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2016 IL App (3d) 150659-U

Order filed February 10, 2016

IN THE  
APPELLATE COURT OF ILLINOIS  
THIRD DISTRICT  
A.D., 2016

<i>In re</i> S.D.,	)	Appeal from the Circuit Court
	)	of the 10th Judicial Circuit,
a Minor,	)	Peoria County, Illinois,
	)	
(The People of the State of Illinois,	)	
	)	Appeal No. 3-15-0659
Petitioner-Appellee,	)	Circuit No. 12-JA-284
	)	
v.	)	
	)	
Anthony D.,	)	
	)	Honorable Albert L. Purham, Jr.,
Respondent-Appellant).	)	Judge, Presiding.

JUSTICE WRIGHT delivered the judgment of the court.  
Justices Lytton and Schmidt concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* The trial court’s finding that father was unfit and that it was in the best interest of the minor to terminate father’s parental rights was not against the manifest weight of the evidence.
- ¶ 2 The State filed a neglect petition, immediately after S.D.’s birth, alleging she was neglected based on her parents providing an injurious environment for the child. After adjudicating S.D. neglected, the court placed S.D. under the guardianship of the Department of

Children and Family Services (DCFS), and ordered appellant-father, Anthony D., to complete tasks necessary to correct conditions that were the basis for S.D. being placed in foster care immediately after her birth in 2012. Subsequently, the State filed a petition to terminate father's parental rights (termination petition) in 2014, and the court held bifurcated hearings on the termination petition in 2015. After a fitness hearing, the court found father was unfit because father failed to make reasonable progress toward completing his court-ordered tasks from December 8, 2013, through September 8, 2014, causing S.D. to continue to live in foster care. At a subsequent hearing on the termination petition, the court found it was in S.D.'s best interest to terminate father's parental rights and allow the foster mother to adopt S.D.

¶ 3 Father filed a timely appeal challenging both the court's unfitness finding and its finding that it was in S.D.'s best interest to terminate father's parental rights. We affirm.

¶ 4 **BACKGROUND**

¶ 5 On November 14, 2012, the State filed a neglect petition on behalf of S.D., born November 9, 2012, alleging S.D.'s environment was injurious to her welfare. S.D.'s neglect petition (the petition) alleged the State previously filed neglect petitions on behalf of S.D.'s four, older half-siblings (the siblings). The petition alleged the court found S.D.'s mother, Samantha D., failed to complete court-ordered tasks in the siblings' cases, and mother remained unfit to have the siblings returned to mother's care.<sup>1</sup> Specifically regarding father, the petition alleged six incidents of domestic violence in 2010 and 2011 between father and mother, some of which were in the presence of the siblings. The petition also stated father had a criminal history of convictions for retail theft, possession of cannabis, aggravated assault, and three separate

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<sup>1</sup>The siblings did not have the same father as S.D., therefore, S.D.'s father was not named as a party in the earlier neglect cases involving the siblings.

offenses of domestic battery between 1999 and 2011. Therefore, according to the petition, neither mother nor father were fit to care for the newborn S.D. The court placed S.D. in temporary foster care when she was three days old.

¶ 6 Based on a stipulation of facts, the court found S.D. was neglected due to the parents providing an environment injurious to S.D.’s welfare. On April 16, 2013, the court found both father and mother unfit to care for S.D., granted guardianship of S.D. to DCFS, and ordered each parent to complete specific tasks before they could be found fit to care for S.D. In a separate order on April 16, 2013, the court ordered father to: fully cooperate with DCFS and its designees; obtain a drug and alcohol assessment and cooperate with, successfully complete, and provide proof of any recommended treatment; perform random drug drops and/or a breathalyzer two times per month; participate in and successfully complete counseling to address any issues identified by the counselor including “domestic violence, relationships, safety, honesty, [and] past childhood issues;” participate in and successfully complete a parenting class; obtain and maintain stable housing; provide caseworker with any change in address, phone number, or household members within three days; attend scheduled supervised visitation with S.D.; attend AA or another support group on a regular weekly basis; and successfully complete the probation entered in father’s criminal case.

¶ 7 I. Termination of Parental Rights Proceedings

¶ 8 On November 17, 2014, the State filed a termination petition against both parents on behalf of S.D. The termination petition alleged father was an unfit person, under section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2014)) because father failed to make reasonable progress toward the return of S.D. to father’s care during any nine-month period following the adjudication of neglect, being December 8, 2013, to September 8, 2014.

