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2013 IL App (3d) 120954-U

Order filed March 20, 2013

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IN THE  
APPELLATE COURT OF ILLINOIS  
THIRD DISTRICT

A.D., 2013

<i>In re</i> S.W.,	)	Appeal from the Circuit Court
	)	of the 10th Judicial Circuit,
a Minor	)	Peoria County, Illinois,
	)	
(The People of the State of Illinois,	)	
	)	
Petitioner-Appellee,	)	Appeal No. 3-12-0954
	)	Circuit No. 10-JA-260
v.	)	
	)	
Michelle R., n/k/a Michelle W.,	)	Honorable
	)	Chris L. Fredericksen,
Respondent-Appellant).	)	Judge, Presiding.

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JUSTICE CARTER delivered the judgment of the court.  
Justices McDade and Schmidt concurred in the judgment.

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**ORDER**

- ¶ 1 *Held:* In a proceeding to terminate parental rights, the trial court's findings that the biological mother of the minor child was unfit and that termination of her parental rights was in the best interests of the child were not against the manifest weight of the evidence. The appellate court, therefore, affirmed the judgment of the trial court.
- ¶ 2 In the context of a juvenile-neglect proceeding, the State filed a petition to involuntarily

terminate respondent's parental rights to her minor child, S.W. After an evidentiary hearing on the matter, the trial court found that respondent was an unfit person and, based upon the best interests of S.W., subsequently terminated respondent's parental rights. Respondent appeals, challenging both the finding of unfitness and the best-interests determination. We affirm the trial court's judgment.

¶ 3

### FACTS

¶ 4 Respondent and Jason W. were the biological parents of the minor child, S.W., who was born in September 2010. Because of a prior finding of unfitness as to respondent, the Department of Children and Family Services (DCFS) took protective custody of S.W. at birth and placed S.W. in a foster home. A few days later, the State filed a juvenile neglect petition. The petition alleged that S.W. was subjected to an injurious environment in that: (1) respondent had been previously found to be an unfit parent as to two other children and had not subsequently been found to be fit; (2) respondent had not completed the services that would result in a finding of fitness; and (3) respondent was sexually assaulted in December 2009, was beaten by a boyfriend in June 2010, and had failed to promptly report the incidents to police.

¶ 5 On November 19, 2010, after an adjudicatory hearing, S.W. was found to be neglected. A dispositional hearing was immediately held, at the conclusion of which the trial court found that respondent was an unfit parent.<sup>1</sup> The finding of unfitness as to respondent was based upon: the prior finding of unfitness and incomplete services; respondent's failure to take responsibility

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<sup>1</sup> At that time, the identity of S.W.'s biological father had not yet been verified. It was later determined that Jason W. was the biological father. Jason W. was subsequently found to be unfit, as well, at a later dispositional hearing.

for her actions and her blaming of others; respondent's failure to see how her actions put her children at risk; respondent's failure to report domestic violence; respondent's failure to keep her caseworker informed about the men with whom she was in a relationship; and respondent's lack of truthfulness and honesty with her caseworker and police. The trial court made S.W. a ward of the court and named DCFS as S.W.'s guardian.

¶ 6 At the time of disposition, respondent was given certain tasks to complete in order to correct the conditions that led to the adjudication and removal of S.W. Those tasks included: (1) to cooperate fully and completely with DCFS; (2) to successfully complete counseling with a counselor who was a good long-term match for respondent and who would implement certain suggestions from a previous psychological evaluation that had been conducted on respondent; (3) to successfully complete a parenting course or classes; (4) to successfully complete a domestic violence course or classes; (5) to provided DCFS with requested information as to any individual with whom DCFS had reason to believe that a relationship existed or had developed, which would affect S.W.; and (6) to visit with S.W. at the times and places specified by DCFS and demonstrate appropriate parenting conduct during those visits.

¶ 7 In March 2011, respondent filed a motion for fitness. In the motion, respondent alleged that she had successfully completed domestic violence counseling and certain other requirements and was requesting that the court find that she was fit. A letter from respondent's domestic violence counselor was attached to the motion. The motion was scheduled for hearing in April 2011, to coincide with a previously scheduled permanency review hearing.

