 17 At some point, Firmand learned Robinson was pregnant with J.R. Initially, Robinson would only provide the father's first name: Eric. However, in October 2013, Robinson admitted O'Neal was J.R.'s father. According to Firmand, Robinson "thought that if [J.R.'s father] was, you know, the same person that abused [J.J.], that she wouldn't get her kids back if we knew about it."

¶ 18 Firmand testified Robinson was arrested both in October 2013 and October 2014. The record is unclear why Robinson was arrested in October 2013, but Firmand's testimony indicated the arrests were both for violating an order of protection. At the time of Robinson's October 2014 arrest, it appears O'Neal was in a relationship with a woman named Melica Collins. In October 2014, Collins called the Champaign police department to report a violation of an order of protection she had obtained against Robinson. The order of protection stated Robinson must stay 1,000 feet away from Collins and Collins's daughter. The police report indicated Robinson was staying at 2556 West Springfield Avenue in Champaign. Collins had recently moved to 2562 West Springfield Avenue, two apartments south of Robinson's

apartment. According to the responding officer's police report, Collins called the police department after Robinson attempted to speak to Collins's daughter. The responding officer went to Robinson's apartment, informed her she was within 1,000 feet of the protected parties, and arrested her without incident.

¶ 19 Firmand testified Robinson was evicted from her apartment in May 2014, but she failed to report the eviction. Firmand learned of the eviction through the circuit clerk's website. Since May 2014, Robinson stayed with friends and then at her uncle's home. However, in June 2014, Robinson appeared in court for the first fitness hearing and misrepresented that she continued to reside at the Urbana apartment from which she had been evicted. Firmand further testified Robinson had brief periods of employment at Taco Bell, Steak 'n Shake, and through a temporary work agency.

¶ 20 Firmand stated Robinson had weekly supervised visitation with J.J. and Z.R. and had third-party visitation with J.R. after his birth. However, CYFS suspended the third-party visitation with J.R. after Robinson violated the visitation rules by allowing O'Neal to see J.R. in October 2013. Thereafter, Robinson's visitation with all three children was supervised. During the supervised visits, Firmand testified Robinson "struggles a lot, especially with all three children. She requires a lot of assistance ***. But with interacting with the children she's remained appropriate, for the most part. I haven't personally had to end any visits."

¶ 21 At the beginning of the supervised visitation with J.J. and Z.R., Robinson brought age-inappropriate snacks but, after Firmand discussed it with her, she began bringing age-appropriate foods. Robinson also once left J.R. on a couch and a case aide instructed her she could not do that with an infant. Firmand testified Z.R. would scream and cry when Robinson did her hair, so Robinson was no longer allowed to do Z.R.'s hair during visits. Firmand further

testified Robinson missed visits on approximately five occasions because she either forgot about the visit or was in the county jail. Robinson also missed a few drug tests, but the number was insignificant in light of how many drug tests she did complete.

¶ 22 In October 2013, Firmand learned O'Neal was J.R.'s father. Firmand testified O'Neal was referred for—but never completed—a substance-abuse evaluation, random drug tests, and domestic-violence classes. O'Neal also declined to exercise his visitation rights. No services were offered to O'Neal after July 17, 2014, due to his incarceration.

¶ 23 b. Casey Huster

¶ 24 Casey Huster, a CYFS caseworker, testified she took over while Firmand was on maternity leave, from February to April 2014. Huster testified she observed two or three visits between Robinson and her three children. According to Huster, Robinson struggled to deal with all three children at once. Huster was aware of the various services Robinson was referred for with respect to the case involving J.J. and Z.R. and believed those services were appropriate and beneficial with respect to the case involving J.R. On cross-examination, Huster testified Robinson missed two drug tests in February 2014 and one drug test in March 2014. However, Robinson did take some drug tests during the time Huster was the caseworker for these cases and those tests were clean. Finally, Huster testified Robinson generally kept in touch with Huster and was attending the services to which she had been referred.

¶ 25 c. Josh Hagerstrom

¶ 26 Josh Hagerstrom, a therapist for CYFS, testified Robinson began counseling with him approximately two years earlier. Hagerstrom testified the first goal of the counseling sessions was to prepare Robinson for the return of her children by establishing parenting goals, providing information about parenting, and reinforcing skills—such as setting boundaries and

providing routines for the children—from her parenting classes. The second goal was planning for the safety of the children, and the third, most recent, goal was forming a relationship with the foster parents.

