2017 IL App (2d) 161078-U
No. 2-16-1078
Order filed April 13, 2017

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re N.W.C. and E.W.C., Minors	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	Nos. 15-JA-90
	)	15-JA-91
	)	
	)	Honorable
(The People of the State of Illinois, Petitioner-Appellee, v. Ryan C., Respondent-Appellant).	)	Mary Linn Green,
	)	Judge, Presiding.

PRESIDING JUSTICE HUDSON delivered the judgment of the court.
Justices McLaren and Jorgensen concurred in the judgment.

ORDER

¶ 1 *Held:* (1) Trial court's finding that respondent is an unfit parent for failure to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare was not against the manifest weight of the evidence; and (2) the trial court's finding that is in the minors' best interest that respondent's parental rights be terminated was not against the manifest weight of the evidence.

¶ 2 I. INTRODUCTION

¶ 3 Respondent, Ryan C., is the father to two minors, E.W.C. (born December 29, 2009) and N.W.C. (born July 11, 2013).[1] On November 17, 2016, the circuit court of Winnebago County

[1] On the court's own motion, we will use initials to refer to the minors.

found respondent to be an unfit parent with respect to both minors. Subsequently, the court concluded that the termination of respondent's parental rights was in the minors' best interest. Respondent filed a notice of appeal, challenging both the trial court's unfitness and best-interest determinations. For the reasons set forth below, we affirm the judgment of the circuit court.

¶ 4 II. BACKGROUND

¶ 5 On March 3, 2015, the Illinois Department of Children and Family Services (DCFS) received a hotline call regarding the minors. The caller alleged that the police had received a report of a domestic battery during the early hours of March 3, 2015, involving respondent and Jourdan W., respondent's wife and the minors' mother.[2] Jourdan recounted that respondent came home drunk, accused her of cheating on him, grabbed her by the hair, punched her, and kicked her. Respondent then demanded that Jourdan have sex with him. Jourdan submitted to respondent's demand to keep him from hitting and kicking her. The minors were home during this incident. At 8 a.m., Jourdan left the home without the minors, stopping at a relative's house before going to a hospital.

¶ 6 On the day of the incident, two child protection investigators with DCFS interviewed Jourdan at her home. At that time, Jourdan reported a history of domestic violence between her and respondent. She also explained what happened earlier in the day. The investigators observed bruises on Jourdan's right arm and left elbow. In addition, they noticed a hole in the wall and debris on the ground from a broken stereo and DVDs. Jourdan denied using any illegal drugs or drinking. The investigators also interviewed E.W.C. He told them that he had seen his parents fight a few times. With respect to the encounter on March 3, E.W.C. related that

[2] The status of Jourdan's parental rights is the subject of a separate appeal. See *In re N.W.C. and E.W.C., Minors*, 2017 IL App (2d) 161021-U.

respondent hit Jourdan "everywhere on her body and pulled her hair." E.W.C. also stated that respondent threatened Jourdan with a knife. E.W.C. reported that respondent was drinking "blue beer," and he showed the investigators where the beer was located. E.W.C. also told the investigators that respondent rolls cigarettes, weighs them, and gives them to his friends. E.W.C. indicated where respondent kept the cigarette supplies. One of the investigators opened an upper cabinet in the kitchen. E.W.C. then stood on a chair and pulled out two bags of marijuana. E.W.C. also told the investigators that when he gets in trouble, respondent hits him "really, really hard."

¶ 7 The investigators noted a prior indicated report dated March 14, 2014, was generated after the police responded to a drive-by shooting at the family home. Several bullets were fired, some of which entered the home. Respondent put his family in a bathroom after the shooting to protect them, but fled before the police arrived as there was a warrant out for his arrest. The police believed the shooting may have been in retaliation for respondent selling drugs to a woman that resulted in her death. A LEADS (Law Enforcement Agencies Data System) search revealed that respondent had two convictions of burglary, three convictions of "dangerous drugs," and two convictions of obstructing police. Respondent was arrested for his role in the events of March 3, 2015, and eventually charged with domestic battery and criminal sexual assault. A safety plan was implemented pursuant to which the minors were placed in relative foster care with their maternal grandmother.

