

NOTICE

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2022 IL App (5th) 220091-U

NO. 5-22-0091

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

<i>In re</i> D.P., a Minor)	Appeal from the
)	Circuit Court of
(The People of the State of Illinois,)	Champaign County.
)	
Petitioner-Appellee,)	
)	
v.)	No. 20-JA-78
)	
Shawn D.,)	Honorable
)	Brett N. Olmstead,
Respondent-Appellant).)	Judge, presiding.

JUSTICE VAUGHAN delivered the judgment of the court.
Presiding Justice Boie and Justice Welch concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court's findings that respondent was unfit, and that termination of his parental rights was in the child's best interest, were not against the manifest weight of the evidence.

¶ 2 The respondent, Shawn D., appeals the judgments of the Champaign County circuit court finding him unfit pursuant to section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2020)), and that it was in the best interest of the minor child to terminate his parental rights. On appeal, he argues that both findings were in error. We disagree and for the following reasons affirm the trial court's orders.

¶ 3

I. BACKGROUND

¶ 4 Shawn is the biological father of D.P., born September 3, 2020. Shawn became involved with D.P.'s mother, Stephanie P., in 2018. At that time, Stephanie's three minor children from a prior relationship, all who were under the age of eight, and Stephanie's younger sister, who was also a minor, resided with Stephanie and Shawn.¹

¶ 5 In July 2019, the Illinois Department for Children and Family Services (DCFS) indicated that Shawn was a substantial risk to Stephanie's minor children because he was a convicted sex offender.² DCFS advised the couple that Shawn could not be in the same home with Stephanie and the minors until he completed sexual offender treatment and was assessed as low risk for recidivism. When Stephanie and Shawn were found living together in October 2019, the minor children were removed, and parenting plans were established.

¶ 6 In September 2020, D.P. was born and taken into protective custody. On September 8, 2020, a juvenile abuse and neglect petition was filed. Count I of the petition alleged that D.P. was neglected because he was a minor whose environment was injurious to his welfare when he resided with Stephanie because she failed to correct the conditions that led to prior adjudications of parental unfitness. Count II alleged that D.P. was neglected because he was a minor whose environment was injuries to his welfare when he resided with Shawn because that environment exposed the minor to a registered sex offender. Counsel was appointed and both parents stipulated to temporary custody being granted to DCFS.

¹Neither Stephanie, nor her minor children, are subjects of this appeal. They are referenced only to provide the background for this case.

²According to DCFS's records, Shawn pled guilty to one count of aggravated criminal sexual abuse against a 13-year-old child (Shawn's sister) in 2012 and was sentenced to probation. Similar charges related to a nine-year-old (Shawn's niece) were dropped. In 2013, a 10-year-old child (another of Shawn's nieces) alleged sexual abuse by Shawn when she was 8 years old.

¶ 7 At the adjudicatory hearing held on January 4, 2021, Stephanie stipulated and admitted the allegation of neglect in count I and Shawn stipulated and admitted the allegation of neglect in count II. The court accepted the admissions and stipulations. The dispositional order, issued on February 2, 2021, found both parents unfit and placed custody and guardianship of the child with DCFS.

¶ 8 The May 6, 2021, DCFS permanency report noted that Shawn was arrested on March 7, 2021, following an alleged domestic abuse incident involving Stephanie and her stepfather. The next day, a no-contact order was issued at Stephanie's request, and Shawn attempted suicide by overdosing on prescription medication. Shawn remained hospitalized until March 12, 2021. On the day before Shawn's release, Stephanie recanted the details of the alleged March 7, 2021, domestic abuse incident. Following Shawn's release, the couple resumed their relationship.