¶ 8 A report for the April 2011 permanency review hearing was prepared by respondent's caseworker, Melissa Shaw. The report indicated that respondent had completed many of the

tasks that were assigned to her. Respondent had completed domestic violence counseling and parenting classes; was attending individual counseling with her therapist, Sali Buss; had attended all scheduled visits with S.W.; and had demonstrated positive parenting skills during her visits with S.W. Shaw noted in her report, however, that she still had concerns about respondent's tendency to blame others for her situation and about respondent's lack of truthfulness. Shaw also indicated in her report that she was concerned about certain unverified allegations that respondent had been having contact with her prior abusive boyfriend, Jason W., who was S.W.'s father. Despite her concerns, Shaw recommended in her report that respondent be found to be fit.

¶ 9 The April 2011 permanency review hearing was continued into May, along with the hearing on respondent's motion for fitness (the combined hearing). At the May 2011 combined hearing, after some testimony was presented, the matter was continued into June 2011 so that the trial court could review tapes of alleged phone conversation between respondent and Jason W.

¶ 10 In June 2011, Shaw filed an addendum to the previous permanency review report. In the addendum, Shaw changed position on respondent and recommended to the court that respondent continue to be found unfit. Shaw indicated that respondent had continued to be dishonest with her about her relationships. Shaw noted an incident at respondent's home that month during a home visit, when she found a man, Brandon D., hiding under the covers in respondent's bed, after respondent denied to Shaw that she had a boyfriend. Later that same day, respondent brought Brandon D. with her to a scheduled visit with S.W. and her other children. Because Shaw had not given permission for Brandon D. to be present at the visit, he was told to leave. According to Shaw, the car that was driven by Brandon D. was recognized as a car that had been seen in front of respondent's home on a previous occasion. When respondent had been asked about the car on

that occasion, she said that it belonged to a neighbor.

¶ 11 Shaw also indicated in the report that she had reviewed the tapes of the phone conversations allegedly between respondent and Jason W. Jason W. was in prison at the time and had previously physically abused and injured respondent while she was pregnant. Respondent had obtained an order of protection against Jason W. and had told Shaw that she was afraid of him and wanted nothing to do with him. In addition, during a previous permanency review hearing, respondent had testified that she had no contact with Jason W. during his incarceration. According to Shaw, the voices on the recordings appeared to be those of respondent and Jason W.

¶ 12 Copies of affectionate letters and a Christmas card, which were sent to Jason W. while he was in prison, were made part of the court file, along with samples of respondent's handwriting. The letters and card were signed in the name of "Breanna Walsh," and referenced respondent, respondent's relationship with Jason W., and S.W.

¶ 13 Also attached to the addendum was a summary of respondent's progress in counseling with Sali Buss. The progress report indicated that since the April 2011 court date, respondent's attendance at counseling had been sporadic and respondent had attended only three of her last ten sessions. According to Buss, respondent had missed counseling sessions on April 21 and 22; May 6, 13, 20, and 27; and June 16.

¶ 14 A copy of a police report regarding Brandon D. was also made part of the court file. The report indicated that in early June 2011, Brandon D.'s ex-girlfriend and his sister reported to the police that Brandon D. had battered them while he was intoxicated. The officer observed visible bruises on both subjects. Brandon D. was later arrested at respondent's home. Although not

quite clear from the record, it appears that no conviction was ever entered on those charges.

¶ 15 At the conclusion of the combined hearing on June 30, 2011, the trial court found as to permanency review, that respondent had not made reasonable efforts. The trial court also denied respondent's motion for fitness. In the written order, the trial court stated that respondent was a "compulsive [and] chronic liar," that respondent had lied under oath, that it was "the most rampant display of lying under oath [and] when not under oath," and that respondent lied "fluidly [and] constantly." The trial court found further that respondent had written the letters to Jason W. and that respondent was more than friends with Brandon D. The trial court noted that "no reasonable person could believe [respondent's] testimony." Among other things, the trial court ordered respondent to engage in counseling to address her issues with truthfulness.

