

2014 IL App (2d) 130513-U
No. 2-13-0513
Order filed March 6, 2014

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

<i>In re</i> JAYDIN P., a Minor)	Appeal from the Circuit Court
)	of Winnebago County.
)	
)	No. 2010-JA-150
)	
(The People of the State of Illinois, Petitioner-Appellee, v. Zachary P., Respondent-Appellant).)	Honorable Mary Linn Green, Judge, Presiding.

JUSTICE McLAREN delivered the judgment of the court.
Justices Zenoff and Birkett concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court's finding that respondent was shown to be unfit by clear and convincing evidence was not against the manifest weight of the evidence; the trial court's finding that the State proved by a preponderance of the evidence that it was in the best interests of the minor that respondent's parental rights be terminated was not against the manifest weight of the evidence.

¶ 2 Respondent, Zachary P.,¹ appeals from the trial court's order declaring him an unfit parent and terminating his parental rights to his son, Jaydin P. The trial court determined that respondent was an unfit parent in that he failed to: (1) maintain a reasonable degree of interest, concern, or responsibility as to the child's welfare (750 ILCS 50/1(D)(b) (West 2012)); (2) make

¹ The court also terminated the parental rights of Amber P., the minor's biological mother, however, she is not a party to this appeal.

reasonable efforts to correct the conditions that were the basis for the removal of the child from respondent within nine months after adjudication of a neglected or abused minor under section 2-3 of the Juvenile Court Act of 1987 (750 ILCS 50/1(D)(m)(i) (West 2012)); (3) make reasonable progress toward the return of the child to respondent within the nine month period following the adjudication of neglected or abused minor under section 2-1 of the Juvenile Court Act or dependent minor under section 2-4 of that Act (750 ILCS 50/1(D)(m)(ii) (West 2012)); and (4) make reasonable progress toward the return of the child to respondent within the nine month period after the initial period after an adjudication of neglected or abused minor under section 2-3 of the Juvenile Court Act of 1987 or dependent minor under section 2-4 of that Act (750 ILCS 50/1(D)(m)(iii) (West 2012)). Subsequently, the trial court determined that the termination of respondent's parental rights was in the child's best interests. Respondent filed a timely notice of appeal.

¶ 3 The trial court appointed counsel to represent respondent on appeal. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel filed a motion for leave to withdraw.² In his motion, counsel states that he thoroughly reviewed the record and determined there are no meritorious arguments to be made in support of appeal. Contemporaneously with his motion, counsel filed a memorandum of law containing a statement of facts in support of his motion. The memorandum identified one potential argument on appeal and explained why the argument lacked merit. Counsel represented that he mailed a copy of the motion and the memorandum to respondent. The clerk of this court notified respondent of counsel's motion and informed him that he would be afforded an opportunity to present, within 30 days, any additional matters to this court.

² The *Anders* procedure has been applied to proceedings to terminate parental rights. See *In re S.M.*, 314 Ill. App. 3d 682, 685 (2000).

Within 30 days respondent filed a *pro se* response, asking this court to allow him to appeal his case. On September 4, 2013, this court granted counsel's motion to withdraw and granted respondent's motion to proceed *pro se*. Respondent filed a timely appellant's brief, which we discuss below.³

¶ 4

I. BACKGROUND

¶ 5 This appeal involves a minor, Jaydin P., born January 25, 2008. Respondent is his biological father. On March 23, 2010, respondent was arrested for committing domestic battery (720 ILCS 5/12-3.2(a)(2) (West 2010)) against Amber P., the minor's mother and respondent's wife. On April 3, 2010, respondent pleaded guilty to the State's charge that alleged that respondent committed domestic battery against Amber P. in that he "bit" her. On the same date, respondent was sentenced to 12 months conditional discharge, 44 days in jail with credit for 22 days served. Respondent was also ordered not to consume alcohol or illicit drugs and not have any "unlawful" contact with Amber P.

