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2016 IL App (4th) 160210-U

NOS. 4-16-0210, 4-16-0211 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
July 19, 2016
Carla Bender
4th District Appellate
Court, IL

In re: J.S., a Minor, THE PEOPLE OF THE STATE OF ILLINOIS, Petitioner-Appellee, v. (No. 4-16-0210) KATHLEEN EBLE, Respondent-Appellant.	)	Appeal from Circuit Court of Champaign County No. 14JA61
In re: J.S., a Minor, THE PEOPLE OF THE STATE OF ILLINOIS, Petitioner-Appellee, v. (No. 4-16-0211) JOSEPH STEERMAN, Respondent-Appellant.	)	Honorable John R. Kennedy, Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Presiding Justice Knecht and Justice Appleton concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court's unfitness and best-interest findings were not against the manifest weight of the evidence.

¶ 2 In September 2015, the State filed a motion to terminate the parental rights of respondents, Kathleen Eble and Joseph Steerman, as to their minor child, J.S. (born August 21, 2014). Following a fitness hearing that took place over two days in December 2015 and January 2016, the trial court found respondents unfit. Following a March 2016 best-interest hearing, the court terminated respondents' parental rights.

¶ 3 Kathleen and Joseph appealed and we consolidated their appeals for review. On appeal, Kathleen and Joseph assert the trial court erred in finding (1) them unfit (2) that it was in J.S.'s best interest to terminate their parental rights. We affirm.

¶ 4 I. BACKGROUND

¶ 5 A. Events Preceding the State's Petition for Termination of Parental Rights

¶ 6 The record shows J.S. was taken into protective custody shortly after his birth. Prior to J.S.'s birth, Kathleen's parental rights to her son, T.E. (born July 4, 2012), had been terminated and, during the pendency of that case, Joseph surrendered his parental rights to T.E. See *In re T.E.* 2014 IL App (4th) 140233-U.

¶ 7 On September 2, 2014, the State filed a petition for adjudication of neglect and shelter care, alleging J.S. was a neglected minor pursuant to sections 2-3(1)(b) and 2-4(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b), 2-4(1)(b) (West 2012)) in that his environment was injurious to his welfare when he resided with (1) respondents because they had failed to correct the conditions which resulted in a prior adjudication of parental unfitness regarding J.S.'s sibling, T.E. (count I); respondents because the environment exposed J.S. to domestic violence (count II); and (3) Kathleen because of her history of mental illness (count III). At the shelter-care hearing, the trial court placed temporary custody and guardianship of J.S. with the Department of Children and Family Services (DCFS).

¶ 8 At an October 28, 2014, adjudicatory hearing, the trial court found the State had proved counts I and II but not count III. At a December 2, 2014, dispositional hearing, the court considered the permanency report filed by the Center for Youth and Family Solutions (Family Solutions), and found respondents unfit and unable, for reasons other than financial circumstances alone, to care for, protect, train, or discipline J.S. and the health, safety, and best

interest of J.S. would be jeopardized if he were to remain in the custody of respondents. The court adjudicated J.S. neglected, made him a ward of the court, and placed custody and guardianship with DCFS. The court further ordered respondents, in part, to (1) comply with DCFS and the terms of their service plans; (2) correct the conditions that resulted in J.S. being adjudged a ward of the court; (3) attend all scheduled visits with J.S.; (4) complete psychological, psychiatric, and alcohol/drug usage evaluations within the next 60 days; (5) successfully complete any DCFS-recommended counseling and/or parenting education; (6) refrain from the use of alcohol and drugs; and (7) maintain appropriate housing.

¶ 9 At an August 11, 2015, permanency hearing, the trial court determined "[Kathleen] has made reasonable efforts but has not made reasonable progress [and that Joseph] has made neither reasonable efforts nor reasonable progress."

¶ 10 B. State's Motion Seeking a Finding of Unfitness and the Termination of Respondents' Parental Rights

¶ 11 On September 21, 2015, the State filed a motion seeking a finding of unfitness and the termination of respondents' parental rights pursuant to section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2014)). Specifically, the petition alleged respondents failed to (1) make reasonable efforts to correct the conditions that were the basis for J.S.'s removal (750 ILCS 50/1(D)(m)(i) (West 2014)) (count I); (2) make reasonable progress toward the return of J.S. within the initial nine months of the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2014); and (3) maintain a reasonable degree of interest, concern, or responsibility toward J.S. (750 ILCS 50/1(D)(b) (West 2014)) (count III).

