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February 23, 2016
Carla Bender
4th District Appellate
Court, IL

NOS. 4-15-0866, 4-15-0867, 4-15-0868, 4-15-0869, 4-15-0870 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: C.B., a Minor,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Macon County
v. (No. 4-15-0866)	)	No. 13JA146
ANDREA WARNSLEY,	)	
Respondent-Appellant.	)	
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In re: A.W., a Minor,	)	No. 13JA147
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-15-0867)	)	
ANDREA WARNSLEY,	)	
Respondent-Appellant.	)	
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In re: K.W., a Minor,	)	No. 13JA148
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-15-0868)	)	
ANDREA WARNSLEY,	)	
Respondent-Appellant.	)	
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In re: A.W., a Minor,	)	No. 13JA147
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-15-0869)	)	
BOBBY WARNSLEY,	)	
Respondent-Appellant.	)	
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In re: K.W., a Minor,	)	No. 13JA148
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-15-0870)	)	Honorable
BOBBY WARNSLEY,	)	Thomas E. Little,
Respondent-Appellant.	)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.
Justices Appleton and Pope concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court's findings (1) respondent parents were unfit under section 1(D)(m)(ii) of the Adoption Act and (2) it was in the minor children's best interest to have the parental rights of both parents terminated were not against the manifest weight of the evidence.

¶ 2 In June 2015, the State filed petitions for the termination of the parental rights of respondents, Andrea and Bobby Warnsley, as to their minor children, A.W. (born in 2005 and the subject of case No. 13-JA-147) and K.W. (born in 2007 and the subject of case No. 13-JA-148). The State also filed a petition for the termination of Andrea's parental rights as to her minor child, C.B. (born in 1999 and the subject of case No. 13-JA-146), whose father, Arthur Baxter, is not a party to this appeal. After an October 1, 2015, hearing, the Macon County circuit court found both Andrea and Bobby unfit. On October 26, 2015, the court concluded it was in the minor children's best interest to terminate Andrea's and Bobby's parental rights.

¶ 3 Both Andrea and Bobby appeal, asserting the circuit court erred by finding (1) them unfit and (2) it was in the minor children's best interest to terminate their parental rights. We affirm.

¶ 4 I. BACKGROUND

¶ 5 In October 2013, the State filed petitions for the adjudication of wardship of C.B., A.W., and K.W., which alleged the minor children were (1) neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2012)) in that their environment was injurious to their welfare because Andrea had the minor children take pictures of her in sexually suggestive clothing and poses; and (2) abused under section 2-3(2)(iii) of the Juvenile Court Act (705 ILCS 405/2-3(2)(ii) (West 2012)) by reason of

being minors under 18 years of age whose parent committed a sex offense against them when Andrea had the minor children take pictures of her in sexually suggestive clothing and poses. A.W.'s and K.W's petitions listed separate addresses for Andrea and Bobby and noted Bobby had stated he was unable to care for the minor children at the present time. C.B.'s father never entered an appearance in the case, and his parental rights were terminated. All three of the minor children's cases were addressed at joint hearings.

¶ 6 At the March 5, 2014, adjudicatory hearing, the State moved to default both Andrea and Bobby, and the circuit court granted the motion over the objections of Andrea's and Bobby's attorneys. The court then found the minor children neglected and abused and proceeded to the dispositional hearing, at which it found both parents were unfit and unable to care for the minor children. The court also made the minor children wards of the court and appointed the Department of Children and Family Services as their guardian. On March 6, 2014, the court entered written adjudicatory and dispositional orders.

¶ 7 On June 23, 2015, the State filed motions to terminate both Andrea's and Bobby's parental rights to their minor children. The motion asserted Andrea and Bobby were unfit because they failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to the minor children's welfare (750 ILCS 50/1(D)(b) (West 2014)); (2) make reasonable efforts to correct the conditions that were the basis for the minor children's removal during any nine-month period after the neglect and abuse adjudication (750 ILCS 50/1(D)(m)(i) (West 2014)); (3) make reasonable progress toward the minor children's return during the initial nine-month period after the neglect and abuse adjudication, which was March 6, 2014, to December 6, 2014 (750 ILCS 50/1(D)(m)(ii) (West 2014)); and (4) make reasonable progress toward the minor children's return during another nine-month period, namely September 23, 2014, to June 23,

2015 (750 ILCS 50/1(D)(m)(ii) (West 2014)). The motions also asserted Andrea was unfit because she was depraved because she had been convicted of six felonies (750 ILCS 50/1(D)(i) (West 2014)).

