2016 IL App (4th) 160434-U

NO. 4-16-0434

FILED
November 18, 2016
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: M.J., a Minor,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Champaign County
v.	)	No. 14JA60
AMORI ALFORD,	)	
Respondent-Appellant.	)	Honorable
	)	Brett N. Olmstead,
	)	Judge Presiding.

JUSTICE HOLDER WHITE delivered the judgment of the court.
Presiding Justice Knecht and Justice Turner concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, concluding (1) respondent forfeited her claim the trial court lacked personal jurisdiction over DCFS as respondent's guardian; (2) the court's finding of unfitness was not against the manifest weight of the evidence; and (3) the court did not err in terminating respondent's parental rights.

¶ 2 In April 2016, the State filed a second amended motion to terminate the parental rights of respondent, Amori Alford, as to her child, M.J. (born August 22, 2014). Respondent father is not a party to this appeal. In May 2016, the trial court found respondent unfit. That same month, the court determined it was in M.J.'s best interest to terminate respondent's parental rights.

¶ 3 Respondent appeals, asserting (1) the trial court lacked personal jurisdiction over respondent's guardian and, therefore, authority to terminate respondent's parental rights; (2) the

State did not prove respondent unfit by clear and convincing evidence; and (3) the court erred in terminating respondent's parental rights. For the following reasons, we affirm.

¶ 4 I. BACKGROUND

¶ 5 A. Initial Proceedings

¶ 6 In August 2014, the State filed a petition for adjudication of neglect, alleging M.J. was neglected in that his environment was injurious to his welfare when he resided with respondent in that the environment exposed him to (1) domestic violence (705 ILCS 405/2-3(1)(b) (West 2014)) (count I), and (2) a risk of physical harm (705 ILCS 405/2-3(1)(b) (West 2014)) (count II). In October 2014, the trial court entered an adjudicatory order finding M.J. neglected in that he was in an environment injurious to his welfare. Following a November 2014 dispositional hearing, the court (1) determined respondent was unfit and unable to care for M.J.; (2) made M.J. a ward of the court; and (3) placed guardianship of M.J. with the Department of Children and Family Services (DCFS).

¶ 7 B. Termination Proceedings

¶ 8 In December 2015, the State filed a motion to terminate respondent's parental rights. In April 2016, the State filed a second amended motion to terminate respondent's parental rights. The petition alleged respondent failed to (1) make reasonable efforts to correct the conditions that were the basis for the removal of M.J. (750 ILCS 50/1(D)(m)(i) (West 2014)); (2) make reasonable progress toward the return of M.J. (750 ILCS 50/1(D)(m)(ii) (West 2014)); and (3) maintain a reasonable degree of interest, concern, or responsibility as to M.J.'s welfare (750 ILCS 50/1(D)(b) (West 2014)).

¶ 9 1. *Fitness Hearing*

¶ 10 Respondent's fitness hearing spanned three nonconsecutive days. The trial court heard the following evidence.

¶ 11 a. Tracy Hewitt

¶ 12 Tracy Hewitt testified she was the DCFS case manager from September 2014 to mid-November 2014. M.J. came into DCFS care following his birth because of concerns of domestic violence between respondent and Marcus Johnson. Respondent was a DCFS ward at the time and refused to engage in domestic violence services. According to Hewitt, respondent's wardship terminated on December 10, 2014. During the integrated assessment, respondent indicated she was in a relationship with Marcus but denied domestic violence. Hewitt testified respondent ended her relationship with Marcus at the end of October 2014.

¶ 13 According to Hewitt, respondent was previously diagnosed with post-traumatic stress disorder, bipolar disorder, conduct disorder, depression, and anxiety. Although respondent was prescribed medications for these diagnoses, respondent reported she was not taking any of the medications. Hewitt testified respondent felt the medications were not benefiting her and she disagreed with the diagnoses. Hewitt made referrals for domestic violence counseling, parenting classes, and individual counseling. She recommended couples counseling if respondent remained in a relationship with Marcus.

¶ 14 b. Lauren Maass

¶ 15 Lauren Maass, a foster care case manager at the Center for Youth and Family Solutions (CYFS), testified she was the case manager from January 2015 to June 2015. According to Maass, respondent had an apartment in Urbana, Illinois, until the lease ended in April 2015, after which time respondent was homeless. Maass testified respondent worked at

Papa Del's until February or March 2015 and did not obtain subsequent employment while Maass was the caseworker.