¶ 9 The report also noted that after the no-contact order was issued, visitation was changed from joint weekly four-hour visitations to separate two-hour visitations. The report indicated the parents were agreeable to reducing the time "as they had never used the full time when 4-hour visits were scheduled." The report noted that the parties voluntarily shortened their visitation with D.P. on January 27, 2021, February 3, 2021, February 10, 2021, March 3, 2021, March 4, 2021, March 19, 2021, and March 26, 2021. Shawn's separate visitation records revealed cancellation of his April 22, 2021, visitation and failure to attend his April 27, 2021, visitation.

¶ 10 As to services, the DCFS report noted Shawn completed his substance abuse evaluation but declined to participate in the intensive outpatient treatment recommended. Shawn was engaged in weekly anger management group but had not completed services. The report also noted that Shawn enrolled in sex offender treatment, but according to his counselor, Shawn "made no real progress working to achieve stability in his life" and "his continued impulsiveness and instability

make it difficult to state that he has made significant progress in treatment.” Of the 24 sex offender sessions scheduled, Shawn cancelled five times and failed to appear twice. As to the 22 individual counseling sessions scheduled, Shawn failed to appear for three sessions and cancelled four others. Following the May 11, 2021, permanency hearing, the trial court found Shawn did not make reasonable and substantial progress or make reasonable efforts toward the return of the child.

¶ 11 The September 2, 2021, DCFS permanency report revealed that Shawn last attended visitation with D.P. on June 17, 2021, and that the agency advised Shawn multiple times that he needed to contact DCFS to be put back on the visitation schedule, but Shawn had not requested visitation. His attendance for his individual counseling, anger management counseling, and sex offender treatment was sporadic. Of the seven counseling sessions scheduled since the May report, Shawn failed to attend two sessions and canceled one. The report also noted that Shawn still had not engaged in outpatient treatment for substance abuse. Following the September 7, 2021, permanency hearing, the trial court found Shawn had not made reasonable and substantial progress or reasonable efforts toward D.P.’s return.

¶ 12 The October 15, 2021, DCFS family service plan reported that Shawn had been in and out of treatment and continued to be unstable with his mental health, housing, employment, and services. He had “not visited [D.P.] since June per his own decision” and “discussed surrendering his parental rights on multiple occasions.” Shawn was found unsatisfactory for all of his services. With regard to counseling, it was noted that Shawn “had not been engaged in mental health treatment. He continues to have symptoms of depression, including suicidal ideation.” The plan further noted that Shawn never engaged in substance abuse treatment, was inconsistent with his anger management services, and had not “fully engaged in [sex offender] treatment during the last

several months.” Shawn’s parenting service plan was also unsatisfactory because he stopped visiting with D.P. in June 2021 and “seemed to have lost interest in reunification.”

¶ 13 On October 26, 2021, the State filed a motion seeking a finding of unfitness and termination of parental rights of both Stephanie and Shawn. Count I alleged that both parents were unfit pursuant to section 1(D)(m)(i) of the Adoption Act (750 ILCS 50/1(D)(m)(i) (West 2020)) for failure to make reasonable efforts to correct the conditions that were the basis of the child’s removal following the adjudication of neglect during the nine-month period from January 25, 2021, through October 25, 2021. Count II alleged the parents were unfit pursuant to section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2020)) for failure to make reasonable progress toward the return of the child for the same time period. Count III alleged the parents were unfit pursuant to section 1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2020)) for failure to maintain a reasonable degree of interest, concern, or responsibility as to the welfare of the child.

¶ 14 The November 23, 2021, DCFS permanency hearing report revealed that Stephanie executed a final surrender of her parental rights and therefore only Shawn and D.P. were addressed. At that time, D.P. had been in substitute care 442 days of the 444 days since his birth. The report noted that Shawn did not have visitation with D.P., per his own decision, from June 17, 2021, until November 5, 2021, at which time Shawn provided D.P. with some new clothing. Shawn cancelled his visitation on November 22, 2021. The report also noted that Shawn reengaged in anger management and mental health counseling on October 14, 2021, but that was the only time he attended through November 23, 2021. On November 23, 2021, Shawn advised DCFS that he was no longer smoking marijuana, was willingly canceling his medical marijuana card, and agreed to

submit to a random drug drop the following day. Of the last 11 weekly sex offender treatment meetings, Shawn attended 6.

