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) 240807-U

NO. 4-24-0807

FILED
September 20, 2024
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re J.C., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Adams County
Petitioner-Appellee,	)	No. 21JA85
v.	)	
Kenneth S.,	)	Honorable
Respondent-Appellant).	)	John C. Wooleyhan,
	)	Judge Presiding.

JUSTICE VANCIL delivered the judgment of the court.
Justices Doherty and Grischow concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed the trial court's judgment terminating respondent's parental rights, concluding the court's fitness and best-interest determinations were not against the manifest weight of the evidence.

¶ 2 Respondent, Kenneth S., appeals the termination of his parental rights as to his daughter, J.C. Respondent argues the trial court erred in determining (1) he failed to make reasonable progress toward the return of the child to his care within any nine-month period following the adjudication of neglect, (2) he was "depraved" as the term is defined in section 1(D)(i) of the Adoption Act (750 ILCS 50/1(D)(i) (West 2022)), and (3) termination of his parental rights was in J.C.'s best interest.

¶ 3 We affirm.

¶ 4 I. BACKGROUND

¶ 5 J.C. was born on November 30, 2021, to Lauren C. and her husband at the time, Joshua C. On December 6, 2021, the State filed a petition for adjudication of wardship, alleging J.C. was neglected and/or abused by her parents. The petition stated the parents had three other children who were removed from their care based on environmental neglect, substance abuse, domestic violence, and mental health issues. At the time of J.C.'s birth, the parents had not made progress in those cases. The petition additionally asserted Lauren failed to seek prenatal care until the last 60 days of her pregnancy with J.C. Temporary custody was awarded to the guardianship administrator of the Illinois Department of Children and Family Services (DCFS). J.C. was placed in a foster home immediately upon being discharged from the hospital.

¶ 6 A DNA test taken in February 2022 revealed respondent to be J.C.'s biological father. The State amended its petition for adjudication of wardship, adding him to its list of parents. In an April 2022 hearing on the State's petition, the trial court found Lauren and Josh unfit, adjudicated J.C. abused and neglected, and made her a ward of the court. Per this order, respondent was added to service plans created by DCFS regarding J.C. The goal at the time was to return her home within 12 months.

¶ 7 After discovering he was not J.C.'s biological father, Joshua ceased involvement with the child and expressed a desire to surrender his parental rights. In January 2023, he signed a final and irrevocable surrender of J.C. for purposes of adoption. A few months later, in June 2023, after mixed success with her service plans and struggles with her mental health, Lauren also surrendered her parental rights.

¶ 8 As J.C. aged, she developed health problems. She was diagnosed with seizure-like activity in August 2023, which changed to an epilepsy diagnosis in November 2023. It was discovered that the genetic variant SCN1A was the cause of her seizures. As a result of this variant,

she experiences delays in gross motor skills as well as speech and language development. She attends therapy for both issues. Additionally, she has sensitive skin, which was discovered after she began breaking out in rashes following visits with respondent at his home. Her foster mother believed the rash might have resulted from an allergy to respondent's dogs. However, in a test performed in August 2023, J.C. tested negative to a series of common allergens, including dogs. In February 2024, as a result of her various health concerns, J.C. was evaluated by way of a clinical intervention for placement preservation (CIPP). She was designated "specialized," and her level of care was increased.

¶ 9 On December 1, 2023, the State filed a motion to terminate respondent's parental rights. In its motion, it alleged respondent was an unfit parent because he had failed to make reasonable progress toward the return of J.C. within any nine-month period following the adjudication of neglect. In a follow-up motion, the State designated the relevant nine-month periods as follows: March 11, 2022, to December 11, 2022; December 11, 2022, to September 11, 2023; and September 11, 2023, to the date the petition was filed. On appeal, the State acknowledges that the last time frame listed, from September 2023 to the time of the termination hearing, did not encompass nine months.

¶ 10 A. March 11, 2022, to December 11, 2022

¶ 11 On May 16, 2022, respondent was added to the DCFS service plan for J.C. That plan was evaluated on October 31, 2022. From May to October, respondent was rated satisfactory in three areas: housing, substance abuse, and parenting. Throughout the entirety of the case, respondent lived in a three-bedroom, one-bathroom house with his mother and son. Although there was no designated space for J.C., at the time of the initial service plan, this was not a concern. At

the time, respondent was employed at a pizzeria. He was also engaged in both substance abuse courses and parenting classes and attended supervised visits with J.C. twice a week.