¶ 8 On March 19, 2015, the State filed a five-count neglect petition on each minor's behalf. Each count of the neglect petitions alleged that the minors were subjected to an injurious environment, thereby placing them at risk of harm, in that: (1) their parents have a history of domestic violence (count I); (2) their parents engage in domestic violence in the presence of the

minors (count II); (3) respondent has a substance-abuse issue that prevents him from properly parenting (count III); (4) Jourdan has a substance-abuse issue that prevents her from properly parenting (count IV); and (5) respondent keeps illegal drugs in the home where the minors have access to them (count V). 705 ILCS 405/2-3(1)(b) (West 2014). The parents waived their right to a shelter-care hearing, agreeing that there was probable cause to believe that the minors are neglected, there was an urgent and immediate necessity that the minors be placed in shelter care, and DCFS had made reasonable efforts. As a result, the court placed the minors in the temporary guardianship and custody of DCFS with discretion to place the minors with a responsible relative or in traditional foster care.

¶ 9 On May 14, 2015, respondent stipulated to count III of each of the five-count neglect petitions filed on the minors' behalf. The State agreed to dismiss the remaining counts pertaining to respondent (counts I, II, and V) with the understanding that services would be required for all counts. A dispositional hearing was held on July 17, 2015. At the hearing, the parents agreed to the entry of a dispositional order finding them unfit or unable to care for protect, train, or discipline the minors. The minors were made wards of the court with guardianship and custody remaining with DCFS. Visitation between the minors and the parents was at the discretion of DCFS. In addition, the parents were ordered to cooperate with DCFS and its contracting agencies, remain drug and alcohol free, and submit to random drug screening. The initial service plan developed for the family listed various tasks for respondent, including substance-abuse services, domestic-violence services, parenting-education classes, consistent visitation with the minors, and cooperation with DCFS. Respondent was also tasked with obtaining and maintaining stable housing and employment.

¶ 10 Permanency-review hearings were held on December 14, 2015, and June 28, 2016. At the first such hearing, the parties asked the court to defer any findings as to respondent. The parties explained that respondent is incarcerated and because he has been moved around frequently, putting services in place for him has been problematic. The court agreed to defer any findings with respect to respondent pursuant to the parties' agreement. However, following the second hearing, the court found that respondent did not make reasonable efforts or progress. As a result, the court changed the permanency goal from return home to substitute care pending court determination of termination of parental rights.

¶ 11 On July 20, 2016, the State filed separate motions to terminate respondent's parental rights with respect to each minor. Each motion alleged that respondent was unfit on four grounds: (1) failure to maintain a reasonable degree of interest, concern, or responsibility as to the minor's welfare (750 ILCS 50/1(D)(b) (West 2014)); (2) failure to protect the minor from conditions within the environment injurious to the minor's welfare (750 ILCS 50/1(D)(g) (West 2014)); (3) failure to make reasonable efforts to correct the conditions that were the basis for the removal of the minor from him within any nine-month period after an adjudication of neglected or abused minor (750 ILCS 50/1(D)(m)(i) (West 2014)); and (4) failure to make reasonable progress toward the return of the minor to him within any nine-month period after an adjudication of neglected or abused minor (750 ILCS 50/1(D)(m)(ii) (West 2014)). With respect to the last two grounds, the State listed the following nine-month periods: (1) May 14, 2015, through February 14, 2016; and (2) September 26, 2015, through June 26, 2016. An arraignment hearing was held on the day the termination motions were filed. Although respondent was provided notice of the court date, he failed to appear.

¶ 12 Testimony at the hearing on unfitness commenced on September 9, 2016, and concluded on October 5, 2016. Respondent's attorney was present on both dates, but respondent did not appear on either date. At the hearing, Catherine Dreska testified that she has been the caseworker assigned to the family since the minors first came into care. Dreska testified that two service plans were prepared for the case, one dated August 10, 2015, and the other dated February 26, 2016. Each service plan rated the six-month period prior to its date.