¶ 15 With regard to D.P., the DCFS report noted that D.P. resided with a foster family who had three other children. The foster parents were consistently cooperative and kind and there were no concerns about D.P.'s safety or stability in the home. The agency recommended changing the permanency goal to "substitute care pending determination on termination of parental rights," stating that a return home "no longer appears to be a feasible option" because Shawn had not corrected the conditions that brought D.P. into care and additional concerns arose since opening the case including domestic violence and Shawn's struggle with his mental health challenges.

¶ 16 The fitness hearing occurred on December 15, 2021. Testimony was provided by Mary Henderson of DCFS and Shawn. Ms. Henderson was assigned to the case in April 2020, prior to D.P.'s birth in September of that same year. She explained that there was an open case at the time of D.P.'s birth because Stephanie's three other children had been removed. Ms. Henderson stated that Shawn was recommended for sex offender evaluation and treatment, mental health treatment, substance abuse evaluation and treatment, anger management, and parenting classes. He was also recommended to participate in visitation. She stated that Shawn participated "only very little" in parenting classes, and she received no documentation that he completed that program. She stated that Shawn had not visited with D.P. since June, but he told her he wanted to restart visitation in November.

¶ 17 Ms. Henderson testified that Shawn started individual counseling in October 2020. He did not successfully complete counseling. When she spoke with Shawn in October 2021, he advised her that he had been participating and was showing progress; however, Shawn's statement was not corroborated by the counselor, who had specific concerns related to his lack of attendance and

mental health challenges. Ms. Henderson also had concerns about domestic violence due to the incident in March 2021 and Stephanie's assertion that Shawn pulled a knife on her in June 2021.

¶ 18 Ms. Henderson also testified that Shawn was referred for substance abuse services but did not complete those services and did not attend the most recent drug screen in November 2021. She stated his prior tests were positive for marijuana.

¶ 19 Ms. Henderson further testified that Shawn was recommended for anger management as part of his sex offender evaluation. She stated that she received no documentation that he completed that service, but Shawn advised her in October 2021 that he was attending regularly. Documentation from the counselor controverted Shawn's statement.

¶ 20 As to the sex offender services, Shawn was referred in June 2020 and obtained an appointment in August 2020. Ms. Henderson received no documentation indicating completion of that service. When she spoke with Shawn about this service in October 2021, Shawn advised her that he was "actively engaged," but she had no documentation corroborating that statement. She stated that the sex offender program lasted until the person reached a point where the counselors felt the person was a low risk.

¶ 21 With regard to visitation, Ms. Henderson confirmed that Shawn saw D.P. regularly, although some dates were missed, from January 2021 through June 2021. Thereafter, Shawn chose to stop visiting and no visitation occurred between June 2021 and October 2021. She stated that Shawn restarted visitation after the hearing in November but had already missed visitations again. Shawn told Ms. Henderson that he began missing visitation in June 2021 because he was homeless and could not shower. She noted that Shawn's housing became unstable in March 2021. She did not know where he had been living after March 2021 because "he didn't seem to be staying in one place consistently for most of that time."

¶ 22 Following Ms. Henderson's testimony, the State asked the court to take judicial notice of all the prior orders that were issued in the case as well as the charging and sentencing documents in case No. 21-CM-90 that charged Shawn with domestic battery against Stephanie and charged Shawn with a Class A battery against Stephanie's stepfather stemming from the March 2021 incident. Shawn pled guilty to the latter charge. The State also asked the court to take judicial notice of the sworn statement from Shawn related to the August 2, 2021, emergency order of protection in case No. 21-OP-610, which Shawn sought against Stephanie, and the court's August 23, 2021, dismissal for want of prosecution. Thereafter, the State rested.