¶ 8 On October 1, 2015, the circuit court held a fitness hearing. The evidence relevant to the issues on appeal is set forth below. At the hearing, the State presented the testimony of (1) Holly Churchill, a case manager for Lutheran Child and Family Services; (2) Willa Boles, a parenting instructor at Webster-Cantrell Hall; and (3) Annette Belue, a court-appointed special advocate (CASA). Churchill testified she became the minor children's caseworker in January 2015 and was familiar with their entire case file, which had been opened in September 2013. Andrea and Bobby received their first service plan in November 2013. Under the plan, Andrea was to (1) complete parenting classes, (2) obtain a substance-abuse assessment, (3) attend individual counseling, (4) get appropriate housing, (5) have a legal means of support, and (6) attend visitation. Bobby had the same requirements and an additional requirement that he complete a domestic-violence screening. When the plan was evaluated in April 2014, Andrea was participating in parenting classes, for which she had received a referral in March 2014, and had good attendance with a counselor. Andrea had housing, but it was not appropriate. She was also receiving Social Security benefits for her diabetes. Andrea's visitation was going well, except for an occasional inappropriate conversation about the cases. Bobby had attended parenting classes but had not completed them at the time of the evaluation. He failed to attend individual counseling, obtain a domestic-violence screening, and complete a substance-abuse assessment. Bobby was also living with friends and was receiving Social Security benefits. He had visited with the minor children. Churchill considered both Andrea's and Bobby's performance on the service plan unsuccessful.

¶ 9 The next service plan covered April to October 2014. The October 2014 evaluation noted Andrea had been taken into police custody on August 14, 2014. Andrea could not complete the parenting classes due to her arrest. She had been consistent with her counseling until her arrest. Andrea was consistent with visits. Bobby had neither engaged in individual counseling nor obtained a substance-abuse assessment. He did not have housing and received Social Security benefits. Moreover, Bobby had quite a few visitation cancellations due to having to babysit his grandchildren. Both Andrea and Bobby were considered unsuccessful on the April through October 2014 service plan.

¶ 10 The next service plan was for October 2014 to April 2015. The April 2015 evaluation stated Andrea had a counselor in prison, who kept track of the certifications she had received. In February 2015, Andrea completed parent training and the certificate of completion was provided to Churchill. Andrea's monthly visits with the minor children were fine. However, she lacked appropriate housing due to her incarceration. Bobby had numerous visitation cancellations, was still living with friends, did not have employment, and had not completed a substance-abuse assessment.

¶ 11 During the last period, from April until the fitness hearing, Andrea's counselor reported she had done a program referred to as an introduction to healthy lifestyle redirection, but Churchill had not received a certificate for that program. Moreover, Andrea's diabetes had been well-maintained while she was in prison. Prior to incarceration, her diabetes had not been well managed. Additionally, Andrea put herself on a waitlist for Alcoholics Anonymous. Andrea had reported to Churchill she felt she was addicted to stealing. Churchill acknowledged she had never considered requiring Andrea to undergo a psychological evaluation. Bobby had several different health issues, including an infection in his jaw. He had consistently reported his

health problems to the caseworkers. Churchill asked Andrea and Bobby about their failure to complete services. Andrea noted her incarceration limited her ability to complete services, and Bobby explained he was very busy and unable to do many of the requested services. Neither parent was ready to have the minor children for unsupervised visits. Andrea was projected to be released from prison on February 28, 2016.

¶ 12 Boles testified Webster-Cantrell Hall received a referral for Andrea in May 2014, and Andrea began classes on July 8, 2014. The classes were once a week for two hours, and the program had 16 classes. Andrea was consistent in attending the classes until August 12, 2014. Webster-Cantrell Hall dropped her from the parenting class on August 27, 2014. Bobby completed 10 to 12 classes before he reported being ill. He attended a few makeup classes but still had one more class and a test to take to complete the parenting program.

