

NOTICE
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2018 IL App (4th) 180509-U

NO. 4-18-0509

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
December 17, 2018
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> Z.R., a Minor)	Appeal from the
)	Sangamon County
)	Circuit Court
(The People of the State of Illinois,)	No. 15JA225
Petitioner-Appellee,)	
v.)	Honorable
Dominick R.,)	Karen S. Tharp,
Respondent-Appellant).)	Judge Presiding.

PRESIDING JUSTICE HARRIS 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 fitness and best-interest findings were not against the manifest weight of the evidence.

¶ 2 In July 2018, the trial court terminated the parental rights of respondent, Dominick R., as to his minor child, Z.R. (born December 11, 2015). On appeal, Dominick argues the court’s fitness and best-interest determinations were against the manifest weight of the evidence. We disagree and affirm.

I. BACKGROUND

¶ 3 Dominick and Nicole R. are the parents of Z.R. The record reflects that Nicole’s parental rights were also terminated; however, we address the issues only as they relate to Dominick and Z.R.

¶ 4 In December 2015, the State filed a petition for adjudication of wardship, alleging Z.R. was a neglected minor because, as a newborn infant, Z.R.'s blood, urine, or meconium contained opiates. The petition further alleged Z.R.'s environment was injurious to her welfare. On March 10, 2016, the trial court entered an adjudicatory order finding Z.R. was neglected. On April 14, 2016, the court entered a dispositional order adjudicating Z.R. a dependent minor, making her a ward of the court, and placing custody and guardianship with the Department of Children and Family Services (DCFS).

¶ 5 In October 2017, the State filed a petition seeking a finding of unfitness and termination of parental rights. The State alleged Dominick was unfit because he (a) failed to maintain a reasonable degree of interest, concern, or responsibility as to Z.R.'s welfare (750 ILCS 50/1(D)(b) (West 2016)); (b) failed to make reasonable efforts to correct the conditions that were the basis for the removal of Z.R. within nine months (March 10, 2016, through December 10, 2016) after the adjudication of neglect (750 ILCS 50/1(D)(m)(i) (West 2016)); (c) failed to make reasonable efforts to correct the conditions that were the basis for the removal of Z.R. within nine months (December 10, 2016, through September 10, 2017) after the adjudication of neglect (750 ILCS 50/1(D)(m)(i) (West 2016)); (d) failed to make reasonable progress toward the return of Z.R. within nine months (March 10, 2016, through December 10, 2016) after the adjudication of neglect, abuse, or dependency (750 ILCS 50/1(D)(m)(ii) (West 2016)); and (e) failed to make reasonable progress toward the return of Z.R. within nine months (December 10, 2016, through September 10, 2017) after the adjudication of neglect, abuse, or dependency (750 ILCS 50/1(D)(m)(ii) (West 2016)). The State further alleged that termination of parental rights was in Z.R.'s best interest.

¶ 6 In April and May 2018, the trial court conducted fitness hearings. The State presented the testimony of multiple counselors from the Family Service Center. Megan Fellows, an adoption coordinator at the Family Service Center, was assigned to Z.R.'s case from December 22, 2015, to August 3, 2016. She testified that Z.R. came into care shortly after birth when Z.R. and Nicole both tested positive for opiates.

¶ 7 Fellows testified that the first service plan was established in January 2016 and an administrative case review (ACR) was conducted in June 2016, which Dominick failed to attend. During that time frame, Dominick was rated satisfactory with respect to housing, income, individual counseling, attending scheduled visitations, and cooperating with the agency. Fellows testified that Dominick was required to complete a sex offender assessment due to a prior incident. She stated Dominick completed the assessment, he was considered a "low to moderate risk" for reoffending, and it was recommended that he continue with sex offender counseling.

¶ 8 Fellows stated that, in May 2016, Z.R. was returned home to Dominick and Nicole because they had completed their service plans. However, 10 days after Z.R. was returned to their care, Nicole became intoxicated while in the presence of Z.R. There was also a physical altercation between Nicole and Dominick. As a result, Z.R. was placed in substitute care again.