¶ 9

## II. Fitness Hearing

¶ 10

On March 18, 2015, the court began the contested fitness hearing on the State's termination petition. Regarding allegations against father, the State called Peoria police officer Scott Goforth, who testified he was dispatched to 1826 West Butler in Peoria, Illinois, shortly after midnight on May 2, 2014. At that time, Officer Goforth observed father in an intoxicated condition, explaining father had "slurred speech and an odor of alcoholic beverage coming from his person."

¶ 11

Shantel Jackson testified she was employed by DCFS and supervised visitation between S.D. and father. On February 11, 2014, Ms. Jackson said she transported father to a supervised visit with S.D. at "Bridgeway" at 9:00 a.m., and she smelled alcohol coming from father. When Ms. Jackson asked father if he had been drinking prior to the visit, father told her he went to his sister's birthday party the previous evening and he was drinking there. Father told Ms. Jackson he had not been drinking that morning before the visit. Ms. Jackson said she allowed the visit between S.D. and father on that day and there were no problems during the visit.

¶ 12

Ms. Jackson said father generally interacted appropriately with S.D. during the visits. Originally, father was allowed weekly visitation with S.D., but the visitation schedule changed to one visit per month after the court changed S.D.'s permanency plan to adoption.

¶ 13

The court admitted several documents as the State's exhibits for purposes of the parents' fitness hearing. Relevant to father's fitness, the court admitted the following documents: State's Exhibit No. 9, certified records from the Human Service Center White Oaks regarding father contacting the agency to obtain an assessment; State's Exhibit No. 10, certified records from Tazwell Drug Treatment program regarding father's participation; State's Exhibit No. 11, certified records from Fortes Laboratories regarding father's drug drops (admitted over father's

objection); and State's Exhibit No. 12, certified records from "FBI" counseling at the Children's Home.

¶ 14 On May 27, 2015, the court held the continued fitness hearing for the termination petition. On that date, the court admitted the State's exhibits and took judicial notice of the contents of the Peoria County circuit court juvenile files regarding S.D. and her siblings, including the permanency review reports and orders. The evidence showed, in the permanency review orders from June 18, 2013, and December 10, 2013, the court found father's efforts to complete his tasks in order to have S.D. placed in his care were not reasonable. The December 2013 order expressly informed both parents that their chosen counseling at "Barnabas Center" would not satisfy the requirement to complete court-ordered counseling in S.D.'s case because the counselors at Barnabas were not licensed.

¶ 15 In the permanency review order from June 3, 2014, the court found "mother's and father's efforts are mixed - have jobs, do not have stable housing, father has had altercation, both missing some drug tests, indications of alcohol use by father, incidents re both re visits." That order further stated: "[F]ather to provide documentation of AA attendance weekly[.] [B]oth parents admonished to comply closely with court order or \*\*\* goal change[d] to 24 and possible termination of parental rights." Finally, in the September 30, 2014, permanency review order, the court found neither parent had completed their tasks or achieved the appropriate goals. Therefore, the court changed the goal of returning S.D. to her parents' care to continuing "substitute care pending court decision" on termination of parental rights.

¶ 16 On June 17, 2015, the contested fitness hearing continued. The State called Brenda Lee, a child welfare specialist for DCFS, as a witness. Ms. Lee testified she was the family's caseworker from October of 2011 to the present. Ms. Lee explained that, from December 8,

2013, through September 8, 2014, father did not have stable housing and resided for short periods of time with his brother; his sister, Katina; and S.D.'s maternal grandmother.

¶ 17 Ms. Lee said father did not provide her with any documentation verifying attendance at AA meetings from December 2013 until September 2014. According to Ms. Lee, during a supervised visit conducted on February 4, 2014, Ms. Lee smelled alcohol on father's "person," which father explained was caused by the odor of his mouthwash. On March 12, 2014, Ms. Lee again smelled alcohol when she met with father, and father told Ms. Lee she was smelling his "cologne."

¶ 18 Ms. Lee stated father was not employed from December 2013 through May 2014. From May until September of 2014, father told Ms. Lee he was employed by the Family Dollar store, although father did not provide Ms. Lee with any paystubs or other verification of his employment. Ms. Lee observed father wearing a work shirt with the Family Dollar emblem on it during this period.