¶ 13 Belue testified she became the CASA worker in this case in June 2015. She had not attended any visits between the minor children and Bobby and Andrea. However, she had met with C.B. C.B. was struggling because he was used to being the "adult" and had a hard time listening to other people tell him what to do. He was also having trouble with not living with his sisters.

¶ 14 The State also asked the circuit to court to take judicial notice of Andrea's following convictions (some of which were committed when Andrea had a different last name): (1) deceptive practices (People v. Baxter, No. 02-CF-694 (Cir. Ct Macon Co.)); (2) four counts of forgery (People v. Baxter, No. 02-CF-866 (Cir. Ct Macon Co.)); (3) aggravated battery (great bodily harm) (People v. Warnsley, No. 03-CF-266 (Cir. Ct Macon Co.)); (4) aggravated driving under the influence of a drug (cocaine) (People v. Warnsley, No. 10-CF-423 (Cir. Ct Macon Co.)); (5) retail theft with a prior retail theft conviction (People v. Warnsley, No. 14-CF-581

(Cir. Ct Macon Co.)); and (6) misdemeanor retail theft (People v. Baxter, No. 00-CF-1754 (Cir. Ct Macon Co.)). The court took judicial notice of all of the convictions, except for the misdemeanor.

¶ 15 Andrea testified she did not recall getting the November 2013 service plan, and her caseworker did not get her engaged in services during the first service plan. According to Andrea, the first caseworker was fired for not doing her job. Andrea did not become aware of the parenting classes until she saw the second service plan. Andrea then started parenting classes in July 2014. According to Andrea, she was making progress before her incarceration by going to counseling, attending parenting classes, maintaining housing, and keeping in contact with the minor children. She was arrested in August 2014 and went to the Department of Corrections on September 4, 2014, after pleading guilty to retail theft. Andrea accepted responsibility for her conduct. She explained she had addiction problems, first with cocaine and then alcohol. After overcoming those two addictions, retail theft became her new high. She had sought addiction counseling in prison but was turned down since her addiction was retail theft. Andrea also testified she was currently in a job-partnership program and an unconditional self-acceptance program. She was also attending horticulture classes through Richland Community College and hoped to get a job in that field upon her release from prison. Additionally, Andrea had been in Alcoholics Anonymous for six to eight weeks. She had also completed a Key to Freedom program, which was a reentry program, and lived in a housing unit that required her to attend 15 self-help group meetings per month. Andrea also received training to help inmates with disabilities and was allowed to help such individuals.

¶ 16 Andrea testified she was no longer the same person who entered prison. She has learned to love herself and has gained confidence. She believed she was able to do things on her

own now and make better choices . Andrea acknowledged it was not the first time she had been to prison. In previous incarcerations, she had not attended classes.

¶ 17 Bobby also testified on his own behalf. He stated he was the father of A.W. and K.W. and considered C.B. his son. Bobby explained he missed services due to a nervous breakdown. He also had a broken jaw, which got infected. The infection then went throughout his body. He also "had a blood clot run and hit [him] in the heart." Bobby was currently maintaining his health issues with his physicians. Moreover, Bobby denied having any domestic-violence convictions. He also explained his struggle with visitation was that it kept getting changed without notice to him. Bobby was in the "PATS program," which is substance-abuse counseling. He had tried to get into individual counseling, but the program was full.

¶ 18 At the conclusion of the hearing, the circuit court found Andrea and Bobby were unfit for all of the reasons alleged in the State's termination motion.