¶ 9 Fellows testified that, after the relapse, Dominick was cooperating and engaging in all of the recommended services. However, according to Fellows, Nicole failed to attend all substance abuse counseling and individual counseling appointments.

¶ 10 With respect to visitation, Fellows testified that Dominick had two-hour supervised visits with Z.R. twice a week. According to Fellows, Dominick attended 78 out of 82 visits between December 2015 and August 2016. She stated that Dominick only missed visits

when he was ill or due to his work schedule.

¶ 11 Troy Johnson, a counselor with the Family Service Center, testified that Dominick began both individual counseling and couple's counseling in January 2016. Johnson testified that Dominick attended the first few counseling sessions regularly. However, in May 2016, Dominick's attendance declined due to longer work hours. Johnson explained that Dominick made progress reducing the number of angry outbursts he had during an average week but he made minimal progress improving his relationship with Nicole. Dominick scheduled an appointment for individual counseling on August 4, 2016. During that session, Johnson noted that Dominick had regressed in progress. Johnson testified that he closed Dominick's file in September 2016 due to inconsistent attendance.

¶ 12 Brittani Provost was assigned to Z.R.'s case in August 2016. Provost testified that, overall, Dominick was satisfactorily engaging in his services but Nicole was not cooperative. Provost stated that Dominick and Nicole failed to appear at the December 2016 ACR because they had been evicted from their home.

¶ 13 Provost testified that she informed Dominick that his progress was tied to Nicole's progress, and by maintaining a relationship with her Dominick was hindering his own progress and his ability to have Z.R. returned to his care. Provost stated that Dominick assured her that he was not living with Nicole; however, Provost testified that she did not believe "they ever really separated ***."

¶ 14 In March 2017, Provost conducted an unscheduled visit at Dominick's home to confirm whether Dominick was still in a relationship with Nicole. Provost discovered Z.R. unsupervised—without the foster parent—alone with Nicole and Dominick. Provost testified that

Nicole attempted to “flee with [Z.R.] *** behind the house with [Z.R.] stuffed up her sweatshirt.” Provost noted that it was approximately 40 or 45 degrees outside and Z.R. did not have pants or a diaper. After the incident, Z.R.’s placement was changed and visitations took place at the agency.

¶ 15 According to Provost, at the end of the first nine-month period in December 2016, Dominick and Nicole were not close to having Z.R. returned to their care. Provost stated there were concerns that Nicole was selling prescription medication or asking others for medication. Provost also received reports from family members that there were instances of domestic violence between Nicole and Dominick.

¶ 16 Ashley Horton testified she previously worked for the Family Service Center and was assigned to Z.R.’s case from March 2017 to July 2017. Prior to that, she supervised Z.R.’s case from April 2016 until March 2017.

¶ 17 Horton testified that, from March 2017 through July 2017, Dominick was rated satisfactory with respect to housing, income, mental health counseling, parenting classes, and attending scheduled visitations. However, he failed to complete sex offender treatment, he was not cooperative with the agency because caseworkers were unable to reach him during work hours, and he tested positive for marijuana during a random drug drop in May 2017. Horton stated that, in July 2017, Dominick and Nicole were not close to having Z.R. returned to their care because they failed to successfully complete services.

¶ 18 Nate Helms, a caseworker with the Family Service Center, testified that he began treating Nicole for heroin dependency on April 20, 2017. He stated that she was discharged from the treatment program unsuccessfully. Roxanne Woodrum, a clinical intern with the Family

Service Center, testified that another treatment plan was created for Nicole but she again missed sessions.

¶ 19 Cassandra Pratt, a case worker with the Family Service Center, was assigned to Z.R.'s case on July 21, 2017, through the date of the fitness hearing. She testified that, between July 2017 and September 2017, Dominick was rated satisfactory with respect to housing, income, and parenting classes. He was rated unsatisfactory with respect to sex offender treatment, substance abuse treatment, and individual counseling. Pratt testified that Dominick missed 4 out of 10 visitations with Z.R. due to his work schedule.