¶ 12 Respondent was rated unsatisfactory in two areas on his initial service plan: cooperation and mental health. At the time of the initial plan, respondent was not engaged in mental health therapy, despite this being a requirement of his plan. Caseworkers also believed he was not being transparent about his relationship with Lauren, J.C.'s mother. This lack of transparency and failure to initiate therapy resulted in his unsatisfactory rating for cooperation.

¶ 13 At a status hearing on October 27, 2022, the State noted respondent had not engaged in mental health services but was doing "pretty well overall." The trial court appeared to agree, stating, "There has been some progress made, not substantial but some progress." On a form written order following the hearing, the court crossed out the phrase "reasonable and substantial" in a preprinted sentence reading, "The father has made reasonable and substantial progress toward returning the minor home." Below this, the court checked a box stating, "The father has made reasonable efforts toward returning the minor home." The court additionally noted further services were still needed.

¶ 14 On November 2, 2022, an incident occurred between respondent and a bystander in a grocery store parking lot. The bystander, who happened to be a mandated reporter, witnessed respondent leave his 12-year-old son in the car on a hot day while he and Lauren went into the store to shop. The bystander overheard respondent tell his son not to let anyone see him. The bystander confronted respondent when he returned to his vehicle and advised him not to leave a child alone in a car. Respondent became enraged and began to yell profanities at the bystander and the bystander's wife. Lauren appeared terrified during the encounter and later told a caseworker that she had seen respondent be violent before and was concerned the interaction would turn

physical. Police were called, but no arrest or DCFS report was made. When asked about the incident later, respondent told a caseworker he did not believe he had done anything wrong, as he was just defending himself against accusations that he was a " 'deadbeat dad.' " As a result of the incident, respondent was required to complete a domestic violence assessment as part of his service plan.

¶ 15 B. December 11, 2022, to September 11, 2023

¶ 16 Respondent's second service plan covered the period from October 31, 2022, to May 8, 2022. Under the plan, respondent was rated satisfactory in cooperation, mental health, substance abuse, and domestic violence. He began attending therapy for his mental health and, after a domestic violence assessment, he was deemed not to need further domestic violence services.

¶ 17 However, he was rated unsatisfactory in the areas of housing and parenting. During a visit to respondent's home, a caseworker noticed what appeared to be a "structural issue" in his kitchen that would need "to be rectified." Additionally, respondent had not created space for J.C. in his home if she were to return. Notes on his plan state, "[Respondent's] home meets minimal parenting standard, but there will need to be accommodations made if [J.C.] is to return to the home." When discussing where J.C. would sleep, respondent said he could sleep on the couch if necessary and give J.C. his bedroom, but he would not buy a new house as he expected to inherit the current home when his mother died.

¶ 18 It was also noted on this plan that respondent was having difficulty bonding with J.C. As a result of a parenting style more "task oriented" than emotional, J.C. did not smile at respondent and rarely made eye contact with him. When respondent held J.C. or interacted with

her on the floor, she would attempt to get away from him. Respondent was defensive and resistant to constructive feedback on improving his relationship with J.C.

¶ 19 At a status hearing on April 25, 2023, the State told the trial court respondent had made some progress and efforts and recommended increasing his visitation to help with the bond between him and J.C. The guardian *ad litem* (GAL) for J.C. recommended a new permanency goal of returning J.C. home to respondent in five months, stating that respondent was making "full efforts. He's doing everything he can at this point." The court agreed that efforts were being made, but substantial progress was not. It stated, "The father has been engaged in services under the service plan. He has been making some efforts, not able to say as of today's date that there's been substantial progress toward a return home goal." In its written order following the hearing, it again crossed out "reasonable and substantial" as a descriptor of respondent's progress but left the term "reasonable" as it related to his efforts. It changed the goal to a return home within five months.

¶ 20 Respondent's third and final service plan encompassed the period from May 8, 2023, to September 8, 2023. Respondent was rated satisfactory in cooperation, mental health, substance abuse, parenting, and domestic violence. He was again rated unsatisfactory with respect to his housing. At the time of this plan, respondent intended to have J.C. sleep in his bedroom with him. In furtherance of this goal, he moved some furniture out of his room to make space and purchased a crib. However, at the time of the last home visit, he had not assembled the crib. He had also taken no steps to address the structural issue in the kitchen. Nevertheless, at a status hearing on July 7, 2023, the trial court set a goal of returning J.C. home pending another status hearing.