¶ 16 According to Maass, respondent was involved in parenting classes at Community Elements but did not successfully complete or continue attending the classes while Maass was the caseworker. Respondent was also engaged in domestic-violence counseling and individual counseling at Cognition Works. Maass testified Marcus was initially presumed to be M.J.'s father. However, after it was determined Marcus was not the father, Maass warned respondent about having contact with Marcus because of the domestic violence. In May 2015, the foster parent told Maass respondent and Marcus had another domestic dispute and respondent was hospitalized. Maass spoke to respondent and asked her to sign a release for medical records related to that hospitalization. Respondent refused and would not discuss the hospitalization with Maass.

¶ 17 c. Kelsey Hoover

¶ 18 Kelsey Hoover, a foster care family worker at CYFS, assumed case management duties in June 2015. According to Hoover, respondent was homeless from June 2015 to October 2015, when she moved into the Value Place Inn. During that time, respondent was employed at Walmart.

¶ 19 While Hoover was the caseworker, respondent had several police contacts. According to Hoover, all the police involvement for domestic violence happened after respondent completed domestic-violence classes at Cognition Works. Hoover testified respondent had two positive alcohol screens in June and July 2015, when respondent was 20 years old. Respondent missed an October 2015 meeting to discuss additional services following the incidents with police. Hoover eventually spoke to respondent by telephone and discussed

referring respondent to the Change and Impact programs at Cognition Works, a substance-abuse assessment, and a psychiatric evaluation. According to Hoover, respondent was "not happy" about the substance-abuse assessment, stated she already completed the Options program at Cognition Works, and did not want to do any other programs. Respondent refused to sign consents and Hoover was unable to make any referrals until January 2016.

¶ 20 According to Hoover, respondent attended visits with M.J. However, respondent missed four visits of which Hoover was aware. Two of those missed visits were due to her arrest in September 2015. Hoover did not know why respondent missed the other visits.

¶ 21 d. Marya Burke

¶ 22 Marya Burke testified she worked at Cognition Works and initially determined the Options program for survivors of domestic violence was appropriate for respondent. Respondent attended all 18 sessions and completed the program shortly before CYFS prepared a report, dated March 20, 2015, for DCFS. During the course of therapy, respondent did not report any police contact or a continued relationship with Marcus, the perpetrator of the domestic violence. Although respondent successfully completed the Options program, Burke testified handling anger was an ongoing issue for respondent.

¶ 23 e. Amy Mueller

¶ 24 Amy Mueller testified she was previously employed as a therapist at CYFS. According to Mueller, she counseled respondent from January 2015 to September 2015, when Mueller left CYFS. Respondent told Mueller she had been raised in the foster care system and had recently been emancipated. Mueller established therapy goals of working on depression, self-esteem, parenting, and anger control. According to Mueller, respondent's overall attendance

and cooperation were good. Mueller testified respondent made some progress on her goals, but situational factors related to respondent's day-to-day life and stability prevented further progress.

¶ 25 f. Josh Hagerstrom

¶ 26 Josh Hagerstrom, a licensed professional counselor with CYFS, began counseling respondent in October 2015. Hagerstrom testified he had only one session with respondent. A couple weeks after the first session, Hagerstrom found out respondent was not comfortable with a male therapist. According to Hagerstrom, he made a new referral for a female therapist. Hagerstrom could not recall precisely when the new referral was made, but he speculated respondent did not get assigned a new therapist until a couple of months before the March 2016 fitness hearing.

¶ 27 g. Kevin Olmstead

¶ 28 Kevin Olmstead, a sergeant with the Champaign police department, testified he responded to 2616 West Springfield Avenue in Champaign on May 2, 2015, because someone requested to speak with a supervisor. When he arrived, Olmstead encountered Marcus and Rosalind Johnson in the parking lot. Olmstead testified he spoke with respondent, who told him Marcus attempted to have sexual intercourse with her. According to Olmstead, respondent said she refused and Marcus and Rosalind attempted to forcibly remove her from the apartment, which belonged to Marcus and Rosalind's mother. Respondent reported she had been staying at the apartment and was being evicted from an apartment in Urbana. Olmstead testified respondent also reported her cell phone had been stolen, but Olmstead was unable to locate the phone. According to Olmstead, respondent said she was struck several times in the face and was pulled by her hair out of the apartment. Olmstead examined respondent's face and neck and observed no marks, scratches, or bruises.