¶ 20 Dominick testified on his own behalf. He testified that he was a seasonal construction worker, which made it difficult for him to attend all counseling sessions. He denied that he was uncooperative with the agency, explaining that he could not be reached during work hours because he was not permitted to have his phone with him when he was repairing rooftops.

¶ 21 Further, Dominick denied that he had used marijuana. He stated that he failed one drug drop because he ate a friend's brownie that "tasted funny" and it could have been laced with marijuana. He stated he had passed a drug test at work in August 2017 but he never provided documentation to his caseworker.

¶ 22 With respect to Nicole, he testified that he implemented techniques from his couple's counseling sessions and he believed that they were fighting less. He acknowledged, however, that there was a dispute between them that occurred while Z.R. was in their presence. Specifically, in the spring of 2016, he went to a party with Nicole, she had "a little too much to drink," and they returned home and started yelling at one another while Z.R. was sleeping in another room. He maintained the argument never developed into a physical altercation. He

acknowledged that, on other occasions, the neighbors had called the police due to “disturbances.”

¶ 23 Dominick testified he did not believe Nicole abused alcohol or prescription medications. He acknowledged that Nicole had not completed her service plan “in the way we all wanted her to” but he still thought it was safe for Nicole to be alone with Z.R.

¶ 24 Dominick testified that, in February 2017, he informed his case worker he would not maintain a relationship with Nicole; however, he later decided he did not want his “daughter *** growing up without her father and her mother *** being together.” He testified he separated from Nicole because of “the fighting” and “that was mainly it.” He stated Nicole moved back into his home in April 2017. He acknowledged a caseworker had advised him that, if he progressed with his service plan but Nicole failed to do so, Z.R. would not be returned to his care as long as he maintained a relationship with Nicole.

¶ 25 The trial court found Dominick unfit as alleged in the State’s motion, stating, in part, as follows:

“I’m not [considering] the issue of the sex offender treatment. It wasn’t *** clear to me *** what had been occurring in that first nine months with regard to sex offender treatment ***. *** Likewise[,] *** the one time *** [Dominick] happens to test positive [for cannabis] *** [is] not a factor in my determination.

* * *

*** [W]hy did this case come into the system? [Z.R.] was born positive for opiates, [a] controlled substance. [Nicole] I believe at the time was positive for benzos, opiates *** herself.

* * *

[Nicole] did complete outpatient treatment and then *** the child was returned May of 2016. But unfortunately, after [Z.R.] had been home ten days, the parents decide to go to a party, [and] mom drinks alcohol[.] *** [S]omeone who[,] according to the Family [Service] Center counselor[,] has a heroin dependency [and] engage[s] in any sort of activity in which [she's] using an intoxicating substance is *** [a] problem. So ten days after your child is home, you go to a party. *** [There is] arguing, [Z.R. is] present. Albeit they say asleep, but [Z.R. is] at home. And mom's intoxicated. [It] [c]omes to the attention of the caseworker, [and] [Z.R. is] removed. Again, *** the case is in the system [because of] drug use.

Following that, [Nicole] was told to go back to drug treatment. *** She never successfully completed drug and alcohol counseling.

* * *

I agree that the evidence [shows] [Dominick] did most of his services. *** I believe the caseworker actually rated him satisfactory on counseling, yet the counselor *** testified and said that [Dominick] had made minimal progress, particularly on relationship issues, by the time that he was discharged. He was discharged basically because *** his motivation to attend had decreased. Granted, he had a job. But still, his motivation to attend [and] to make that a priority certainly decreased. In fact, there was one time where *** Dominick had called [the caseworker], got in to see him again, [and according to] testimony from [the

caseworker], [Dominick] had regressed in any progress he had made with regard to particularly the relationship issues.

* * *

[W]ith [respect to] couples counseling[,] if one party won't go, what's the other party to do[?] *** [M]ake some tough decisions and decide whether or not you're going to stay in that relationship.