¶ 13 Dreska testified that at the time the minors came into care in March 2015, respondent was incarcerated in the Winnebago County jail. Dreska testified that respondent had consistent, regular visitation with the minors during this period of his incarceration. At some point, respondent was transferred to the Illinois Department of Corrections. Two visits with the minors took place while respondent was housed at an Illinois Department of Corrections facility. However, the visits at the Illinois Department of Corrections facility were difficult on the minors, so a "critical decision" was made to discontinue visits until respondent was released from prison. That occurred in March 2016. Following respondent's release from prison, he did not maintain consistent contact with Dreska. Respondent would initiate calls to Dreska "every once in a while," but he would not return any of the calls Dreska made to him. Further, respondent only participated in two visits with the minors after his release in March 2016, with the last one occurring in June 2016. Dreska noted that no direct contact was permitted between respondent and the foster parent. As a result, any letters from respondent to the minors were required to be forwarded through Dreska. Dreska testified that respondent only sent the minors two letters in the year and a half since they were taken into care. Dreska added that respondent has not provided the minors with any food, clothing, or other support since they had been in foster care.

Dreska also testified that respondent did not inquire about E.W.C.'s grades or education or either minor's medical care.

¶ 14 Dreska testified that respondent attended some administrative-case-review meetings where each service plan was discussed. As part of the administrative-case-review meetings, each participant is informed that he or she has a right to appeal any unfavorable rating in the service plan. Dreska never received any notification that respondent appealed any portion of the service plan. Dreska also noted that child-and-family team meetings are supposed to be held every 90 days. According to Dreska, however, respondent attended only one of these meetings.

¶ 15 On cross-examination, Dreska testified that although certain services are available in the Winnebago County jail, respondent did not complete any services while incarcerated there. Dreska also noted that services were available to respondent when he was transferred to the Illinois Department of Corrections in July 2015. Dreska acknowledged, however, that respondent's time on the waiting list for these services would have exceeded his time at the prison. Accordingly, the only service respondent completed while housed in the Illinois Department of Corrections was a vocational training class. Dreska testified that while respondent was incarcerated, he was given the opportunity to participate in administrative-case-review meetings and child-and-family team meetings by telephone. In March 2016, upon his release from prison, respondent was referred for domestic-violence services and a substance-abuse assessment. Respondent completed a domestic-violence evaluation, but attended only one session of domestic-violence services. Although respondent indicated that he was unable to attend any other sessions due to work obligations, Dreska was unable to verify that respondent was employed. Dreska further testified that respondent did not complete a substance-abuse

evaluation. Further, respondent did not complete any drug drops because Dreska was unable to contact respondent to schedule them.

¶ 16 At the State's request, the trial court took judicial notice of the neglect petition, the temporary custody orders, the orders of adjudication and disposition, and all orders following the permanency hearings. In addition, at the request of the guardian *ad litem* for the children, the trial court took judicial notice of the docket entries as to respondent's presence and absence in court throughout the case. Finally, the trial court admitted into evidence the following exhibits: (1) a two-count bill of indictment in Winnebago County case No. 15-CF-545 charging respondent with criminal sexual assault (720 ILCS 5/11-1.20(a)(1) (West 2014)) and domestic battery (720 ILCS 5/12-3.2(a)(2) (West 2014)) in relation to the events of March 3, 2015; (2) respondent's plea of guilty to domestic battery in case No. 15-CF-545; (3) respondent's certificate of conviction for domestic battery in case No. 15-CF-545; and (4) respondent's certificate of conviction for a violation of the Cannabis Control Act (720 ILCS 550/5(c) (West 2008)) in Winnebago County case No. 08-CF-855 from 2008.

¶ 17 After the State and the guardian *ad litem* rested, the court asked respondent's attorney if she would be presenting any evidence. The following discussion then occurred:

> "MS. SLONIKER [Respondent's attorney]: Your Honor, I make a motion to continue to allow my client to be present to testify. I still have not determined that he is in custody. I don't believe that he is.
>
> THE COURT: Well, he didn't let you know where he was, correct?
>
> MS. SLONIKER: He did not. To be clear for the record, I have not had contact with him since he was present on—I believe he arrived late, but I did see him on June 28 of this year.

THE COURT: That's when he was last in court?

MS. SLONIKER: That's when he was in—he arrived just after the permanency review that day and was given a copy of the court order. I don't know if today's date was on it. I think it was, but I am not positive.

THE COURT: It would usually be.

MS. WELLS [Assistant State's Attorney]: Which order is counsel referring to?

MS. SLONIKER: It would have been the June 28—

THE COURT: June 28.

MS. SLONIKER: —2016. I think today's date was on it, but the November date was not.

MS. WELLS: October 5 at 9:00 a.m. is listed on that order, Your Honor.