¶ 29 h. Sarah Hershberger

¶ 30 Sarah Hershberger, a paramedic, testified, on May 2, 2015, she was called for a medical evaluation for a possible overdose on Springfield Avenue in Champaign. When Hershberger located the patient, she identified herself as respondent and stated she had taken some medications and was not sure what kind she had taken. According to Hershberger, respondent "appeared to become unresponsive; however, her neurological function was still completely intact." Hershberger testified respondent would not speak to the paramedics, so the police allowed the paramedics to use implied consent to take respondent to Carle Foundation Hospital.

¶ 31 i. Tim Frye

¶ 32 Tim Frye, an officer with the Champaign police department, testified, on May 2, 2015, he was dispatched to Springfield Avenue for a reported suicide attempt. According to Frye, respondent was the caller and victim of the suicide attempt and was being treated by medical personnel. Frye testified respondent was transported to the hospital, where Frye filled out involuntary admission paperwork because he determined respondent was a threat to herself.

¶ 33 j. Ted Nemecz

¶ 34 Deputy Ted Nemecz testified, on August 31, 2015, he was dispatched to 25 Rowena Drive in Urbana for a report of a fight. Upon arriving there, respondent told Nemecz she was in a physical altercation with two other females after returning from a night of dancing and drinking. According to Nemecz, the altercation began with two other individuals, but one became agitated and tried to punch respondent. Respondent wrestled her assailant to the ground and pinned her with her knee. Respondent reported the individual bit her thigh. According to Nemecz, respondent had a bite mark consistent with this story.

¶ 35 k. Kurt Buckley

¶ 36 Kurt Buckley, a sergeant with the Champaign police department, was dispatched to Countrybrook Apartments on September 8, 2015, for a reported stabbing. Upon arrival, Buckley found an unresponsive female lying on the pavement near a Dumpster in the parking lot. A nearby purse contained a state identification card with respondent's name. According to Buckley, an ambulance transported respondent to Carle Foundation Hospital.

¶ 37 *l.* Brian Greear

¶ 38 On September 8, 2015, Champaign police officer Brian Greear was sent to Carle Foundation Hospital to assist in a stabbing investigation. A nurse indicated respondent was intubated and would be unable to make a statement for some time. Greear testified he examined respondent's purse, which contained mail addressed to respondent, two cell phones, a silver folding knife, a utility knife with a yellow handle, and a bottle of Hennessy cognac. According to Greear, neither knife had blood on it. Greear testified the knife used in the stabbing was described as something different from the silver folding knife.

¶ 39 m. Timothy Atteberry

¶ 40 Champaign police officer Timothy Atteberry testified, on September 9, 2015, he went to Carle Foundation Hospital a little after 2:30 a.m. According to Atteberry, he was investigating a stabbing involving a male and a female that occurred around 9 p.m. on September 8, 2015. Atteberry testified respondent was in the hospital, being treated for alcohol-related issues. According to Atteberry, respondent told him she was in the passenger seat in a vehicle with a group of people, including Marcus, who was seated behind her. Respondent reported she and Marcus were involved in a relationship for 2 ½ years but had broken up more than a year before. Atteberry testified respondent told him it was "common knowledge" Marcus attempted

to kill her on numerous occasions since they broke up. Although Marcus had purportedly attempted to kill her, respondent gave no reason for being in a car with him.

¶ 41 According to Atteberry, respondent stated the group arrived at Countrybrook Apartments and Marcus attacked and choked her through the window of the vehicle. Respondent claimed she got out of the vehicle and Marcus again advanced upon her, so she pulled out a knife and stabbed him. Respondent then told the others to call an ambulance because she did not want Marcus to die. According to Atteberry, respondent reported that Marcus again attacked her from behind and hit her in the head.

¶ 42 n. Donald L. Brown

¶ 43 Donald L. Brown, respondent's friend, testified respondent would call him for rides if the buses were not running or if she did not have enough money for a taxi. According to Brown, he would give respondent rides to work, DCFS services, and visitation with M.J. Brown testified respondent consistently expressed her desire to do whatever was necessary to have M.J. returned to her.

¶ 44 *o*. Respondent

¶ 45 Respondent testified she was currently living at an extended-stay hotel and awaiting Section Eight housing approval. According to respondent, she had previously worked at Walmart and currently worked at Circle K. Although she was a part-time employee, respondent testified she worked full-time hours. Respondent testified she felt as though her life was stabilizing.