By February of [2017], the evidence that I heard was that the parties had split up *** for a short while. There had been yet another argument [where] the police were called.

* * *

[I]n *** March of 2017[,] *** Dominick is having a visit, [and] his mother is [supposed] to be supervising. Dominick's own testimony [is that it was] his idea to have his mother leave. She went shopping. Nicole came over at what is now an unsupervised visit whe[n] she's not supposed to be there[.] [The] case worker happens to come by[.] *** Nicole takes [Z.R.] and runs out the back door. Thankfully she doesn't get too far.

* * *

[Dominick's counsel] said there is no evidence as to whether or not [Nicole and Dominick were] together. Dominick said that they were back together by April of 2017. And *** maybe there's a question as to whether they're together now, I don't know. *** By the fall of [2017] they were still together because they were still fighting.

I believe Dominick has stated that their separation, which would have been back in February of [2017][,] was because of the fighting, although he said it was verbal. In fact, there was one [fight] that was apparently so bad that it was the neighbors who called the police to respond to their fight. *** [T]he incident itself wasn't disturbing to Dominick. He was only disturbed that the neighbors were so disturbed they had to call the police.

* * *

I believe the State's evidence is clear and I'm convinced [Nicole] did not make reasonable efforts or progress during the two *** nine-month timeframes to address *** the sole issue [that] led to the child coming into care, which [related to] her decisions while pregnant to use heroin. That was never addressed[,] [I]et alone all of the other issues that *** [were in the] service plan.

* * *

With regard to [Dominick], again, *** by the end of the first nine-month period, December of 2016, they were together. By the end of the second nine-month period, they were together. *** I can't return the child to Nicole because she's not successfully addressed her drug issues, then *** they're together and Dominick said he didn't see that as a problem *** [even though] there's *** lots of fighting to the point that *** more than once police are involved. *** [H]e himself did not make reasonable efforts or reasonable progress during the two, nine-month time periods. And likewise, *** he failed to maintain a reasonable degree of responsibility as to the minor's welfare.”

¶ 26

In July 2018, the trial court conducted a best-interest hearing. Pratt, a case worker

with the Family Service Center, was assigned to Z.R.'s case on July 21, 2017, through the date of the best-interest hearing. She testified Z.R. was living with her maternal grandfather, Harold R., her half brother, C.R., whom Harold had adopted, and Harold's wife, Dana R. According to Pratt, Harold indicated he was willing to adopt Z.R.

¶ 27 Pratt testified Z.R. was making progress in her placement with Harold. She stated Harold attended to Z.R.'s medical, social, and educational needs. Harold also took Z.R. to day care on a daily basis and made sure Z.R. was involved with other family members living in the community. Although Z.R. initially had speech difficulties, she was progressing in speech therapy since her placement with Harold.

¶ 28 Pratt stated Z.R. was attached to Harold and her half brother. She explained that Z.R. sometimes referred to Dana as "mom." Pratt testified Z.R. "seem[ed] happy" and appeared comfortable in Harold's home. She stated the bond between Z.R. and her foster parents was more nurturing than what she saw between Z.R. and Dominick. Pratt testified that her opinion was based on her observation that the foster parents were "stable" and "provide[ed] [for] [Z.R.'s] needs."

¶ 29 Pratt acknowledged Z.R. recognized Dominick as her father and sought his attention during visitations. She stated that, during visits, Dominick and Z.R. read and played with toys together. Pratt testified Dominick brought food, cards, and gifts for Z.R.

¶ 30 Pratt further testified that, since the fitness hearing, Dominick had been charged with public indecency and stalking. She stated the alleged victim was 10 years old. Pratt explained that, depending on the outcome of that case, Dominick would be required to reengage in services with the agency while Z.R. remained in foster care.

¶ 31 In addition, Pratt testified that, two weeks prior to the best-interest hearing, Nicole's sister called the police after discovering that Nicole had been driving while intoxicated. According to Pratt, when the police arrived, Nicole "had alcohol in her shirt [and] in her bra."

