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).

2024 IL App (4th) 240801-U

NOS. 4-24-0801, 4-24-0802 cons.

FILED
September 25, 2024
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re D.L. and D.B., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Winnebago County
Petitioner-Appellee,	)	Nos. 23JA16
v.	)	23JA17
Desiree L.,	)	
Respondent-Appellant).	)	Honorable
	)	Erin B. Buhl,
	)	Judge Presiding.

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

ORDER

¶ 1 *Held*: By finding that respondent is an “unfit person” and that it would be in the best interests of the two minors to terminate her parental rights, the circuit court did not make findings that were against the manifest weight of the evidence.

¶ 2 The circuit court of Winnebago County terminated the parental rights of respondent, Desiree L., to her minor children D.L. and D.B. In the two children’s cases, respondent appeals. We have consolidated the two appeals.

¶ 3 Counsel for respondent has moved for permission to withdraw from representing respondent in these appeals, for in counsel’s assessment, no reasonable argument could be made against the termination of respondent’s parental rights to D.L. and D.B. Along with his motion, counsel has filed a memorandum summarizing the facts of the cases and explaining how he arrived at his assessment.

¶ 4 We notified respondent that she had until August 26, 2024, to respond to counsel's motion to withdraw. That date has passed, and we have received no response from respondent.

¶ 5 Consequently, we proceed to the merits of these appeals. We agree with counsel's assessment of the merits. Given this record, any argument against the termination of parental rights would be frivolous. Therefore, we grant counsel's motion to withdraw, and we affirm the circuit court's judgments in these two cases.

¶ 6 I. BACKGROUND

¶ 7 On December 2, 2022, when D.B. was born, respondent tested positive for tetrahydrocannabinol (THC), a psychoactive compound in cannabis. Hospital staff became aware of some other concerning information. Respondent mentioned a judicial order prohibiting her from having contact with her other children (by which she meant, apparently, her children other than D.B. and D.B.'s two-year-old brother, D.L.). Respondent admitted that, on a previous occasion, she overdosed on cocaine. She talked about moving away, to Kentucky, when she was released from the hospital. Also, when interacting with D.B. in the hospital, respondent seemed inept. Not only did she have to be reminded to feed a newborn, but she did not appear to understand how to feed a newborn. Although she mentioned having five children, she did not know how to change D.B.'s diaper.

¶ 8 The hospital contacted the Illinois Department of Children and Family Services (DCFS). Investigators from DCFS got the impression that respondent was intellectually impaired.

¶ 9 While the investigation was ongoing, a hotline call to DCFS was made. The call had to do with D.B.'s declining weight since her release from the hospital. At birth, D.B.

weighed 7 pounds, 9.07 ounces. Five days after birth, she weighed 7 pounds, 3 ounces. Ten days after birth, she weighed 7 pounds, 1 ounce. Another weight check was scheduled for December 14, 2022, but D.B.'s putative father, Nicholas G., rescheduled it for December 20, 2022. When he called to reschedule the weight check again, to December 23, 2022, the importance of making sure the newborn was gaining weight and the inadequacy of a home scale for weighing a newborn was explained to him. He became frustrated and expressed a resolution to move away from the area.

¶ 10 The DCFS investigation revealed that Nicholas G. had been diagnosed as having severe depression with psychotic features and severe anxiety and that he was accustomed to self-medicate with cannabis. In 2021, records further revealed, he apparently attempted suicide by driving his vehicle into a utility pole.

¶ 11 In addition to researching those records, DCFS investigators interviewed Nicholas G. In the interview, he was defensive and threatening. He represented that he fed D.B. six times a day and that he gave her six ounces at each feeding. He cautioned that because respondent " 'forgets everything,' " she would be unable to describe the feeding schedule.

¶ 12 The investigation included an interview of respondent. She was unable to remember her three other children's full names, birthdates, or ages. When asked when she fed D.B., she answered that she fed D.B. four ounces three times a day and that the feedings were at 8 a.m., 10 a.m., 12 a.m., and 1:45 a.m. Respondent said that, instead of waking D.B. up to feed her, she waited for D.B. to wake up on her own.