¶ 46 Respondent testified she completed the Options program at Cognition Works in March 2015, and she benefited from both the domestic-violence counseling and the individual counseling. According to respondent, she had consistent two-hour visits with M.J. twice per

week and had a strong bond with M.J. Respondent admitted she occasionally missed visits with M.J. because she fell asleep on the bus on her way to the visit after working an overnight shift at Walmart. When asked what she had learned about how to avoid domestic-violence situations, respondent testified she was just focused on working and trying to complete services. According to respondent, she was waiting to get into the additional domestic-violence classes to which Hoover referred her. Respondent testified she would comply with all suggested services in the future.

¶ 47 p. Trial Court's Findings

¶ 48 The trial court found respondent had failed to make reasonable efforts because she failed to apply anything she learned in domestic-violence and individual counseling to her life. The court also found respondent failed to make reasonable progress. Finally, the court found that, although respondent maintained a reasonable degree of interest and concern for M.J., she failed to maintain a reasonable degree of responsibility for his welfare. Accordingly, the court found the State proved by clear and convincing evidence the grounds of unfitness alleged in the motion to terminate respondent's parental rights.

¶ 49 2. *Best-Interest Hearing*

¶ 50 In May 2016, the trial court held a best-interest hearing. Without objection, the State offered into evidence a police report from March 2016. The report indicated respondent and Brown were stopped following a report of retail theft. During the course of the investigation, respondent resisted arrest and had a large knife and an open bottle of Hennessy cognac in her purse. The court stated it considered the police report insofar as it indicated respondent was unable to extricate herself from a pattern of behavior, which indicated she was not a realistic option in the near future to provide M.J. the permanency he needed. However, the

court found the report was not necessary for its ruling and did not alter the conclusions the court reached.

¶ 51 The trial court also considered the best-interest report. The report indicated M.J. was happy, healthy, and had been in his current foster placement since February 2015, when he was six months old. M.J. had a loving relationship with his foster parents and the other children in the home. Additionally, the best-interest report indicated M.J. was with his first foster placement for the first six months of his life. When that family moved, the original foster parents specifically requested M.J.'s current foster placement as he had already formed a bond with them through interactions at his previous placement. The foster parents were committed to adopting M.J. if respondent's parental rights were terminated.

¶ 52 The trial court found M.J. had a strong bond with the foster family, particularly with the 12-year-old daughter. The court noted M.J. had developed an identity, sense of attachment, and sense of security in the foster home. Moreover, the court noted M.J. had been in foster care since he was three days old and had been in the current foster home since he was six months old. The court reiterated respondent was not a realistic option for permanency in the near future and determined that leaving the case open would disrupt M.J.'s environment, sense of security, and continuity. Accordingly, the court concluded the State met its burden in proving the termination of respondent's parental rights was in M.J.'s best interest.

¶ 53 This appeal followed.

¶ 54 II. ANALYSIS

¶ 55 On appeal, respondent argues the trial court (1) lacked personal jurisdiction over DCFS as respondent's guardian; (2) erred in finding respondent unfit; and (3) erred in

determining it was in M.J.'s best interest to terminate her parental rights. We address these arguments in turn.

¶ 56 A. Personal Jurisdiction

¶ 57 Respondent argues the trial court lacked personal jurisdiction over DCFS in its capacity as her guardian. Specifically, respondent argues the August 2014 petition for adjudication of wardship named DCFS as respondent's guardian and the record contains no evidence DCFS was ever served with the petition or that DCFS appeared as respondent's guardian at any proceeding.

¶ 58 In support of this argument, the only case respondent cites is *In re M.W.*, 232 Ill. 2d 408, 905 N.E.2d 757 (2009). In *M.W.*, the State filed a petition for adjudication of wardship and charged M.W. with robbery. *Id.* at 413, 905 N.E.2d 762. Both parents appeared at the detention hearing. *Id.* The State later filed an amended petition and did not notify the minor's father of the amendment. *Id.* at 413, 905 N.E.2d at 763. The father did not appear at any subsequent hearings. *Id.* Among other arguments on appeal, M.W. asserted the trial court lacked personal jurisdiction over the minor's father based on the State's failure to notify the father of the amended petition. *Id.* at 427, 905 N.E.2d at 771. The supreme court noted, "a party may 'object to personal jurisdiction or improper service of process only on behalf of himself or herself, since the objection may be waived.' " *Id.* at 427, 905 N.E.2d at 770-71 (quoting *Fanslow v. Northern Trust Co.*, 299 Ill. App. 3d 21, 29, 700 N.E.2d 692, 697 (1998)). However, the supreme court considered the personal jurisdiction claim and found the trial court had continuing personal jurisdiction over the minor's father following his appearance at the detention hearing. *Id.* at 428-29, 905 N.E.2d at 882. The supreme court also rejected the minor's argument that the father's due process rights were violated when the trial court proceeded with a hearing on the