¶ 6 On May 11, 2010, a neglect petition was filed against respondent and Amber P, alleging that the minor's "environment is injurious to his welfare, in that the minor's parents engage in domestic violence in the presence of the minor, thus placing the minor at risk of harm, pursuant to 705 ILCS 405/2-3(1)(b) [West 2010]." On May 25, a hearing was held on the State's petition. Respondent was not present. In response to the trial court's questions Amber P. told the court

³ We recognize that this disposition is filed after the 150-day term mandated by Illinois Supreme Court Rule 311(a)(5) (eff. Feb. 26, 2010). However, the briefing schedule was extended by leave of this court; upon the State's request, after we granted respondent's attorney's motion to withdraw under *Anders v. California*, 386 U.S. 738 (1967), and granted leave to respondent to proceed *pro se*.

that respondent was Jaydin's father, that he had signed papers at the hospital acknowledging that he was Jaydin's father, that respondent and Amber P. were married and that respondent was going to be released from jail the following day. By the agreement of the parties present, the court placed Jaydin in the temporary custody of the Department of Children and Family Services (DCFS).

¶ 7 On September 2, 2010, Amber P. stipulated to the allegation contained in the State's petition. Jaydin was adjudicated neglected and custody and guardianship was granted to the DCFS.

¶ 8 On February 8, 2011, the first permanency hearing was held. Curtis Kimbal, a Catholic Charities caseworker, testified as follows. Kimbal had been Jaydin's caseworker since June 2010. At the time of the hearing, Jaydin had just had his third birthday. He was in foster placement with his maternal grandmother and had been there since June 2010. All his needs were being met and he was doing well. Respondent had been incarcerated in August 2010 for 60 days and released on probation. At the time of the hearing, respondent had been incarcerated since October 2010 because respondent had violated his probation by committing domestic battery against Amber P. Prior to respondent's incarceration, he had been asked to engage in substance abuse treatment, domestic violence counseling and parenting classes and participate in a substance abuse evaluation. Respondent had not engaged in substance abuse treatment or parenting classes prior to his August 2010 or October 2010 incarceration. However, he completed a parenting class while incarcerated. Respondent did engage in domestic violence counseling for four sessions, but he was discharged when he was arrested again for domestic battery. Respondent had participated in a substance abuse evaluation. When respondent was not incarcerated, he was consistent with his weekly supervised visits with Jaydin. During

respondent's incarceration, he had visits with Jaydin, but not as frequently as before his incarceration because it was difficult for respondent's mother to bring Jaydin to the prison. Kimbal opined that respondent was not "making reasonable efforts" based on respondent committing domestic battery against Jaydin's mother, Amber P. Following the evidence, the trial court found that respondent had "failed to make reasonable efforts." The trial court determined that Jaydin "will be in short-term care with a continued goal to return home within a period not to exceed one year."

¶ 9 On August 2, 2011, the second permanency hearing was held. Kelly Hendrickson, a Youth Services Bureau of Winnebago County caseworker, testified as follows. Hendrickson had been Jaydin's caseworker for three weeks; however, she was familiar with the case history for the prior six month period. Jaydin was now three years old, he was doing well in his foster home and all his needs were being met. Respondent had been asked to complete domestic violence counseling, parenting classes and to engage in a substance abuse assessment. Respondent told Hendrickson that he had completed parenting classes while in jail and that he had been given a certificate. Hendrickson had not looked in the file to confirm respondent's claim. Respondent had completed 13 parenting sessions so far; he had 24 more sessions to take to complete the class. Respondent completed two substance abuse assessments and "both times they had come back that he doesn't need treatment." Respondent has supervised visitation for one hour a week with the minor. Respondent had been consistent with visitation. In the last six months, respondent had four "positive drops" for cannabis and he missed four drops. On cross-examination, Hendrickson testified that regarding respondent's limited supervised visitation with his son, respondent was being punished because he had tested positive for cannabis. Catholic

Charities had “implemented” a “no-contact order” but Jaydin’s mother admitted that she had been living with respondent.