¶ 19 On October 26, 2015, the circuit court held the best-interest hearing. The State again presented Churchill's testimony. She testified K.W. and A.W. were doing very well with their paternal grandparents, who were in their early to mid-sixties and in good health. A.W. and K.W. were getting good grades and were in good spirits. Their grandparents were an adoptive placement. C.B. was with his maternal aunt, which was his second placement due to his defiance issues. He was in individual counseling and was set to begin family counseling with his maternal aunt. Churchill noted Andrea had sent C.B. a letter demeaning his maternal aunt, which had caused problems in C.B.'s relationship with his aunt. Moreover, C.B. was not used to having rules and guidelines and thus had struggled with having a parent figure. He just wanted to run the streets. C.B. was also in an adoptive placement, but he was very resistant to adoption. Churchill did believe a bond existed between C.B. and his maternal aunt. C.B. had resided with

his sisters but had been moved because of his defiance. A.W. and K.W. were fine with C.B. not living with them because it was constant chaos when he did live with them. C.B. lived close enough to A.W. and K.W. that he could ride his bicycle to see them. He also attended church with them on some Sundays. Both placements were in the community where the minor children had been living. Churchill recommended the termination of Andrea's and Bobby's parental rights.

¶ 20 The State also presented Churchill's best-interest report. The report noted Andrea had been taking into custody on August 14, 2014; pleaded guilty to a felony; was sentenced to three years' imprisonment; and was scheduled to be released in February 2016. Since being in prison, she has had monthly two-hour visits with the minor children. Due to his health problems, Bobby has experienced trouble finding and keeping employment. His health problems were also a barrier to him finding suitable housing for himself and the children. He continued to live with friends and his only means of support was his Social Security benefits. Bobby had considered giving his parents guardianship of A.W. and K.W. because he could not foresee being able to care for A.W. and K.W. in the near future but decided not to do so.

¶ 21 C.B. was a sophomore in high school, who struggled with passing classes. However, his maternal aunt had been helping and encouraging him with his schoolwork. C.B. also struggled with authority figures, was resentful of his circumstances, and had been greatly affected by Bobby's and Andrea's absence, especially Andrea's. Andrea's negative comments about C.B.'s maternal aunt had affected his bonding with his aunt. C.B. and his maternal aunt were to begin family counseling to support their relationship and work through family issues. C.B. was also attending individual counseling to address his feelings.

¶ 22 A.W. was in fifth grade and passing all of her classes. Her goal was to make the honor roll every quarter of the school year. A.W. was doing well and making progress in individual counseling. She enjoyed singing with the church choir, had just completed swimming lessons, and planned to take violin lessons in the near future. Her grandparents reported she was doing well in the home.

¶ 23 K.W. was in second grade and was passing all of her classes. She reported she got help at home with any homework issues. K.W. took piano lessons and was very active in her grandparents' church. Her grandparents stated she did well in the home and was very outgoing.

¶ 24 After hearing the parties' evidence and arguments, the circuit court found it was in the minor children's best interest to terminate the parental rights of both Andrea and Bobby. That same day, the court entered the written termination orders. On October 26, 2015, Andrea and Bobby both filed timely notices of appeal in sufficient compliance with Illinois Supreme Court Rule 303 (eff. Jan. 1, 2015). See Ill. S. Ct. R. 660(b) (eff. Oct. 1, 2001) (providing the rules governing civil cases govern appeals from final judgments in all proceedings under the Juvenile Court Act, except for delinquency cases). Thus, this court has jurisdiction of both appeals pursuant to Illinois Supreme Court Rule 304(b)(1) (eff. Feb. 26, 2010).

¶ 25 II. ANALYSIS

¶ 26 Under section 2-29(2) of the Juvenile Court Act (705 ILCS 405/2-29(2) (West 2014)), the involuntary termination of parental rights involves a two-step process. First, the State must prove by clear and convincing evidence the parent is "unfit," as that term is defined in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2014)). *In re Donald A.G.*, 221 Ill. 2d 234, 244, 850 N.E.2d 172, 177 (2006). If the circuit court makes a finding of unfitness, then the State must prove by a preponderance of the evidence it is in the children's best interest that

parental rights be terminated. *In re D.T.*, 212 Ill. 2d 347, 366, 818 N.E.2d 1214, 1228 (2004).