¶ 21 Around this time, caseworkers began to worry about respondent's understanding of his daughter's developing medical conditions, as well as his ability to care for her. In a report

prepared for respondent's final status hearing, a Court Appointed Special Advocate (CASA) for J.C. wrote that respondent attended an appointment for J.C. (the only one he ever attended) in St. Louis, where she was diagnosed with seizure-like activity, yet he later stated to a caseworker that J.C. did not have seizures. The CASA expressed concern that if respondent was given unsupervised visits, he would not have the ability to recognize if she was having a seizure. The CASA also noted that on the day of the appointment in St. Louis, J.C. also had an 18-month doctor's appointment with her primary care physician later in the afternoon. Respondent did not request to attend this appointment and denied knowing about it when asked, despite having spoken to three individuals about it earlier in the day.

¶ 22 A report from a caseworker with Chaddock around the same time echoed the concern about respondent's ability to address J.C.'s medical needs. The Chaddock worker questioned whether he could take large amounts of time off of work in order to tend to J.C.'s various appointments. Due to the amount of time that had passed since the adjudication of neglect, the Chaddock worker suggested referring the case for a legal screening through DCFS to determine if an alternate permanency goal would be appropriate.

¶ 23 A permanency hearing was held on November 21, 2023. The State and GAL both questioned whether respondent was able to properly care for J.C.'s medical needs. The GAL stated, "While, again, [respondent] has certainly acquired some skills, I really have to draw attention to the increasing medical complexity of this child and *** challenges that propose sadly very much mitigate against whatever progress [respondent] has made I'm afraid." Counsel for respondent, in turn, argued that if there was a concern about respondent's ability to care for J.C., he should have been provided with assistance in that respect.

¶ 24 After hearing from all parties, the trial court changed its permanency goal to adoption, pending termination of respondent's parental rights. The court pointed to the most recent reports it had been given, which showed that J.C. had been diagnosed with epilepsy, among other issues, and was now considered special needs. It also noted that the issue of respondent providing a stable home had been a consistent issue through months of reports and yet had still not been addressed by respondent. Further, the court found that although respondent had been involved in services under the plan,

> "it's never come to the point of the type of progress that's contemplated by the statute ***. It's true in many cases that efforts don't always translate into the type of progress that is contemplated by the statue and that seems to be what's going on here, especially in light of all the special needs that are now being diagnosed on the part of the minor."

¶ 25 A hearing was held on April 29, 2024, at which the State sought to terminate respondent's parental rights. The State's first witness was Jessica Fuller, a child welfare specialist employed at Chaddock who was assigned Lauren C.'s case in April of 2021. She testified as to respondent's service plans and his varying degrees of success in fulfilling their requirements. When asked to elaborate on the issue of housing in his second service plan, Fuller stated, "He—there were some structural things that needed to be addressed within the home. He didn't have adequate plan at that point in time." When asked if respondent had a crib for J.C., she responded, "He had purchased one. It was not put together. It didn't have a mattress yet." On cross-examination, she further added, "There [is] some structural damage in the kitchen. It almost appears as if the ceiling is falling in. It's masking taped with black trash bag." When asked if that

had always been the case with respondent's kitchen, she responded affirmatively and said she had first noticed it in April 2023. She admitted the property had never been professionally assessed.

¶ 26 Fuller testified to J.C.'s diagnoses and respondent's approach to them. She testified that at J.C.'s appointment in St. Louis, respondent had behaved inappropriately for the time and place, stating, "It was more focused on him trying to make a connection with the child at the visit versus maybe paying attention to what the medical professionals were saying at the time." She acknowledged respondent had asked her questions about J.C.'s medical needs but classified those questions as "information gathering," rather than questions specific to J.C.'s medical care.

¶ 27 Fuller confirmed that respondent had attended only one medical appointment for J.C., and although he had also attended the CIPP at which J.C. was designated specialized, he did not ask the DCFS medical staff any questions related to J.C.'s epilepsy diagnosis at that time. When asked by respondent's counsel if Fuller believed respondent was incapable of taking care of J.C.'s medical needs, Fuller responded, "I don't know as if I would say not capable. Just maybe not able to really understand what exactly the totality of the situation is in regard to that diagnosis, being able to realize what that means." Respondent's counsel asked if respondent had ever been provided with further education in order to attend to J.C.'s needs. Fuller stated:

> "[H]e was provided the same education and that I was and that the foster parent was really. I mean, I don't know the ins and outs of what epilepsy diagnosis means. The foster parent doesn't have any idea of what epilepsy is. You research it, you get medical records, you read it. You go about it all hands on deck trying to figure out what—you ask questions."