¶ 10 James Phelps, a supervisor with Youth Service Bureau, testified as follows. Phelps was the supervisor for Jaydin’s case. Phelps explained that respondent’s visitation was limited due to “a safety concern.” Following the evidence, the trial court found that the “Department” made reasonable efforts and “request[ed] that the Department look into increasing visitation as long as it’s safe to do so.” The trial court stated, “We are not a punitive court.” The trial court also found that respondent failed to make reasonable efforts. The trial court determined that the “minor will be in short-term care with a continued goal to return home within a period not to exceed one year.”

¶ 11 On January 31, 2012, the third permanency hearing was held. Hendrickson testified as follows. Jaydin recently had his fourth birthday and was still living with his foster mother, his maternal grandmother. All of Jaydin’s needs were being met. Respondent had been consistent with his two-hour weekly supervised visitation. Respondent had been asked to complete random drug screens, counseling and a substance abuse assessment. Respondent completed two of nine random drug screens; both tested positive for marijuana. Respondent had not completed all of the counseling sessions. Respondent had not completed the substance abuse assessment. In addition, on October 24, 2011, respondent was arrested for driving without insurance and driving while on a suspended license. Following the evidence, the trial court found that the “Department” made reasonable efforts for the review period. The trial court also found that respondent failed to make reasonable efforts. The trial court determined that the “minor will be in short-term care with a continued goal to return home within a period not to exceed one year.”

¶ 12 On July 31, 2012, the fourth permanency hearing was held. Hendrickson testified as follows. The current permanency goal was “return home in 12 months.” However, due to respondent’s recent progress, the DCFS was requesting a review period of three months to monitor respondent’s progress and then a “goal change.” Respondent had successfully completed substance abuse treatment. Supervised visitation was going “very well,” the minor had a bond with respondent. Hendrickson wanted to “see how [respondent] goes with partner abuse [classes] *** and make sure he doesn’t go back to jail.” Hendrickson opined that respondent had made reasonable efforts and reasonable progress. The assistant State’s Attorney asked the trial court to find that respondent made reasonable efforts and progress for the review period and noted that respondent’s last 10 random drug screens came back negative for any substances, he complied with “all services,” and he had a job. The guardian *ad litem* agreed with the assistant State’s Attorney that respondent had made reasonable efforts and progress. Following the evidence and argument, the trial court found that the “Department” made reasonable efforts for the review period. The trial court also found that respondent made reasonable efforts and progress. The trial court determined that the “minor will be in short-term care with a continued goal to return home within a period not to exceed one year and set the next permanency review hearing “for a three month short date.”

¶ 13 On October 26, 2012, the fifth permanency hearing was held. Hendrickson testified as follows. Jaydin was four years old, living with his foster mother (his maternal grandmother) and all of his needs were being met. Respondent was currently incarcerated. Prior to his incarceration, supervised visitation with Jaydin had been increased to five hours a week and the agency was considering changing the visitation from supervised to unsupervised because respondent “was doing so well.” The agency changed its position because respondent “dropped

dirty” and documents indicated that respondent had contact with Amber P. in violation of “his no contact order.” Hendrickson testified that Jaydin had a bond with respondent.

¶ 14 Respondent testified as follows. He was currently incarcerated because he failed a drug test and not because he had contact with Amber P. Respondent was told that the only reason his visits with his son were supervised was because he had contact with Amber P. Respondent’s only contact with the minor’s mother was on Facebook. There was no longer a “no contact” order in effect. Respondent was scheduled to be released from prison on December 24, 2012. While in prison, respondent was “doing drug treatment the whole time.” When released from prison, respondent planned to “go back to work both of [his] jobs” and take care of himself and his son.

¶ 15 Hendrickson also testified as follows. Respondent had been evaluated by a psychiatrist and Hendrickson was waiting for the report. The doctor told Hendrickson that respondent “had a lot of issues, and until those issues were dealt with, he would not be able to successfully parent.” Hendrickson also testified that respondent had not progressed to having unsupervised visits throughout the case. Following the evidence and argument, the trial court found that respondent had not made reasonable efforts or progress. The trial court determined that the “minor will be in substitute care pending court determination or termination of parental rights.”