¶ 27 Hagerstrom further testified he observed some visits between Robinson and her children. The visits showed Robinson seemed to be implementing the parenting information from the counseling sessions. According to Hagerstrom, Robinson made improvements in her interactions with her children during visits by getting on the floor and playing with them and bringing more suitable snacks for them. When asked whether Robinson was making progress toward the first goal regarding parenting skills, Hagerstrom responded, "I can't say at this time. She's—we haven't *** been able to be consistent in counseling since the beginning of December [2014] so *** I've only seen her five times since then."

¶ 28 In Hagerstrom's opinion, Robinson initially seemed dismissive of J.J.'s abuse. However, within the last year, she had been more open to discussing the abuse and taking some ownership and understanding of the impact the abuse had on her children. Hagerstrom also testified he would not be able to say whether Robinson was making progress with respect to the second goal of ensuring the children's safety because of Robinson's inconsistent attendance at the counseling sessions. According to Hagerstrom, Robinson went through periods of consistent attendance and periods of inconsistent attendance, although he had discussed the importance of consistent attendance with her. On cross-examination, Hagerstrom testified Robinson's reasons for nonattendance were illness and, in the previous weeks, work.

¶ 29 d. Debbie Nelson

¶ 30 Debbie Nelson, a group-counseling facilitator with Cognition Works, testified Cognition Works received a referral from DCFS for Robinson in December 2012. In January

2013, the agency determined Robinson was an appropriate candidate for their Options program for abused women. Nelson testified, "Occasionally it seemed like Ms. Robinson did not fully understand [information provided to her], but I would add that she was very good about asking questions and—and pursuing the answers to things that she didn't initially understand."

Robinson completed the Options program in July 2013.

¶ 31 e. Sheri Langendorf

¶ 32 Sheri Langendorf, an instructor at the Urbana Adult Education Center, testified Robinson enrolled in the high-school-diploma program in February 2011. According to Langendorf, Robinson had completed all but 2 of the 40 required standardized tests to earn her diploma. Langendorf testified Robinson's next goal was to become a certified nursing assistant.

When asked if Robinson was a cooperative student, Langendorf testified:

"Well, there are some students who you remember their name. There's students that you remember their faces, but [Robinson] is one of those students that you remember both. And it was because of how kind she is, how appreciative she is, and how hard she worked at her own level to make that next step. I never had any difficulty, and she was always very cooperative. *** So she'd come in the afternoon after my lunch, and after having a full day of classes in the morning, and sometimes not a good day, if I would see [Robinson] there, I would know I have a good day, because she was just so kind and so ready to work."

Langendorf further testified she had a personal interest in ensuring Robinson successfully completed the final two tests because she was Robinson's first teacher and wanted to do all she could to help.

¶ 33 Langendorf testified O'Neal was also enrolled in the diploma program at the Urbana Adult Education Center. O'Neal was assigned a different teacher, but as far as Langendorf knew, O'Neal had not completed the program.

¶ 34 f. Robinson

¶ 35 In April 2015, Robinson testified she worked at Taco Bell and had worked there for three months. Prior to that, she had employment through temporary services. According to Robinson, she was living with her uncle in Urbana. Robinson testified she completed (1) a parenting class, (2) drug testing, (3) a substance-abuse evaluation, and (4) domestic-violence counseling. The only outstanding service recommended for Robinson was individual counseling. Robinson testified she had to reenroll for individual counseling because she missed some sessions for medical reasons and work. On cross-examination, Robinson testified she had been in counseling with Hagerstrom for two years. She never asked why she was still in counseling after two years, stating, "I enjoyed doing it with them because I get a lot of knowledge out of it and we talk about parenting and other things."

¶ 36 Robinson testified she had weekly visitation but, following the filing of the petition to terminate her parental rights, visitation was reduced to once a month. Robinson stated the visits "have been going good. I mean I struggle because I have three kids. This is my first time having three kids, so it's going to be hard for me to try to really do so much in an hour. So, like, I am going to struggle. So I can't do so much in an hour with three kids, but it's been good though." Robinson acknowledged she missed two visits because she forgot about a change in the

time of the visits. According to Robinson, she kept in regular contact with her caseworker through phone calls. When asked why she thought visits were still supervised, Robinson responded it was because she had been to jail after violating an order of protection.

¶ 37 g. O'Neal

¶ 38 O'Neal testified he was released from the Illinois Department of Corrections (DOC) approximately two weeks before the final day of the fitness hearings. He had been incarcerated for violating his probation by accruing another offense. On cross-examination, O'Neal acknowledged he was arrested and put in jail in July 2014 and remained in jail until he was sentenced to DOC in September 2014. According to O'Neal, he earned good-time credit toward release while in DOC, and he hoped to continue to do so while on parole. O'Neal testified he had a job with Rantoul Foods, which he was to begin the following Monday. While he was in DOC, O'Neal completed a lifestyle-redirection class, a class called "Inside/Outside Dad," career technologies, and a parenting class. Defendant offered into evidence certificates of completion for these classes.

