2021 IL App (5th) 200356-U

NO. 5-20-0356

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

In re JORDAN C., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Washington County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 18-JA-4
	)	
James C.,	)	Honorable
	)	Daniel J. Emge,
Respondent-Appellant).	)	Judge, presiding.

JUSTICE MOORE delivered the judgment of the court.
Justices Welch and Cates concurred in the judgment.

ORDER

¶ 1 *Held*: The judgment of the circuit court of Washington County that terminated the respondent's parental rights is affirmed because the circuit court's findings regarding the minor child's best interest are not against the manifest weight of the evidence, and because the respondent does not challenge the circuit court's earlier finding of unfitness on the part of the respondent.

¶ 2 The respondent, James C., appeals the order of the circuit court of Washington County, entered on October 2, 2020, that found it in the best interest of the respondent's biological minor child, Jordan C., to terminate the respondent's parental rights. The respondent does not challenge the court's earlier finding that the respondent was unfit as a parent. For the following reasons, we affirm.

¶ 3 BACKGROUND

¶ 4 As noted above, the respondent does not challenge the circuit court's finding that the respondent was unfit as a parent. Accordingly, we need not discuss the fitness proceedings in this case in great detail. Nevertheless, we note the following facts to provide context for the best-interest determination that is challenged on appeal. Jordan was born on March 22, 2018. Because he had illicit drugs in his system at the time of his birth, Jordan was immediately removed from the custody of his biological mother and placed in foster care. He has never lived with either biological parent. Ultimately, both Jordan's biological mother and the respondent were found to be unfit parents. Jordan's biological mother is not a party to this appeal.

¶ 5 The best-interest portion of this case commenced with a hearing on March 10, 2020, then continued with a series of hearings that led to the circuit court's October 2, 2020, order that found it was in the best interest of Jordan to terminate the parental rights of the respondent and of Jordan's biological mother. Relevant witness testimony adduced at the hearings is as follows.

¶ 6 At the March 10, 2020, hearing, Erin Schaub, a caseworker for the Illinois Department of Children and Family Services (DCFS), testified that she had been the case manager on this case since it began. She testified that after being discharged from the hospital shortly after his birth, Jordan was placed with a relative of his biological mother. However, when DCFS learned, approximately six months later, that the relative had been allowing Jordan's biological mother to have unsupervised contact with Jordan, DCFS placed Jordan in "a traditional foster home," where he had been up until the date of the March 10, 2020, hearing. Schaub testified that she had visited Jordan in his foster home at least "20-plus times" during that 18-month period. She testified that Jordan had developed normally, was hitting all of the expected developmental milestones, had no major health problems, was always well-dressed and well-groomed, and

interacted well with other children his age. She testified that Jordan appeared to be "very bonded" with his foster family and would go to them for comfort when appropriate. She described Jordan as "a member" of his foster family, who had "[p]ositive" interactions with his family.

¶ 7 Schaub testified that she had observed visits between Jordan and the respondent, and did not see any problems with how the respondent interacted with Jordan. She noted that, as of the date of the hearing, the respondent was participating in drug court and in substance abuse counseling. Returning to the subject of Jordan's foster home, Schaub testified that Jordan had his own bedroom, with a crib, that the foster parents were licensed, that she had no concerns about the foster parents, that Jordan's younger biological sister was also placed with the foster parents, and that the foster parents had two children of their own. She testified that Jordan appeared to be "very bonded" with his younger sister.

¶ 8 On cross-examination, she agreed with the respondent's attorney that the respondent did not begin to formally and regularly visit with Jordan until Jordan was eight months old, although she conceded that the respondent had told her that Jordan's biological mother allowed the respondent to visit Jordan prior to that. Schaub did not know how many times that had occurred. She had not observed any negative interactions between Jordan and the respondent, and did not know of any. With regard to the formal, supervised visits, she testified that the respondent visited in November and December of 2018 but "fell out of touch again in January" of 2019. She testified that the visits between the respondent and Jordan involved "positive" interactions, with the respondent showing affection for Jordan and holding and caring for him. The respondent again made contact with Schaub in March 2019 and visited Jordan around the time of Jordan's birthday. Because of "some arrests," the respondent did not visit regularly again until January

2020, after "he was released from incarceration." He had been visiting regularly since that time. Schaub reiterated that she had not observed any negative interactions, or inappropriate behavior, during the respondent's visits with Jordan. She testified that Jordan had not had any trouble separating from the respondent at the end of the visits. At the time of the hearing, the respondent was visiting Jordan twice a month and had participated in a total of approximately 20 formal, supervised visits. When asked if she had "any specialized training in assessing bonding between children and parents," Schaub answered that she did not, other than her regular training as a DCFS caseworker. No additional questions were asked about what her regular training entailed.