¶ 32 Pratt testified Z.R. had been in foster care for over two years. Pratt noted Z.R.'s young age and stated that she did not believe harm would result if parental rights were terminated. Pratt stated it would be in Z.R.'s best interest to achieve permanency.

¶ 33 Dominick testified that he believed it was in Z.R.'s best interest to remain with him and Nicole. He testified he could provide a home for Z.R. where she would have her own bedroom. He described Harold's home as "filthy."

¶ 34 When asked how Z.R. interacted with him, Dominick testified as follows: "Oh, she's a bundle of joy. Just a burst of energy running around, wanting us to chase her ***." He explained that Z.R. enjoyed singing and dancing, and for her birthday he dressed up as Mickey Mouse while Nicole dressed up as Minnie Mouse.

¶ 35 He testified that he was unaware of the incident where Nicole was driving intoxicated. He stated he knew Nicole "went over to her sister's [and] had a few drinks." He testified that Nicole was "of age, so it's legal for her." He further testified that he knew remaining with Nicole was "hampering the return of his daughter" but he "wanted [his] family to be together." He stated he did not think Nicole's substance abuse issues could pose a threat to Z.R. and, "[a]t this point in time, [he] [did not] see that [Nicole] ha[d] a problem."

¶ 36 Brian Rush, Dominick's supervisor at work, testified that he was in a relationship with Dominick's mother. He was also a foster parent for Z.R. before she was removed from his care after a caseworker discovered Z.R. unsupervised with only Nicole and Dominick. Rush

testified that he “deeply regretted” leaving Z.R. unsupervised. As a result, he had not seen Z.R. interact with Dominick or Nicole for about a year. However, he testified that, prior to Z.R.’s removal, Nicole and Dominick did well feeding Z.R., playing with her, and changing her diaper.

¶ 37 Based on the evidence presented, the trial court found it was in Z.R.’s best interest that parental rights be terminated. The court stated, in pertinent part, as follows:

“[T]his child has lived with Dominick and Nicole for, at best, 13 days of her life. *** [W]ho is *** actually day in and day out taking care of the child[?] *** Who is it that’s getting this child up every day, getting her clothed, mak[ing] sure she gets breakfast, mak[ing] sure she gets lunch, mak[ing] sure she gets dinner, mak[ing] sure she is cared for[?] When her tummy hurts, who does she go to[?] When she has a nightmare in the middle of the night, who does she go to[?] I understand that the visits go really well [with Dominick and Nicole]. And I understand that she calls Dominick ‘Dad’ and Nicole ‘Mom’ or some form thereof, but that doesn’t make a parent. Being able to provide a house for a child isn’t what we’re here to determine. Whether or not you make enough money to provide food, clothing and shelter isn’t the issue. *** [T]his child has spent 13 days in the care of her parents. I think, quite honestly, probably the child was returned too soon in May of 2016. The fact that it lasted only ten days is *** evidence of that. And again, I go back to what are the issues in this case, what led this case [to] com[e] into the system. The child tested positive for controlled substances, as did [Nicole], at the time of birth. And here, we have evidence that still an addictive substance, alcohol, is rearing its ugly head in Nicole’s life. A

week or so ago, [she was] drinking at her sister's [and] *** the police get called. So here we are[,] *** [at] the end of July 2018, and we still [have] issues to work on.

* * *

[T]he question isn't if a child has an attachment to someone[.] *** [T]hat's [not] the end all, be all ***. *** Either get a child reunited with the parents, place them into guardianship with maybe a relative, or get the child adopted. Permanence, permanence, permanence. *** There's a difference between being a foster child and a child.

* * *

This is a sad case. *** [T]he parents *** had since December of 2015. [They have] been given a chance.