THE COURT: Motion denied."

Respondent's attorney then stated she had no evidence or testimony she wished to present at the unfitness hearing. After the parties presented final arguments, the court continued the matter to November 17, 2016, for decision on unfitness and a best-interest hearing, if necessary.

¶ 18 At the hearing on November 17, 2016, respondent was not present. His attorney reiterated that she was not aware of respondent's whereabouts, and respondent has had no contact with her since a court date in June 2016. The court then found respondent unfit to parent the minors on all four grounds alleged in the termination petitions. Immediately thereafter, the matter proceeded to the best-interest phase. At the outset of the hearing, the court, at the State's request, took judicial notice of the evidence and testimony presented at the unfitness phase of the proceeding and of a report authored by Dreska on October 5, 2016, addressing the best-interest factors.

¶ 19 At the hearing, Dreska testified that she served as the caseworker for the family from the time the minors came into care until September 2016. Dreska reported that the minors have been placed in relative foster care with their maternal grandmother since March 2015. Dreska visited the minors in their placement once or twice a month while serving as the caseworker. Dreska stated that both minors are well bonded with their grandmother and the grandmother has consistently provided for their care. Dreska noted, for instance, that the minors go to the grandmother for affection and to have their needs met. Dreska further testified that the home environment is appropriate for the minors and there are no safety concerns. Each minor has his own bed in a shared room, and they have plenty of toys. Dreska also noted that E.W.C. is of school age, he is doing well in school, and his grandmother attends the parent-teacher meetings. Dreska noted that E.W.C. received speech therapy, but no longer needs it. Dreska testified that the grandmother's pre-teen daughter also lives in the home and that the minors relate to her as a sibling. Dreska opined that neither of the biological parents would be able to provide the minors a safe and stable home in the near future. She explained that neither parent has completed services, Jourdan is incarcerated, and respondent's whereabouts are unknown. Dreska testified that the grandmother has indicated that she is willing to provide a permanent home for the minors through adoption.

¶ 20 The minors' grandmother also provided a statement at the best-interest hearing. She stated that although the minors had a rough start, they are now doing very well in her care and appear happy. She noted that E.W.C. is in first grade and is doing well in school. He attends six classes and received Bs in two of the classes and As in the other four. Although E.W.C. did have problems with his speech at first, those issues have been resolved. She stated that E.W.C. goes to school early to help the safety patrol and to raise the flag in the morning, tasks which make

him feel special. She additionally stated that N.W.C. is in preschool and is also doing well. The grandmother related that she is very consistent with the minors' routines, including matters such as bedtimes, medical appointments, and schoolwork. The grandmother stated that E.W.C. plays hockey and N.W.C. is excited because he is going to start to skate and play hockey soon.

¶ 21 At the conclusion of the hearing, following closing arguments, the trial court found that it was in the minors' best interest that respondent's parental rights be terminated. Thereafter, respondent initiated the present appeal.

¶ 22 III. ANALYSIS

¶ 23 The Juvenile Court Act of 1987 sets forth a bifurcated procedure for the involuntary termination of parental rights. 705 ILCS 405/2-29(2) (West 2014). Under this procedure, the State must make a threshold showing of parental unfitness. *In re Adoption of Syck*, 138 Ill. 2d 255, 277 (1990); *In re Antwan L.*, 368 Ill. App. 3d 1119, 1123 (2006). If a court finds a parent unfit, the State must then show that termination of parental rights would serve the minor's best interest. See *Syck*, 138 Ill. 2d at 277; *Antwan L.*, 368 Ill. App. 3d at 1123. In this case, respondent challenges both the trial court's unfitness and best-interest determinations. We address each contention in turn.

¶ 24 A. Unfitness

¶ 25 Section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2010)) lists various grounds under which a parent may be found unfit. *Antwan L.*, 368 Ill. App. 3d at 1123. As the grounds for finding unfitness are independent, evidence supporting any one of the alleged statutory grounds is sufficient to uphold a finding of unfitness. *In re B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 30. The State has the burden of proving a parent's unfitness by clear and convincing evidence. 705 ILCS 405/2-29(2), (4) (West 2014); *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 29.