¶ 12 1. *Fitness Hearing*

¶ 13 The fitness hearing took place on December 14, 2015, and January 5, 2016. At the hearing, the State entered into evidence, without objection, Kathleen's June 2013

psychological evaluation completed by Dr. Susan Minyard, and Kathleen stipulated if Dr. Minyard was called to testify, she would testify consistently with that report. In her report, Dr. Minyard indicated Kathleen had mild mental retardation and an intelligent quotient (I.Q.) of 63 and concluded, "[i]t is highly unlikely that [Kathleen] will ever be capable of parenting independently" due to her "low functioning." In addition, the court took judicial notice of the prior orders entered in the case, including the October 28, 2014, adjudicatory order that found (1) Joseph had surrendered his parental rights to T.E.; (2) Kathleen's parental rights to T.E. were terminated on March 20, 2014; (3) neither Joseph nor Kathleen had progressed in services that were necessary to correct the conditions which led to the loss of custody of T.E.; and (4) a domestic violence incident had occurred in August 2014, during which Joseph threw an object at Kathleen and struck her, and then restrained her to prevent her from breaking objects in the house.

¶ 14 Renee Eifert, a therapist and licensed clinical social worker with Family Solutions, testified that in October 2014, Kathleen was referred to her for individual counseling and parenting classes in relation to this case. Eifert had also counseled Kathleen during the pendency of the prior case concerning T.E. According to Eifert, her goals in this case included enhancing Kathleen's parenting skills and counseling her on relationships and domestic violence. Eifert understood Kathleen possessed diminished verbal skills and a low I.Q. and employed special counseling strategies given her special needs.

¶ 15 Eifert attended at least 10 visits between Kathleen and J.S. During those visits, Kathleen was "very loving" toward J.S., and later, J.S. and his younger sister, S.S. (born August 16, 2015). She was always happy to see J.S., paid attention to him, and brought snacks to every visit. However, Kathleen often talked in a raised voice and Eifert had to coach her to soften her

voice and to remain calm and sooth the children when they cried. Eifert testified Kathleen had "made some progress" in her parenting skills in that she was now able give J.S. breathing treatments for his asthma. However, Kathleen remained unable to verbalize how she would care for her children if, for example, J.S. was crying or she had to change a diaper. Eifert opined that as of September 2015, Kathleen had made no progress in her ability to demonstrate safe, nurturing, and positive parenting practices. Eifert felt that in an unsupervised situation, Kathleen would likely "become overwhelmed with the children, become distressed and that could always lead to something happening."

¶ 16 Eifert testified Kathleen did not attend several of her individual counseling sessions. Eifert saw Kathleen for counseling "a few times" during the summer of 2015, but she stated "there were just as many no-shows probably." In Eifert's opinion, as of September 2015, Kathleen had not progressed enough to where she no longer needed parenting instruction or individual counseling. Eifert was unable to "put any type of measure" on progress Kathleen made between October 2014 and September 2015. Eifert further testified that Kathleen had mentioned instances of domestic violence involving Joseph and herself, one of which occurred in November 2015. She did not feel Kathleen or a child would be safe living with Joseph due to those instances of domestic violence.

¶ 17 Atiyya Thompson, who had been a case manager for Family Solutions until July 2015, testified she was the caseworker for T.E. and became the caseworker for J.S. upon his birth. Due to her prior involvement in T.E.'s case, Thompson was already familiar with Kathleen. Thompson was present for Kathleen's and Joseph's integrated assessments, which were conducted at the same time in September 2014. According to Thompson, during the assessments, Joseph answered a lot of questions for Kathleen. Thompson felt Kathleen had a

difficult time understanding the questions. She further felt Kathleen was not being honest regarding instances of domestic violence because Joseph was present. For his part, Joseph denied any domestic violence between him and Kathleen.

¶ 18 Following the assessments, Thompson referred Kathleen to Eifert for individual counseling and parenting classes. Thompson felt Kathleen would also benefit from services at the Developmental Services Center (Center), because she was having financial difficulties due to being on a limited income, receiving only social security disability, and the Center had previously helped Kathleen locate a part-time job that did not affect her benefits. However, Kathleen refused to engage in services with the Center during this case. Thompson did not refer Kathleen for domestic violence counseling because she did not feel Kathleen could understand the material, but Thompson also stated Eifert was providing some level of domestic violence counseling.