¶ 27 Since the circuit court has the best opportunity to observe the demeanor and conduct of the parties and witnesses, it is in the best position to determine the credibility and weight of the witnesses' testimony. *In re E.S.*, 324 Ill. App. 3d 661, 667, 756 N.E.2d 422, 427 (2001). Further, in matters involving minors, the circuit court receives broad discretion and great deference. *E.S.*, 324 Ill. App. 3d at 667, 756 N.E.2d at 427. Thus, a reviewing court will not disturb a circuit court's unfitness finding and best-interest determination unless they are contrary to the manifest weight of the evidence. See *In re Gwynne P.*, 215 Ill. 2d 340, 354, 830 N.E.2d 508, 516-17 (2005) (fitness finding); *In re Austin W.*, 214 Ill. 2d 31, 51-52, 823 N.E.2d 572, 585 (2005) (best-interest determination). A circuit court's decision is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent. *Gwynne P.*, 215 Ill. 2d at 354, 830 N.E.2d at 517.

¶ 28 A. Andrea's and Bobby's Fitness

¶ 29 Andrea and Bobby contend the circuit court's unfitness findings were against the manifest weight of the evidence. The State disagrees.

¶ 30 One of the bases for the circuit court finding both Andrea and Bobby unfit was under section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2014)), which provides a parent may be declared unfit if he or she fails "to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected or abused minor under Section 2-3 of Juvenile Court Act." Illinois courts have defined reasonable progress as "demonstrable movement toward the goal of reunification." (Internal quotation marks omitted.) *In re Reiny S.*, 374 Ill. App. 3d 1036, 1046, 871 N.E.2d 835, 844 (2007) (quoting *In re C.N.*, 196 Ill. 2d 181, 211, 752 N.E.2d 1030, 1047 (2001)). Moreover, they

have explained reasonable progress as follows:

> " '[T]he benchmark for measuring a parent's "progress toward the return of the child" under section 1(D)(m) of the Adoption Act encompasses 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.' " *Reiny S.*, 374 Ill. App. 3d at 1046, 871 N.E.2d at 844 (quoting *C.N.*, 196 Ill. 2d at 216-17, 752 N.E.2d at 1050).

Additionally, this court has explained reasonable progress exists when a circuit court "can conclude that *** the court, in the *near future*, will be able to order the child returned to parental custody. The court will be able to order the child returned to parental custody in the near future because, at that point, the parent *will have fully complied* with the directives previously given to the parent in order to regain custody of the child." (Emphases in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991).

¶ 31 In determining a parent's fitness based on reasonable progress, a court may only consider evidence from the relevant time period. *Reiny S.*, 374 Ill. App. 3d at 1046, 871 N.E.2d at 844 (citing *In re D.F.*, 208 Ill. 2d 223, 237-38, 802 N.E.2d 800, 809 (2003)). Courts are limited to that period "because reliance upon evidence of any subsequent time period could improperly allow a parent to circumvent her own unfitness because of a bureaucratic delay in bringing her case to trial." *Reiny S.*, 374 Ill. App. 3d at 1046, 871 N.E.2d at 844. In this case, one of the relevant nine-month periods was March 6, 2014, to December 6, 2014.

¶ 32 While Andrea did attended individual counseling and parenting classes during the relevant period, she committed her sixth felony and was sentenced to three years' imprisonment. A parent's "time spent incarcerated is included in the nine-month period during which reasonable progress must be made." *In re J.L.*, 236 Ill. 2d 329, 343, 924 N.E.2d 961, 969 (2010). Andrea's incarceration, which began on August 14, 2014, resulted in her getting dropped from the parenting classes and inhibited her ability to complete her other services. She was also unable to provide housing and support for her children due to her incarceration. Andrea was not expected to be released from prison until February 2016. Accordingly, Andrea was not close to having the minor children returned as she was nowhere near having fully complied with her service plan. Thus, the circuit court's finding Andrea was unfit for failing to make reasonable progress during the nine-month period of March to December 2014 was not against the manifest weight of the evidence.

¶ 33 Bobby also failed to complete his parenting classes. As to the rest of his service plan, he did not engage in individual counseling, obtain a domestic-violence screening, or complete a substance-abuse assessment. Moreover, Bobby was living with friends and could not provide the minor children with appropriate housing. He also had to cancel many of his visits with the minor children due to babysitting his grandchildren. Thus, Bobby was also not close to having the minor children returned to him because he was not close to fulfilling the requirements of his service plan. Therefore, the circuit court's finding Bobby was unfit for failing to make reasonable progress during the nine-month period of March to December 2014 was also not against the manifest weight of the evidence.