She further stated that respondent's parenting coach was also provided with information regarding J.C.'s medical care in an effort to help respondent.

¶ 28 The State's second witness, Marcia Ryan, an associate director of client services at Chaddock who was assigned as a parenting coach to respondent, testified that respondent and J.C. had formed a bond. She stated, "You could tell that the bond was there, the relationship was there. They—[respondent] was—had followed the instructions very well and you could see the closeness between the two."

¶ 29 In its closing argument, the State emphasized the structural and logistical problems in respondent's home, which he never addressed. The State also expressed doubt that respondent was prepared to take on J.C.'s medical needs due to his lack of involvement or interest in her conditions. As a final matter, it noted respondent's lengthy criminal history, which included several past convictions for possession of methamphetamine. As a statutory matter, respondent's past felony convictions, combined with the fact that the most recent conviction occurred within five years of the State filing its motion to terminate his parental rights, created a rebuttable presumption that respondent was depraved, and he was therefore unfit under section 1(D)(i) of the Adoption Act (750 ILCS 50/1(D)(i) (West 2022)).

¶ 30 Respondent's counsel argued that respondent's failure to set up the crib for J.C. in his home was because he was never given a specific date for her to return home, and therefore, setting up the crib would have been premature. Counsel argued there was no evidence presented of structural issues in the home, apart from the testimony of the caseworker stating she believed the kitchen was in bad shape. As to the issue of depravity and his past convictions, respondent's counsel argued that because respondent had not been convicted of any crime since the birth of J.C., the presumption of depravity stemming from those crimes was rebutted. Counsel concluded by stating there was no evidence showing respondent was not capable of meeting J.C.'s medical needs.

¶ 31 The trial court determined respondent was unfit. It acknowledged he had been involved in services under his plans but stated there was no change to housing to accommodate J.C., a particularly important issue as "this minor apparently has some special medical needs that needs to be provided for and accommodated." The court echoed its previous impression that respondent had put forth effort, but that effort did not translate into substantial progress as contemplated by the statute. It therefore concluded the State had proven its allegations of unfitness by clear and convincing evidence.

¶ 32 The trial court then moved to a best-interest determination. Again, Fuller was called as a witness by the State. In her brief testimony, Fuller stated that J.C.'s foster parents only ever had appropriate interactions with her, were the ones to first notice her medical needs and took her to all subsequent medical appointments, were bonded with J.C., and intended to adopt her if possible. The State therefore argued that it was in J.C.'s best interest to terminate respondent's parental rights. Counsel for respondent countered that the State had not addressed many of the factors necessary for a best-interest determination under the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/1-1 *et seq.* (West 2022)) and reminded the court that to terminate respondent's parental rights would be to remove him from J.C.'s life, and it was clear the two were bonded.

¶ 33 The trial court agreed with the State. It noted that J.C. had been with the foster parents since she was born, and it was the only home she had ever known. Further, the foster parents' commitment to adopt J.C. would grant her the permanency sought under the Juvenile Court Act. The court ruled that the State had proven by a preponderance of the evidence that terminating respondent's parental rights was in J.C.'s best interest. The court's written termination order further included depravity as a ground of unfitness.

¶ 34 This appeal followed.

¶ 35 II. ANALYSIS

¶ 36 On appeal, respondent argues (1) the State failed to prove he did not make reasonable progress toward the return home of the child, (2) the trial court erred in finding him depraved, and (3) the court erred when it found it was in J.C.'s best interest to terminate his parental rights.

¶ 37 Under the Juvenile Court Act, termination of parental rights is a two-part process. 705 ILCS 405/2-29(2) (West 2022); *In re Donald A.G.*, 221 Ill. 2d 234, 244 (2006). The State must first prove, by clear and convincing evidence, that a parent is "unfit" as the term is defined in section 1(D) of the Adoption Act. *In re N.G.*, 2018 IL 121939, ¶ 28; 750 ILCS 50/1(D) (West 2022). Following a finding of unfitness, the State must then prove, by a preponderance of the evidence, that it is in the best interest of the minor to terminate the parent's rights. *In re D.T.*, 212 Ill. 2d 347, 363-66 (2004). Great deference is given to a trial court's fitness and best interest findings, and a reviewing court will not reverse a trial court unless its determination is against the manifest weight of the evidence. *N.G.*, 2018 IL 121939, ¶ 29; *In re Dal. D.*, 2017 IL App (4th) 160293, ¶ 53. A decision is against the manifest weight of the evidence where " 'the opposite conclusion is clearly apparent or the decision is unreasonable, arbitrary, or not based on the evidence.' " *In re M.C.*, 2018 IL App (4th) 180144, ¶ 35 (quoting *In re Keyon R.*, 2017 IL App (2d) 160657, ¶ 16). "[T]he interest of a parent in the control, custody, and care of her child is fundamental and will not be terminated lightly." *In re Jacob K.*, 341 Ill. App. 3d 425, 434 (2003).