A determination of parental unfitness involves factual findings and credibility assessments that the trial court is in the best position to make. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 29. As such, a trial court's determination of a parent's unfitness will not be reversed unless it is against the manifest weight of the evidence. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 29. A decision is against the manifest weight of the evidence "if a review of the record 'clearly demonstrates that the proper result is the one opposite that reached by the trial court.' " *In re Brianna B.*, 334 Ill. App. 3d 651, 656 (2002) (quoting *In re M.K.*, 271 Ill. App. 3d 820, 826 (1995)).

¶ 26 As noted previously, the State alleged four grounds of unfitness in its motions for termination of parental rights. One of those grounds was that respondent was unfit for failure to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare pursuant to section 1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2014)). Since the language of section 1(D)(b) is in the disjunctive, any one of the three individual elements, *i.e.*, interest *or* concern *or* responsibility, may be considered by itself as a basis for unfitness. 750 ILCS 50/1(D)(b) (West 2014); *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 31. In determining whether a parent has shown a reasonable degree of interest, concern, or responsibility for a minor's welfare, a court considers a parent's efforts to visit and maintain contact with the child as well as other indicia, such as inquiries into the minor's welfare. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 31. Completion of service plans may also be considered as evidence of a parent's interest, concern, or responsibility. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 31. The court must focus on the parent's efforts, not on his or her success. *Syck*, 138 Ill. 2d at 279; *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 31. In this regard, the court examines the parent's conduct concerning the child in the context in which it occurred. *Syck*, 138 Ill. 2d at 278; *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 31. Accordingly, circumstances such as difficulty in obtaining transportation,

poverty, actions and statements of others that hinder visitation, and the need to resolve other life issues are relevant. *Syck*, 138 Ill. 2d at 278-79; *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 31. Furthermore, if personal visits with the minor are somehow impractical, other methods of communication, such as letters, telephone calls, and gifts, may demonstrate a reasonable degree of interest, concern, or responsibility, "depending upon the content, tone, and frequency of those contacts under the circumstances." *Syck*, 138 Ill. 2d at 279. We are mindful, however, that a parent is not fit merely because he or she has demonstrated *some* interest or affection toward a child. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 31. Rather, the interest, concern, or responsibility must be objectively reasonable. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 31. Furthermore, a motion alleging unfitness under section 1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2014)) is not statutorily limited to a specific time frame. *In re Dominique W.*, 347 Ill. App. 3d 557, 567-68 (2004); *In re M.J.*, 314 Ill. App. 3d 649, 656 (2000). With these considerations in mind, we turn to respondent's argument.

¶ 27 Respondent asserts that there was insufficient evidence to support a finding that he was unfit for failure to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare, especially since he was incarcerated during most of the time that the case was pending. The State responds that the evidence amply supports the trial court's finding that it proved this ground of unfitness by clear and convincing evidence. We agree with the State and conclude that the trial court's finding that respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare is not against the manifest weight of the evidence.

¶ 28 Respondent was incarcerated from the inception of this case in March 2015 through March 2016. During his period of incarceration, visitation with the minors was available to

respondent. Visitation initially occurred while respondent was housed at the Winnebago County jail, and Dreska testified that respondent had consistent, regular visitation with the minors during this period of his incarceration. Respondent was then transferred to an Illinois Department of Corrections facility. After two visits with the minors there, visitation was suspended because it was difficult on the minors. According to respondent, this record establishes that he exercised all of the visitation he was permitted while he was incarcerated. While we do not dispute respondent's claim, the record also demonstrates that outside of the times the minors were brought to him during his period of incarceration, respondent did little to show any interest, concern, or responsibility as to the minors' welfare. For instance, during his period of incarceration, when personal visits were impractical, respondent failed to maintain regular communication with the minors through means such as letters, telephone calls, or gifts. In this regard, Dreska noted that during the year and a half she was the caseworker, respondent sent the minors only two letters.

¶ 29 Further, Dreska testified that after respondent was released from prison in March 2016, he did not maintain consistent contact with her. Respondent would occasionally initiate calls to Dreska, but he would not return calls Dreska made to him. Further, respondent participated in only two visits with the minors after his release in March 2016, with the last visit occurring in June 2016. Moreover, Dreska also testified that respondent did not provide the minors any food, clothing, or other support during the time they have been in foster care, and that he never asked her about E.W.C.'s grades or education or either of the minor's medical care. Finally, we note that respondent's participation in these proceedings has been inconsistent. Respondent regularly attended court dates during his period of incarceration. Respondent also attended some administrative-case-review meetings. However, he attended only one child-and-family meeting.