¶ 23 The defense called Shawn to testify. He confirmed he was the father of D.P. and agreed that he was involved with DCFS before D.P.'s birth. He further confirmed that he was referred to sex offender treatment but stated he was already signed up before the referral. He stated he attended the treatment and felt he made progress and was willing to see it through completion. He agreed his attendance was not perfect but felt he attended frequently enough to make progress. With regard to the anger management counseling, he stated that he had not been attending because his counselor quit, and the agency struggled to find him another counselor.

¶ 24 With regard to visitation, Shawn stated that he stopped because he was homeless, and it was difficult to get a shower. He also had difficulty obtaining clothes because he was told not to go back to the apartment, or he would be arrested. That was in June 2021. He classified his visitation from January to April as "regular," stating he missed a few, but he provided a reason. He explained that he had epilepsy and if he was too hyper or angry, he would have a seizure and miss those visits. Shawn stated that he was homeless for two weeks. He stated that when he got to Gifford, where he is now, he started contacting Ms. Henderson about when his visitation would get started, and she told him it would start back at one of the court dates. He stated that when he

would text, he would get messages back stating that the person was going on vacation and to talk to a supervisor. He stated that he asked for visitation whenever he had the chance but also had to focus on his job. He stated that he did not communicate about his services to Ms. Henderson. He assumed his counselor was doing that for him. He disagreed that DCFS recommended he participate in parenting classes.

¶ 25 Following the hearing, the trial court found the State failed to prove count I and count III. As to count II, the court stated the standard for reasonable progress was objective as to the period from January 25, 2021, and October 25, 2021, and was most consistently defined as “demonstrable movement towards achieving the goal of return home and there simply has not been in this case.” The court found that Shawn’s efforts were not to the full of his abilities. After again noting that the issue was demonstrable movement toward the goal of return home, the court stated:

“In short, [Shawn] has been offered services. He was offered parenting, individual counseling, drug treatment—or substance abuse treatment ***. He was ordered to drop. He was involved in anger management and sex offender treatment, has half-heartedly participated in that, *** and *** homelessness occurred. He has taken steps to rectify his life *** but for the purpose of today it’s simply not enough progress within that relevant time period and the state has proven it. The visitation issue on this issue also concerns the court tremendously and *** the court is relying on that as well ***.”

¶ 26 The court’s written order dated December 15, 2021, found Shawn was unfit because he “failed to make reasonable progress to correct the conditions that were the basis for removing the child from his care.” The best interest hearing was set for February 1, 2022.

¶ 27 On January 13, 2022, the guardian *ad litem* (GAL) submitted a best interest report which revealed D.P. was thriving in his foster home and his language and motors skills were developing.

D.P. called his foster parents “mamma” and “dada.” D.P. recently switched from speed crawling to running to keep up with the oldest foster brother who played hide and seek. D.P. also ran when his youngest brother told him to “go” so he could throw him the football. D.P. enjoyed playing dolls with his foster sister and added bedrooms to the dollhouses with the leftover Christmas boxes. The report noted that the foster parents appropriately provided medical care and the foster mother strongly advocated for D.P. to receive early intervention assessments and services because she was concerned that that D.P. was delayed in processing and following simple verbal commands. The GAL stated that the foster parents made it their goal that D.P. be treated just like the other three children in the home. The family worked together to feed and change D.P.’s diapers, were very attached, and formed familial bonds with D.P. The GAL noted that this was the only family that D.P. had ever known and his “identity revolves around the bonds and connects he has formed with his siblings and foster parents.”