¶ 9 Marsha Holzhauer, the court-appointed guardian *ad litem* (GAL) in this case, briefly questioned Schaub as well, asking, *inter alia*, if Jordan had ever been exclusively in the care of the respondent. Schaub answered, "no," and subsequently agreed with Holzhauer that Jordan had spent his entire life in foster care. Schaub also agreed that Jordan's foster family was "the only intact family" Jordan had ever known. She reiterated that Jordan was happy and bonded with his foster family. She testified that the foster family wished to adopt Jordan, if that became an option.

¶ 10 The hearing resumed on March 17, 2020, with the testimony of Elizabeth McGee. McGee testified that she was a supervised-visits specialist employed by Help at Home. She testified that Jordan "does really well" with his visits with the respondent, although she noted that the respondent's mother was also present for the visits, and McGee believed it would be appropriate for the respondent to do more during the visits and for the respondent's mother to do less. She noted specifically that although Jordan's younger sister accompanied Jordan on the visits, the respondent usually played with only one of the two at a time, while the respondent's mother played with the other one. However, she noted this issue as merely "one little concern" about the

visits and stated that she did not have other concerns. She testified that Jordan does not have difficulty separating from the respondent at the end of visits, but that Jordan "throws a fit" when he has to leave his foster mother, Laura, because Jordan "does not like to leave" Laura.

¶ 11 On cross-examination, McGee testified that Jordan's other foster mother has not been present when McGee has picked up Jordan to take him to supervised visits, although she has been present when McGee dropped Jordan back off at home after the visits. She described the respondent as being "very" affectionate toward Jordan and Jordan's sister during the visits and testified that she had never observed any inappropriate interactions between the respondent and the children. McGee testified that, based upon her observations, the respondent's home was clean and safe. She testified that the respondent had not missed any of his scheduled visits with Jordan, although on one occasion he was a few minutes late. When asked, she testified that she did not believe Jordan was bonded with either the respondent or with Jordan's biological mother in the same way Jordan was bonded with Laura. When questioned on cross-examination by the GAL, McGee testified that the respondent missed one scheduled visit with Jordan at a DCFS office. She testified that she had supervised only four or five visits with Jordan and the respondent and was not aware that the respondent had missed some visitation time while "in custody." She agreed that, to her knowledge, the respondent's visits had all been "in the last couple months."

¶ 12 The next witness to testify was Laura Sefton, who testified she was the foster mother of Jordan and Jordan's younger sister. She testified that she was "[t]emporarily" living with her mother in a three-bedroom home, and that Jordan and Jordan's younger sister shared one of the bedrooms, with Jordan having his own "toddler bed." Laura testified that she was employed full-time as an office assistant at a plumbing company, and that Jordan went to daycare when Laura was at work. She testified that she had taken Jordan on vacations and to parks and other play

areas, and that Jordan had lived with her for 18 months as of the date of the hearing. She testified that she has taken Jordan to his regular medical appointments, as well as any other appointments as needed. Laura testified that Jordan has play dates with children outside of her household and plays with children at his daycare. She described Jordan as playing "great" with other kids. She testified that her own two daughters treat Jordan like a sibling, and that Jordan accompanies all of them to family functions, such as at the restaurant her family owns. When asked if she takes him "to any other sort of functions, religious or things like that," Laura answered, "no." She described Jordan as a "very happy" child who plays well with all of his siblings. She testified that when in crowded areas, among strangers, Jordan is often "clingy." Laura testified that when Jordan returns from his visits to his biological mother, or the respondent, Jordan is "very affectionate" with her and happy to see her. She testified that Jordan is also very affectionate with Laura's mother, and with Laura's wife, Kel-C. Laura testified that she is Jordan's primary caregiver, taking care of cooking for him, getting his clothing, and doing his bedtime routine at night. She testified that she wants to adopt Jordan.