Moreover, respondent failed to appear at *any* phase of the termination proceeding. Indeed, respondent's attorney stated that her last contact with respondent was in June 2016, and she was unaware of respondent's whereabouts at the time of the termination proceeding. Based on this evidence, we find that the trial court could reasonably conclude that respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare pursuant to section 1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2014)).

¶ 30 Despite the foregoing evidence, respondent contends that the State failed to present any evidence to support its claims that he did not provide any support for the minors. We disagree. Dreska testified that respondent was not allowed to directly contact the foster parent. As a result, any communication between respondent and the minors had to be accomplished through Dreska. As noted above, Dreska testified that respondent wrote only two letters to the minors in the 18 months she was the caseworker and he never provided any means of support such as food or clothing. Thus, respondent's contention that the State failed to offer any evidence on this point is not well taken.

¶ 31 Respondent also suggests that, in attempting to establish that he was unfit to parent the minors, the State overwhelmingly relied on business records which contained multiple levels of hearsay. Respondent concedes that the DCFS records themselves were admissible (see 705 ILCS 405/2-18(4) (West 2014)) and that the observations of any DCFS employees and his own admissions "are proper material evidence against [him]." Nevertheless, respondent asserts that it was improper for the State to rely on hearsay statements within those records for which there was no proper hearsay exception offered. *People v. McCullough*, 2015 IL App (2d) 121364, ¶ 110; see also Ill. R. Evid. 805 (eff. Jan. 1, 2011) ("Hearsay included within hearsay is not excluded

under the hearsay rule if each part of the combined statements conforms with an exception to the hearsay rule provided in these rules"). We reject respondent's claim for several reasons.

¶ 32 First, respondent has forfeited this argument by failing to make any objection to the alleged hearsay in the trial court. See *In re Jaber W.*, 344 Ill. App. 3d 250, 256 (2003) (noting that the failure to object to the admissibility of evidence on hearsay grounds at trial resulted in waiver of argument on appeal); *In re April C.*, 326 Ill. App. 3d 225, 242 (2001) (noting that where a party fails to make an appropriate objection in the court below, he fails to preserve the issue for review). Respondent contends that it would have been "impossible" for him to object to any specific items of multi-level hearsay because the State "made no mention of the hundreds of statements in the reports it was relying on to prove its case." Respondent misses the point. The problem with respondent's position is that he did not make *any* objection on *any* basis at all. Thus, his explanation for failing to object to any alleged hearsay evidence is not well taken. See *Gausselin v. Commonwealth Edison Co.*, 260 Ill. App. 3d 1068, 1079 (1994) (noting that to preserve an objection for appeal, a party must not only object but state specific grounds for the objection in the trial court; grounds not stated are waived).

¶ 33 Second, even absent forfeiture, the only specific example of alleged hearsay respondent cites with respect to the finding of unfitness under section 1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2014)) concerns allegations that he failed to provide for the minors. According to respondent, the evidence the State presented in support of this claim was "presumably" based on the contents of the service plan and statements made by the foster parent. We disagree, as the State presented evidence from Dreska based on her personal knowledge. In particular, Dreska noted that the minors have been placed in relative foster care since they came into care. As noted above, no direct contact was permitted between respondent and the foster

parent. Hence, any support would have to be channeled through Dreska. Dreska testified that respondent did not provide the minors with any food, clothing, or other support since they have been in foster care. No contrary evidence was presented. Accordingly, respondent's claim finds no basis in the record.

¶ 34 In light of the foregoing evidence, the trial court's finding that the State met its burden of establishing that respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare was not against the manifest weight of the evidence. See *B'yata I.*, 2014 IL App (2d) 130558-B, ¶¶ 31-39. Since only one ground of unfitness need be shown, we need not address the trial court's findings as they relate to the remaining three grounds of unfitness. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 30.