¶ 28 The report also noted that D.P. was currently experiencing separation anxiety when he was taken for visitation or left with a babysitter. The GAL noted that D.P. immediately began crying when the observer arrived because D.P. thought the observer was going to take him somewhere. D.P. engaged willingly as long as he was sitting on his foster mother’s lap and would “light up” when his foster grandmother visited. The GAL report stated that the foster parents were very active in their church and D.P. had a large, extended set of friendships and bonds with members of the church. The GAL opined that D.P.’s life was set in a predictable routine with his foster parents and siblings which created a sense of stability and permanency for D.P., who had not experienced any negative consequences with being in substitute care. The report further indicated the foster family’s intent, if the opportunity presented, to adopt D.P. The report concluded by recommending termination of Shawn’s parental rights and D.P.’s goal being changed to adoption.

¶ 29 DCFS also provided a best interest report which was filed with the court on January 20, 2022. The report noted D.P. had been in substitute care for 494 days as of January 14, 2022. He was currently surrounded by a loving family which consistently met D.P.’s basic needs. He called the foster parents “dada” and “mama.” The foster parents were biological family to D.P. and therefore the child would grow up knowing where he came from, practicing the same culture and religion. The report stated that D.P. had a secure attachment to his caregivers and appeared comfortable and content in the foster parents’ home. He received affection from the entire family and the report noted this was the only home D.P. had ever known. The agency opined that residing elsewhere would be disruptive because the placement was stable and secure to D.P. The agency concluded by opining that it was in D.P.’s best interest to remain with the foster family indefinitely. The agency recommended termination of Shawn’s parental rights and a change in D.P.’s permanency goal to adoption.

¶ 30 The best interest hearing was held on February 1, 2022. Shawn’s counsel advised the court that Shawn recently completed the substance abuse evaluation and was in line for obtaining treatment. Shawn had also returned to sex offender treatment and expected completion of treatment within the next six months. After considering the recommendations provided by the parties, the trial court confirmed that, at this stage, the focus was on the child and what was in the best interest of that child. The court noted that the child was in a fabulous, wonderful, related-family home which was the only home he ever knew. The court noted that D.P. had never known a home with Shawn, and that Shawn never provided a home for the child. The court stated that the foster family home was where D.P. knew permanence and that D.P. developed a sense of attachment with the family members. The court found that Shawn worked hard and struggled with much that affected his life and ability to maintain a stable life to provide care for a child, but also noted Shawn’s

inconsistent effort towards his services and visitation. The court stated that “a child needed to know where he was going to live and grow and whether that child was going to find love and support of the people who were consistently *** in that child’s life.”

¶ 31 The trial court found that D.P. was safe in his current, stable home where he resided since he was three weeks old and that D.P.’s identity was entwined with his foster family. D.P. was in a home where he felt secure and was familiar. He was where he felt love and attachment and a sense of being valued. There was a continuity of affection for D.P. with the foster family and remaining there was the least disruptive placement. The court noted D.P.’s community ties with the foster family’s church and friends as well as D.P.’s need for permanence, stability, and continuity of relationships with parent figures, siblings, and other relatives, all of which was with the foster family. The court found “none of that” with Shawn. Thereafter, the trial court found it was in the best interest of D.P. to terminate Shawn’s parental rights. Shawn timely appealed.

¶ 32 II. ANALYSIS

¶ 33 On appeal, Shawn argues that the trial court’s finding of unfitness pursuant to section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2020)) and finding that it was in D.P.’s best interest to terminate Shawn’s parental rights were against the manifest weight of the evidence. Termination of parental rights proceedings are governed by the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/1-1 *et seq.* (West 2020)) and the Adoption Act (750 ILCS 50/0.01 *et seq.* (West 2020)). After a petition for involuntary termination is filed under the Juvenile Court Act, a two-step process is required for parental right termination. 705 ILCS 405/2-29(2) (West 2020). The State must first establish, by clear and convincing evidence, that the parent is unfit under one of the grounds set forth in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2020)). 705 ILCS 405/2-29(2), (4) (West 2020). Each statutory ground is independent and

therefore the trial court's finding may be affirmed where evidence supports a finding of unfitness for any one of the alleged grounds. *In re C.W.*, 199 Ill. 2d 198, 217 (2002).