¶ 16 On January 17, 2013, the State filed a four-count amended motion for termination of parental rights and power to consent to adoption. The State alleged that respondent had failed to: (1) maintain a reasonable degree of interest, concern, or responsibility as to the child’s welfare (750 ILCS 50/1(D)(b) (West 2012)); (2) make reasonable efforts to correct the conditions that were the basis for the removal of the child from respondent within nine months after adjudication of a neglected or abused minor under section 2-3 of the Juvenile Court Act of 1987 (750 ILCS

50/1(D)(m)(i) (West 2012)); (3) make reasonable progress toward the return of the child to respondent the nine-month period following the adjudication of neglected or abused minor under section 2-1 of the Juvenile Court Act or dependent minor under section 2-4 of that Act (750 ILCS 50/1(D)(m)(ii) (West 2012)); and (4) make reasonable progress toward the return of the child to respondent within the nine-month period after the initial period after and adjudication of neglected or abused minor under section 2-3 of the Juvenile Court Act of 1987 or dependent minor under section 2-4 of that Act (750 ILCS 50/1(D)(m)(iii) (West 2012)).

¶ 17 The hearing regarding unfitness commenced on February 13, 2013. At the beginning of the hearing, Amber P., Jaydin's mother, consented to his adoption by her parents.

¶ 18 The trial court admitted into evidence the following: an information filed by the State alleging that respondent committed the offense of domestic battery (720 ILCS 5/12-3.2(a)(2) (West 2010)) against Amber P. on March 23, 2010; respondent's signed guilty plea; and the trial court's April 3, 2010, conditional discharge order (the conditions of respondent's sentence were that he serve 44 days in jail, not consume alcohol or illicit drugs and have no "unlawful" contact with Amber P.); a complaint filed by the State alleging that respondent committed the offense of domestic battery against Amber P. on August 2, 2010; respondent's August 11, 2010, signed guilty plea, and the trial court's probation order entered on August 11, 2010 (the conditions of respondent's probation were that he serve 60 days in jail and have no contact with Amber P.); a bill of indictment filed by the State alleging that respondent committed the offense of domestic battery against Amber P. on October 7, 2010; respondent's February 9, 2011, signed guilty plea, the trial court's February 9 probation order; the State's petition to "vacate" respondent's probation alleging that he violated the terms of probation; respondent's March 22, 2012, signed admission to the State's petition to vacate probation; the trial court's October 24, 2012,

sentencing order on respondent's conviction for domestic battery, sentencing him to one year imprisonment, four years' MSR; and the trial court's finding that "the offense was committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance." The trial court also took judicial notice of the State's neglect petition filed on May 4, 2010, and the prior orders entered by the trial court in this case.

¶ 19 Hendrickson testified as follows. She had been the minor's caseworker since July 2011. Hendrickson was also respondent's caseworker. Between July 2011 and March 2012, respondent was not cooperating with services. During that time period, respondent failed to complete domestic violence counseling and substance abuse counseling. Respondent successfully completed intensive outpatient substance abuse treatment in May 2012. He cooperated with services from March 2012 through September 2012. During that period respondent completed every random drug test and each test was negative for drugs; respondent kept in contact with Hendrickson; respondent's substance abuse treatment was going well and he was successfully discharged; respondent attended aftercare; and respondent consistently attended narcotics anonymous meetings. In the summer of 2012, respondent participated in a partner abuse prevention program. But in September 2012, respondent tested positive for marijuana and cocaine and stopped services required for maintaining sobriety. In addition, respondent was unsuccessfully discharged from a parenting abuse program; was rated as a high risk to reoffend; and contacted Amber P, in violation of a no-contact order. Except for the May through September 2012 time period, respondent failed to consistently participate in the services that were requested of him. Throughout the case, respondent had supervised visits with his son. From the beginning of the case through July 2011, respondent visited with his son one hour a week; in August 2011 visitation was increased to two hours a week because respondent was