¶ 19 At the same time, Thompson referred Joseph for individual counseling and parenting classes, asked him to complete a substance abuse assessment and submit to random drug tests, and requested that he engage in a sex offender evaluation on his own accord. The sex offender evaluation request was due to prior accusations of sexual molestation of an ex-paramour's daughter. While Thompson was the case manager, Joseph had not engaged in any individual counseling or parenting classes, nor had he obtained a sex offender evaluation or a substance abuse assessment. He tested positive for alcohol during a random drug test.

¶ 20 Thompson supervised approximately 20 to 30, or "at least half," of the visits between Kathleen and J.S., all of which occurred at Family Solutions. Family Solutions provided Kathleen with transportation to the visits, a service not usually provided for clients; however, Thompson felt Kathleen needed this assistance. Although Kathleen and Joseph were

supposed to attend the visits together, Joseph rarely attended due to what Kathleen reported were health problems and doctor's appointments. Kathleen attended most of the scheduled visits and always brought toys, snacks, diapers, and wipes to them. Nonetheless, Thompson felt unsupervised visits would not be an option because respondents "both needed a lot of coaching throughout the visits." Further, Thompson did not feel comfortable moving the visits from the small Family Solutions office to a larger space "like [they] would do for other clients" due to respondents lack of parenting skills. Thompson recalled one instance where Kathleen had J.S. standing on the floor between her legs when he was not quite able to stand by himself and when Kathleen leaned over to reach for something, J.S. fell and hit his head and was taken to the emergency room by his foster mother.

¶ 21 Thompson further testified, during the visits she supervised, she noticed Kathleen appeared to be pregnant. Kathleen initially denied but later admitted being pregnant. According to Thompson, Kathleen was not receiving prenatal care because she could not find a physician who would accept her insurance. However, Kathleen declined Thompson's repeated offers to help her locate a physician.

¶ 22 On cross-examination, Thompson testified that service plans outline the services needed and expectations of the parties. Service plans are given to the parents so they understand what is expected of them. She acknowledged the lack of documentation regarding whether a client receives a copy of the service plan could be "problematic."

¶ 23 Karie Kaufman, a lead foster care case manager for Family Solutions, testified she took over as case manager in August 2015. According to Kaufman, Kathleen continued to engage in individual counseling and parenting classes with Eifert until September 2015. It was

Kaufman's understanding Kathleen was also engaging in domestic violence counseling with Eifert.

¶ 24 Kaufman supervised approximately 15 visits between Kathleen and J.S. The visits also included S.S. after her birth. Joseph did not attend any of the visits that she supervised. Kaufman agreed with the referrals made by Thompson for Joseph; however, Kaufman also referred him for a psychological evaluation. Kaufman stated while she was the caseworker, Joseph had not completed individual counseling or parenting classes, nor had he obtained a sex offender evaluation or a substance abuse evaluation. Joseph attributed his lack of involvement to his medical issues.

¶ 25 Kaufman testified that Joseph told her he had not been provided with a service plan at a September 2015 integrated assessment for S.S. She provided him with the service plan within one week. Also at that integrated assessment, Joseph brought a bag of his medical records for Kaufman to review and told her he had difficulty keeping food down, lived on Pedialyte, and only slept one to two hours per night. Kaufman further testified, upon reviewing the case file, she found one referral for Joseph, which was for a substance abuse assessment. Kaufman did not find any referrals to Family Solutions for counseling for Joseph in the foster-care file; however, she did not have access to "the therapist's file." She was unsure whether respondents attended the administrative case review on May 8, 2015, and noted only Kathleen attended the case review on November 14, 2014.

¶ 26 Thomas Eble, Kathleen's father, testified Kathleen spoke about her children every day and expressed a desire to parent them.

¶ 27 Rita Whaley, a close friend of Kathleen, testified Kathleen was "really good with [Whaley's] grandkid." Whaley further stated Kathleen talked about her children every day, about how they were growing, how she misses them and loves them and wants them back.

¶ 28 Following Whaley's testimony, the fitness hearing was continued until January 5, 2016. When the fitness hearing resumed on January 5, Joseph made a motion for a directed finding, asserting, in part, that no evidence had been presented that he was ever provided with a service plan. The trial court denied Joseph's motion and he presented no evidence.

¶ 29 The trial court found the State had proved by clear and convincing evidence that Kathleen was unfit because she failed to make reasonable progress toward the return of J.S. within the initial nine months of the adjudication of neglect (count II). The court further found the State had proved by clear and convincing evidence that Joseph was unfit because he failed to (1) make reasonable efforts to correct the conditions that were the basis for the removal of J.S. (count I); (2) make reasonable progress toward the return of J.S. within the initial nine months of the adjudication of neglect (count II); and (3) maintain a reasonable degree of interest, concern, or responsibility as to the welfare of J.S. (count III).