amended petition despite lack of notice to the father. *Id.* at 430, 905 N.E.2d at 772. According to the supreme court, the father's "situation is the same as that of any litigant over whom personal jurisdiction has been established and who fails to appear thereafter." *Id.*

¶ 59 Initially, we note respondent does not argue her due process rights were violated and she does not argue that DCFS's due process rights as guardian were violated. Respondent also cites no authority to support an argument that she has standing to raise the issue of personal jurisdiction over DCFS. See *Elder v. Bryant*, 324 Ill. App. 3d 526, 533, 755 N.E.2d 515, 522 (2001) ("Contentions that are supported by some argument, yet lack citations of authority, do not meet the requirements of [Illinois Supreme Court] Rule 341[].").

¶ 60 Although respondent contends DCFS never appeared in this matter, the record contradicts this. The docket entries in the record indicate a representative for DCFS appeared at the shelter-care hearing, the adjudicatory hearing, the dispositional hearing, the fitness hearing, and at numerous permanency hearings. Although the record does not indicate in what capacity DCFS appeared (*i.e.*, whether DCFS appeared as respondent's guardian), it is respondent's burden to ensure the record before this court is adequate. "Any doubts which may arise from the incompleteness of the record will be resolved against the appellant." *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392, 459 N.E.2d 958, 959 (1984). Moreover, respondent never raised this issue in the trial court. "The purpose of this court's forfeiture rules is to encourage parties to raise issues in the trial court, thus ensuring both that the trial court is given an opportunity to correct any errors prior to appeal and that a party does not obtain a reversal through his or her own inaction." *1010 Lake Shore Ass'n v. Deutsche Bank National Trust Co.*, 2015 IL 118372, ¶ 14, 43 N.E.3d 1005. Accordingly, we find respondent has forfeited this issue.

¶ 61 B. Fitness Finding

¶ 62 The State has the burden of proving parental unfitness by clear and convincing evidence. *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067, 808 N.E.2d 596, 604 (2004). A reviewing court will not overturn the trial court's finding of unfitness unless it is against the manifest weight of the evidence. *Id.* The court's decision is given great deference due to "its superior opportunity to observe the witnesses and evaluate their credibility." *Id.*

¶ 63 The trial court found respondent unfit on three separate grounds: her failure to (1) make reasonable efforts to correct the conditions that were the basis for removing M.J. (750 ILCS 50/1 (D)(m)(i) (West 2014)); (2) make reasonable progress toward the return of M.J. (750 ILCS 50/1 (D)(m)(ii) (West 2014)); and (3) maintain a reasonable degree of responsibility for M.J.'s welfare (750 ILCS 50/1(D)(b) (West 2014)). We turn to the first ground, as we find it dispositive.

¶ 64 Under section 1(D)(m), a parent may be found unfit due to a failure to make (1) reasonable efforts to correct the conditions that were the basis for the removal of the minor, or (2) reasonable progress toward the return of the child during the initial nine-month period following the adjudication of neglect. 750 ILCS 50/1(D)(m)(i), (ii) (West 2014). Each ground requires a separate analysis. *In re J.A.*, 316 Ill. App. 3d 553, 564, 736 N.E.2d 678, 687 (2000). However, "[o]nly one ground of unfitness needs to be proved by clear and convincing evidence in order to find a parent unfit." *In re R.L.*, 352 Ill. App. 3d 985, 998, 817 N.E.2d 954, 966 (2004). "Reasonable efforts" is a subjective standard, and the focus is on whether a particular parent's efforts to correct the conditions that caused removal were reasonable. *Id.* In contrast, "reasonable progress" is an objective standard that considers the progress made toward the goal of returning the child to the parent. *In re M.A.*, 325 Ill. App. 3d 387, 391, 757 N.E.2d 613, 615

(2001). A failure to make either reasonable efforts or reasonable progress can be sufficient for an adjudication of unfitness. *R.L.*, 352 Ill. App. 3d at 999, 817 N.E.2d at 966.