¶ 19 Regarding visitation with S.D., Ms. Lee testified father's scheduled supervised visits occurred once a week for two hours. From January through April 2014, father's attendance at visits was "fairly consistent." In May of 2014, father missed "three, possibly four" of his visits with S.D. Father also missed three visits with S.D. in July and three visits in August of 2014. The visits father attended during this period went fine, however, father "would mostly sit and observe [S.D.] play with the toys in the playroom."

¶ 20 During cross-examination of Ms. Lee, father's attorney presented Father's Exhibit 1, which was a copy of documentation showing father's attendance at 18 AA meetings from June 11, 2014, through September 8, 2014. Ms. Lee indicated that father had not provided a copy of that documentation to her and she had not seen the AA attendance form prior to a

permanency review hearing held in September of 2014. The court admitted the exhibit, which showed father's attendance at 18 AA meetings from June 11, 2014, through September 8, 2014. Ms. Lee stated DCFS recommended that father attend counseling at "FBI" in November of 2013, and she did not receive any proof of any attendance by father at "FBI" counseling from December 2013 through September 2014. Ms. Lee said she was not certain whether or not father attended counseling at Barnabas Center during the period in question.

¶ 21 Ms. Lee testified she did not receive any reports of domestic violence incidents between father and mother during the time period raised in the termination petition. Ms. Lee also agreed that father and mother had a new baby who was born on October 28, 2014.

¶ 22 At the close of the fitness hearing, the court advised the parties that the standard of proof for termination cases was clear and convincing evidence. The court also noted the nine-month time period alleged in the State's termination petition, during which father failed to make reasonable progress to complete his court-ordered tasks, was December 8, 2013, through September 8, 2014. The court indicated that the problems that brought S.D. and her siblings into foster care involved issues of mental health, domestic violence, substance abuse, and poor judgment involving both parents regarding these children.

¶ 23 As to father, the court referred to the documentation submitted by the State as exhibits. The court found father completed a mental health assessment on March 19, 2014, and completed some course of substance abuse treatment. However, the court referred to State's Exhibit 11, documents from Fortes Laboratories, that showed father missed appointments for urine or breath testing on December 26, 2013; January 31, 2014; February 3, 2014; and March 3, 2014. Additionally, those lab reports showed father tested positive for alcohol on June 24, 2014, where father's breathalyzer result was .22 %, and father again tested positive for alcohol on August 7,

2014. Further, the court found that Ms. Jackson, the visitation supervisor, testified she smelled alcohol coming from father, but father admitted he had been drinking at a party the night before the visitation. The court also referred to Officer Goforth's testimony indicating he was dispatched to a residence after midnight on May 2, 2014, and father was intoxicated at the scene. Therefore, the court found father did not make reasonable progress toward addressing and eliminating his alcohol abuse problems.

¶ 24 The court referred to State's Exhibit 12, which was a copy of father's comprehensive mental health assessment. The court found the assessment determined father did not handle his aggression appropriately, and father would benefit from individual and family therapy. The court noted that State's Exhibit 12 indicated father cancelled or failed to attend 15 appointments for counseling at the Children's Home for FBI counseling. According to this exhibit, the counselor from Children's Home provided that, although the Children's Home felt father still needed treatment, father was unsuccessfully discharged "due to being noncompliant with treatment." The court found, regarding his task to complete counseling, father "was not working positively toward a return home of the [child] to his care."

¶ 25 The court also referred to Ms. Lee's testimony regarding the number of weekly visits with S.D. that father missed. Based on missing several visits, the court found father was not making progress or effort to satisfy another court-ordered task of regularly attending supervised visits with S.D.

¶ 26 The court found father failed to make reasonable progress toward correcting conditions and completing court-ordered tasks during the nine-month period from December 8, 2013,

through September 8, 2014, that would allow S.D. to be placed in father's care.<sup>2</sup> The court found the State proved, by clear and convincing evidence, that father was unfit. The court set the termination petition for a best interest hearing on August 19, 2015.