¶ 30 2. *Best-Interest Hearing*

¶ 31 At the March 14, 2016, best-interest hearing, the trial court considered the best interest report filed by Family Solutions as well as the written recommendations filed by the court-appointed special advocate (CASA). The best-interest report indicated that J.S. had been residing with his foster family since August 30, 2014, and it was the only home J.S. knew. J.S. enjoyed a loving relationship with, and was strongly attached to, his foster family, which included his foster parents, foster siblings, and his biological brother, T.E., who had previously been adopted by J.S.'s foster family. J.S.'s foster parents were committed to adopting him.

Family Solutions recommended respondents' parental rights be terminated and J.S.'s permanency goal be changed to adoption.

¶ 32 The CASA report noted that following the termination of respondents' parental rights to T.E., neither Kathleen nor Joseph had demonstrated any improvement in their ability to care for the safety and well-being of a child. While supervising a visit between Kathleen and J.S., the CASA observed "very little evidence of attachment" between them, and "nothing close to the affection that [he] observed between J.S. and *** his foster mother." According to the CASA, most of the interaction between Kathleen and J.S. involved Kathleen "gently poking" him with her finger or a toy. The CASA opined, "[i]n the more than one year that I have been assigned to [J.S.'s] case[,] I have seen no evidence that [Kathleen] will ever be able to provide a safe and loving environment for [J.S.]" The CASA agreed with Dr. Minyard's previous assessment and noted Kathleen "will have a great deal of difficulty in meeting her own practical daily needs let alone provid[ing] for [J.S.] as he matures." In regard to Joseph, the CASA noted he had not participated in any services and could not demonstrate that he was capable of providing for J.S.'s safety and well-being. The CASA recommended the parental rights of respondents be terminated.

¶ 33 Joseph testified he and Kathleen lived together in a two-bedroom home in Rantoul, Illinois, with two living rooms, a kitchen, a full basement, and a sizable yard. Although Joseph acknowledged he had health problems and had been unable to work, he was "finally getting to the bottom of" his health problems and felt he would soon be able to "hold down a job." He visited J.S. approximately 12 times while J.S. was in the custody of DCFS. During the visits, Joseph was able to soothe J.S. and would rock him to sleep after breathing treatments. He also fed J.S. and changed his diapers. Joseph stated Kathleen interacted well with J.S. during visits

and would feed him, change him, soothe him, and play with him. Joseph believed that he and Kathleen could adequately provide and care for J.S. Joseph's only concern with Kathleen was that she was not a "morning person." He planned to get an evening job so he would be there for J.S. in the mornings.

¶ 34 Rita Whaley testified she had known Kathleen since she was a child. According to Whaley, Kathleen had "a really good place to live and she keeps it really clean." Whaley stated Kathleen often talked about parenting with her and sometimes asks her for parenting advice. Kathleen was "really good" with Whaley's disabled nine-year-old grandchild and Whaley trusted her to watch him.

¶ 35 Thomas Eble testified Kathleen lived in a small, two-bedroom house, which she kept clean. There were no safety concerns. Eble attended some visits between Kathleen and his grandchildren and observed her playing with them and expressing affection toward them.

¶ 36 Following the presentation of evidence, the trial court terminated the parental rights of respondents, concluding "essentially every best interest factor favor[ed] termination of parental rights." The court noted J.S. had been with his foster family, who had provided for him and developed a bond with him since he was nine days old. The court further stated J.S. would be secure and have permanence with his foster family. Last, the court found Joseph did not have an attachment to J.S., and although Kathleen had tried to develop a bond with him, no strong bond had been formed.

¶ 37 This appeal followed.

¶ 38 II. ANALYSIS

¶ 39 On appeal, both respondents assert the trial court erred in finding (1) them unfit and (2) that it was in J.S.'s best interest for their parental rights to be terminated.

¶ 40 A. Finding of Unfitness

¶ 41 Kathleen asserts the trial court erred in finding she was unfit due to her failure to make reasonable progress toward the return of J.S. within the initial nine months following the adjudication of neglect. Joseph asserts the court erred in finding he was unfit due to his failure to (1) make reasonable efforts to correct the conditions that were the basis for J.S.'s removal; (2) make reasonable progress toward the return of J.S. within the initial nine months of the adjudication of neglect; and (3) maintain a reasonable degree of interest, concern, or responsibility toward J.S.

