

¶ 3 Respondent appeals, arguing only that the trial court's best-interest determination was against the manifest weight of the evidence. We disagree and affirm.

¶ 4 I. BACKGROUND

¶ 5 A. Events Preceding the Motion To Terminate Parental Rights

¶ 6 In July 2012, police responded to a domestic disturbance involving respondent and D.M.'s mother, Phoenicia Eskew. Respondent had essentially beaten up Eskew because he suspected her of cheating on him. Police arrested respondent and took D.M., who was then four months old, into protective custody.

¶ 7 In September 2012, the trial court adjudicated D.M. neglected under section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2012)) based upon (1) Eskew's stipulation that D.M.'s environment was injurious to his welfare in that Eskew had unresolved issues of domestic violence; and (2) respondent's stipulation that D.M.'s environment was injurious to his welfare in that respondent was an untreated, registered sex offender, and Eskew had not completed sex-offender-chaperone training.

¶ 8 In October 2012, following a dispositional hearing, the trial court made D.M. a ward of the court and placed temporary custody and guardianship with DCFS. The court noted in its dispositional order that respondent was unfit within the meaning of section 2-27(1) of the Juvenile Court Act (705 ILCS 405/2-27(1) (West 2012)) because respondent (1) needed to complete sex-offender treatment, parenting classes, individual counseling, substance-abuse treatment, and a domestic-violence assessment; (2) failed to provide verification of appropriate housing and employment; and (3) had recently been sentenced to four years in the Department of Corrections (DOC).

¶ 9

B. The State's Motion To Terminate Parental Rights

¶ 10

In May 2014, the State filed a motion to terminate respondent's parental rights, alleging that respondent was unfit under section 1(D) of the Adoption Act because (1) he failed to maintain a reasonable degree of interest, concern, or responsibility as to D.M.'s welfare (750 ILCS 50/1(D)(b) (West 2012)); (2) he was depraved (750 ILCS 50/1(D)(i) (West 2012)); (3) he failed to make reasonable efforts to correct the conditions that were the basis for the removal of D.M. during any nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(i) (West 2012) (text of section effective January 1, 2014) as amended by Public Act 98-532 (Pub. Act 98-532, § 5 (eff. Jan. 1, 2014))); (4) he failed to make reasonable progress toward the return of D.M. during any nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2012)); and (5) (a) D.M. was in the temporary custody or guardianship of DCFS, (b) respondent was incarcerated at the time the motion to terminate parental rights was filed, (c) respondent had been repeatedly incarcerated as a result of criminal convictions, and (d) respondent's repeated incarceration had prevented him from discharging his parental responsibilities (750 ILCS 50/1(D)(s) (West 2012)).

¶ 11

C. The Hearing on the Motion To Terminate Parental Rights

¶ 12

At a July 2014 hearing on the State's motion to terminate parental rights, respondent admitted that he was unfit under section 1(D)(s) of the Adoption Act. (We note that Eskew voluntarily relinquished her parental rights as to D.M.) Following respondent's admission that he was unfit, the trial court proceeded to a best-interest hearing.

¶ 13

At the State's request, the trial court took judicial notice of the entire court file, which included numerous police reports and photographs documenting instances of domestic violence perpetrated by respondent against Eskew between 2004 and 2012. Eskew reported to a

DCFS caseworker that respondent repeatedly abused her during their "on and off" relationship, resulting in serious physical injuries and a miscarriage.

¶ 14 Respondent's relationship with Eskew went on a five-year hiatus beginning in 2005, when respondent pleaded guilty to aggravated criminal sexual assault of a victim between 13 and 16 years old (McLean County case No. 05-CF-21). As a result of that conviction, respondent was (1) sentenced to a 10-year prison term in DOC and (2) required to register as a sex offender. Respondent served his sentence in McLean County case No. 05-CF-21 concurrently with a 10-year prison sentence for manufacture or delivery of cocaine (McLean County case No. 05-CF-79). Prior to those offenses, respondent served a five-year prison sentence for robbery (McLean County case No. 00-CF-1526).

¶ 15 Nicole Meyer, a child-welfare specialist employed by Baby Fold (a DCFS contractor), prepared a best-interest report that recommended termination of respondent's parental rights. Meyer's report noted that in October 2012, respondent began serving a four-year prison sentence for possession of cannabis (McLean County case No. 11-CF-927). Prior to his most recent incarceration, respondent failed to complete a required domestic-violence assessment and a required intake assessment for individual therapy. Respondent was also unsuccessfully discharged from parenting classes and sex-abuse treatment due to lack of attendance.

¶ 16 Meyer opined that D.M. should remain in foster placement with Teresa Griffin (his godmother), who has cared for him since infancy and met "all of his needs without hesitation." Griffin testified that D.M. has lived in her home since July 2012, when he was first taken into protective custody. Griffin wanted to adopt D.M. and raise him as her own, as she had done with D.M.'s two other siblings (Eskew's other children), who were five and seven years old.

¶ 17 Respondent, who appeared at the hearing in custody, testified that he was sched-

uled to be released from DOC in November 2014. He expected to get an apartment "within a couple months" of his release and to either resume his previous employment at a restaurant or work for his father's painting company. Respondent hoped to complete his DCFS services as quickly as possible so that he could obtain custody of D.M. within a year or year and a half of his release.

¶ 18 Following the parties' arguments, the trial court found that it was in D.M.'s best interest to terminate respondent's parental rights.

¶ 19 This appeal followed.

¶ 20 II. ANALYSIS

¶ 21 Respondent argues that the trial court's best-interest determination was against the manifest weight of the evidence. We disagree.

¶ 22 A. Standard of Review

¶ 23 At the best-interest stage of parental-termination proceedings, the State bears the burden of proving by a preponderance of the evidence that termination of parental rights 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). Consequently, at the best-interest stage of termination proceedings, " 'the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life.' [Citation.]" *In re T.A.*, 359 Ill. App. 3d 953, 959, 835 N.E.2d 908, 912 (2005).

¶ 24 "We will not reverse the trial court's best-interest determination unless it was against the manifest weight of the evidence." *Jay. H.*, 395 Ill. App. 3d at 1071, 918 N.E.2d at 291. A best-interest determination is against the manifest weight of the evidence only if the facts clearly demonstrate that the court should have reached the opposite result. *Id.*

¶ 25 B. The Trial Court's Best-Interest Determination

¶ 26 In this case, the uncontroverted evidence showed that respondent had been incarcerated for most of D.M.'s life. Respondent's pattern of criminal behavior—including domestic violence and sexual assault—had been well-established by the time of D.M.'s birth. Following D.M.'s birth, respondent's criminal behavior continued, ultimately resulting in D.M. being placed in protective custody. After D.M. was placed in protective custody, respondent continued to commit crimes, resulting in another lengthy prison sentence. Respondent provided virtually no evidence (other than his word) to suggest that he would remain on the right side of the law after his November 2014 release from DOC. Even then, respondent acknowledged that it would be at least a year before he was capable of caring for D.M.

¶ 27 Griffin, on the other hand, had successfully parented D.M. since his infancy. D.M. has enjoyed a stable family environment living with his two siblings in Griffin's house. Griffin's willingness to adopt D.M. suggests that true permanency is within reach. To delay that adoption by leaving respondent's parental rights intact—based on the remote possibility that respondent will be able to raise D.M. as a single parent at some point in the foreseeable future—would be to gamble with D.M.'s future in the face of highly unfavorable odds.

¶ 28 Based upon our thorough review of the record, in particular the aforementioned facts, we conclude that the trial court's decision to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 29 III. CONCLUSION

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

¶ 31 Affirmed.