¶ 13 On January 31, 2023, the State filed petitions alleging that D.B. and D.L. were neglected minors pursuant to section 2-29(2) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-29(2) (West 2022)) and requesting that they be made wards of the court.

There were two such petitions, one pertaining to D.B. and the other pertaining to D.L., resulting in the initiation of two cases.

¶ 14 The State searched, without success, for D.L.'s father. The best that respondent could do was identify him as a man whom she knew merely by the letter "T." She said it also was possible that the father of D.L. was her own stepfather, Jesus C., also known as Jessie C. She did not know where he was, nor what his birthdate was—greatly hampering the State in its efforts to locate him. The State published a notice to Jessie C. and to the unknown father of D.L. No one claiming paternity of D.L. appeared. The circuit court was satisfied with the diligence of the search and found Jesus or Jessie C. and the unknown father of D.L. to be in default.

¶ 15 On April 13, 2023, the State filed an amended petition for the adjudication of neglect in D.L.'s case and a second amended petition for the adjudication of neglect in D.B.'s case. On that date, respondent stipulated to count II of both petitions: an allegation that the minor's environment was injurious to his or her welfare in that respondent had "substance abuse issues" that "prevent[ed] her from properly parenting, thereby placing the minor at risk of harm." At the same time, Nicholas G. stipulated to count I of both petitions: an allegation that the minor's environment was injurious to his or her welfare in that Nicholas G. had "mental health issues" that "prevent[ed] him from properly parenting, thereby placing the minor at risk of harm." The minors were in protective custody. Respondent and Nicholas G. stipulated that they were unfit or unable to take care of the minors and that guardianship and custody of the minors should remain with DCFS.

¶ 16 On February 7 and March 1, 2024, in the two cases, the State moved for the termination of parental rights, alleging respondent and Nicholas G. were unfit pursuant to the Adoption Act (750 ILCS 50/1(D) (West 2022)). With respect to respondent, the motion in D.B.'s

case and the amended motion in D.L.'s case were substantially identical. Count I alleged a failure to maintain a reasonable degree of interest, concern, or responsibility as to the minor's welfare. See *id.* § (1)(D)(b). Count II alleged a failure to make reasonable efforts toward the return of the child. See *id.* § (1)(D)(m)(i). Count III alleged a failure to make reasonable progress toward the return of the child. See *id.* § (1)(D)(m)(ii). The time period for counts II and III was specified as April 29, 2023, to January 29, 2024.

¶ 17 On April 24, 2024, the circuit court held a fitness hearing on the two motions for the termination of parental rights. At the State's request, the court took judicial notice of the neglect petitions, the temporary custody determinations, the adjudications of neglect, the dispositional orders, the permanency hearing orders, and the motions for the termination of parental rights.

¶ 18 The State then called Kala Davis, the program manager for Camelot Care Center (Camelot). She testified that although Camelot had referred respondent every month for a substance abuse assessment, respondent never completed one. Nor had respondent completed any drug treatment program. Respondent had tested positive four times for THC and two times for both THC and cocaine and had failed to show up three times for drug testing.

¶ 19 Another goal for respondent, other than overcoming her drug problem, was to take parenting classes. According to Davis's testimony, respondent could not be referred to parenting classes, however, until she completed a substance abuse assessment. Because respondent never completed a substance abuse assessment, the goal of parental education likewise was unmet.

¶ 20 Supervised visitation was another of the services afforded to respondent. From the beginning, Davis testified, "there was a lot of concern *** regarding [respondent's] being able to

feed [D.B.] appropriate bottles." Also, respondent failed to change diapers often enough. Davis recounted:

> "We would ask her to change the children because they have an hour and a half car ride back and they usually would pee through their diapers, and to my face [respondent] refused. I had to bring them—we were at the DCFS office, and I had to bring them back to our office to change them. We had to have meetings with her that if she wasn't going to change them, then we were going to do it and the visits would end. I think [respondent] just didn't understand that, how long the rides were, and she kept saying the diapers aren't full though, but not realizing that they could pee two or three times in the car ride, which would make them more than full."