¶ 42 To involuntarily terminate parental rights, a trial court must find (1) the State has proved, by clear and convincing evidence, that a parent is unfit as defined in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2014)); and (2) termination is in the child's best interest. *In re J.L.*, 236 Ill. 2d 329, 337-38, 924 N.E.2d 961, 966 (2010). "A parent's rights may be terminated if even a single alleged ground for unfitness is supported by clear and convincing evidence." *In re Gwynne P.*, 215 Ill. 2d 340, 349, 830 N.E.2d 508, 514 (2005).

¶ 43 1. *Failure To Make Reasonable Progress*

¶ 44 Under the Adoption Act, an unfit parent includes any parent who fails to make reasonable progress toward the return of the child within the initial nine months of the adjudication of neglect. 750 ILCS 50/1(D)(m)(ii) (West 2014). "[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 become known and which would prevent the court from returning custody of the child to the parent." (Internal quotation marks omitted.) *In re C.N.*, 196 Ill. 2d

181, 216-17, 752 N.E.2d 1030, 1050 (2001). "The standard for determining whether reasonable progress has been made is an objective one. It may be found when the trial court can conclude the parent's progress is sufficiently demonstrable and of such quality that the child can be returned to the parent in the near future." *In re Janine M.A.*, 342 Ill. App. 3d 1041, 1051, 796 N.E.2d 1175, 1183 (2003). At a minimum, reasonable progress requires measurable or demonstrable movement toward the goal of reunification. *Id.* "A reviewing court will not reverse a trial court's fitness finding unless it was contrary to the manifest weight of the evidence, meaning that the opposite conclusion is clearly evident from a review of the record." *In re A.L.*, 409 Ill. App. 3d 492, 500, 949 N.E.2d 1123, 1129 (2011).

¶ 45 2. *Kathleen*

¶ 46 As noted, the trial court found Kathleen unfit due to her failure to make reasonable progress toward the return of J.S. within the initial nine months following the adjudication of neglect. Kathleen asserts the court's finding in this regard was error because the State "offered the court little, if anything, in the way of baselines or metrics for measuring progress made or not made and certainly did not clearly and convincingly prove [her] lack of reasonable progress." For the reasons that follow, we find the evidence sufficient to support the court's finding that Kathleen was unfit for failing to make reasonable progress toward reunification during the initial nine-month time frame following the adjudication of neglect—specifically, October 28, 2014, through July 28, 2015.

¶ 47 Here, the record shows Kathleen attended the majority of her scheduled visits with J.S. On those visits, she was well prepared with diapers, wipes, treats, and toys. She was also loving and attentive toward J.S. However, Kathleen constantly had to be coached to lower her voice, as well as on how to remain calm and soothe J.S. when he cried. Although Kathleen

stated she was able to care for her children, she was unable to verbalize how she would do so. On one occasion, Kathleen displayed poor judgment by leaning over J.S. as he was standing between her legs, causing him to fall and hit his head. During the visits supervised by Eifert during the relevant period, Kathleen had made no progress in her ability to demonstrate safe, nurturing, and positive parenting practices. Eifert believed that if left unsupervised with J.S., Kathleen would become overwhelmed. Based on her observations, Thompson believed visits could never be moved outside of the small Family Solutions office due to a lack of sufficient parenting skills exhibited by both Kathleen and Joseph.

¶ 48 In addition, Kathleen missed half of her counseling sessions with Eifert in the summer of 2015, declined services offered by the Center, and declined Thompson's repeated offers to help her find a physician to provide prenatal care while pregnant with S.S.

¶ 49 The evidence shows the only actual progress Kathleen made during the initial nine months following J.S.'s neglect adjudication was that she learned to give J.S. his breathing treatments. Based on the above, the trial court's finding Kathleen did not make reasonable progress which would support a determination that J.S. could be returned to her in the near future was not against the manifest weight of the evidence. Accordingly, the trial court did not err in finding her unfit.

¶ 50 3. *Joseph*

¶ 51 As stated, the trial court also found Joseph unfit due to, among other things, his failure to make reasonable progress toward the return of J.S. within the initial nine months of the adjudication of neglect. Joseph contends the court's finding in this regard was error because his ability to progress during the relevant nine-month period was impeded by DCFS's failure to timely provide him with a copy of the service plan or to refer him for any services other than a

substance abuse assessment. We disagree and find the evidence sufficient to support the court's finding that Joseph was unfit.