¶ 27

### III. Best Interest Report

¶ 28

On August 7, 2015, Ms. Lee prepared and filed a best interest report. According to the report, father continued residing with mother at S.D.'s maternal grandmother's house. The best interest report reiterated the facts that the State presented during the fitness hearing on the termination petition. Specifically, father had not made reasonable progress in nearly three years to complete the court-ordered tasks that would allow the court to place S.D. in his care. The best interest report provided that, based on missing several supervised visits with S.D., father did not have a strong relationship with S.D. Further, father lived with mother, who also failed to complete her court-ordered tasks regarding S.D. for nearly three years, as well as failing to complete mother's court-ordered tasks regarding her older children since 2010.

¶ 29

The best interest report indicated that S.D. had been living in a licensed "relative foster home" with S.D.'s paternal great aunt since November 12, 2012. S.D. had a "strong relationship" with her foster mother and was very affectionate with her. The foster mother wanted to adopt S.D. if the court terminated parental rights. The report stated the foster mother was the only mother S.D. had ever known and the foster mother was able to provide for the food, shelter, health, safety, and other needs of S.D. According to the report, S.D.'s sense of security was with her foster mother and S.D. was bonded to her foster mother. Due to speech and language delays, through no fault of the foster mother, S.D. received speech therapy once a

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<sup>2</sup>The court also found mother failed to make reasonable progress toward completing her court-ordered tasks, regarding S.D. and her siblings, during the same nine-month period.

week. Other than that, S.D. was “on target” in all other areas of development. The report provided that S.D. was an active two-year-old and demonstrated normal behavior for her age.

¶ 30 According to the report, S.D. had lived in the same home with her foster mother since she was three days old. The foster mother’s family and friends interacted regularly with S.D. The foster mother took S.D. to all of her scheduled appointments and other places in the community. However, due to her young age, S.D. was not currently enrolled in community activities, but the foster mother planned to enroll S.D. in activities in the future.

¶ 31 The report stated that S.D. was living in a separate foster home from her four older siblings, who were placed together in a different relative’s home based on having different fathers. Another sibling was born to mother and father in October 2014, and that sibling was placed in a different foster home. This younger child is not involved in the termination proceedings at bar. The report stated the minors could not be placed together due to “relative placements,” but visits occurred regularly between the siblings, and the foster families understood the importance of maintaining sibling contact.

¶ 32 IV. Best Interest Hearing

¶ 33 The court held the best interest hearing on August 19, 2015. Father was present with counsel at this hearing. The court admitted the best interest hearing report into evidence, and Ms. Lee testified about the details in her report during the best interest hearing.

¶ 34 At this hearing, father testified that there had been no domestic violence incidents between himself and mother for “almost four or five years.” Father said he paid for and attended his selected domestic violence class, and father stated it helped him understand and avoid domestic violence situations. Father stated he also successfully completed the terms of his most

recent criminal probation, except for paying off his fines. When asked if father had a place to live, father said, “Yes, pretty much,” stating he was living with his brother.

¶ 35 Father testified his youngest child (S.D.’s younger sibling) was currently in the juvenile court system and father was working on completing his tasks assigned in that case. One assigned task was to attend counseling and father testified he had attended a few sessions in “FBI” counseling and the counseling seemed to be going well. Father said he had not yet done a drug and alcohol treatment program, but it was scheduled for the upcoming Friday. Father stated he had a psychological assessment scheduled for “tomorrow.” Father testified he intended to follow through with and complete the counseling and treatment programs.

¶ 36 Regarding missed visits with S.D. in the past, father said he was promoted to assistant manager at his job, which was why he had to miss visits. Father stated S.D. was very happy to see father during the visits he attended, and she would hug father each time. According to father, S.D. sometimes cried when it was time to leave the visits. Father testified that he liked to take S.D. outside to a park or McDonald’s during the supervised visits so S.D. could run and play.

¶ 37 Father stated S.D. lived with his aunt, as a licensed foster placement. According to father, his cousin told him that S.D. does not come over and visit often and does not leave the house much. Father stated he wanted to continue to have a parental relationship with S.D. because he had always wanted to “be a dad and be a father.” Father asked the court not to terminate his parental rights.

¶ 38 On cross-examination, the State asked father why he did not attend all the counseling sessions at Children’s Home. Father said he stopped attending because he “just felt like the questions that she was asking me during my counseling sessions were not helpful.” Father said he started attending counseling with a different counselor in April 2015, but that counseling

ended because father got sick. Recently, father said he was going to start counseling again in the next couple of days.