¶ 21 Davis also was concerned about the apparent lack of emotional connection between respondent and the children. Davis recalled that, during visitations,

> "[Respondent] was just sitting there. She did stop [D.L.] from sticking his fingers in an outlet, and he threw a fit and she ignored it. There was no cuddling. There was no singing. There was no kissing. There was no rocking them. Even the baby, unless she was feeding the baby, she was not holding the baby."

Nor did respondent ever bring the children any toys or gifts.

¶ 22 Davis was asked:

> "[Q]: *** Did [respondent] regularly attend doctor's appointments for [D.L.]?
>
> A. Not to my knowledge.

Q. Has [respondent] completed any—to the best of *** your knowledge has [respondent] completed any services the agency has requested her to do?

A. No.

Q. Did the agency still have concerns related to [respondent's] ability to safely parent?

A. Yes.

Q. Why?

A. Due to the lack of bonding that she has with her kids, not going to drug drops or completing a substance abuse, concerns about—the kids came in for failure to thrive, and she hasn't demonstrated during visits whether or not she could work the [occupational therapy] stuff. The kids are in [occupational therapy], [developmental therapy], speech, those types of things. She wasn't demonstrating those things during visits to show that she was understanding them, those things."

¶ 23 From the outset of these cases, respondent and Nicholas G. contemplated that a relative would agree to take over the raising of D.B. and D.L. That plan never worked out. Davis testified:

"A. We completed all of the paperwork. We completed all the background checks. We sent it in. However, when it went to Kentucky's [Interstate Compact on the Placement of Children], nobody could get ahold of the aunt, so we kept trying. One day one of our workers got ahold of them, and they said that her mom or mother-in-law moved in due to medical reasons, and she didn't believe she could take care of the kids and her mother or mother-in-law.

Q. So from the onset of this case the parents had—or [respondent] had put all of her eggs in one basket, and that was to have a family member take care of the children?

A. Correct.

Q. When did that, I guess, fall through?

A. I would say around February or March of 2024."

Davis testified that, "from the very beginning," "we did *** make it very clear that [placement of the children with a relative] might not be an option, and that it was a very lengthy process, but it could still have gotten denied."

¶ 24 On May 23, 2024, the circuit court found that the State had proven, by clear and convincing evidence, all three counts against respondent in the two motions for the termination of parental rights. In other words, the court found respondent to be an "unfit person" as described in those counts. (The court likewise found Nicholas G., Jesus or Jessie C., and the unknown father of D.L. to be "unfit persons.")

¶ 25 After a short break, the circuit court proceeded to a best-interests hearing.

¶ 26 At the State's request and without objection by the other parties, the circuit court took judicial notice of the evidence presented in the fitness hearing and a report that Camelot filed on May 17, 2024.

¶ 27 Since January 28, 2023, according to Camelot's report, D.L. and D.B. had been living in a specialized foster home in DeKalb, Illinois, with three other foster children. (There was testimony that the foster home was in Sandwich, about a half-hour drive from DeKalb.) D.L. and D.B. referred to their foster parents as their mother and father and to the other foster children as their brothers and sisters. The home was safe and stable, and D.L. and D.B. "openly

accept[ed] affection from" the foster parents, who were meeting their "developmental and medical needs." The foster parents was willing to adopt D.L. and D.B. According to the report, "[a]doption training has already been completed[,] and commitment forms have been signed." Even so, the foster parents were open to the idea of maintaining contact with the biological parents and giving them updates on the children's progress.