participating in “Clarity counseling.”⁴ At the end of summer of 2012, visits increased to four hours a week because respondent “had been participating well in substance abuse services along with his partner abuse classes [and] dropping clean,” and respondent successfully completed an intensive outpatient substance abuse program. Respondent was incarcerated in October 2012 for violating his probation; he was released in December 2012. After his release from prison visitation was reduced to two hours a week. Hendrickson had observed visits between respondent and his son. She saw respondent and the minor playing and described their interaction as “positive” and “appropriate.” Respondent was consistent with visitation. Hendrickson testified that she saw that respondent loved his son, that Jaydin was affectionate towards his father and, when the visits ended, “it was difficult for Jaydin. *** [H]e would get upset”; at times, respondent had to carry his son to the car. In February 2012, the minor reported viewing an incident of a fight between respondent and respondent’s brother during visitation at respondent’s mother’s home. Accordingly, the location of visitation was changed from the respondent’s mother’s home to the agency. However, Hendrickson testified that during visits it never appeared that Jaydin P. was in any danger. At the time of the hearing, respondent was employed and had been employed in the past. Respondent has a positive support system for Jaydin, respondent’s mother and other members of his family. The trial court admitted the agency’s service plans into evidence. No witness testified on behalf of respondent.

¶ 20 On May 8, 2013, the trial court found respondent unfit as to all four counts alleged in the State’s motion to terminate respondent’s parental rights. On the same date, the trial court

⁴ Clarity Counseling Center is located in Rockford, Illinois, and offers counseling services with a clinical social worker.

commenced the best interests hearing. The trial court took judicial notice of the evidence from the unfitness hearing and the report prepared by Hendrickson.

¶ 21 Elizabeth B., Jaydin's foster mother and maternal grandmother, testified as follows. Jaydin had lived with her for four years, since January 2009. Jaydin was now five years old. Jaydin was doing well; he was "a typical boy." Jaydin visited respondent's parents on the weekends and Elizabeth B. planned to continue that relationship because she did not "want to take him away from either side of the family." Elizabeth B. planned to adopt Jaydin and believed it was important to do so because "Jaydin needs to stay in our family," he had stability, and love, and "we want everybody to enjoy Jaydin." Elizabeth B. took Jaydin to his medical appointments. Before Elizabeth B. became Jaydin's foster mother, respondent took Jaydin to his medical appointments. Jaydin is "a little" behind in school and Elizabeth B. attended conferences to help Jaydin get ready for kindergarten. At Elizabeth B.'s home, Jaydin liked to play video games, go outside with the dog and throw toys, walk around the block with Elizabeth B., play "desperado" and "Captain America" and other superheroes with Elizabeth B. and engage in other imaginary play. Jaydin liked to do the same things with his foster father; they also played wrestlers and zombies. Elizabeth B. understood that Jaydin's relationship with respondent and respondent's parents was important to Jaydin and she was willing to facilitate those relationships.

¶ 22 During cross-examination, Elizabeth B. testified as follows. During respondent's visits with Jaydin at respondent's mother's home, they engaged in imaginary play, swam together, hugged and kissed each other, told each other they loved each other, and were affectionate with each other.

¶ 23 Without objection, the State asked the court to take judicial notice of a psychological evaluation attached to a January 17, 2013, court report. The trial court took judicial notice of the psychological evaluation.

¶ 24 Amy Powell, a foster care supervisor at Youth Service Bureau, testified as follows. Powell was the supervisor of Jaydin's case for the year 2012 and January 2013. Powell did not observe respondent's visits with Jaydin but she did observe Jaydin in his foster home. Powell reviewed visitation records. Powell testified that visitations have gone well and "[m]ost of [respondent's] visitation was supervised. There [weren't] really any concerns noted. It was noted that [respondent] interacted very well, that the two seemed bonded." Further, they had a playful relationship with each other and "all their interactions were positive." Regarding visitation, Hendrickson indicated in her notes that she had never seen anything "negative or conflictual." Jaydin told Powell that he liked visits with respondent. The last time Powell saw Jaydin in the foster home was October 2012. Jaydin was very comfortable at the foster home and he was "very casual and laid-back, like this is my kingdom." The foster parents signed a commitment to adopt Jaydin. Powell opined that it would be in Jaydin's best interests to be freed up for adoption because "the home he is in now has basically been the most stable placement that he has been in. He knows it as home. He doesn't know any other place as home. He deserves permanency at this point in time." Powell opined that it would be appropriate to terminate respondent's parental rights because the foster parents have the resources and they have been the "most committed to Jaydin from day one." Powell testified that she could not "speak to what" respondent had "done in the past four or five months to see if [he] even progressed enough that I would consider them at this point."