¶ 65 The trial court concluded respondent had not made reasonable efforts to correct the conditions which led to M.J.'s removal. The court acknowledged respondent completed the Options program. However, the court found respondent failed to implement any skills or knowledge she gained from the program and failed to make reasonable efforts to make changes in her life to correct the conditions that were the basis of M.J.'s removal.

¶ 66 The evidence showed that, *after* respondent completed the Options program, she had numerous contacts with the police for domestic-violence incidents. First, in May 2015, respondent was involved in a domestic-violence incident with Marcus (whom she had purportedly stopped seeing in October 2014). Another domestic disturbance report came in August 2015, this time involving an altercation with two other females after a night of drinking. A third incident was reported in September 2015, again involving Marcus. Following this incident, the caseworker sought to refer respondent for additional services, including different domestic-violence programs, a substance-abuse evaluation, and a psychiatric evaluation. Respondent refused to sign consents to engage in any of these additional services. Clearly, respondent put forth some effort in completing the Options program. However, given the evidence of subsequent domestic-violence incidents and alcohol-related issues, we cannot conclude the court erred in determining respondent did not put forth reasonable efforts to apply any skills or knowledge she gained in correcting the conditions which were the basis for M.J.'s removal. Accordingly, we conclude the court's finding of unfitness was not against the manifest weight of the evidence. Because we have upheld the trial court's findings as to one ground of unfitness for respondent, we need not review the remaining grounds. See *In re D.H.*, 323 Ill.

App. 3d 1, 9, 751 N.E.2d 54, 61 (2001) ("When multiple grounds of unfitness have been alleged, a finding that any one allegation has been proved is sufficient to sustain a parental unfitness finding.").

¶ 67 C. Best-Interest Finding

¶ 68 Respondent next asserts the trial court erred in terminating her parental rights. We disagree.

¶ 69 Once the trial court determines a parent to be unfit, the next stage is to determine whether it is in the best interest of the minor to terminate parental rights. *In re Jaron Z.*, 348 Ill. App. 3d 239, 261, 810 N.E.2d 108, 126 (2004). The State must prove by a preponderance of the evidence that termination is in the best interest of the minor. *Id.* The court's finding will not be overturned unless it is against the manifest weight of the evidence. *Id.* at 261-62, 810 N.E.2d at 126-27.

¶ 70 The focus of the best-interest hearing is determining the best interest of the child, not the parent. 705 ILCS 405/1-3(4.05) (West 2014). The trial court must consider the following factors, in the context of the child's age and developmental needs, in determining whether to terminate parental rights:

> "(a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
>
> (b) the development of the child's identity;
>
> (c) the child's background and ties, including familial, cultural, and religious;
>
> (d) the child's sense of attachments ***[;]
>
> * * *

(e) the child's wishes and long-term goals;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child." *Id.*

¶ 71 Here, the record demonstrates M.J. had been with his foster placement since February 2015, and he had developed a close bond with his foster family, particularly with the 12-year-old daughter. Additionally, the best-interest report indicated M.J. was with his first foster placement for the first six months of his life. When that family moved, the original foster parents specifically requested M.J.'s current foster placement, as he had already formed a bond with them through interactions at his previous placement. M.J.'s history with his current foster family shows maintaining this placement would benefit M.J.'s sense of security, attachment, and belonging. The foster parents are willing to provide M.J. permanency by adopting him if he is unable to return home to respondent.

¶ 72 Conversely, respondent cannot provide safety, stability, and permanence for M.J. in the near future. Although we recognize respondent was employed and working toward obtaining stable housing, the record also contained evidence of continued instability. First,

respondent was, at the time of the hearing, living in an extended-stay hotel and did not know when she would be able to obtain her own housing. Moreover, she had not begun the additional domestic-violence classes recommended to her following her arrest and hospitalization in September 2015, nor had she completed the substance-abuse evaluation. The police report submitted at the best-interest hearing indicated respondent came into contact with police in March 2016 and was issued tickets for resisting arrest and possessing an open bottle of Hennessy cognac on public property. Given this evidence, we cannot say the trial court's determination that respondent would be unable to provide permanency in the near future was erroneous.

¶ 73 Accordingly, we conclude the trial court's finding that it was in M.J.'s best interest to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 74 III. CONCLUSION

¶ 75 For the foregoing reasons, we affirm the trial court's judgment.

¶ 76 Affirmed.