¶ 34 A. Parental Unfitness

¶ 35 “In order to reverse a trial court's finding that there was clear and convincing evidence of parental unfitness, the reviewing court must conclude that the trial court's finding was against the manifest weight of the evidence.” *In re C.N.*, 196 Ill. 2d 181, 208 (2001) (citing *In re Adoption of Syck*, 138 Ill. 2d 255, 274 (1990)). A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly apparent “or the determination is unreasonable, arbitrary, or not based on the evidence presented.” *In re D.F.*, 201 Ill. 2d 476, 498 (2002). Here, the trial court found that Shawn was unfit under section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2020)) because he failed to make reasonable progress towards the child's return home during the nine-month period from January 25, 2021, to October 25, 2021.

¶ 36 Reasonable progress is judged from an objective standard that focuses on the steps a parent takes toward the reunification goal. See *In re F.P.*, 2014 IL App (4th) 140360, ¶ 88. To assess progress, the court considers a parent's compliance with service plans and the court's directives in light of the conditions that gave rise to the children's removal and subsequent conditions that prevent the court from returning custody of the children to the parent. *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067 (2006). “Reasonable progress exists when the trial court can conclude that it will be able to order the child returned to parental custody in the near future.” *Id.* Progress requires “the parent make measurable or demonstrable movement toward the goal of reunification.” *In re D.F.*, 332 Ill. App. 3d 112, 125 (2002).

¶ 37 On appeal, Shawn claims that his efforts were reasonable and of the four services required, the court only addressed two: anger management and sex offender treatment. Shawn claims the

court's finding that he only "half-heartedly participated in" the services was against the manifest weight of the evidence because the break in sex offender treatment was due to a change in counselors and he was only homeless for two weeks. As for the trial court's concern about visitation, Shawn stated that he requested visitation after he found housing but would only receive a message that the manager was on vacation and he needed to talk to a supervisor. He also claims the change in counselor and failure for the agency to provide a person to assist him should not be held against him as he had no control over those events.

¶ 38 Shawn's parenting plan recommended participation in visitation and services that included sex offender treatment, mental health treatment, substance abuse treatment, anger management treatment, and parenting classes. While Shawn contends that he was not provided visitation from June to October 2021 due to DCFS's failure to set up the visitation, his testimony was controverted by Ms. Henderson, who testified that visitation was always available, Shawn just chose not to attend. The appellate court does not reassess witness credibility on appeal. *In re A.F.*, 2012 IL App (2d) 111079, ¶ 40 ("We defer to the trial court for factual findings and credibility assessments because it is in the best position to make such findings ***." (internal quotations omitted)). Here, the trial court's factual findings indicate the trial court found Ms. Henderson's testimony more credible.

¶ 39 As such, the record supports the trial court's concerns about Shawn's propensity to shorten or failure to attend visitation. The DCFS reports addressing the relevant period indicated that Shawn repeatedly shortened his visits when he did attend visitation from January 2021 through March 2021, failed to appear for two visitations in April 2021, and failed to participate in visitation for over four months after June 2021. These reports also noted Shawn apparently "lost interest in reunification with his son" despite the agency advising Shawn multiple times that he needed to

contact DCFS to be put back on the visitation schedule. As such, the trial court's finding that Shawn failed to make reasonable progress with regard to visitation was not against the manifest weight of the evidence.

¶ 40 Even if there was not a credibility issue as to visitation, Shawn's lack of progress in his services would be sufficient to affirm the trial court's finding. Here, the reports revealed that Shawn intentionally declined to participate in the recommended intensive outpatient treatment for substance abuse. Further, while Shawn enrolled in his other services, his sporadic attendance in the services and notes from his counselors revealed a lack of progress. More specifically, Shawn was inconsistent in attending the sex offender services, and it was noted in October 2021 that he not been "fully engaged in treatment during the last several months." The report also stated Shawn "had not been engaged in mental health treatment" and "continues to have symptoms of depression, including suicidal ideation."