¶ 13 On cross-examination, Laura testified that she and Kel-C had separated approximately one week before the hearing, which was why Laura temporarily was staying with Laura's mother. She testified that Kel-C works at the prison in Vandalia and often picks up Jordan from daycare. She testified that she believed she and Kel-C would get divorced, and that Laura would remain the primary caretaker for Jordan and the other children. She testified that she planned to move from her mother's home to her own three-bedroom home, where Jordan and his younger sister would continue to share a bedroom. When questioned on cross-examination by the GAL, Laura testified that she is a licensed foster parent, that Jordan has lived with her for three-

quarters of his life, and that her home was the only home Jordan had ever known. She testified again that she wants to adopt Jordan.

¶ 14 Erin Schaub was recalled as a witness. When questioned on cross-examination by the GAL, she agreed that the respondent had consistently been visiting Jordan for "the last couple months" and agreed that the respondent had not consistently visited Jordan prior to that. She testified that, at one point, the respondent went eight months without visiting Jordan. Thereafter, the hearing temporarily adjourned.

¶ 15 Due to scheduling delays caused by the pandemic, the hearing did not resume until July 7, 2020. Following the testimony of Jordan's biological mother, which is not relevant to the issues raised by the respondent in this appeal, the respondent testified. He testified that he presently lived in Carlyle, with his mother. He testified that during the pandemic, he had been having visitations with Jordan via one-hour weekly Zoom calls. He testified that prior to the shutdown caused by the pandemic, he had in-person visits with Jordan at the home he shared with his mother, and that he was the one who provided food and otherwise took care of Jordan during these visits. He testified that the visits went well, and that Jordan was happy during the visits. He described himself as "good with kids" and testified that he had "plenty" of experience raising children, as his oldest child was 18 years old. He testified that if he had the opportunity, he would like to have Jordan baptized in the Lutheran faith. He testified that he did not have any knowledge about the faith that was practiced in the foster family's home. The respondent testified that his mother interacted well with Jordan during the visits too. He testified that he eventually wanted to have his own home but that "for right now" he was comfortable living with his mother, and she needed his help to pay her bills, because she was disabled. He testified that if Jordan lived with him, his mother could babysit Jordan when needed, and that her disability

would not prevent that. He testified that he worked for Crown Roofing in New Baden, usually working full-time, when enough work was available, and earning $18 per hour, but that he was looking for another roofing job with a company that was closer to home and paid $20 per hour. The respondent testified that with either job, he could pay his bills and support his household, including Jordan, and that he would be able to do so even once he moved out of his mother's home and into his own home.

¶ 16 With regard to when he might be able to move into his own home, the respondent testified that he had been sober for 10 months and needed to be sober for 2 more months prior to getting his license back. He testified that he was participating in drug court in Clinton County, as well as substance abuse counseling and treatment. He testified that his treatment did not interfere with his employment or his visitation with Jordan. He described his treatment schedule in detail and testified that he planned to continue his treatment because he believed he could provide a more stable home to his children if he remained in treatment. He testified that, based upon his observations, Jordan got along well with Jordan's younger sister. He believed it would be in Jordan's best interest for Jordan to live with him, because the permanency goal for Jordan's younger sister was still for her to return home at some point. He testified that he loved and missed his kids, and that his treatment was not only for him but for his children too.

¶ 17 When questioned on cross-examination by the GAL, the respondent conceded that during the first eight or nine months of Jordan's life, he did not see Jordan much. He also conceded that he had never had an unsupervised visit with Jordan, during Jordan's entire life. He agreed that "it probably would be tough" for Jordan to permanently separate from his foster family to live with the respondent. On redirect examination, he clarified that even though he thought it would be

hard on Jordan to leave his foster family, he still believed that it was in Jordan's best interest to do so, because he loved and missed Jordan and because Jordan's siblings missed him too.

¶ 18 Following the respondent's testimony, the GAL recalled Schaub to the stand. Schaub testified that she had visited the home into which Laura recently had moved after leaving her mother's home, that the home provided sufficient room for the children, and that Jordan was bonded with his older siblings. She agreed that Jordan knew no home other than that provided by Laura. After the parties argued their relative positions, the trial judge took the matter under advisement, noting that he had many pages of notes to review from the series of hearings.

¶ 19 On October 2, 2020, the trial judge entered a detailed, 10-page typewritten order that summarized the above testimony, provided relevant caselaw and analysis, and concluded that it was in Jordan's best interest to terminate the respondent's parental rights, as well as those of Jordan's biological mother. The trial judge noted, *inter alia*, that section 1-3(4.05) of the Juvenile Court Act of 1987 (705 ILCS 405/1-3(4.05) (West 2018)) contains the factors to be considered by the court in a best-interest proceeding, and he analyzed how the evidence in this case related to a number of those factors. With regard to factor (a), which relates to the physical safety and welfare of the child, including food, shelter, health, and clothing (see *id.*), the trial judge noted that Jordan had never lived with the respondent, because Jordan had been placed outside of the homes of both biological parents since just after his birth. He noted that for the previous two years, which was the majority of Jordan's life, Laura had been "almost exclusively" providing all of Jordan's food, shelter, health care, and clothing, and he specifically noted that Laura provided for Jordan "in all other respects" and had done so for that entire time.