¶ 25 Paula Hacker, respondent's mother, testified as follows. Jaydin is Hacker's grandson. He has visited her home every weekend since 2010. Respondent was a part of those visits "when allowed." Also present during the visits were respondent's brother, stepsister and Hacker's boyfriend, all of whom have a relationship with Jaydin. Every weekend Jaydin would ask where "Uncle Mike" (respondent's brother), "Big Sissy" (Hacker's boyfriend's daughter), and "Papa" (Hacker's boyfriend) were. Jaydin identified Hacker's boyfriend as his grandfather. While Jaydin was visiting, they watched TV, played outside, and swam in the pool. Respondent's and Jaydin's interactions were "very good [and] "very loving." Jaydin was always asking if "daddy is today." During Christmas at Hacker's home with all of the family members, Jaydin would open the presents he received from each family member, help others with their presents and try to "figure out what he's going to eat." Hacker and her family also enjoyed taking Jaydin to all of the other family members' homes on Halloween to go trick or treating.

¶ 26 On cross-examination by the State, Hacker testified as follows. Respondent was incarcerated for a period of time in 2010, and was again incarcerated from October through December 2012 because he violated probation. Respondent was currently employed as a janitor at the courthouse. While respondent was incarcerated, Hacker took Jaydin to visit respondent occasionally. Respondent had used marijuana for years and had a history of domestic violence. Hacker kicked respondent out of the house eight years ago and he broke into his grandparents' house and stole money from them. Respondent then received drug treatment but continued to use drugs. Hacker testified that Jaydin was well cared for by his foster parents, that she had no concerns about Jaydin's care, and that Hacker got along well with Jaydin's foster mother.

¶ 27 On May 8, 2013, the trial court found that it was in Jaydin's best interests to terminate respondent's parental rights. On May 17, 2013, respondent filed his notice of appeal.

¶ 28

II. ANALYSIS

¶ 29 Initially, we address the State's argument that we must affirm the trial court's termination order because respondent forfeited any allegations of error on appeal. The State argues that respondent's statement of facts is in violation of Illinois Supreme Court Rule 341(h)(6) (eff. Feb. 6, 2013) because it contains no citation to the record and it includes argument. Thus, the State urges this court to strike respondent's statement of facts. In addition, the State contends that the argument section of respondent's brief violates Illinois Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013) because it fails to: cite to relevant authority; cite to pertinent pages of the record; and present cogent arguments.

¶ 30 After reviewing respondent's brief, we agree with the State. Respondent fails to cite the record in either the statement of facts or the argument sections (see Rule 341(h)(6)) and fails to cite to relevant authority in the argument section (see Rule 341(h)(7)). Further, it is very difficult to follow respondent's brief because his arguments are not cohesive, coherent, or developed. See *Vancura v. Katris*, 238 Ill. 2d 352, 369-70 (2010); *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 80 ("This court is not a depository in which the burden of argument and research may be dumped."). In addition, respondent's brief contains no jurisdictional statement as required by Illinois Supreme Court Rule 341(h)(4) (eff. Feb. 6, 2013)). Although respondent is *pro se*, this does not relieve him of compliance with the applicable rules of appellate practice. *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. Accordingly, respondent has forfeited the issues he raised on appeal. See *In re H.D.*, 343 Ill. App. 3d 483, 489 (2003) ("[t]he principles of forfeiture apply to proceedings conducted pursuant to the Juvenile Court Act").