¶ 39 O'Neal acknowledged he had been referred for a substance-abuse evaluation and for a domestic-violence class with Cognition Works prior to his incarceration. According to O'Neal, he did not complete these services because he was living in Chicago from February 2014 to July 2014. O'Neal testified he had not had visits with J.R. but, given he was released from DOC custody, he intended to find out how to exercise visitation.

¶ 40 h. The Trial Court's Findings

¶ 41 Following O'Neal's testimony, the trial court heard argument and entered the following findings.

¶ 42 With respect to J.J. and Z.R., the trial court found the State failed to meet its burden of clear and convincing evidence of Robinson's unfitness based on her failure to (1) correct the conditions that were the basis for removal (count I), and (2) make reasonable progress toward the return of the children within the initial nine months following an adjudication of neglect or abuse (count II). The court also found count II procedurally barred as it was resolved in Robinson's favor during the June 2014 fitness hearing. The court found Robinson was unfit as to count III because she failed to show a reasonable degree of responsibility for the welfare of J.J. and Z.R. Finally, the court found the State met its burden of clear and convincing evidence as to count IV—namely, that Robinson failed to make reasonable progress from February 10, 2014, through November 10, 2014, and accordingly, it found Robinson unfit.

¶ 43 As to J.R., the trial court found Robinson unfit on all three counts. In finding Robinson failed to make reasonable efforts, the court explained, "the Ms. Robinson who now has to make efforts in regard to this child [J.R.] had more of a base than she did—than the Ms. Robinson beforehand, because she had been in treatment, she had been in programs, she had been in counseling, and that is the basis on which we can judge what her makeup was to judge her efforts. So it is different in relation to the other petition and the other children." The court further found she failed to make reasonable progress in the initial nine months since the adjudication of neglect or abuse and failed to maintain a reasonable degree of responsibility for J.R.'s welfare. The court also found O'Neal unfit on all grounds.

¶ 44 *2. Best-Interest Hearing*

¶ 45 In May 2015, the matter proceeded to a best-interest hearing. The trial court stated it would consider the CYFS family-services plan and a court-appointed special advocate (CASA) report. The CASA report, filed in October 2014, acknowledged Robinson "tried hard"

during visits with the children, but stated, "When away from them her actions don't reflect those of someone who wants to be a permanent mother for these children. As I write this, she is back in jail for violating an Order of Protection. She is also out of work and homeless." The family-services plan, filed in May 2015, showed the children were placed in different homes. J.J. resided with Robinson's grandparents in Champaign. Z.R. was placed in a traditional foster home and appeared very bonded with her foster parents. J.R. resides in relative foster care with his maternal cousin and her grandson in Urbana. Z.R. was not placed with her siblings because Robinson could not identify any family or friends who would be able to take her.

¶ 46 O'Neal testified he had family support to assist with babysitting and caring for J.R. O'Neal had not followed up on any referrals for services since the fitness hearing. O'Neal further testified he asked Firmand after the April 2015 fitness hearing whether there were classes he could take or anything else he could do. According to O'Neal, Firmand told him he would have to wait until the best-interest hearing to see if he was eligible, essentially giving O'Neal the impression things were on hold. O'Neal testified he had not missed any drug tests since his release from DOC.

¶ 47 Robinson provided the trial court with a letter reflecting her successful completion of her high-school-diploma program.

¶ 48 The trial court found, by a preponderance of the evidence, it was in the best interest of the children to terminate respondents' parental rights. The court acknowledged the children were in separate foster homes. However, the court found those placements provided the children with "continuity, affection, security, safety," and provided permanence and physical safety.

¶ 49 This appeal followed.

¶ 50

II. ANALYSIS

¶ 51 On appeal, Robinson argues the trial court erred in (1) finding her unfit and (2) determining it was in the best interest of J.J., Z.R., and J.R. to terminate her parental rights.

O'Neal does not contest the court's finding of unfitness; rather, he argues it was not in J.R.'s best interest to terminate O'Neal's parental rights. We address these arguments in turn.

¶ 52

A. Fitness Finding

¶ 53 The State has the burden of proving parental unfitness by clear and convincing evidence. *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067, 808 N.E.2d 596, 604 (2004). A reviewing court will not overturn the trial court's finding of unfitness unless it is against the manifest weight of the evidence. *Id.* The court's decision is given great deference due to "its superior opportunity to observe the witnesses and evaluate their credibility." *Id.* We now turn to the finding of unfitness as to Robinson.