¶ 16 Another permanency review hearing was held in October 2011, and a report was prepared by Shaw for the hearing. As to the positive aspects of respondent's performance, the report indicated that respondent's visits with S.W. (the ones respondent attended) were very positive. Respondent interacted well with S.W. and provided for all of S.W.'s basic needs, and there were no concerns or issues that arose regarding respondent's conduct during the visits. In addition, respondent had obtained employment in late July 2011, although she had not provided proof of that employment to Shaw.

¶ 17 As for the negative aspects of respondent's performance, the report indicated that respondent had not visited with S.W. from June 28 through August 25, 2011, and had given various reasons for not attending visits, including her work schedule, illnesses, and appointments with community services for financial assistance. Visits were suspended by the agency on August 24 but resumed on August 31, and respondent had visits on September 1, 8, and 15. The

report also indicated that respondent had not attended any of her weekly counseling sessions with Buss since June 30, 2011, and had not made any further progress on her counseling issues, including her issues with truthfulness. The report noted that respondent had contacted Buss twice after June 30 to make appointments but each time, had cancelled the appointment. Furthermore, respondent had maintained her relationship with Brandon D., despite his June 2011 arrest for the domestic battery of his sister and his ex-girlfriend, and had denied to Shaw that she was in a relationship with him. In addition, the report indicated that respondent had finally admitted to Shaw that she had written the letters to Jason W. that previously had been presented in court.

¶ 18 At the conclusion of the permanency review hearing, a written order was entered. In the written order, the trial court found that respondent had not made reasonable efforts because she had lied to the court, had continued contact with Jason W., and had failed to visit with S.W. for two months.

¶ 19 On January 20, 2012, the State filed a petition to terminate respondent and Jason W.'s parental rights. As to respondent, the termination petition alleged that she was an unfit person as defined in section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2010)) in that she had failed to make reasonable progress toward the return home of S.W. for the initial nine-month period following the adjudication of S.W. as neglected, from November 19, 2010, through August 19, 2011.<sup>2</sup>

¶ 20 An evidentiary hearing on the unfitness portion of the State's petition was held over

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<sup>2</sup> Additional allegations were made in the termination petition that pertained only to Jason W.

multiple days in June and August 2012. During the course of those proceedings, Jason W. decided to surrender his parental rights and executed the appropriate documentation to that effect.

¶ 21 The evidence presented at the unfitness hearing relative to respondent can be summarized as follows. The State admitted into evidence several exhibits pertaining to respondent, including the visitation records, a psychological evaluation done on respondent in August 2010 that contained various recommendations, respondent's counseling records, and a copy of the order of protection respondent had obtained against Jason W.

¶ 22 Peoria police officer Ryan Winkle testified about the domestic violence complaint made against Brandon D. by Brandon D.'s sister and his ex-girlfriend and the arrest of Brandon D. at respondent's residence.

¶ 23 Melissa Shaw testified that she worked for the Children's Home in Peoria and that she was the case worker for respondent and S.W. For the relevant nine-month period, along with other requirements, respondent was supposed to cooperate with DCFS, participate in domestic violence and individual counseling, maintain housing and financial stability, and inform Shaw of any significant relationships that may have had an impact on S.W. According to Shaw, respondent was assigned to counselor Sali Buss because Buss had over 20 years of experience and had worked with a variety of individuals with different issues. During the nine-month period, however, respondent did not regularly attend her counseling with Buss. Shaw stated that in October 2011, after a court date, respondent told Shaw that she did not like Buss and that she thought Buss had lied about her, although respondent did not ask Shaw for a new counselor until January 2012.



¶ 24 As for visitation with S.W., Shaw testified that respondent did not attend visits in July or August 2011, although she did provide Shaw with reasons for why she had failed to attend visitation. The reasons included illness, injury, conflicts with her work schedule, and appointments for financial assistance. Shaw asked respondent to provide documentation to verify some of those excuses, but respondent failed to provide verification. On one of the visits in June, respondent brought Brandon D. to the visitation without permission. Upon contacting Shaw, the caseworker who was present told Brandon D. that he had to leave. Shaw also described the incident in June when during a home visit, she found Brandon D. hiding in respondent's bed, even though respondent denied that she was in a relationship with Brandon D. At some point later, respondent admitted the relationship to Shaw.