¶ 38 A. Unfitness

¶ 39 Respondent's first two arguments concern the trial court's finding of unfitness. Specifically, the court found respondent unfit on two grounds: (1) he had failed to make reasonable

progress towards the return of the child within a nine-month period after the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2022)) and (2) he was depraved, as defined in section 1(D) of the Adoption Act (*id.* § 1(D)(i)). Any one ground is sufficient to support a finding of unfitness. *Donald A.G.*, 221 Ill. 2d at 244.

¶ 40 Reasonable progress is defined as "demonstrable movement toward the goal of reunification." (Internal quotation marks omitted.) *In re C.N.*, 196 Ill. 2d 181, 211 (2001). It is measured by

> "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." *Id.* at 216-17.

"Reasonable progress exists when the trial court can conclude that it will be able to order the child[ren] returned to parental custody in the near future." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067 (2006).

¶ 41 During the nine-month period from December 11, 2022, to September 11, 2023, respondent undeniably made progress in certain areas of his service plan. He was engaged in mental health therapy, had completed two parenting courses, was visiting and forming a bond with J.C., and was testing negative at every drug test he took.

¶ 42 Nevertheless, he failed to make progress in key areas. Most notably, he failed to address the issue of inadequate housing. Though he had purchased a crib for J.C. and moved furniture out of his room for the purpose of creating space for her, he never purchased a mattress for the bed or even assembled it. At the time of the termination hearing, Fuller testified the bed was still in pieces, leaning against a wall. This is a relatively simple task that was brought to

respondent's attention, and respondent, without any justification, simply chose not to complete it. Similarly, respondent made no progress in addressing the structural issues in the kitchen. While respondent's counsel argues this issue was never professionally assessed to determine if it actually posed a safety concern, it was nevertheless brought to respondent's attention as part of his service plan, which specifically required him to rectify it before J.C. could be returned to his care. We also note that respondent himself was capable of having the issue professionally assessed to determine if it rendered his home unsafe for J.C. and never did so, while at the same time making no move to correct the issue.

¶ 43 Further, as J.C.'s medical needs developed, respondent demonstrated a lack of initiative in her care. He attended only one of many doctor's appointments for J.C., and at the single appointment he did attend, caseworkers were concerned he was not engaging with the information doctors offered to him. This was again the case at the CIPP, where respondent was presented with the opportunity to ask medical professionals questions about J.C.'s diagnoses but did not. We acknowledge that because J.C. was not in respondent's custody, he would understandably take a back seat role in caring for her daily medical needs. Nevertheless, it is clear from the record that respondent did not seek practical ways to become more involved in her medical care on his own initiative, and even when presented with opportunities by others, he did not fully utilize them.

¶ 44 Respondent argues that when J.C. was designated as having significant medical needs, "the State had an obligation to provide services to assess whether [respondent] was capable of parenting J.C." He does not cite any precedent for this proposition. However, we nevertheless find that caseworkers provided respondent with multiple opportunities to familiarize himself with J.C.'s conditions and the best way to care for her. Fuller testified at the termination hearing that

respondent was given the same medical information the foster parents were given, that his parenting coach was also provided with information to further assist him, and that J.C.'s foster parents relayed information to him about J.C.'s conditions as they developed. Caseworkers set him up to accompany his daughter to an appointment with a neurologist, and respondent appeared to treat that appointment as merely another visitation with J.C., as opposed to an opportunity to equip himself to care for her. It is clear that the caseworkers took multiple avenues to provide respondent with a baseline of information from which he could have then sought out other sources of information, as J.C.'s foster parents seemingly did. But it is not the responsibility of the caseworkers to instill in respondent a concern for his daughter's well-being or a desire to educate himself on her care.