¶ 20 With regard to factor (b), which relates to the development of the child's identity (see *id.*), the trial judge noted that because of the amount of time Jordan had spent with Laura, Jordan

had "virtually no identity other than as has been created since he was placed with Laura." The trial judge then considered three related factors: factor (c), which relates to the child's background and ties, including familial, cultural, and religious considerations; factor (d), with subparts (i)-(v), which relates to the child's sense of attachments, including (i) where the child actually feels 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, and (v) the least disruptive placement alternative for the child; and factor (f), which relates to the child's community ties, including church, school, and friends (see *id*.). In his consideration of these three related factors, the trial judge noted that according to the testimony at the hearings, Laura provided Jordan with a home with no safety concerns that was also an appropriate size for the family. He noted that Jordan interacted well with the other children at his daycare, that Laura treated Jordan the same way she treated her biological children, and that the children treated Jordan "like a brother." He noted the activities and vacations that Laura provided for Jordan, as well as the interaction Jordan had with Laura's extended family on a regular basis. He noted how affectionate Jordan was with Laura and the rest of the family, and noted the bonding between Jordan and Laura, Jordan and his younger sister, and Jordan and Laura's two children. He also noted that Jordan had not been baptized, and that "no evidence was presented indicating that Laura and her family attend any church on a regular basis." The trial judge wrote that Jordan "is currently thriving and feels loved by Laura and her two daughters." He wrote that because of the time Jordan had spent with Laura, Jordan must "be very familiar with her and her family," and that, in light of the foregoing, "being placed with Laura is the least disruptive placement alternative for Jordan."

¶ 21 With regard to factor (g), which relates to the child's need for permanence, including the need for stability and continuity of relationships with parent figures and with siblings and other relatives, and factor (j), which relates to the preferences of the persons available to care for the child (see *id.*), the trial judge noted that it was "undisputed" that Jordan needed both permanence and stability. He noted that the respondent, Laura, and Jordan's biological mother each wanted Jordan to be placed with them. He noted that neither the respondent nor Jordan's biological mother had ever cared for Jordan overnight, "nursed him while he was ill," or "comforted him when he was scared." He wrote that "[t]hey have never had to guide and protect him, as their visitations have been supervised." He reiterated that for "the past two years, Laura has been the person to care for and raise Jordan." With regard to Laura's divorce from Kel-C, the trial judge reasoned that "dissolution is the end result of many marriages in today's society," and that there was no evidence that Laura had ever failed to fulfill her obligations to Jordan and Jordan's well-being. He ruled that, despite the pending divorce, "Laura's home appears to be much more stable" than the homes of either the respondent or Jordan's biological mother, that Laura had a home of her own, an income, and unlike the respondent or Jordan's biological mother, had "proven" that she was "ready, willing, and able to provide Jordan with the stability and permanence in his life that he deserves." He ruled that "any potential adverse side effects" Jordan might suffer from the termination of the respondent's parental rights were "outweighed by the stability, permanence, and support that he would receive from Laura." He ruled that the aforementioned factors, "viewed collectively," supported the termination of parental rights, and that, accordingly, termination was in Jordan's best interest. The respondent filed a timely notice of appeal.

¶ 22 ANALYSIS

¶ 23 As noted above, on appeal the respondent does not challenge the circuit court's finding that the respondent was an unfit parent. Instead, the respondent contends only that the circuit court's findings regarding Jordan's best interest were against the manifest weight of the evidence. Accordingly, the following principles of law are relevant to our disposition of this appeal. "Once the circuit court has found by clear and convincing evidence that a parent is unfit ***, the State's interest in protecting the child is sufficiently compelling to allow a hearing to determine whether the termination of parental rights is in the best interest[ ] of the child." *In re D.M.*, 336 Ill. App. 3d 766, 771 (2002). "[D]uring a [best-interest] hearing, the court focuses upon the child's welfare and whether termination would improve the child's future financial, social[,] and emotional atmosphere." *Id.* at 772. During such proceedings, the State bears the burden of proving by a preponderance of the evidence that termination is in the child's best interest. *In re Anaya J.G.*, 403 Ill. App. 3d 875, 883 (2010). Our standard of review for the circuit court's best-interest determination is whether the finding is against the manifest weight of the evidence. *Id.* A finding is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent or where the finding is unreasonable, arbitrary, and not based upon any of the evidence that was presented to the circuit court. *Id.*