¶ 25 Shaw also testified about respondent's contact with Jason W., respondent's steadfast denial of that contact, and respondent's eventual admission to that contact and that she had lied to Shaw and in court. According to Shaw, there were approximately 30 phone conversations between Jason W. and respondent while Jason W. was incarcerated. Shaw indicated further that during some of those conversations, respondent was affectionate to Jason W. and Jason W. was verbally abusive to respondent.

¶ 26 During cross-examination, however, Shaw acknowledged that respondent had completed domestic violence counseling; that she had attended some of her individual counseling sessions with Buss and some of her visits with S.W.; that she had obtained employment in July 2011, which may have interfered with visitation; and that Shaw had never told respondent that she was not allowed to see Brandon D.

¶ 27 One of respondent's doctors, Dr. Antoinette Levasseur, a physician of obstetrics and

gynecology, was called by respondent and testified that she started treating respondent in November 2010 for postpartum depression. According to Levasseur, respondent was severely depressed at the time and could not stop crying because of the depression and because of the loss of her children. Respondent attempted to elicit from Levasseur her opinion that the prior psychological evaluation of respondent was flawed and her reasons for that opinion, however, an objection to that testimony was sustained because Levasseur was not an expert in psychology, even though she had been trained in women's psychological issues as part of her practice of medicine.

¶ 28 Respondent testified at the unfitness hearing that she had made progress on her tasks during the nine-month period. Respondent stated that she had successfully completed domestic violence counseling and parenting classes and that she had attended her counseling sessions with Buss and her visits with S.W. Specifically as to counseling, respondent testified that she started seeing her counselor, Sali Buss, in November 2010, on a weekly or bi-weekly basis for domestic violence, lying, and learning how to cope with the loss of her children. Respondent continued to see Buss through June 2011. According to respondent, her attendance at counseling was very good during that period. Respondent stated that she missed one session in January because of a snow storm and one session at the end of May because she was sick. Respondent stated further that she stopped going to Buss after the June 2011 court date because Buss had lied in a report to the court about respondent's attendance at, or performance in, counseling and respondent felt that she could no longer trust Buss. Respondent indicated that she told Shaw about her problem with Buss and asked Shaw numerous times to provide her with a different counselor, but Shaw failed to do so. Respondent stated that on one of those occasions, another caseworker, Kertrina

Dickerson, was present. Respondent noted that she had obtained employment in July 2011 and stated that she had provided Shaw with proof thereof. Respondent noted further, however, that she was let go from her job in January 2012. As for visitation, respondent testified that she only missed a few of her scheduled visits with S.W. and that when she did so, it was always for a good reason.

¶ 29 During her testimony, respondent admitted that she had contact with Jason W. by telephone during the nine-month period. Respondent stated that Jason W. initiated those phone calls and that she did not tell her caseworker about them. Respondent testified further that she had no other contact with Jason W. and stated that she did not report that Jason W. was contacting her in violation of the order of protection because she was afraid of him.

¶ 30 On cross-examination, respondent was asked about appointments that she had allegedly rescheduled with Buss after the June 2011 court date. Respondent acknowledged that she had certain phone conversations with Buss but did not recall rescheduling appointments. When confronted with the counseling records, which indicated that respondent had missed appointments in December 2010 and in February, March, April, and May 2011, respondent stated that the counseling records were incorrect. As to her contact with Jason W., respondent admitted during cross-examination that she had sent affectionate letters and a card to Jason W. and that she had lied to Shaw, Buss, and in court about her contact with Jason W.