At this time, given the nature of the issues that remain to be addressed, considering all the factors, I do find that *** the issue of permanence is an overriding factor. *** [W]e have a child who has lived for a while with [the paternal grandmother], and [is] now living with Grandpa[.] I would note that there's a half sibling in that home. [Z.R.] [is] placed with a relative. *** [T]hat's who's getting [Z.R.] up every day and caring for her day in and day out. So I do find by a preponderance of the evidence that the State has shown that it is in the best interest of the minor that the parental rights *** be terminated at this time.”

¶ 38 This appeal followed.

¶ 39

II. ANALYSIS

¶ 40 On appeal, Dominick argues the trial court’s fitness and best-interest determinations were against the manifest weight of the evidence. We disagree.

¶ 41 A. Fitness

¶ 42 Parental rights may be involuntarily terminated when the trial court finds that a parent is unfit based on grounds set forth in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2016)) and termination is in the child’s best interest. *In re J.L.*, 236 Ill. 2d 329, 337–38, 924 N.E.2d 961, 966 (2010). “A parent’s rights may be terminated if even a single alleged ground for unfitness is supported by clear and convincing evidence.” *In re Gwynne P.*, 215 Ill. 2d 340, 349, 830 N.E.2d 508, 514 (2005). “A reviewing court will not reverse a trial court’s fitness finding unless it was contrary to the manifest weight of the evidence, meaning that the opposite conclusion is clearly evident from a review of the record.” *In re A.L.*, 409 Ill. App. 3d 492, 500, 949 N.E.2d 1123, 1129 (2011).

¶ 43 Here, the trial court determined Dominick was unfit based upon each of the grounds alleged by the State. We find the court’s fitness determination was not against the manifest weight of the evidence.

¶ 44 An unfit parent includes one who failed “to maintain a reasonable degree of interest, concern[,] or responsibility as to the child’s welfare.” 750 ILCS 50/1(D)(b) (West 2016). “Because the language of section 1(D)(b) is in the disjunctive, any of the three elements may be considered on its own as a ground for unfitness.” *In re T.A.*, 359 Ill. App. 3d 953, 961, 835 N.E.2d 908, 914 (2005). To determine whether a parent has failed to maintain a reasonable degree of responsibility as to a child’s welfare, “the court must ‘examine the parent’s conduct concerning the child in the context of the circumstances in which that conduct occurred.’ ” *In re*

Adoption of H.B., 2012 IL App (4th) 120459, ¶ 42, 976 N.E.2d 1193 (quoting *In re Adoption of Syck*, 138 Ill. 2d 255, 278, 562 N.E.2d 174, 185 (1990)). On review, each case is “*sui generis*, and must be decided in accordance with its particular facts and circumstances.” *In re Adoption of J.R.G.*, 247 Ill. App. 3d 104, 110, 617 N.E.2d 377, 381 (1993).

¶ 45 On appeal, Dominick contends he maintained a reasonable degree of responsibility as to Z.R.’s welfare during the relevant time periods in this case. Specifically, he argues Z.R. was returned to his care in May 2016 and he received satisfactory ratings on his service plans.

¶ 46 We disagree and find the evidence presented at the fitness hearing was sufficient to support the trial court’s determination that Dominick was unfit because he failed to maintain a reasonable degree of responsibility as to Z.R.’s welfare. Although Z.R. was returned to Dominick’s care in May 2016, soon thereafter, Nicole relapsed with alcohol and Z.R. was removed again. Despite Nicole’s ongoing substance abuse issues, Dominick chose to maintain a relationship with her. Indeed, Dominick testified a caseworker had informed him that, if he continued his relationship with Nicole, Z.R. would not be returned to his care. Dominick not only continued his relationship with Nicole, he continued to live with her while reporting to caseworkers that they were not in a relationship. This continued relationship with Nicole, which involved domestic violence and police intervention, showed that Dominick was unable to maintain a reasonable degree of responsibility toward Z.R.

¶ 47 Further, in March 2017, Dominick encouraged an unauthorized visit between Nicole and Z.R. At that visit, Nicole fled with Z.R. tucked under her sweatshirt in 45 degree weather when the child was not properly clothed. In addition, despite multiple instances

throughout this case where Nicole tested positive during drug drops and relapsed with alcohol, Dominick stated that he did not believe Nicole had a substance abuse issue. Dominick testified he thought it was safe for Nicole to be alone with Z.R.

