

NOTICE

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2021 IL App (4th) 210375-U

NO. 4-21-0375

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

November 24, 2021

Carla Bender

4th District Appellate
Court, IL

<i>In re</i> K.C. and R.C., Minors)	Appeal from the
)	Circuit Court of
(The People of the State of Illinois,)	McLean County
Petitioner-Appellee,)	No. 19JA57
v.)	
Robert C.,)	Honorable
Respondent-Appellant).)	J. Brian Goldrick,
)	Judge Presiding.

JUSTICE CAVANAGH delivered the judgment of the court.
Justices DeArmond and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not err in finding that termination of respondent's parental rights would be in the minors' best interests.

¶ 2 Respondent father, Robert C., appeals the order terminating his parental rights to his minor children K.C. (born May 31, 2014) and R.C. (born October 29, 2009). Respondent stipulated to the State's allegation he was an unfit parent, but he contends the trial court's decision terminating his parental rights was against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In June 2019, the minors were taken into protective custody based on circumstances related to their mother, who is not a party to this appeal. In March 2019, the mother was involved in a serious domestic violence incident with her paramour when the minors were present. During the investigation of that incident, the Department of Children and Family Services (DCFS) learned

the mother was not adequately caring for the minors. K.C., who was physically and developmentally disabled, had not been given her medication, had not been to the doctor as scheduled, and had not been attending school. The mother had a history of violent relationships. Therefore, based on this information, DCFS determined an intact case was not appropriate, and the agency took protective custody of the minors, placing them together in relative foster placement. Respondent had been in prison since 2017 on a robbery conviction and had not seen the minors since. His anticipated parole date was October 2021.

¶ 5 In June 2019, the State filed a petition for adjudication of wardship, alleging the minors were neglected based on their injurious environment due to their exposure to domestic violence and not receiving the proper education and medical treatment when in their mother's care. On August 1, 2019, the trial court entered an adjudicatory order and on September 11, 2019, a dispositional order finding respondent unfit and making the minors wards of the court. The court noted respondent was in prison and in need of substance abuse treatment, domestic violence treatment, a mental health assessment, parenting education, stable employment, and suitable housing.

¶ 6 The integrated assessment was filed on October 23, 2019. According to that report, respondent admitted not having a relationship with K.C. and regretted not being available for R.C. due to his incarceration. Respondent stated he did not want R.C. to visit him in prison. He had been in prison for the past two-and-a-half years "and off and on prior to that." He had been "minimally involved in his children's lives due to substance abuse, criminal behavior[,] and lack of a relationship with their mother. His mental health and substance abuse issues ha[d] prevented him from being able to be a safe and effective parent to his children." DCFS did not recommend visitation with respondent due to (1) the length of travel time to the prison (more than three hours),

(2) K.C.'s special needs, and (3) the length of time that had passed since the minors had seen respondent.

¶ 7 On May 6, 2021, the State filed an amended petition to terminate respondent's parental rights. On June 7, 2021, the trial court conducted a hearing on the State's petition. Respondent admitted the State's allegation he was an unfit parent because he was depraved (750 ILCS 50/1(D)(i) (West 2020)). The State dismissed the other allegation against him. The court considered the State's factual basis showing respondent had been convicted of more than three felonies, accepted respondent's knowing and voluntary admission of unfitness, and proceeded to the best-interest portion of the proceedings.

¶ 8 The State asked the trial court to take judicial notice of the entire court file and offered as evidence the best-interest reports filed by a court appointed special advocate and the caseworker. Without objection, the court obliged.

¶ 9 Norah Hopkins, the minors' foster mother, testified that she and her husband Peter had been married for 21 years. She, age 40, was a nurse and Peter, age 44, was a social worker. The minors first came into their care in September 2019. They had three biological children, ages 18, 16, and 15 in the home.

¶ 10 Norah testified that R.C., age 11, was a "very bright boy" but he had not been to school regularly. He did not know how to brush his teeth or tie his shoes and did not know he was expected to go to school every day. R.C. told Norah he was used to playing video games until 4 a.m. and then not going to school because he was too tired. They instituted boundaries that "took him quite a while to adjust to." He made the honor roll at school this year, joined the wrestling team, and made "a little crowd of friends." Now, he was "doing amazing."