¶ 31 Caseworker Kertrina Dickerson testified that she supervised respondent's visits with S.W. According to Dickerson, respondent performed very well in her visits, but at some point, respondent's visits "dropped off." Dickerson stated, however, that respondent always gave a reason for not attending visits. Dickerson testified further that during one visit or after court,

respondent told her that she did not trust Buss anymore and that Buss was a liar. Dickerson indicated in her testimony, however, that she never heard respondent tell Shaw that she wanted a new counselor.

¶ 32 Respondent's mother, Leann W., testified that she and respondent lived together from January to June 2011, that she went with respondent to her counseling and visitation appointments, and that to the best of her knowledge, respondent did not miss any of those appointments during the relevant time period. Leann W. testified further that she was present in the courthouse on one occasion when respondent told Shaw that she did not want to see Buss anymore. According to Leann W., respondent did so because Buss had lied about respondent's performance in counseling and respondent felt that she could not trust Buss anymore.

¶ 33 Sali Buss testified that she was respondent's counselor from November 2010 through at least August 2011 and that they met on a weekly basis. The last time Buss had a counseling session with respondent was on June 10, 2011. According to Buss, neither respondent nor Shaw ever told her that respondent did not want Buss to be her counselor anymore, that respondent did not like or trust Buss, or that respondent thought that Buss had lied about respondent's performance in, or attendance at, counseling. Buss stated that she had several telephone calls from respondent after June 10, 2011, in which respondent called to reschedule appointments.

¶ 34 Upon being recalled to testify, respondent stated that at no time after June 10, 2011, did she ever tell Buss that she wanted to continue to meet with her. Respondent again indicated that she told both Shaw and Dickerson that she did not want to have Buss as her counselor anymore because she did not trust Buss.

¶ 35 At the conclusion of the hearing, the trial court found that the State had proven by clear

and convincing evidence that respondent was an unfit person. In reaching that conclusion, the trial court noted that respondent was very deceitful and had a history of blaming everyone else for her problems, that respondent did not cooperate with her caseworker and did not provide her caseworker with the documentation or verification that her caseworker requested, that respondent lied to her caseworker about her relationships, and that respondent also lied to the court during the nine-month period. The trial court noted further that respondent did not make any progress in her counseling; that respondent blamed her counselor for her lack of progress; that respondent did not attend counseling regarding her issues with truthfulness; that respondent's visitation with S.W. was sporadic; that respondent had failed to visit with S.W. for a two-month period; and that although respondent had completed domestic violence counseling, she did not implement those counseling lessons and continued to have relationships with people who could harm her.

¶ 36 A hearing on the best-interests portion of the State's petition was held in October 2012. In preparation for the hearing, a best-interests report was prepared on S.W. by Shaw. The report indicated that S.W. was two years old and had been residing with her foster parents since shortly after her birth. The foster parents provided S.W. with a stable, safe, and loving home and adequately provided for S.W.'s needs. S.W. was doing well in the home and had bonded with her foster parents and her foster siblings. S.W. had an affectionate relationship with her foster parents and referred to them as "mommy" and "daddy." The foster parents wanted to provide permanency for S.W. by adopting her and making her a permanent part of their family. Although S.W. seemed comfortable in her visits with respondent, her relationship with respondent was sporadic, and it was doubtful that S.W. truly recognized respondent as her mother. Respondent had not seen S.W. in July or August 2011, saw S.W. three times in September 2011, and then did

not see S.W. again until March 2012. Shaw recommended in the report that respondent's parental rights be terminated in the best interests of S.W. and stated that it was crucial that S.W. be provided with permanency and a sense of belonging.

¶ 37 At the best-interests hearing, Shaw testified briefly. Shaw stated that respondent had resumed counseling on her own accord with a different counselor. Shaw commented, however, that during the lifetime of the case, respondent had not formally recognized any of S.W.'s significant life events, such as S.W.'s birthday or Christmas.

¶ 38 During the argument portion of the hearing, the guardian *ad litem* (GAL) for S.W. represented to the trial court that he agreed with the State's recommendation and felt that it was in the best interests of S.W. to terminate respondent's parental rights.

¶ 39 At the conclusion of the hearing, the trial court found that it was in the best interests of S.W. that respondent's parental rights be terminated. The trial court terminated respondent's parental rights, set S.W.'s permanency goal to adoption, and named DCFS as the guardian of S.W. with the right to consent to adoption. Respondent appealed.