¶ 35 B. Best Interest

¶ 36 Having concluded that the trial court's unfitness finding is not against the manifest weight of the evidence, we now turn to the trial court's best-interest determination. As noted earlier, once the trial court finds a parent unfit, it must determine whether termination of parental rights is in the minor's best interest. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 41. As our supreme court has noted, at the best-interest phase, "the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *In re D.T.*, 212 Ill. 2d 347, 364 (2004). Section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2014)) sets forth various factors for the trial court to consider in assessing a minor's best interest. These considerations include: (1) the minor's physical safety and welfare; (2) the development of the minor's identity; (3) the minor's familial, cultural, and religious background; (4) the minor's sense of attachment, including love, security, familiarity, and continuity of relationships with parental figures; (5) the minor's wishes and goals; (6)

community ties; (7) the minor's need for permanence; (8) the uniqueness of every family and every child; (9) the risks related to substitute care; and (10) preferences of the person available to care for the child. 705 ILCS 405/1-3(4.05) (West 2014). The State bears the burden of proving by a preponderance of the evidence that termination is in the best interest of a minor. *D.T.*, 212 Ill. 2d at 366; *In re Deandre D.*, 405 Ill. App. 3d 945, 953 (2010). Like the unfitness determination, we review the trial court's best-interest finding under the manifest-weight-of-the-evidence standard. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 41.

¶ 37 Respondent asserts that the trial court's best-interest finding was against the manifest weight of the evidence. According to respondent, the State presented insufficient evidence regarding his relationship with the minors. Respondent also contends that he was not given sufficient time to engage in services after he was released from incarceration. Respondent's arguments, however, ignore the supreme court's admonition that, once a parent is found unfit, *all* considerations must yield to the best interest of the child. See *D.T.*, 212 Ill. 2d at 364. Given this guidance from our supreme court, and in light of the evidence presented at the best-interest hearing, we cannot say that a finding opposite that of the trial court is clearly apparent.

¶ 38 At the best-interest hearing in this case, the court heard the testimony of the principal caseworker and the maternal grandmother. That evidence revealed that the minors were placed in relative foster care with their maternal grandmother in March 2015. The grandmother's pre-teen daughter also lives in the home. The minors have developed a bond with the grandmother and her daughter. The minors go to the grandmother for affection and to have their needs met. Further, the home environment is safe and appropriate for the minors. Each minor has his own bed in a shared room, and they have many toys. E.W.C., the older minor, is of school age. He is doing well in school, and the grandmother attends his parent-teacher meetings. Although E.W.C.

had problems with his speech, those issues have been resolved. The grandmother is willing to provide a permanent home for the minors through adoption. In contrast, the court heard evidence that neither of the biological parents would be able to provide the minors a safe and stable home in the near future. In this regard, the caseworker noted that the parents have not completed their requested services and that respondent's whereabouts are unknown. In light of the foregoing evidence, the trial court's finding that it is in the minors' best interest for respondent's parental rights to be terminated so that they can live with and be adopted by their maternal grandmother is not contrary to the manifest weight of the evidence.

¶ 39 Respondent nevertheless insists that the bulk of the evidence presented at the best-interest hearing was inadmissible third-party hearsay. Such argument is forfeited, however, for failure to object at trial. See *Jaber W.*, 344 Ill. App. 3d at 256; *April C.*, 326 Ill. App. 3d at 242. Even absent waiver, we disagree. As set forth above, the evidence presented at the best-interest hearing was based principally on the personal observations of the caseworker and the minors' grandmother. Moreover, although Dreska testified regarding respondent's participation in services, and the trial court took judicial notice of the evidence and testimony presented at the unfitness hearing, the formal rules of evidence do not apply at the best-interest stage of proceedings to terminate parental rights. *In re Jay H.*, 395 Ill. App. 3d 1063, 1070 (2009). Rather, at the best-interest stage, the trial court may rely on "all evidence helpful (in the trial court's judgment) in determining the questions before the court" to the extent of its probative value. *Jay H.*, 395 Ill. App. 3d at 1070. Hence, to the extent that the trial court considered the evidence and testimony presented at the unfitness hearing, including respondent's progress (or lack thereof) on the tasks set forth in the service plan, it was proper as such evidence was probative of the best-interest factors. See *Jay H.*, 395 Ill. App. 3d at 1070.

¶ 40 IV. CONCLUSION

¶ 41 For the reasons set forth above, we affirm the judgment of the circuit court of Winnebago County finding respondent unfit and terminating his parental rights to the minors.

¶ 42 Affirmed.