¶ 31 Where an appellant's brief violates Rule 341, this court has the authority to dismiss the appeal. *In re Jacorey*, 2012 IL App (1st) 113427, ¶ 17. However, forfeiture is a limitation on

the parties, not this court, and we will relax the forfeiture rule to maintain a uniform body of precedent and reach a just result. *In re Tamera W.*, 2012 IL App (2d) 111131, ¶ 30. The termination of parental rights affects a fundamental liberty interest. See *In re E.B.*, 231 Ill. 2d 459, 463 (2008). “The interest of parents in the care, custody, and control of their children is one of the oldest of the fundamental liberty interests recognized, and this interest is protected by the due process clause.” *In re Haley D.*, 403 Ill. App. 3d 370, 376 (2010). Because the termination of parental rights is a harsh measure (see *E.B.*, 231 Ill. 2d at 463), we opt not to dismiss respondent’s appeal; rather we will determine whether the trial court erred by terminating respondent’s parental rights. However, as requested by the State, we exercise our discretion to strike respondent’s statement of facts based on his violations of Illinois Supreme Court Rule 341. *Holzrichter*, 2013 IL App (1st) 110287, ¶ 77.

¶ 32 Section 2-29(2) of the Juvenile Court Act of 1987 (705 ILCS 405/2-29(2) (West 2012)) outlines a bifurcated procedure to determine whether a parent’s rights should be terminated. First, the court must determine whether the parent is unfit. See *In re D.T.*, 212 Ill. 2d 347, 352 (2004). If a court finds a parent unfit, it must then determine whether the termination of parental rights would serve the child’s best interest. See *id.* at 352. The trial court must determine that the parent is unfit by clear and convincing evidence. *Id.* at 364. Following a determination of unfitness, the trial court must determine that termination of the parent’s parental rights is in the best interests of the child by a preponderance of evidence. *Id.* at 365.

¶ 33 On appeal, respondent essentially argues that he made progress by completing parenting classes, attending 52 domestic violence classes, and successfully completing drug abuse treatment.

¶ 34 The trial court found respondent unfit on four separate grounds, including respondent's failure to make reasonable efforts to correct the conditions that were the basis for the removal of the child from respondent within nine months after adjudication of a neglected or abused minor under section 2-3 of the Juvenile Court Act of 1987 (750 ILCS 50/1(D)(m)(i) (West 2012)); and failure to make reasonable progress toward the return of the child to respondent within the nine-month period following the adjudication of neglected or abused minor under section 2-1 of the Juvenile Court Act or dependent minor under section 2-4 of that Act (750 ILCS 50/1(D)(m)(ii) (West 2012)). Where the State charges lack of parental fitness under section 1(D)(m), a parent's conduct must be assessed based solely on the reasonable efforts or reasonable progress made by the parent within the nine-month period following the adjudication of neglect. *In re Haley D.*, 2011 IL 110886, ¶ 88. A trial court's ruling on unfitness will not be disturbed on appeal unless it is against the manifest weight of the evidence. *In re A.W.*, 232 Ill. 2d 92, 104 (2008). A finding is against the manifest weight of the evidence only when the opposite conclusion is clearly evident. *Id.*

¶ 35 In this case, the record supports the trial court's determination that respondent failed to make reasonable efforts to correct the conditions that were the basis for Jaydin's removal. The conditions, as alleged in the petition for adjudication of wardship, were that Jaydin's "environment is injurious to his welfare, in that [Jaydin's] parents engage in domestic violence in the presence of [Jaydin], thus placing [Jaydin] at risk of harm." The trial court adjudicated Jaydin abused and neglected on September 2, 2010. Thus, the relevant time period to assess respondent's efforts following adjudication ended on June 2, 2011.