¶ 24 As the trial judge in this case correctly noted in his order, section 1-3(4.05) of the Juvenile Court Act of 1987 (705 ILCS 405/1-3(4.05) (West 2018)) contains the factors to be considered by the court in a best-interest proceeding, according to the age and developmental needs of the child. On appeal, the respondent contends that the circuit court erred in the application of some of these factors because, according to the respondent: (1) when considering factor (a), which relates to the physical safety and welfare of the child, including food, shelter,

health, and clothing, the "court focused its analysis on who *has* provided for the needs of the minor child and ignored evidence of who *can* provide for" those needs (emphases in original), (2) when considering factor (b), which relates to the development of the child's identity, the court made the unfounded "improper presumption" that the only identity known to the child was that provided by the foster parents, (3) when considering factors (c) and (f), the court failed to take into account how the pandemic has impacted the respondent's ability to visit and provide a family atmosphere for Jordan, and instead focused on how the foster family had done so, and the court failed to consider that very little evidence was adduced about these two factors in general, (4) when considering factor (d), which relates to the child's sense of attachment in the context of love, security, familiarity, and affection, the court failed to consider the lack of evidence on this factor—including the lack of expert testimony—and overemphasized the evidence on this factor that did exist, and (5) when considering factor (g), which relates to the child's need for permanence, the court failed to consider the lack of evidence presented on this factor, failed to consider the relationship between Jordan and his other biological siblings, and misconstrued some of the evidence related to this factor.

¶ 25 The State counters that in light of the totality of the evidence presented to the circuit court, the court's ultimate decision was not against the manifest weight of that evidence. The State notes that the circuit court considered the respondent's recent progress with his substance abuse treatment "but observed that Jordan was in a far more stable home than that which respondent could provide, and that this was a home in which Jordan has bonded and become part of the family." The State posits that although the "respondent's progress was noted," nevertheless "it cannot be ignored that it was late-coming," and adds that the circuit court "was not obligated to ignore the circumstances of the entire history of this case" in reaching its

decision. The State also notes that, with regard to the development of Jordan's identity, "the court could certainly infer the certainty of that factor and the other factors where it was with [Laura], and not respondent, that Jordan had a family, siblings, activities, daycare and daycare play-mates, and extended-family outings with healthy social interaction." The State also argues that although the respondent "attributes the emergence of the pandemic as an impeding factor towards his development of these factors in his favor," the respondent neglects to mention "the rather important facts that he had never made adequate progress for unsupervised visitation before [the] pandemic struck, and at one point went for a period of time equaling a quarter of Jordan's life where he never engaged in *any* visitation." (Emphasis in original.) The State also points out that the respondent cites no authority for the proposition that testimony was required from someone with "specialized" training to assess any bonding or attachment on the part of a minor child, and the State cites cases in which "[c]ourts have routinely affirmed permanency findings based upon bonding that occurs naturally within the loving, nurturing character of the foster household." The State contends that "[t]he fact that Jordan was in a loving, nurturing household cannot be disputed, and the description of Jordan's interactions with those household members allowed the court [to] reasonably conclude emotional bonding had taken place." The State concludes by asserting that "[d]espite the respondent's attempt to minutely dissect the court's decision, an opposite result is not clearly evident from this record." Accordingly, the State asks us to affirm the judgment of the circuit court. The respondent did not file a reply brief in response to the State's arguments on appeal.

¶ 26 The State's arguments on appeal are well-taken. Because of them, and for the following additional reasons, we agree with the State that the trial judge's decision in this case was not against the manifest weight of the evidence, and that therefore this court must affirm it. As the

State points out, despite the respondent's attempt to focus on minute aspects of the trial judge's detailed order, the overarching theme of the trial judge's analysis within the order is clearly focused, as required by law, on Jordan's best interest and who can best provide for him, and is derived from the evidence presented to the circuit court. There is simply no merit to the respondent's contention that the trial judge "focused [his] analysis on who *has* provided for the needs of the minor child and ignored evidence of who *can* provide for" those needs. (Emphases in original.) To the contrary, the trial judge considered not only Laura's previous provision for Jordan's needs but also her ongoing and future ability to provide for Jordan, as well as the evidence that the respondent was progressing well in drug court and with substance abuse counseling, which presumably would impact, in a positive way, the respondent's ability to provide financially for Jordan in the future, if the respondent is able to remain sober. There is no basis for concluding, simply because the trial judge did not weigh the evidence in a manner that favored the respondent, that the trial judge "ignored" any of the evidence presented to him.