¶ 39 At the close of the hearing, the court noted S.D. had been living with a relative since her birth and the child was nearly three years old at the time of the best interest hearing. The court found the child developed an identity with the foster home because that was the only home she knew. Further, the court addressed factors necessary to determine S.D.’s best interest. First, S.D. developed ties, including family, cultural, and religious ties, to the foster parent. Next, the court considered the “child’s sense of security,” the “child’s sense of familiarity,” the “[c]ontinuity of affection for the child,” and the “least disruptive placement for the child.” These factors all favored the foster parent. The court noted it could not determine the child’s wishes because the child was too young to formulate her wishes. The court found that the child’s need for stability and continuity of relationship was a big factor because the foster home was the only home known to S.D. since her birth, and the foster parent was the only parent known to the child. Finally, the court found the foster parent, father’s aunt, was ready and able to adopt S.D. For all of those reasons, the court found it was in S.D.’s best interest to terminate father’s parental rights.<sup>3</sup>

¶ 40 Father filed a timely notice of appeal.

¶ 41 ANALYSIS

¶ 42 On appeal, father challenges the trial court’s finding that the State proved father was unfit as alleged in the termination petition. Father also contends the court erred by finding it was in S.D.’s best interest to terminate father’s parental rights.

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<sup>3</sup>The court also terminated mother’s parental rights at this hearing.

¶ 43 Proceedings on a petition for termination of parental rights involve a two-step, bifurcated approach where the court first conducts a fitness hearing (705 ILCS 405/2-29 (West 2012); 750 ILCS 50/1(D) (West 2012)) and, if the trial court adjudicates the parent unfit, the court then must conduct a best interest hearing where the court considers whether it is in the best interest of the child that parental rights be terminated. 705 ILCS 405/2-29 (2) (West 2012); *In re D.F.*, 201 Ill. 2d 476, 494-95 (2002). In the instant case, father is challenging both the court’s unfitness and best interest findings.

¶ 44 I. Father’s Unfitness

¶ 45 Father argues the trial court erred by finding him unfit for purposes of the termination petition. On review, we determine whether a trial court’s finding of a parent’s unfitness was against the manifest weight of the evidence. *D.F.*, 201 Ill. 2d at 498. A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident or the finding is unreasonable, arbitrary, or not based on the evidence presented. *Id.* Under this standard of review, we give deference to the trial court’s decision because the trial judge is in the best position to observe the conduct and demeanor of the parties and the witnesses, and has a degree of familiarity with the evidence. *Id.* at 498-99.

¶ 46 In the case at bar, the trial court found father unfit because father failed to make reasonable progress toward the return of the child to his care during the nine-month period from December 8, 2013, through September 8, 2014, pursuant to section 1(D)(m)(ii) of the Adoption Act. 750 ILCS 50/1(D)(m)(ii) (West 2012). Our supreme court has held “that the benchmark for measuring a parent’s ‘progress toward the return of the child’ under section 1(D)(m) of the Adoption Act encompasses the parent’s compliance with the service plans and the court’s directives, in light of the condition which gave rise to the removal of the child, and in light of

other conditions which later become known and which would prevent the court from returning custody of the child to the parent.” *In re C.N.*, 196 Ill. 2d 181, 216-17 (2001). Here, father’s history of criminal convictions, domestic violence with this mother, and alcohol and substance abuse were some of the conditions causing S.D.’s environment to be injurious to her welfare in the original neglect petition.

¶ 47 At the April 16, 2013, dispositional hearing for the underlying neglect petition, the court separately ordered father to complete specific tasks to correct these conditions before S.D. could be placed in his care. These tasks, in part, ordered father to obtain a drug and alcohol assessment; cooperate with and successfully complete and provide proof of any recommended treatment; perform random drug drops or breathalyzer tests two times per month; participate in and successfully complete individual counseling to address any issues regarding domestic violence, relationships, safety, honesty, and past childhood issues; maintain stable housing; attend scheduled supervised visitation with S.D.; and attend AA or another support group on a regular weekly basis and provide proof thereof.

¶ 48 The court made findings that father did not make reasonable progress in completing his tasks during the period from December 8, 2013, through September 8, 2014. Although father’s mental health assessment recommended father attend individual and family counseling to deal with domestic violence and other issues, the court found father had been unsuccessfully discharged from his individual counseling at Children’s Home during this period. Additionally, the court found father missed several weekly supervised visits with S.D. during this period in violation of his court-ordered tasks.