¶ 41 "[A] court is duty bound to ensure that serious parental deficiencies of whatever nature have been corrected before the court permits one of its wards to be returned to that parent's custody." *In re L.L.S.*, 218 Ill. App. 3d 444, 464 (1991). Based on the evidence presented, we cannot find that the trial court's finding of unfitness based on Shawn's lack of reasonable progress in his services was against the manifest weight of the evidence. As such, we affirm the trial court's finding of unfitness.

¶ 42 **B. Best Interest**

¶ 43 Shawn also contends that the trial court's finding that it was in the best interest of D.P. to terminate his parental rights was against the manifest weight of the evidence. In support, Shawn contends that the purpose of the Juvenile Court Act is to preserve, whenever possible, a child's ties to his birth family, D.P. was only 1½ years old, and Shawn was regularly exercising visitation

to solidify his bond with D.P. He further contends that any delays in his progress were caused in part by DCFS and personnel changes involving his counselor.

¶ 44 The trial court considers numerous statutory factors in making the best interest determination. 705 ILCS 405/1-3(4.05) (West 2020). These factors include (1) the physical safety and welfare of the child, (2) the development of the child's identity, (3) the child's background and ties, (4) the child's sense of attachments, (5) the child's wishes, (6) the child's community ties, (7) the child's need for permanence, (8) the uniqueness of every family and child, (9) the risks attendant to entering and being in substitute care, and (10) the preferences of the people available to care for the child. *Id.*

¶ 45 There is no dispute that “[p]arental rights and responsibilities are of deep human importance and will not be lightly terminated.” *Paul v. Steele*, 101 Ill. 2d 345, 351-52 (1984). However, contrary to Shawn's contention, there is little evidence supporting Shawn's claim that he was “regularly exercising his visitation time” and “working to solidify a familial bond” with D.P. As noted above, there was a plethora of evidence revealing Shawn's early termination or complete avoidance of visitation for extended periods of time with D.P. Further, Shawn's uncited claim that the “evidence showed a developing relationship between Shawn and D.P. over a relatively brief period” has no merit and is unsupported by the record. Here, the evidence revealed that D.P. established a strong bond with his foster family and was exhibiting separation anxiety when he was not with the foster family, including when he was taken for visitation.

¶ 46 Shawn also claims that the trial court's termination of his rights was premature “[g]iven D.P.'s young age and the importance of a child's relationship with his family of birth.” While we do not dispute the importance of a child's relationship with his birth family, Shawn's argument cannot be reconciled with a record revealing that Shawn repeatedly shortened or cancelled his

parental visits with D.P. from January through April 2021 and intentionally avoided all visitation with D.P. from June 17, 2021, until November 5, 2021.

¶ 47 Finally, to the extent Shawn attempts to place blame on the agency for his failure to progress in his services, the argument is unrelated to the statutory factors used to determine the best interest of the child. Once a parent is found unfit, 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.” (Emphasis in original.) *In re D.T.*, 212 Ill. 2d 347, 364 (2004).

¶ 48 Here, the trial court addressed each statutory factor based on the reports filed in anticipation of the hearing. On the best interest issue, Shawn’s arguments ignore the trial court’s findings related to the statutory factors, and instead present irrelevant or unconvincing claims that are either directly controverted by, or irreconcilable with, the record. As such, we cannot find that the trial court’s finding that it was in the best interest of D.P. to terminate Shawn’s parental rights was against the manifest weight of the evidence.

¶ 49 III. CONCLUSION

¶ 50 For the reasons stated herein, we affirm the trial court’s findings that Shawn was unfit based on a failure to make reasonable progress toward reunification with the child during the requisite nine-month period and that it was in the best interest of D.P. to terminate Shawn’s parental rights.

¶ 51 Affirmed.