¶ 28 In the best-interests hearing, the State called Stacy Cole, the current caseworker in the two children's cases. She testified she had been at the foster home that very day. She was asked:

> "Q. *** And can you briefly describe what you observed—the interactions between [D.B.] and [D.L.] and the foster family[?]
>
> A. Sure. Well, let's see. The last time I was there, I walked in and foster dad and [D.B.] were on the floor doing physical therapy, I believe it was. Either physical or developmental. But it was—it was really cute. They had the computer screen, and [D.B.] was staring at it. She went from her stomach to, like, a seated position. And foster dad was right there on the floor with her. It was pretty cool. And the foster mom, like, they always run up to her; always want hugs and kisses. Oh, I'm sorry. Not [D.B.,] [D.L.] always runs up to her for hugs and kisses.
>
> Q. Do the children have any medical needs?
>
> A. Yes. They both—well, [D.L.] has been, I guess, diagnosed as autistic. He has an [Individualized Education Program] for school. He is in all services. No medication or anything like that. [D.B.] right now is just—she's small. She's very developmentally behind, as well as [D.L.]'s very developmentally behind himself. But she has all therapies, as well.

Q. And are the foster parents keeping track of all the medical appointments?

A. Yep. They sure are.

Q. Are the medical appointments for both children taking place in the home?

A. You mean the services?

Q. Yes.

A. All the services that [D.L.] has, he has them at school. And [D.B.] has only speech in the home, and the rest are—or, I mean, the speech therapist comes to the home. I believe it's speech. Then the rest of them they do via Zoom.

Q. Is there any issues with [D.B.] when feeding?

A. No.

Q. No? Okay.

A. I mean, she's kind of slow when she eats. But, I mean, she's eating everything now. And she has supplements that she takes daily, so she's gaining weight."

¶ 29 Since February 2024, when she was assigned the case, Cole had visited the foster home three times a month. The foster home seemed to her "very impressive." Every time Cole went there, the foster mother was "very organized," "teaching all five of the kids Spanish and sign language." Both Spanish and English were spoken in the home.

¶ 30 On cross-examination, Cole was asked:

"Q. *** You mentioned that there had been some efforts discussed about keeping the biological parents engaged with [D.B.] and [D.L.] if the [termination of parental rights] goes through; is that right?

A. I had that conversation. I asked her, like I said—['Respondent], all she wants is pictures. She's happy with pictures.['] I'd asked foster mom if she'd be willing to still give, like, updates and stuff; and she said yes."

¶ 31 In sum, Cole recommended the termination of parental rights. "I mean, there's no services they've completed," she explained, "[and] there's bare minimum contact they've had with me."

¶ 32 The State rested, and the guardian *ad litem*, Timothy Whitman, called Diane Roman. She testified she was the children's advocate "assigned through [the] local [Court Appointed Special Advocates]." She had been seeing D.B. and D.L. once or twice a month. When asked to describe the relationship between the children and the foster parents, Roman answered:

"A. [D.B.] does get comforted by foster mom. If she's crying, she looks to foster mom to pick her up and she stops crying [be]cause foster mom comforts her and everything, as does foster dad. A lot of times he isn't home because of his job; but, you know, I have seen them out playing with all of them and, you know, they all interact and stuff like that. [D.L.]—you know, both of them, mom and dad, they've both flourished since I've been on the case.

Q. Okay. And is mom organized to take care of their needs?

A. Foster mom? Oh, yeah.

Q. Foster mom, yes.

A. If I was that organized when I had my four kids. Yes.

Q. Okay.

A. With five kids, you know, four of them are foster; one has been adopted.

THE CASEWORKER: Oh.

THE WITNESS: I'm very impressed.

BY MR. WHITHAM:

Q. Okay. And do you believe it's in the best interests of these minors at this time for the Court to enter an order terminating the parental rights—

A. Yes, I do.

Q. —and freeing these children up for adoption?

A. Absolutely."

¶ 33 The circuit court found it to be proven, by a preponderance of the evidence, that it would be in the best interests of D.B. and D.L. to terminate the parental rights of respondent (and the parental rights of Nicholas G., Jesus or Jessie C., and the unknown father of D.L.). Accordingly, the court ordered the termination of parental rights.