¶ 49 Regarding alcohol and substance abuse issues, the court found father missed at least four appointments for urine or breath tests during the period at issue. Additionally, father’s tests

showed he was positive for using alcohol on at least two occasions. Although father was ordered to attend AA weekly and provide proof of attendance, the evidence showed that father only attended 18 meetings from June 11, 2014, through September 8, 2014, and there was no evidence of attendance prior to June 2014. During the nine-month period at issue in the termination petition, the evidence indicated father smelled of alcohol prior to at least one supervised visit and admitted to drinking at a party the previous evening. Additionally, Officer Goforth testified he observed father in an intoxicated condition in May of 2014. For these reasons, the court found father also did not make reasonable progress toward addressing or correcting his alcohol abuse issues.

¶ 50 Based on all of the evidence, the court found father was unfit, by clear and convincing evidence, for failing to make reasonable progress toward complying with the court-ordered tasks to be able to have S.D. placed in father's care. We conclude that the court's finding of unfitness on this ground was not against the manifest weight of the evidence.

¶ 51 II. Best Interest of the Minor

¶ 52 After a trial court adjudicates a parent unfit based on the allegations in a termination petition, the State must prove by a preponderance of the evidence that it is in the best interest of the child to terminate the parental rights. *In re D.T.*, 212 Ill. 2d 347, 366 (2004). We review a trial court's best interest determination by applying the manifest weight of the evidence standard of review. *Id.*; *In re S.D., L.D., & E.T.*<sup>4</sup>, 2011 IL App (3d) 110184, ¶ 33.

¶ 53 When a court makes a best interest decision under a termination petition, the parent's interest in maintaining a parent-child relationship must yield to the child's interest in living in a

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<sup>4</sup>The full heading is used in this citation to avoid confusion with the child's initials in the case at bar.

loving, stable and safe home environment. *D.T.*, 212 Ill. 2d at 364; *S.D., L.D., & E.T.*, at ¶ 34. Section 1-3(4.05) of the Juvenile Court Act of 1987 requires the court to consider the following factors during a best interest hearing: (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, including (i) where the child actually feels love, attachment, and a sense of being valued; (ii) the child's sense of security; (iii) the child's sense of familiarity; (iv) continuity of affection for the child; and (v) the least disruptive placement alternative for the child; (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 2014); *S.D., L.D., & E.T.*, at ¶ 34.

¶ 54 Here, S.D. had been living in the same foster home since birth and she was nearly three years old at the time of the best interest hearing. The court found S.D.'s sense of security, familiarity, affection, and the least disruptive placement existed with her foster mother, and the foster mother wanted and was able to adopt S.D. The court found the foster home was the only home S.D. had ever known and S.D. had developed her sense of identity in this home. Finally, the court found S.D.'s need for stability and continuity of relationship was a big factor being taken into consideration by the court. These factors all favored terminating father's parental rights.

¶ 55 By contrast, the evidence clearly shows that, although father was in the process of resuming counseling, he had not completed recommended counseling to address his domestic violence issues when he testified at the best interest hearing. Father was also previously ordered to cooperate with substance abuse/alcohol treatment and attend AA meetings weekly. Although father produced evidence of attendance at some AA meetings between June and September 2014, there was no evidence of ongoing attendance prior to June or after September. Further, the court received evidence that father continued to consume alcohol during the nine-month period at issue in the termination petition.

¶ 56 Finally, the evidence demonstrated that father continued to be unable to maintain stable housing. Based on the evidence, father lived in at least three different residences from December 8, 2013, through September 8, 2014. These residences included living with father's brother, father's sister, and mother's mother. At the time of the best interest hearing, father had again relocated back to his brother's residence. These were similar problems leading to the adjudication of neglect in S.D.'s original petition in 2012, and which remained uncorrected at the time of the best interest hearing.

¶ 57 For purposes of a best interest hearing, the minor's interest in living in a stable and loving home and having permanence in her life prevails over father's wishes. After our careful review of the record, we conclude the trial court's finding that it was in S.D.'s best interest to terminate father's parental rights was not against the manifest weight of the evidence.

¶ 58 **CONCLUSION**

¶ 59 For the foregoing reasons, we affirm the decision of the circuit court of Peoria County finding father unfit and finding that it was in S.D.'s best interest to terminate father's parental rights.

¶ 60

Affirmed.