¶ 27 There is also no merit to the respondent's claim that the trial judge made the "improper presumption" that the only identity known to Jordan was that provided by Laura. First, the judge did not purport to invoke any type of "presumption," in either the common or the legal sense of the word, regarding Jordan's identity. Instead, he analyzed the evidence before him, which clearly showed that Laura was the parental figure for the vast majority of Jordan's young life and had worked hard to create a positive, loving household and identity for Jordan. The same is true for the rest of the respondent's claims of error: although couched by the respondent as deficiencies in the evidence or inadequacies in the trial judge's analysis, they too are in fact just attempts to ask this court to reweigh the evidence in the manner desired by the respondent, rather than in the manner employed by the trial judge.

¶ 28 The evidence, described in great detail above, supports the trial judge's determination that it was in Jordan's best interest to terminate the respondent's parental rights. Testimony—from DCFS caseworker Erin Schaub, Help at Home supervised-visits specialist Elizabeth McGee, and from Laura herself—showed that Jordan had lived with Laura and her family for the majority of his life at the time of the best-interest hearings, and was happy, bonded, developing appropriately, interacting well with his foster family and with other children, and overall was well-adjusted. Laura has provided not only for Jordan's social and emotional needs but also for his material ones. Moreover, the trial judge specifically commended the respondent for his progress in drug court and with substance abuse counseling but nevertheless specifically found that Laura provided a "*much more* stable" (emphasis added) home than could the respondent, despite Laura's pending divorce. This was not against the manifest weight of the evidence, which showed—by way of Schaub's testimony on July 7, 2020—that Laura now had a home of her own, and also showed that Laura had a stable income, and, as the trial judge put it, that unlike the respondent or Jordan's biological mother, Laura had "proven" that she was "ready, willing, and able to provide Jordan with the stability and permanence in his life that he deserves." The trial judge also specifically considered "any potential adverse side effects" Jordan might suffer from the termination of the respondent's parental rights but concluded that these were "outweighed by the stability, permanence, and support that he would receive from Laura." He based his ruling on all of the relevant factors, "viewed collectively." Thus, even if we were to assume, *arguendo*, that the respondent is correct that some of the evidence related to some of the factors could be construed or weighed differently than the trial judge construed and weighed it, we would not find that reversible error occurred. The evidence, viewed collectively and in light of the relevant

statutory factors, is overwhelming that Jordan has a healthy attachment, permanence, stability, security, and familiarity with his foster family, and is thriving there.

¶ 29 As explained above, our standard of review for the circuit court's best-interest determination is whether the finding is against the manifest weight of the evidence, and a finding is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent or where the finding is unreasonable, arbitrary, and not based upon any of the evidence that was presented to the circuit court. *In re Anaya J.G.*, 403 Ill. App. 3d at 883. In this case, the opposite conclusion to that reached by the trial judge is not clearly apparent, and the trial judge's finding is not unreasonable or arbitrary, and is clearly based upon the evidence that was presented to the circuit court. Moreover, the respondent has not provided any citation to authority, or any cogent argument, for the proposition that more evidence, such as expert testimony, was required before the trial judge could adequately make his determination. Accordingly, the respondent has forfeited consideration of this point. See Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018) (argument must contain the contentions of the appellant, the reasons therefor, and the citation of authorities; points not argued in an opening brief are forfeited and shall not be raised in the reply brief, in oral argument, or in a petition for a rehearing). Forfeiture notwithstanding, we do not believe that the evidence before the trial judge was so undeveloped or inadequate that the State failed to meet its burden of proof and that consequently the trial judge did not have enough appropriate evidence available to make his ruling. In fact, as described above, ample and substantial evidence supports the decision of the trial judge. Accordingly, we affirm the order that found it in Jordan's best interest to terminate the respondent's parental rights.

¶ 30 CONCLUSION

¶ 31 For the foregoing reasons, we affirm the October 2, 2020, order of the circuit court of Washington County.

¶ 32 Affirmed.