¶ 48 Dominick’s unwillingness to end his relationship with Nicole prevented him from adequately taking responsibility for Z.R. and keeping her safe. Accordingly, we find the evidence demonstrates that he was unfit for failing to maintain a reasonable degree of responsibility as to Z.R.’s welfare.

¶ 49 Because only one ground for a finding of unfitness is necessary to uphold the trial court’s judgment, we need not review the other bases for the court’s unfitness finding. *Gwynne P.*, 215 Ill. 2d at 349 (A parent’s rights may be terminated if even a single alleged ground for unfitness is supported by the evidence.).

¶ 50 B. Best Interest

¶ 51 Next, Dominick argues termination of his parental rights was not in Z.R.’s best interest. Specifically, Dominick contends he could financially provide for Z.R.’s needs. Further, he maintains that Z.R. was “happy when with [him] and knew there was a difference between [him] and her foster [parent].”

¶ 52 “Following a finding of unfitness *** the focus shifts to the child. The issue is no longer whether parental rights *can* be terminated; the issue is whether, in light of the child’s needs, parental rights *should* be terminated.” (Emphases in original.) *In re D. T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004). “[A]t a best-interests hearing, the parent’s interest in maintaining the parent-child relationship must yield to the child’s interest in a stable, loving home life.” *Id.* At this stage of the proceedings, “the State bears the burden of proving by a

preponderance of the evidence that termination is in the child's best interest." *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 290-91 (2009). We will not disturb the trial court's best-interest determination unless it is against the manifest weight of the evidence. *Id.* "A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident." *In re Arthur H.*, 212 Ill. 2d 441, 464, 819 N.E.2d 734, 747 (2004).

¶ 53 Under the Juvenile Court Act of 1987, there are several factors a court should consider when making a best-interest determination. 705 ILCS 405/1-3(4.05) (West 2016). These factors, considered in the context of the child's age and developmental needs, include the following:

"(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's background and ties, including familial, cultural, and religious; (4) the child's sense of attachments, including love, security, familiarity, and continuity of affection, and the least-disruptive placement alternative; (5) the child's wishes; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parental figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the persons available to care for the child." *Jay. H.*, 395 Ill. App. 3d at 1071 (citing 705 ILCS 405/1-3(4.05) (West 2008)).

¶ 54 In this case, sufficient evidence was presented at the best-interest hearing to support the trial court's determination that terminating Dominick's parental rights was in Z.R.'s best interest. Although Z.R. was bonded to Dominick, Z.R. was also bonded to her foster parent,

Harold, who indicated a willingness to adopt Z.R. The evidence showed that Z.R. was progressing in her speech therapy while in Harold's care. He also attended to Z.R.'s medical and social needs. Although the evidence showed that Dominick was able to provide a home and other resources for Z.R., the evidence also showed he was unable to provide a safe environment for Z.R. so long as he remained in a relationship with Nicole, who had tested positive for drugs and relapsed with alcohol during the pendency of this case. Indeed, Dominick testified he did not "see that [Nicole] ha[d] a problem" with substance abuse. He also stated he knew that continuing his relationship with Nicole was "hampering the return of his daughter" yet he still chose to remain in a relationship with Nicole.

¶ 55 Further, the trial court emphasized the overriding factor in this case was the need for permanency. At the time of the best-interest hearing, Dominick had recently been charged with two crimes and he could have been required to reengage in services while Z.R. stayed in foster care. We find no error in the court's finding that it was in Z.R.'s best interest to achieve permanency instead of remaining in foster care.

¶ 56 Based on this evidence, we find the trial court's best-interest determination was not against the manifest weight of the evidence.

¶ 57 III. CONCLUSION

¶ 58 For the reasons stated, we affirm the trial court's judgment.

¶ 59 Affirmed.