¶ 11 Norah testified that K.C., age seven, could not sit up on her own when she came

into their care. She weighed 26 pounds at five years old. Her hair was falling out. They immediately took her to the doctor to have seizure medication prescribed. Once she took the medication, she did much better. She now weighed 60 pounds. She advanced to using a walker instead of a wheelchair. She had an aide at school and attended therapy three times a week. Initially, she hated being touched, but she was now fully bonded to the family, seeking hugs and affection. She interacted with the family nonverbally but was making great strides toward verbal communication.

¶ 12 According to Norah, both minors had a strong bond with the entire family. She and her husband intend to adopt R.C. and K.C. should they become available. In her opinion, it was in both minors' best interests to remain in their home. In fact, she feared leaving the home would be detrimental to both. R.C.'s bond with Peter was particularly important due to the trauma he had endured from the domestic violence he had witnessed in his mother's care. She believed termination of respondent's parental rights would be in both minors' best interests. She said it was "very important" to allow the minors to maintain a relationship with their biological parents if it was safe and healthy to do so.

¶ 13 Respondent testified he had participated in substance abuse and anger management classes while in prison. He engaged in those classes to "get a preview of what [he will] be doing when [he] get[s] out." He intended to do everything he could to take the next step toward getting his children. He planned to get a job within 7 days of his release and a house, his driver's license, and a vehicle within 90 days. He wanted to be able to provide for his children. In his opinion, R.C. would suffer physical, emotional, and long-term detrimental effects if his parental rights were terminated. Respondent said he planned to engage in substance abuse, anger management, domestic violence, and parenting classes upon his release. His release date was October 22, 2021. He believed he would be able to provide a safe and appropriate home for his children within 90

days thereafter.

¶ 14 After considering the evidence and arguments of counsel, the trial court found the State had proved by a preponderance of the evidence it was in the minors' best interests that respondent's parental rights be terminated. The court noted R.C. had "obviously flourished" and "just blossomed" in his foster home with the family's guidance. The court further noted the family was addressing K.C.'s "significant" special needs, as she was "starting to make great gains." The court addressed respondent, reiterating that he had been absent from the children's lives for at least two-and-a-half years while in prison and would be unable to parent them for at least another two years while participating in services. The court stressed that his absence was due to choices respondent had made. Based on those choices, there was no real significant bond between respondent and the children.

¶ 15 The trial court weighed each of the statutory factors and found the State had proved by "more than a preponderance of the evidence, by clear and convincing evidence," it was in the best interests of the minors to terminate respondent's parental rights.

¶ 16 This appeal followed.

¶ 17 II. ANALYSIS

¶ 18 Respondent argues the trial court's best-interest finding was against the manifest weight of the evidence. We disagree. Following a finding of parental unfitness, the court's focus shifts away from the parents, and the court gives full and serious consideration to the minors' best interests. *In re T.A.*, 359 Ill. App. 3d 953, 961 (2005). At the best-interest stage of termination proceedings, the State must prove by a preponderance of the evidence that termination is in the minors' best interests. *In re D.T.*, 212 Ill. 2d 347, 366 (2004). A reviewing court will not disturb a court's finding that termination is in the minors' best interests unless it was against the manifest

weight of the evidence. *T.A.*, 359 Ill. App. 3d at 961.

¶ 19 At the time of the best-interest hearing, the minors had been living together in the same foster home for approximately two years. Both were doing very well. R.C. had made great strides in school and with accepting parental boundaries and guidance. He was well-loved by the parents and other children in the home. He had bonded with the family and was happy.

¶ 20 K.C. had significant medical needs. She required numerous regular medical and physical therapy appointments. The foster parents were more than willing and able to ensure she received the care she needed. She was also making great strides in her development. She shared a strong bond with the members of the family and was thriving in the foster home.

¶ 21 The minors deserve a permanent, stable, safe, and loving environment. According to the evidence, the foster home provided those things. The foster parents had expressed their willingness to adopt the minors and looked forward to officially making them a part of their family. Meanwhile, respondent was nowhere close to being able to assume parental responsibilities for the minors, especially with K.C.'s significant special needs. He had already been absent for a long period of time from their lives, thereby failing to establish any real bond with either.

¶ 22 Based on the evidence presented and in light of the statutory factors carefully considered by the trial court, we conclude the court's decision that it was in the minors' best interests to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 23 III. CONCLUSION

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

¶ 25 Affirmed.