¶ 36 During this initial nine-month time period, respondent was arrested again for domestic battery against Amber P. and he was incarcerated. Further, respondent failed to engage in

domestic violence counseling, parenting classes, substance abuse treatment, and failed to participate in a substance abuse evaluation as requested by the DCFS. Respondent tested positive for marijuana twice in violation of probation in March and April 2011 and missed numerous drops. While respondent made some effort by attending four domestic violence counseling sessions, he was discharged from the counseling sessions when he was arrested again for domestic battery. Respondent also completed a parenting class while incarcerated. Considering the totality of the evidence, we conclude that the State established by clear and convincing evidence that respondent failed to make reasonable efforts to correct the conditions that were the basis for the removal of Jaydin within nine months after the adjudication of neglect. Thus, the trial court's finding that respondent was unfit was not against the manifest weight of the evidence.

¶ 37 Respondent also argues that his due process rights were violated and that the “agency *** made no attempt to help [him] achieve reasonable progress.” However, respondent insufficiently articulated his argument to facilitate an understanding of the issue. Therefore, we are unable to respond this argument. See *In re Tinya W.*, 328 Ill. App. 3d 405, 410 (2002). Further, as stated above, respondent's argument is forfeited because he failed to support his argument with citation to the record or to relevant authority in violation of Supreme Court Rule 341.

¶ 38 We now turn to the issue of whether the trial court's finding that it was in Jaydin's best interest to terminate respondent's parental rights was against the manifest weight of the evidence. Under the Act, a child's best interest is the paramount consideration to which no other takes precedence. *In re I.H.*, 238 Ill. 2d 430, 445 (2010). A child's best interest is not to be balanced against any other interest. *In re Austin W.*, 214 Ill. 2d 31, 49 (2005). Thus, after a parent is found unfit, the focus shifts to the child, and the parent's interest in maintaining the parent-child

relationship yields to the child's interest in a stable, loving home life. *In re D.T.*, 212 Ill. 2d 347, 364 (2004). When determining the best interests of a child for purposes of a termination petition, the court is required to consider a number of statutory factors "in the context of the child's age and developmental needs." 705 ILCS 405/1-3(4.05) (West 2012). These statutory factors include:

(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." *Id.*

¶ 39 The trial court may also consider the nature and length of the child's relationship with the current caretaker and the effect that a change in placement would have on the child's emotional and psychological well-being. *In re Tiffany M.*, 353 Ill. App. 3d 883, 893 (2004). Although the trial court is required to consider the statutory factors in making its best interests determination, it is not required to articulate specific reasons for its decision. *Id.* On review, a trial court's best

interests determination will not be reversed unless it is against the manifest weight of the evidence. *Id.* at 892.

¶ 40 Here, the record contains ample evidence to support the trial court's finding that it was in the best interests of Jaydin to terminate respondent's parental rights. The evidence presented at the hearing indicated that Jaydin was five years old and had lived with his foster family, his maternal grandparents, for four years. Jaydin lived in a stable, secure, and loving home. He was well adjusted, well cared for, and his physical, emotional, medical and educational needs were met on a consistent basis. He had consistent contact with other family members, including respondent's family, and had a strong attachment to both foster parents. It is undisputed that respondent and Jaydin were bonded and that Jaydin and respondent expressed love and affection for each other and desired that their relationship would continue. Nonetheless, there was no evidence that termination would be harmful to Jaydin. Further, Jaydin would benefit from having a permanent place to live, and would continue to benefit from the stable and loving environment provided by his grandparents, the potential adoptive parents, where he has thrived for the past four years.

¶ 41 The existence of a bond between a parent and child, standing alone, does not compel the conclusion that termination of parental rights is against the manifest weight of the evidence. *In re Angela D.*, 2012 IL App (1st) 112887, ¶ 39. Moreover, evidence that the potential adoptive parents would allow the child to maintain a relationship with his biological family is relevant when making a best-interest determination. *Id.* ¶ 41. Here, the evidence established that the foster grandparents allowed and would continue to allow Jaydin to have contact with respondent and his family, so long as it was in Jaydin's best interest.

¶ 42 Based on the record before us, we conclude that the State established by a preponderance of the evidence that it was in the best interest of Jaydin to terminate respondent's parental rights. Therefore, the trial court's decision to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 43

III. CONCLUSION

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

¶ 45 Affirmed.