¶ 34 II. ANALYSIS

¶ 35 A. The Contestability of the Finding That Respondent Is an "Unfit Person"

¶ 36 In adjudicating a motion or petition to terminate parental rights, the circuit court should hold two separate hearings, as the circuit court did in the present cases. See *In re D.M.*, 336 Ill. App. 3d 766, 772 (2002). The first hearing should be governed by the Illinois Rules of Evidence, and it should be limited to the issue of the respondent's alleged unfitness to be a parent—his or her alleged status as an "unfit person." See *In re M.D.*, 2022 IL App (4th) 210288,

¶ 75. In the second hearing, the rules of evidence should be relaxed, with relevancy as the criterion for admissibility, and this hearing should be limited to the issue of whether it would be in the child's best interests to terminate the respondent's parental rights. See *id.* ¶ 76.

¶ 37 To terminate parental rights, the circuit court must make two separate and distinct findings: (1) the biological parents of the child have validly executed a voluntary surrender of their parental rights and a consent to adoption, or, alternatively, it has been proven, by clear and convincing evidence, that the parents are "unfit persons" within the meaning of section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2022)) and (2) it has been proven, by a preponderance of the evidence, that it would be in the best interests of the child to terminate parental rights and to appoint a guardian and authorize that guardian to consent to an adoption of the child. 705 ILCS 405/2-29(2) (West 2022); *In re D.T.*, 212 Ill. 2d 347, 366 (2004); *In re M.M.*, 226 Ill. App. 3d 202, 209 (1992).

¶ 38 In the present cases, respondent did not surrender her parental rights to D.B. and D.L. Therefore, the first prerequisite to the termination of her parental rights was a finding, by clear and convincing evidence, that she was an "unfit person" within the meaning of any section of the Adoption Act that the State invoked in its motions for the termination of parental rights (see 750 ILCS 50/1(D)(b), (m)(i), (ii) (West 2022)).

¶ 39 The circuit court found it had been proved, by clear and convincing evidence, that respondent conformed to all three of the cited definitions of an "unfit person." That is, she had "[f]ail[ed] to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare" (*id.* § 1(D)(b)); she had "[f]ail[ed] *** to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent during any 9-month period following the adjudication of [neglect]," specifically, during the period of April 29, 2023,

to January 29, 2024 (*id.* § 1(D)(m)(i)); and she had "[f]ail[ed] *** to make reasonable progress toward the return of the child to [herself] during any 9-month period following the adjudication of [neglect]," specifically, during the period of April 29, 2023, to January 29, 2024 (*id.* § 1(D)(m)(ii)).

¶ 40 If respondent met only one of those statutory definitions, she was an "unfit person." See *In re F.P.*, 2014 IL App (4th) 140360, ¶ 83. It is not our place to decide whether she is an "unfit person." Instead, our place is to decide whether the circuit court made a finding that was against the manifest weight of the evidence when it found her to be an "unfit person" within the meaning of sections 1(D)(b), 1(D)(m)(i), or 1(D)(m)(ii)—the sections the State invoked in its motions to terminate parental rights. See *In re C.N.*, 196 Ill. 2d 181, 208 (2001). A finding is against the manifest weight of the evidence only if it is "clearly evident," from the evidence in the record, that respondent's conformance to the statutory definition in question was unproven. *Id.* If reasonable minds could disagree whether a given statutory definition was proven by clear and convincing evidence, we will uphold the circuit court's finding. See *Kaloo v. Zoning Board of Appeals*, 274 Ill. App. 3d 927, 934 (1995).

¶ 41 With that deferential standard of review in mind (see *In re Diamond M.*, 2011 IL App (1st) 111184, ¶ 31), we will compare the evidence in the unfitness hearing to one of the three cited statutory definitions: the definition in section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2022)).

¶ 42 Section 1(D)(m)(ii) provides as follows:

> "D. 'Unfit person' means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following ***:

* * *

(m) Failure by a parent *** (ii) to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected or abused minor." *Id.*

¶ 43 In *C.N.*, 196 Ill. 2d at 216-17, the supreme court described the following benchmark for measuring "reasonable progress" under section 1(D)(m) of the Adoption Act:

> "[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."