¶ 40 ANALYSIS

¶ 41 On appeal, respondent argues first that the trial court erred in finding that respondent was an unfit parent. Respondent asserts that the finding in that regard was against the manifest weight of the evidence because the evidence showed that respondent had completed most of her dispositional tasks, including those that had brought S.W. into the State's care. Respondent asserts further that her substantial progress during the nine-month period should not have been discounted merely because the trial court was angry with her because of her lack of honesty about her continued relationship with her prior abusive boyfriend. Respondent asks, therefore, that we

reverse the trial court's finding of parental unfitness. The State argues that the trial court's ruling was proper and should be affirmed.

¶ 42 A trial court's finding of parental unfitness in a proceeding to terminate parental rights will not be reversed on appeal unless it is against the manifest weight of the evidence. *In re C.N.*, 196 Ill. 2d 181, 208 (2001). A ruling is against the manifest weight of the evidence only if it is clearly apparent from the record that the trial court should have reached the opposite conclusion. *C.N.*, 196 Ill. 2d at 208; *In re Tiffany M.*, 353 Ill. App. 3d 883, 889-90 (2004).

Under the manifest weight standard, deference is given to the trial court as finder of fact because the trial court is in the best position to observe the conduct and demeanor of the parties and the witnesses and has a degree of familiarity with the evidence that a reviewing court cannot possibly obtain. *In re A.W.*, 231 Ill. 2d 92, 102 (2008); *Tiffany M.*, 353 Ill. App. 3d at 889-90. When the manifest weight standard applies, the reviewing court will not substitute its judgment for that of the trial court on such matters as witness credibility, the weight to be given evidence, and the inferences to be drawn from the evidence, even if the reviewing court would have reached a different conclusion if it had been the trier of fact. *A.W.*, 231 Ill. 2d at 102; *In re Lakita B.*, 297 Ill. App. 3d 985, 994 (1998) (because of the delicacy and difficulty involved in a child custody case, wide discretion is placed in the trial court to an even greater degree than in an ordinary appeal).

¶ 43 The involuntary termination of parental rights is a two-step process, which is governed by the provisions of both the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2010)) and the Adoption Act (750 ILCS 50/0.01 *et seq.* (West 2010)). See *In re D.T.*, 212 Ill. 2d 347, 352 (2004); *In re C.W.*, 199 Ill. 2d 198, 210 (2002). In the first stage of proceedings, the State

must prove by clear and convincing evidence that the parent is an "unfit person" as defined in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2010)). 705 ILCS 405/2-29(2) (West 2010); *C.W.*, 199 Ill. 2d at 210. Section 1(D) lists several grounds upon which a finding of parental unfitness may be made. 750 ILCS 50/1(D) (West 2010); *Tiffany M.*, 353 Ill. App. 3d at 889. Although numerous grounds may be alleged in a termination petition, the proof of any single ground is sufficient for a finding of parental unfitness. 750 ILCS 50/1(D) (West 2010); *Tiffany M.*, 353 Ill. App. 3d at 889.

¶ 44 Of relevance to this appeal, a parent may be found unfit under section 1(D) of the Adoption Act if he or she fails to make reasonable progress toward the return home of the child within the initial nine-month period after an adjudication of neglect. 750 ILCS 50/1(D)(m)(ii) (West 2010). To determine if reasonable progress has been made, a court will apply an objective standard and will generally consider the parent's compliance with the service plans and the court's directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later became known and which would prevent the court from returning custody of the child to the parent. *C.N.*, 196 Ill. 2d at 216-17; *In re J.A.*, 316 Ill. App. 3d 553, 564-65 (2000). "At a minimum, reasonable progress requires measurable or demonstrable movement toward the goal of reunification." *J.A.*, 316 Ill. App. 3d at 565.