¶ 54

The trial court found Robinson unfit on two separate grounds: her failure to (1) maintain a reasonable degree of responsibility for J.J.'s and Z.R.'s welfare (750 ILCS 50/1(D)(b) (West 2012)); and (2) make reasonable progress toward the return of J.J. and Z.R. within the nine-month period between February 10, 2014, and November 10, 2014 (750 ILCS 50/1(D)(m)(iii) (West 2012)). The court further found Robinson unfit with respect to J.R. on three separate grounds: her failure to (1) make reasonable efforts to correct the conditions that were the basis for J.R.'s removal (750 ILCS 50/1(D)(m)(i) (West 2012)); (2) make reasonable progress toward the return of J.R. within the initial nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2012)); and (3) maintain a reasonable degree of responsibility for J.R.'s welfare (750 ILCS 50/1(D)(b) (West 2012)). We turn first to the finding

of unfitness with respect to Robinson's failure to maintain a reasonable degree of responsibility for the welfare of all three children.

¶ 55 We first examine whether the trial court's finding that Robinson failed to maintain a reasonable degree of responsibility for J.J., Z.R., and J.R. was against the manifest weight of the evidence. We recognize the statute references the failure to maintain a reasonable degree of interest, concern, or responsibility. (750 ILCS 50/1(D)(b) (West 2012)). However, the State must only prove one of the three elements to satisfy this ground of unfitness. *In re J.B.*, 2014 IL App (1st) 140773, ¶ 51, 19 N.E.3d 1273. A parent's interest, concern, or responsibility toward his or her child must be objectively reasonable under the circumstances. *Id.* Courts have found a failure to recognize another's incapacity to parent, an inability or refusal to correct harmful or illegal conduct, and a failure to inform DCFS of the parent's whereabouts sufficient to warrant a finding of unfitness under this section. See *In re T.Y.*, 334 Ill. App. 3d 894, 905, 778 N.E.2d 1212, 1220 (2002); *In re C.L.T.*, 302 Ill. App. 3d 770, 777, 706 N.E.2d 123, 128 (1999).

¶ 56 Although the trial court found Robinson was not unfit in June 2014, we conclude the court's April 2015 finding of unfitness based on Robinson's failure to maintain a reasonable degree of responsibility for the three children's welfare was not against the manifest weight of the evidence. Since the June 2014 fitness hearing, Robinson's May 2014 eviction—and her misrepresentation to DCFS and the court as to her whereabouts—came to light. In October 2014, Robinson was also arrested and jailed for violating an order of protection—a charge it appears she was arrested and jailed for in October 2013. Moreover, Robinson's participation in individual counseling was inconsistent and she missed visits with the children because, as she testified, she forgot the times of the visits. Robinson also lost third-party visitation with J.R. because she allowed O'Neal, J.J.'s abuser, to see J.R. in October 2013. These are not the actions

of a reasonably responsible parent. Thus, we cannot say the court's finding of unfitness for failure to maintain a reasonable degree of responsibility was against the manifest weight of the evidence.

¶ 57 Because we have upheld the trial court's finding as to one ground of unfitness, we need not review the remaining grounds. 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.").

¶ 58 B. Best-Interest Finding

¶ 59 Respondents next assert the trial court erred in terminating their parental rights. We disagree.

¶ 60 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. *In re Jaron Z.*, 348 Ill. App. 3d 239, 261, 810 N.E.2d 108, 126 (2004). 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.

¶ 61 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).

¶ 62 Here, J.J., Z.R., and J.R. were in separate foster homes. Although the children were not together, each placement was stable and the children were bonded with their foster families and thriving. According to the service plan, J.J. resides with his great-grandparents and does very well in school. Z.R. has resided in a traditional foster home since October 2012, plays well with her foster siblings, and is social and talkative when at home with her foster family. J.R. has lived with his cousin and her grandson since being placed in foster care and appears to be thriving. These placements appear to be stable, healthy, safe, and loving.

¶ 63 Conversely, respondents lacked the ability to provide stability. Robinson reported living with friends and then with her uncle following her eviction. Robinson also missed counseling sessions and drug tests, and she was unsuccessfully discharged from individual therapy with CYFS. O'Neal was released from DOC in March 2015, had no phone number at which he could be reached, and provided the caseworker with an address, but no apartment number. Moreover, O'Neal did not complete any of the recommended services. Neither Robinson nor O'Neal presented credible evidence as to any stability or permanency they could provide to one or all of the children in the near future. Therefore, we cannot say the trial court's finding that the children's best interest was served by terminating respondents' rights was against the manifest weight of the evidence.

¶ 64

III. CONCLUSION

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

¶ 66 Affirmed.