¶ 45 It is not our task to reevaluate the evidence before us and reach our own conclusion on respondent's unfitness. Our task is only to determine if the trial court's decision was against the manifest weight of the evidence. *N.G.*, 2018 IL 121939, ¶ 29. Although we acknowledge the progress respondent made in certain areas, we find the issues of respondent's inadequate housing and lack of involvement in J.C.'s medical needs are enough to render the court's decision reasonable. We therefore find the court's decision was not against the manifest weight of the evidence.

¶ 46 Because we affirm the trial court's finding respondent was unfit for failing to make reasonable progress during the nine-month period from December 11, 2022, to September 11, 2023, and because this alone is sufficient to support an unfitness finding, we need not address the other nine-month period nor respondent's argument concerning depravity.

¶ 47 B. Best-Interest Determination

¶ 48 Respondent next argues that the trial court's finding that it was in J.C.'s best interest to terminate his parental rights was against the manifest weight of the evidence.

¶ 49 After finding a parent unfit, a trial court must determine if it is in the best interest of the minor to terminate the parent's parental rights. *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071 (2009). In making this determination, a court must consider all of the factors listed in section 1-3(4.05) of the Juvenile Court Act. 705 ILCS 5/1-3(4.05)(a)-(j) (West 2022). Those factors include:

> "(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." *Id.*

While a court must consider each factor, it need not explicitly reference each factor in its decision. *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19. Courts may also consider additional factors, such as the nature and length of the child's relationship with her present caretaker and the effect that a change in placement would have on her emotional well-being. *In re Nevaeh R.*, 2017 IL App (2d) 170229, ¶ 27. We will not reverse a trial court's best-interest determination unless it is against the manifest weight of the evidence. *Jay. H.*, 395 Ill. App. 3d at 1071.

¶ 50 At the hearing on the termination of respondent's parental rights, the State's witness testified that J.C. had lived in her current foster placement since her birth. It is the only home she has ever known, and she is bonded with her foster family. The caseworker had no concerns about J.C.'s placement with her foster parents and instead confirmed that from the time of her birth, her foster parents had met all of her medical needs. Additionally, the foster parents intended to adopt J.C. if it ever became possible. At the time of the termination hearing, they had signed all the necessary permanency paperwork. Based on this information, the trial court concluded the State had shown by a preponderance of the evidence that it was in the best interest of the minor to terminate respondent's parental rights. It drew specific attention to the purpose of the Juvenile Court Act, which is to attain permanency for a minor as soon as it can be practically achieved, and

how adoption by her foster parents would grant J.C. that permanency, while the possibility of returning home to respondent remained uncertain.

¶ 51 We do not find the trial court's conclusion to be against the manifest weight of the evidence. Respondent argues that there was no evidence presented comparing "the current foster family situation *** relative to a placement with [respondent]," and therefore the State failed to prove that terminating his parental rights was in J.C.'s best interest. We disagree. At the hearing to terminate his parental rights, the State presented evidence showing that J.C.'s placement with her foster family was beneficial to her for multiple reasons. Although the State presented no new evidence on respondent's "situation" to allow for a comparison, a court may consider evidence presented in an earlier unfitness determination when making its best-interest determination. *In re D.L.*, 326 Ill. App. 3d 262, 271 (2001). We therefore conclude the court was presented with the necessary evidence to compare both potential placements and arrive at a best-interest determination.

¶ 52 Respondent further asks, "How can a determination be made that one option is 'best' when only one option has been considered?" Yet there is no evidence that the trial court failed to consider both placement options in making its determination. On the contrary, a comparative analysis is inherent in a best-interest decision. A court must consider each statutory factor and determine if it will be best achieved by maintaining a parent's rights or moving instead toward adoption. The record indicates the court did this. For example, the court made a direct comparison when it stated the foster parents would provide permanency where respondent provided only uncertainty.

¶ 53 Just as the trial court was not obligated to reference every statutory factor in explaining its reasoning, neither was it obligated to state the obvious fact that its best-interest

determination resulted from considering respondent's "situation" relative to that of the foster parents. It found that J.C. was loved and cared for her in her current foster placement, all of her needs were being met, including her specialized medical needs, and her current placement was considered a preadoptive placement based on commitments made by the foster parents. It further noted that respondent, who presented no evidence at the best-interest hearing, had not shown the extent of his relationship with his daughter, nor when a return home would be possible. Based on these statements and the evidence provided, we do not find the court's conclusion that terminating respondent's parental rights was in J.C.'s best interest to be against the manifest weight of the evidence.

¶ 54 III. CONCLUSION

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

¶ 56 Affirmed.