¶ 45 After reviewing the record in the present case, we conclude that there is ample evidence to support the trial court's finding of parental unfitness. The record shows that during the nine-month period in question, respondent was given numerous tasks to complete as part of her service plan. Respondent's initial progress was promising. She had promptly completed parenting classes and domestic violence counseling, was attending all or most of her individual



counseling sessions, and was attending all of her scheduled visits with S.W. However, it soon became apparent that respondent had not internalized the lessons from her counseling sessions and that she was being untruthful to her caseworker, her counselor, and the court about her involvement with her prior abusive boyfriend. Respondent continued to maintain her deception, in spite of mounting evidence to the contrary, until she was no longer able to do so when copies of the affectionate letters that she had written to her former boyfriend in prison were produced along with tapes of their phone conversations. At one of the permanency review hearings, the trial court found that respondent was a "compulsive and chronic liar" and that no reasonable person could believe her testimony. Based upon the record presented, the trial court's finding of parental unfitness is not against the manifest weight of the evidence. Therefore, we affirm the trial court's ruling on this issue. See *C.N.*, 196 Ill. 2d at 208; *Tiffany M.*, 353 Ill. App. 3d at 889.

¶ 46 Respondent argues next that the trial court's best-interests determination was against the manifest weight of the evidence. Respondent asserts that the finding should be reversed because S.W., who was only two years old, would greatly benefit from having the care, support, and guidance of respondent, her mother, especially in light of the fact that respondent had completed all of her substantive dispositional tasks and was actively engaged in counseling. The State argues that the trial court's ruling was proper and should be affirmed.

¶ 47 In a termination proceeding, once the trial court finds that a parent is unfit as defined in section 1(D) of the Adoption Act, the trial court must then determine, pursuant to the Juvenile Court Act, whether it is in the minor's best interests to terminate parental rights. See 705 ILCS 405/2-29(2) (West 2010); *Tiffany M.*, 353 Ill. App. 3d at 891. The burden of proof in the trial court is upon the State to show by a preponderance of the evidence that termination is in the

minor's best interests. *Tiffany M.*, 353 Ill. App. 3d at 891. The trial court's ruling in that regard will not be reversed on appeal unless it is against the manifest weight of the evidence. *Tiffany M.*, 353 Ill. App. 3d at 892.

¶ 48 In a best-interests hearing, the focus of the termination proceeding shifts to the child, and the parent's interest in maintaining the parent-child relationship must yield to the child's interest in having a stable and loving home life. *D.T.*, 212 Ill. 2d at 364. The issue is no longer whether parental rights can be terminated, but rather, whether in the child's best interests, parental rights should be terminated. *D.T.*, 212 Ill. 2d at 364. In making a best-interests determination, the trial court must consider, in the context of the child's age and developmental needs, the numerous statutory factors listed in section 1-3(4.05) of the Juvenile Court Act of 1987. See 705 ILCS 405/1-3(4.05) (West 2010). Some of those factors include the child's physical safety and welfare, the development of the child's identity, the child's sense of attachment, and the child's need for permanence and stability. 705 ILCS 405/1-3(4.05) (West 2010). 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. *Tiffany M.*, 353 Ill. App. 3d at 893. 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. See *Id.*

¶ 49 In the present case, there is ample evidence in the record to support the trial court's finding that it was in the best interests of S.W. to terminate respondent's parental rights. The evidence presented at the hearing indicated that S.W. was in a stable, secure, and loving home with her foster family, where she had lived for the past two years, since she was born. S.W. was

well-adjusted to the home and had bonded with her foster parents, who were willing to adopt her. In addition, all of S.W.'s needs were being met in the foster home and it was the opinion of the caseworker and of the GAL that it was in S.W.'s best interests to terminate respondent's parental rights. Based upon the record presented, we conclude that the trial court's best-interests determination was not against the manifest weight of the evidence. See *C.N.*, 196 Ill. 2d at 208; *Tiffany M.*, 353 Ill. App. 3d at 892-93. Therefore, we affirm the trial court's ruling on this issue.

¶ 50

#### CONCLUSION

¶ 51 For the foregoing reasons, we affirm the judgment of the circuit court of Peoria County.

¶ 52 Affirmed.