¶ 52 The record in this case contains only one service plan, dated October 29, 2015, which is beyond the relevant nine-month period at issue for determining reasonable progress, *i.e.*, October 28, 2014, through July 28, 2015. However, the evidence shows that in September 2014, Thompson referred Joseph to Family Solutions for counseling and parenting classes, asked him to complete a substance abuse assessment, submit to random drug tests, and obtain sex offender treatment and a sex offender evaluation. In November 2014, Joseph tested positive for alcohol, despite having been ordered not to drink alcohol by the trial court the month before, and in December 2014, he was referred to Prairie Center for a substance abuse assessment. As of March 4, 2015, Joseph had not obtained the ordered substance abuse assessment or the requested sex offender evaluation. On July 27, 2015, Family Solutions reported it had "limited to no contact" with Joseph during the relevant reporting period, that Joseph had not completed any services, and that he "minimally participates" in visits with J.S. Specifically, Family Solutions noted Joseph attended 4 of the 19 scheduled visits during that reporting period. Based on the above, we find Joseph's failure to engage in services during the relevant review period—services which he knew he should be engaging in despite the lack of a formal service plan—and his failure to attend the majority of the scheduled visits with J.S. indicate a lack of even minimal progress toward reunification with J.S. Accordingly, the trial court's finding of unfitness on this count was not against the manifest weight of the evidence.

¶ 53 Having concluded the trial court did not err in finding Joseph unfit due to his failure to make reasonable progress toward the return of J.S. during the initial nine-month period following his adjudication of neglect, we need not consider the court's other findings of parental

unfitness against Joseph. See *In re Brandon A.*, 395 Ill. App. 3d 224, 241, 916 N.E.2d 890, 904 (2009) (evidence sufficient to satisfy any one statutory ground regarding parental fitness obviates the need to review the propriety of other statutory grounds).

¶ 54 B. Best-Interest Finding and Termination of Parental Rights

¶ 55 Next, Kathleen and Joseph assert it was not in J.S.'s best interest to terminate their parental rights.

¶ 56 "Following a finding of unfitness *** the focus shifts to the child. The issue is no longer whether parental rights *can* be terminated; the issue is whether, in light of the child's needs, parental rights *should* be terminated. Accordingly, at a best-interests hearing, the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." (Emphases in original.) *In re D.T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004). At this stage in the proceedings, the State must prove by a preponderance of the evidence that termination of parental rights is in the child's best interest based on the factors listed in section 1-3(4.05) of the Juvenile Court Act of 1987 (705 ILCS 405/1-3(4.05) (West 2014)). *D.T.*, 212 Ill. 2d at 366, 818 N.E.2d at 1228. Those factors include the following: (1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's background and ties, including familial, cultural, and religious; (4) the child's sense of attachments including where the child feels loved and secure, has a sense of familiarity, continuity of affection, and where the least-disruptive placement is; (5) the child's wishes; (6) the child's community ties; (7) the child's needs for permanence, which includes his need for stability and continuity of relationships; (8) the uniqueness of each family and child; (9) the risks related to substitute care; and (10) the preferences of the persons available to care for the child. 705 ILCS 405/1-3(4.05) (West 2014). We will not reverse the trial court's best-interest

determination unless it is against the manifest weight of the evidence. *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 291 (2009).

¶ 57 In this case, the evidence presented at the best-interest hearing showed that J.S., who at the time was 16 months old, had lived with his foster family since birth. He was strongly attached to, and had a loving relationship with, his foster family, which included his biological brother, T.E. J.S. was a happy and energetic child. His foster family was committed to providing permanency for J.S. by adopting him. On the other hand, there was little evidence of attachment between J.S. and Kathleen, and even less evidence of attachment between J.S. and Joseph, who rarely attended the scheduled visits. Further, the evidence demonstrated continued safety concerns if Kathleen and/or Joseph regained custody of J.S. Specifically, Joseph had not participated in any services, neither he nor Kathleen had demonstrated any improvement in their ability to care for J.S.'s safety and well-being, and there continued to be concerns regarding domestic violence between the two. In finding it was in J.S.'s best interest to terminate Kathleen's and Joseph's parental rights, the trial court noted, "essentially every best interest factor favors termination of parental rights and freeing [J.S.] for adoption." Based on the evidence, we find the court's decision to terminate Kathleen's and Joseph's parental rights was not against the manifest weight of the evidence.

¶ 58 III. CONCLUSION

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

¶ 60 Affirmed.