¶ 44 "[R]easonable progress is judged by an objective standard based upon the amount of progress measured from the conditions existing at the time custody was taken from 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.*

¶ 45 We agree with counsel that it would be impossible to argue, in good faith, that the circuit court's finding of a lack of reasonable progress by respondent is against the manifest weight of the evidence. According to respondent's own stipulations in the neglect hearing, the condition that justified the removal of the children from her, and which rendered her unable to take care of them, was her drug problem. In the termination hearing, it appeared to be undisputed that, despite the repeated urgings of Camelot, respondent never underwent a substance abuse

assessment and that, consequently, she never received rehabilitative treatment. Also, until she underwent a substance abuse assessment (which she refused to do), she remained ineligible for the parenting course. It could not be seriously denied that respondent was in need of guidance on how to take care of children. Apparently, she did not know when or how to feed a newborn. It does not appear that she knew how to change a diaper. In visitations, she was distant and standoffish toward her children. No one could honestly argue that respondent's refusal of all services satisfied the objective standard of reasonable progress.

¶ 46 B. The Contestability of the Finding That It Would Be in the Children's Best Interests to Terminate Respondent's Parental Rights

¶ 47 Just because a parent is an "unfit person," whose parental rights, for that reason, *could* be terminated, it does not necessarily follow that his or her parental rights *should* be terminated. See *D.T.*, 212 Ill. 2d at 364. The question in the best-interests hearing is whether the parent's parental rights *should* be terminated. *Id.*

¶ 48 The answer to that question depends solely on whether it would be in the child's best interest to terminate that parent's parental rights—a proposition that must be proven by a preponderance of the evidence. *In re O.S.,* 364 Ill. App. 3d 628, 633 (2006). No one else's interest counts in the best-interest hearing. The circuit court is concerned, at that point, only with the child's best interest. *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071 (2009) ("After a finding of parental unfitness, the trial court must give full and serious consideration to the child's best interest."). "[A]t 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." *D.T.*, 212 Ill.2d at 364.

¶ 49 The legislature has directed that "[w]henever a 'best interest' determination is required, the following factors shall be considered in the context of the child's age and developmental needs:

> (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, including:
>
> > (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
> >
> > (ii) the child's sense of security;
> >
> > (iii) the child's sense of familiarity;
> >
> > (iv) continuity of affection for the child;
> >
> > (v) the least disruptive placement alternative for the child;
>
> (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." 705 ILCS 405/1-3(4.05) (West 2022).

¶ 50 We do not apply those statutory factors *de novo* any more than we decide *de novo* whether respondent is an "unfit person." The same deferential standard of review governs our analysis: we decide whether the trial court made a finding that was "contrary to the manifest weight of the evidence" when it found that terminating respondent's parental rights would be in the best interests of D.B. and D.L. See *In re R.L.*, 352 Ill. App. 3d 985, 1001 (2004). In other words, we will defer to the circuit court on the question of the children's best interests unless it is "clearly evident" from the record of the best-interests hearing—not merely arguable but "clearly evident"—that the State failed to prove it would be in the children's best interests to terminate respondent's parental rights. See *In re Arthur H.*, 212 Ill. 2d 441, 464 (2004).

¶ 51 To argue it is "clearly evident" that the State failed to carry its burden of proof in the best-interests hearing would be to make an unserious argument. It is unclear how any of the above-listed factors in section 1-3(4.05) of the Juvenile Court Act favor the preservation of respondent's parental rights. On the other hand, several important factors favor the termination of parental rights so as to clear the way for the apparently exemplary foster parents to adopt D.B. and D.L. See 705 ILCS 405/1-3(4.05)(a), (d), (g) (West 2022). We have to agree that these two appeals lack arguable merit.

¶ 52 III. CONCLUSION

¶ 53 For the foregoing reasons, we grant counsel's motion to withdraw from representing respondent in these two appeals, and we affirm the circuit court's judgments in these two cases.

¶ 54 Affirmed.