¶ 34 Because we have upheld the circuit court's determination Andrea and Bobby both met one of the statutory definitions of an "unfit person" (750 ILCS 50/1(D)(m)(ii) (West 2014)),

we need not review the other bases for the court's unfitness findings. S*ee In re Tiffany M.*, 353 Ill. App. 3d 883, 891, 819 N.E.2d 813, 820 (2004).

¶ 35 B. Minor Children's Best Interest

¶ 36 Andrea and Bobby challenge the circuit court's best-interest finding. The State contends the court's finding was proper.

¶ 37 During the best-interest hearing, the circuit court focuses on "the child[ren]'s welfare and whether termination would improve the child[ren]'s future financial, social and emotional atmosphere." *In re D.M.*, 336 Ill. App. 3d 766, 772, 784 N.E.2d 304, 309 (2002). In doing so, the court considers the factors set forth in section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2014)) in the context of the children's age and developmental needs. See *In re T.A.*, 359 Ill. App. 3d 953, 959-60, 835 N.E.2d 908, 912-13 (2005). Those factors include the following: the children's physical safety and welfare; the development of the children's identity; the children's family, cultural, and religious background and ties; the children's sense of attachments, including feelings of love, being valued, and security, and taking into account the least-disruptive placement for the children; the children's own wishes and long-term goals; the children's community ties, including church, school, and friends; the children's need for permanence, which includes the children's need for stability and continuity of relationships with parent figures and with siblings and other relatives; the uniqueness of every family and child; the risks attendant to entering and being in substitute care; and the wishes of the persons available to care for the children. 705 ILCS 405/1-3(4.05) (West 2014).

¶ 38 We note a parent's unfitness to have custody of the children does not automatically result in the termination of the parent's legal relationship with them. *In re M.F.*, 326 Ill. App. 3d 1110, 1115, 762 N.E.2d 701, 706 (2002). As stated, the State must prove by a

preponderance of the evidence the termination of parental rights is in the minor children's best interest. See *D.T.*, 212 Ill. 2d at 366, 818 N.E.2d at 1228. "Proof by a preponderance of the evidence means that the fact at issue *** is rendered more likely than not." *People v. Houar*, 365 Ill. App. 3d 682, 686, 850 N.E.2d 327, 331 (2006).

¶ 39 In this case, A.W. and K.W. were doing well in their paternal grandparents' home, where they had lived for two years, and the grandparents were willing to give them permanency through adoption. C.B.'s placement was close to A.W. and K.W., which allowed him to visit them regularly. The evidence indicated the paternal grandparents allowed C.B. to regularly visit and attend church services with A.W. and K.W. A.W. and K.W. voiced some understanding of why C.B. was no longer living with them. A.W. and K.W. were in the same school, involved in their grandparents' church, and had outside activities. Accordingly, the relevant section 1-3(4.05) factors favor the termination of Andrea's and Bobby's parental rights as to A.W. and K.W.

¶ 40 As to C.B.'s best interest, the evidence showed he was struggling with school and had defiance issues. His maternal aunt was working with him on his schoolwork and was going to attend counseling with him to address, *inter alia*, the defiance issues. The State presented evidence some of his problems at his aunt's home were due to negative comments Andrea was making to him about his aunt. Such conduct undermines any claim by Andrea she has made the necessary changes in her life to properly care for C.B. Moreover, his maternal aunt and A.W. and K.W.'s paternal grandparents allow him to visit his siblings regularly and continue to attend the same church. C.B.'s aunt was willing to give him permanency through adoption or to be his guardian. While C.B. did not want to be adopted, he had been living apart from Andrea for two years, and it did not appear he would be able to return to Andrea's care in the near future. Thus,

we find the majority of the relevant section 1-3(4.05) factors favor the termination of Andrea's parental rights to C.B.

¶ 41 Accordingly, we find the circuit court's conclusion it was in the minor children's best interest to terminate Andrea's and Bobby's parental rights was not against the manifest weight of the evidence.

¶ 42 III. CONCLUSION

¶ 43 For the reasons stated, we affirm the Macon County circuit court's judgment.

¶ 44 Affirmed.